



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

July 5, 2018

Re: OCR Docket #06181094

Dr. Theresa Kauffman, Superintendent  
Kaufman Leadership Academy  
1108 North Anglin  
Cleburne, Texas 76033

Via first class mail and e-mail (tkuffman@klacademy.org)

Dear Dr. Kauffman,

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint which was received in our office on October 31, 2017, and filed against the Kaufman Leadership Academy (Recipient or KLA), in Cleburne, Texas. The Complainant alleged that the KLA 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, 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 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, 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 entities. The KLA is a recipient of Federal financial assistance from the Department and is 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 KLA discriminated against the Student on the basis of disability by failing to take prompt and effective responsive action to address disability-based harassment by KLA students and their parents/guardians, which was sufficient to constitute a hostile environment, and of which KLA had or should have had notice 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.

Prior to the completion of OCR's investigation, the KLA informed OCR that it was interested in resolving the complaint allegation. Section 302 of OCR's Case Processing Manual provides that

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

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 KLA's request to resolve this complaint prior to conclusion of the investigation.

The KLA voluntarily signed the enclosed Resolution Agreement (Agreement) on July 3, 2018. OCR has 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 KLA 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 KLA's implementation of the Agreement. Please be advised that if the KLA fails to adhere to the terms of the Agreement, OCR will immediately resume its compliance efforts.

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, you may contact Najwa-Monique Sharpe, the attorney assigned to investigate this complaint, at (214) 661-9642, or by e-mail at [najwa-monique.sharpe@ed.gov](mailto:najwa-monique.sharpe@ed.gov). You may also contact me at 214-661-9648 or by e-mail at [timothy.caum@ed.gov](mailto:timothy.caum@ed.gov).

Sincerely,

/s/

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