



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

October 5, 2018

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Dr. Susan Hull, Superintendent
Grand Prairie Independent School District
2602 S. Beltline Road
Grand Prairie, TX 75052

RE: Reference Number 06171898
Grand Prairie Independent School District

Dear Dr. Hull:

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 August 21, 2017, against the Grand Prairie Independent School District (GPISD), Grand Prairie, Texas. The complainant alleged that the GPISD discriminated against her son (Student) on the basis of disability. Specifically, the complainant raised the following allegations:

- 1) The complainant alleged that the GPISD discriminated against the Student on the basis of disability (i.e., Cancer and Attention Deficit Hyperactivity Disorder (ADHD)) by failing to provide the Student with a free and appropriate public education (FAPE) (e.g., failing to allow the Student to attend classes at South Grand Prairie High School (SGPHS), and failing to provide trained personnel at SGPHS to clean up a chemotherapy spill, if necessary), during the 2017-2018 school year;
- 2) The complainant alleged that, on August 25, 2017, the GPISD discriminated against the Student on the basis of disability when GPISD officials subjected him to differential treatment by denying him the opportunity to participate in school when GPISD officials withdrew him from SGPHS, on August 25, 2017; and
- 3) The complainant alleged that the GPISD discriminated against the Student on the basis of disability when it subjected him to differential treatment by denying him an opportunity to participate in band at SGPHS, during the 2017-2018 school year.

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 the GPISD 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 GPISD under Section 504 and Title II.

Based on the complaint allegations, OCR opened an investigation of the following issues:

- 1) Whether the GPISD 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, during the 2017-2018 school year, and thereby denied the Student a FAPE, 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;
- 2) Whether the GPISD treated the Student differently on the basis of disability in the context of an educational program or activity (i.e., participation in school at SGPHS) without a legitimate, nondiscriminatory reason, and thereby, interfered with or limited the ability of the Student to participate in or benefit from the services, activities or privileges provided by the GPISD, during the 2017-2018 school year, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130; and
- 3) Whether the GPISD treated the Student differently on the basis of disability in the context of an educational program or activity (i.e., participation in band) without a legitimate, nondiscriminatory reason, and thereby, interfered with or limited the ability of the Student to participate in or benefit from the services, activities or privileges provided by the GPISD, during the 2017-2018 school year, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130.

To date, OCR has investigated this complaint by conducting interviews with the complainant, reviewing information provided by the complainant, and conducting a preliminary assessment of the GPISD's data response. However, sufficient information had not been obtained to make a finding. Prior to the completion of OCR's investigation, the GPISD asked to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM).

On October 4, 2018, the GPISD voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve the issues identified in this investigation. 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.

In light of the commitments the GPISD 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 GPISD'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 the GPISD has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the issues in the complaint.

If the GPISD 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 GPISD 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 GPISD’s compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Please be advised that the complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

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.

The GPISD 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.

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.

Thank you for your cooperation in this matter. OCR looks forward to receiving the first monitoring report. For questions regarding the implementation of the Agreement, please contact Ms. Maria H. Gonzalez, the investigator assigned to this case, at 214-661-9617 or via email at maria.h.gonzalez@ed.gov. You may also contact Ms. Adriane Martin, Supervisory Attorney/Team Leader, via email at adriane.martin@ed.gov or at 214-661-9678.

Sincerely,

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

Enclosure

C: Mr. XXXX XXXXXXXX, Attorney (Sent via Email to XXXXXXXXXXXXXXXXXXXXXXXX)