



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS  
1999 BRYAN STREET, SUITE 1620  
DALLAS, TEXAS 75201-6831

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

Mr. Jeff Adams, Superintendent  
Farmersville Independent School District  
501 A North State Hwy 78  
Farmersville, TX 75442

RE: OCR Case No. 06171837  
Farmersville Independent School District

Dear Mr. Adams:

This letter is to inform you of the disposition of the above referenced complaint filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, on July 14, 2017. In the complaint, the complainant alleged that Farmersville Independent School District (FISD), in Farmersville, Texas, discriminated against her client's son (Student) on the basis of disability (XXXXXXX). Specifically, the complainant alleged that FISD failed to provide the Student a free appropriate public education (FAPE), when:

XXXXXXXXXXXX, XXXXXXXXXXXXXXXXXXXX failed to provide the Student the related aids and services set forth in his "IEP/BIP" (i.e.,XXXXXXXXXX), when the Student displayed XXXXXXXXX (i.e., XXXXXX) after he was told he had to XXXXXXXX. As such, the Student was removed from the XXXXXXXX.

This agency is responsible for enforcing 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 in any program or activity receiving Federal financial assistance. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, 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. OCR determined that FISD is a recipient of Federal financial assistance from the Department and is a public education institution. Therefore, OCR has jurisdictional authority to investigate allegations of discrimination filed against the FISD under Section 504 and Title II.

Based on the complaint allegations, OCR opened an investigation of the following issue: Whether, during the 2016-2017 school year, the FISD failed to provide the Student a free appropriate public education by not providing him the related aids and services (i.e.,XXXXXXXXXXXXXXXXXX) determined to be necessary to meet the Student's individual

educational needs, as documented in his IEP/BIP, in violation of Section 504, at 34 C.F.R. § 104.33, and Title II, at 28 C.F.R. § 35.130.

To date, OCR has investigated this complaint by conducting interviews with the complainant and reviewing information provided by the Complainant and conducting a preliminary assessment of the Recipient's data response. However, sufficient information had not been obtained to make a finding. Prior to the completion of OCR's investigation, the FISD asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual (CPM)*. On January 4, 2018, the FISD voluntarily submitted the enclosed Resolution Agreement (Agreement or RA) to resolve the issue identified in this investigation.

The FISD submitted the enclosed signed resolution agreement (the Agreement) to OCR on March 19, 2018. When fully implemented, the Agreement will resolve the allegations in the complaint. OCR has determined that the Agreement is aligned with the complaint allegations and the information obtained during the investigation and is consistent with applicable law and regulations.

The Agreement, when fully implemented, resolves the complaint. Specifically, the Agreement requires the FISD to take the following actions: (1) Training regarding its obligation under Section 504 and Title II to provide participation in athletics, participation in extracurricular activities, discipline, and IEP/BIP applicability and implementation to all relevant personnel, xxxx, including, but not limited to, District administrators, school administrators, faculty, staff and counselors.

In light of the commitments the FISD has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the FISD's implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether FISD has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues raised.

If the FISD fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the FISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This concludes OCR's investigation of the complaint and should not be interpreted to address the FISD'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 be advised that the FISD 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, the harmed individual may file a complaint alleging such treatment.

Please be advised that you may file a private suit in federal court, whether or not OCR finds a violation.

Under the Freedom of Information Act, it may be necessary to release this letter 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.

OCR looks forward to receiving the FISD's first monitoring report. For questions about implementation of the Agreement, please contact Patricia I. Sinanan, who will be monitoring the FISD's implementation, by e-mail at [patricia.sinanan@ed.gov](mailto:patricia.sinanan@ed.gov) or by telephone at 214-661-9649. For questions about this letter, please contact me, by email at [adriane.martin@ed.gov](mailto:adriane.martin@ed.gov) or by telephone at 214-661-9678.

Sincerely,

Taylor D. August, Director  
Office for Civil Rights  
Dallas Office

Enclosure