



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

June 11, 2018

Mr. Stetson Roane, Superintendent
Raymondville Independent School District
419 FM 3168
Raymondville, TX 78580

RE: OCR Case No. 06181186
Raymondville Independent School District

Dear Superintendent Roane:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Raymondville Independent School District (RISD or District), in Raymondville, Texas. The complaint, which was received in our office on December 13, 2017, was filed on behalf of a student (the Student) at XXXX XXXX XXXX XXXX, and alleged that the RISD discriminated against the Student on the basis of his disability (XXXX). The complaint further alleged retaliation.

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), 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 certain public entities. Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134, also prohibit retaliation. The RISD is a recipient of Federal financial assistance from the Department and is a covered public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

OCR opened for investigation the following issues:

1. Whether the RISD 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 individualized educational needs (e.g., his teachers failed to modify his class assignments, homework, or exams; provide copies of class notes; email the Student's parent weekly with academic or behavior concerns; or provide a "cooling off" period), and thereby denied the Student a FAPE during the 2017-18 school year, 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.

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

2. Whether the RISD treated the Student differently on the basis of disability in the context of an educational program or activity 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 RISD during the 2017-18 school year by suspending the Student and sending him to DAEP for ten days, in violation of Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130, respectively.
3. Whether the RISD 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 in a manner which satisfies the procedural requirements of Section 504, and thereby denied the Student a FAPE during the 2017-18 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.35 and 28 C.F.R. § 35.130, respectively.
4. Whether during the 2017-2018, the RISD retaliated against the complainant and the Student because the complainant raised concerns regarding the RISD's implementation of the Student's approved IEP accommodations, in violation of Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134, respectively, when:
 - a. In XXXX XXXX, the RISD XXXX the Student and XXXX XXXX XXXX XXXX; and
 - b. Beginning in XXXX through XXXX, the Student's teachers stopped communicating with the complainant despite her attempts to contact them.

Prior to the conclusion of OCR's investigation, and before OCR had obtained sufficient evidence to support a finding of either compliance or noncompliance with regard to the issues above, the RISD expressed an interest in resolving the allegations and issues raised in the complaint. Under Section 302 of OCR's *Case Processing Manual*, issues under investigation may be resolved at any time when, prior to the point when the Regional Office issues a final determination the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement.

OCR determined that it is appropriate to resolve the allegations and issues pursuant to OCR's case processing procedures referenced above. OCR negotiated with the RISD and obtained the enclosed Resolution Agreement (Agreement), dated June 11, 2018. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the RISD's implementation of the Agreement.

This concludes OCR's investigation of the complaint and should not be interpreted to address the RISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant has been notified of this action.

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 Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that the RISD 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 individual 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 or concerns regarding this matter, you may contact the civil rights attorney assigned to this case, Camille Lacey, by telephone at (214)-661-9683 or by email at camille.lacey@ed.gov. You may also contact me at (214)-661-9638 or by email lori.bringas@ed.gov.

Sincerely,

Lori H. Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights-Dallas Office
Dallas Office

Enclosure

cc: XXXX XXXX