



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620  
DALLAS, TX 75201-6810

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

November 9, 2016

Ref: 06161555

Dr. Barbara Skipper, Superintendent  
Leakey Independent School District  
429 US Highway 83 North  
Leakey, Texas 78873

Dear Dr. Skipper:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received in our office on XXXX, and filed against the Leakey Independent School District (LISD), in Leakey, Texas. The Complainant alleged that the LISD discriminated against XXXX XXXX (Student) on the basis of disability XXXX during the 2015-2016 year by:

- 1) failing to timely evaluate the Student for the need or possible need for related aids and services as a result of a disability;
- 2) failing to provide the Student with certain related aids and services listed in XXXX 504 plan; and;
- 3) retaliating against the Complainant and the Student

OCR is responsible for determining whether entities that receive or benefit from federal financial assistance from the Department, or an agency that has delegated investigative authority to the Department, are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. §794 (amended 1992), and its implementing regulations at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The LISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

Based on the information provided by the Complainant, OCR investigated the following issues:

1. Whether the LISD discriminated against the Student on the basis of disability by failing to timely evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's alleged disability, the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate public education (FAPE) during the 2015-2016 school year, in

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violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

2. Whether the LISD discriminated against the Student on the basis of disability by failing to provide regular or special education and related aids and services deemed necessary to meet the Student's individual educational needs XX---phrase redacted---XX and thereby denied the Student a FAPE during the 2015-2016 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively.
3. Whether the LISD retaliated against the Student and complainant when XX---to end of phrase redacted---XX during the 2015-2016 school year, because the Complainant advocated for the Student's needs due to a disability, in violation of Section 504 and Title II, at 34 C.F.R. § 104.61, and 28 C.F.R. § 35.134, respectively.

Prior to OCR making an investigative determination, the LISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the conclusion of the investigation, a recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to do so.

On November 9, 2016, the LISD voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the LISD to provide training to relevant LISD administrators and staff members concerning Section 504 evaluations and determinations, implementation of Section 504 plans, and the prohibition against retaliation; reconvene the Student's Section 504 team to evaluate the Student's needs for compensatory and/or remedial services; develop procedures regarding XX---to end of phrase redacted---XX; develop and implement a documentation system to ensure that the related aids and services delineated in the Student's 504 Plan are implemented; and provide the Student with an equal opportunity to participate XX---phrase redacted---XX during the 2016-2017 school year.

Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the LISD's implementation of the Agreement to ensure compliance with Section 504/Title II with regard to the issues investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. Please also note that the Complainant may have the right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that a recipient may not harass, coerce, intimidate, or discriminate against any

individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, complainants may file another complaint alleging such treatment.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. In the event that OCR receives such a request, it will seek to protect, to the extent provided by law, personally identifiable information which, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions, you may contact the attorney investigator assigned to this case, Linda Floyd, at (214) 661-9657 or [linda.floyd@ed.gov](mailto:linda.floyd@ed.gov), or you may contact Paul E. Coxe, Supervisory Attorney/Team Leader, at (214) 661-9608 or [paul.coxe@ed.gov](mailto:paul.coxe@ed.gov).

Sincerely,

/s/

Paul E. Coxe  
Supervisory Attorney/Team Leader

Enclosure