



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

June 15, 2020

Dr. James E. Wilcox, Superintendent of Schools  
Longview Independent School District  
1301 East Young Street  
Longview, TX 75602

Issued via Email

RE: OCR Case No. 06181016  
Longview Independent School District

Dear Dr. Wilcox,

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed against the Longview Independent School District (LISD), Longview, Texas. The Complainant alleged that the LISD discriminated against her son (Student) on the basis of disability.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), 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 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. § 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 filed against public entities. LISD is a recipient and a public entity. Therefore, OCR has jurisdiction to resolve this complaint under Section 504 and Title II.

OCR opened the following legal issue for investigation:

Whether the LISD discriminated against the Student on the basis of disability by failing to appropriately evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's disability status, 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 2016-17 and 2017-18 school years, in violation of Section 504, at 34 C.F.R. §§ 104.33 and 104.35, and Title II, at 28 C.F.R. § 35.130.

OCR obtained information from the Complainant and LISD. The Complainant alleged the LISD discriminated against the Student on the basis of his disability by failing to conduct its own evaluation of the Student prior to taking disciplinary action against the Student XX---phrase redacted---XX.

OCR's preliminary review of data provided by LISD indicates the Student XX---phrase redacted---XX. The LISD received records XX---phrase redacted---XX indicating the Student was a qualified person with a disability receiving Section 504 services XX---phrase redacted---XX. A review of the data indicates that LISD XX---phrase redacted---XX. On XX---phrase redacted---XX the LISD notified the Complainant that it had scheduled an annual review of the Student's plan for XX---phrase redacted---XX, to determine if the Student remained eligible for Section 504 services. The 504 Committee met XX---phrase redacted---XX, determined the Student remained eligible for services, and revised the Student's Section 504 Plan.

Documents reviewed by OCR indicate that XX---phrase redacted---XX the LISD conducted a manifestation evaluation and determined that the conduct in question was not a manifestation of the Student's disability. OCR's review of the data indicated that XX---phrase redacted---XX. OCR's preliminary review of the above information raises a concern that the LISD's failure to evaluate the Student before a significant change in placement may have resulted in a denial of FAPE during the 2016-2017 school year.

Prior to the completion of OCR's investigation, the LISD informed OCR that it was interested in resolving the complaint allegation. Section 302 of OCR's Case Processing Manual provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the LISD's request to resolve this complaint prior to conclusion of the investigation.

The LISD voluntarily signed the enclosed Resolution Agreement (Agreement) on June 11, 2020. OCR determined the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the LISD 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.

This concludes OCR's investigation of this complaint. However, OCR will monitor the LISD's implementation of the Agreement to ensure satisfaction of LISD's obligations under the Agreement.

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. A complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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 about this letter, please contact Camille F. Lacey, the Civil Rights Attorney assigned to this complaint, at (214) 661-9683, or via email, at [camille.lacey@ed.gov](mailto:camille.lacey@ed.gov). You may also contact me at (214) 661-9648 or [timothy.caum@ed.gov](mailto:timothy.caum@ed.gov).

Sincerely,

Timothy D. Caum  
Supervisory Attorney/Team Leader  
OCR, Dallas Office

cc, Dean Micknal, Counsel, Longview ISD (*Via Email*)