



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

June 28, 2018

Re: 06171516

Frank E. Alfaro, Assistant Superintendent for Administrative Services
Alamo Heights Independent School District
7101 Broadway
San Antonio, Texas 78209

Dear Dr. Alfaro:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has reached a resolution in its investigation of the above-referenced complaint, filed against Alamo Heights Independent School District (District), San Antonio, Texas, in which the Complainant alleged that the District discriminated against a Student on the basis of his disabilities.

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 regulation 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 *et seq.*, and its implementing regulation 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 District 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.

OCR opened for investigation the legal issue of whether the District discriminated against the Student on the basis of his disabilities by failing to take prompt and effective responsive action to address disability-based harassment by students, which was sufficient to constitute a hostile environment, and of which the District had or should have had notice during the 2016-17 school year, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.

Prior to the completion of OCR's investigation, the District requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement) pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, on June 27, 2018, the District submitted the enclosed Agreement to resolve this complaint. OCR has determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

that the District will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement, and OCR will actively monitor the District's implementation of the Agreement. Upon completion of the obligations under this Agreement, OCR shall close this complaint.

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, that individual 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.

We appreciate the District's cooperation in this matter. If you have any questions regarding this correspondence, you may contact Sakina Vidacak at (214) 661-9628 or by email at sakina.vidacak@ed.gov. You may also contact me at (214) 661-9687 or terri.gonzales@ed.gov.

Sincerely,

Terri Gonzales
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office