



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 21, 2018

Re: OCR Complaint #06181507

Dr. Pedro Galaviz, Superintendent
Canutillo Independent School District
7965 Artcraft Road, P.O. Box 100
El Paso, Texas 79932

Via first class mail

Dear Dr. Galaviz:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed investigative processing of the above-referenced complaint, which was received in our office on April 9, 2018, and filed against the Canutillo Independent School District (CISD or District), in El Paso, Texas. The Complainant alleged that the CFISD discriminated against XXXX XXXX (Student) on the basis of disability (XXXX).

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 regulations at 34 C.F.R. Part 104. Section 504 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 CISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has personal jurisdictional authority to process this complaint for resolution.

During the evaluation of the complaint, OCR employed the Rapid Resolution Process (RRP) for resolution of the complaint. During RRP, the CISD 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 21, 2018, the CISD voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations

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and the information obtained during RRP, and is consistent with applicable law and regulations. Specifically, the Agreement requires the CISD to assess the appropriateness of compensatory and or remedial services due to the alleged failure to provide special education or related aids and services to the Student, provide notice of procedural safeguards to the Student's parent(s)/guardian(s), and provide training regarding the CISD requirements under Section 504 and Title II to provide a free appropriate public education. Accordingly, as of the date of this letter, OCR will not commence investigative actions regarding this complaint. However, OCR will actively monitor the CISD implementation of the Agreement to ensure compliance with Section 504 and Title II with regard to the issue investigated.

This concludes OCR's investigative processing 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 CISD (via email at XXXX)