



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

April 9, 2020

Mr. Steve Moody
Superintendent
Iowa Park Consolidated Independent School District
382 East Hwy
Iowa Park, TX 76367

OCR Ref. No. 06171747

Superintendent Moody,

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the investigation opened pursuant to the complaint referenced above, which was filed against the Iowa Park Consolidated Independent School District (IPCISD or District) in Iowa Park, Texas. The Complainant alleged that the District retaliated against her for advocating on behalf of [***redacted***] (the Student), whose Individual Education Program (IEP) accommodations she believed were not being implemented.

This agency is responsible for determining whether organizations that receive or benefit from Federal financial assistance from the Department or an agency that has delegated investigative authority to this Department are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104; which prohibit 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. §§ 12131 et seq., 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 elementary and secondary education systems and institutions. OCR has determined that the IPCISD is a recipient of Federal financial assistance and is a covered public entity. Therefore, OCR has jurisdiction of the Recipient under Section 504 and Title II.

OCR opened the following issue for investigation:

Whether the IPCISD retaliated against the Complainant when, [***redacted***] was terminated due to her advocacy activities on behalf of the Student, a student with 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.

During the investigation, OCR reviewed documentation received from the District, including but not limited to [***redacted***]. OCR also interviewed the Complainant, and reviewed [***redacted***] provided by the Complainant. OCR approved the District's request to resolve the issue prior to the conclusion of the investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). The resolution of this complaint is discussed below.

The information showed that the Complainant was [***redacted***]. The information indicates that the Complainant engaged in protected activities in [***redacted***], to include participation in [***redacted***]. In [***redacted***]. OCR has concerns regarding the circumstances surrounding the Complainant's [***redacted***].

Prior to the conclusion of OCR's investigation, IPCISD expressed an interest in voluntary resolution of this issue, pursuant to OCR's Case Processing Manual (CPM) Section 302. On [***redacted***] IPCISD entered into the attached Agreement, which adequately addresses these concerns. OCR has determined the provisions of the Agreement are aligned with this complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that the Recipient will fulfill its obligations under Section 504 and Title II with respect to this issue. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this issue. However, OCR will actively monitor the Recipient's implementation of the Agreement. Please be advised that if the Recipient fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This letter concludes OCR's investigation of this 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. You may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the District 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, you 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, we 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, please feel free to contact the attorney-investigator, [***redacted***], by telephone at [***redacted***]. You may also contact me by telephone at [***redacted***].

Sincerely,

[***redacted***]
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Attachment: Resolution Agreement