



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 7, 2018

Re: OCR Complaint #06181238

James Mireles, Superintendent
Texhoma Independent School District
P.O. Box 10080
Texhoma, Texas 73950

Via first class mail

Dear Superintendent Yates:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received in our office on January 17, 2018, and filed against the Texhoma Independent School District (TISD or District), in Texhoma, Texas. The Complainant alleged that the TISD discriminated against XXXX XXXX (Student) and other Students at the XXXX XXXX XXXX (XXXX) 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 this 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 regulation 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. §§ 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 public entities. The TISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution.

OCR opened the allegations for investigation, and investigated the following issues:

Whether Texhoma ISD 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 (i.e. XXXX XXXX XXXX XXXX XXXX XXXX XXXX XXXX), and thereby denied the Student a free appropriate public education during January of 2018, 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.

Whether Texhoma ISD 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 (i.e. XXXX XXXX XXXX XXXX XXXX XXXX XXXX) and thereby denied the Student a free appropriate public education during the 2017-2018 academic 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.

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by Texhoma because the adaptive swing in the playground at XXXX XXXX XXXX is inaccessible to or unusable by persons with disabilities, in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively.

Prior to OCR issuing a final investigative determination, the TISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the point when the OCR Regional Office issues a final determination under Section 303 of OCR's Case Processing Manual, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement.

On June 7, 2018, the TISD voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the TISD to complete an accessibility assessment concerning the XXXX playground, submit a corrective action plan to OCR, implement the corrective action plan, provide accessibility training to relevant TISD staff members, provide training regarding the TISD requirements under Section 504 and Title II to provide a free appropriate public education, and to provide the Student the opportunity for a determination by a group of knowledgeable persons to assess the need for compensatory and/or remedial services. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the TISD implementation of the Agreement to ensure compliance with Section 504 and Title II with regard to the issue investigated.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District'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 also note that 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 a recipient 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, complainants 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, 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, you may contact Michael J. Pillera, Civil Rights Attorney, at 214-661-9614 or by email at Michael.Pillera@ed.gov, or Paul Edward Coxe, Supervisory Attorney/Team Leader at 214-661-9608 or by email at Paul.Coxe@ed.gov.

Sincerely,

Paul Edward Coxe
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXX XXXX XXXX XXXX., Counsel for the TISD (via email at XXXX)