



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

December 11, 2018

VIA MAIL

Pedro Martinez, Superintendent
San Antonio Independent School District
141 Lavaca
San Antonio, TX 78210

OCR Complaint Ref. 06-18-1720

Dear Superintendent Martinez:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution. The complaint was received in our office on June 6, 2018, and filed against the San Antonio Independent School District (District) in San Antonio, Texas. The Complainant alleged that the District discriminated against him on the basis of disability.

OCR is responsible for ensuring that organizations that receive or benefit from Federal financial assistance from the Department are in compliance with Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, 34 C.F.R. Part 104 (Section 504), which prohibits discrimination based on disability. OCR also enforces Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131 et seq., 28 C.F.R. Part 35 (Title II). Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of Federal financial assistance and is a covered public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

In this case, OCR initiated the Rapid Resolution Process (RRP) on July 5, 2018, in an attempt to resolve this complainant pursuant to Section 109 of OCR's Case Processing Manual (CPM). However, on September 6, 2018, OCR opened the following issue for investigation pursuant to our Case Processing Manual (CPM) Section 110:

Whether the District discriminated against the Complainant on the basis of disability by prohibiting him from bringing his service animal on Collins Garden Elementary School's campus, in violation of Title II and Section 504, at 28 C.F.R. § 35.136(a) and 34 C.F.R. § 104.4(a), respectively.

During the investigation, the District informed OCR that it was interested in resolving the complaint, through a voluntary resolution agreement. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to OCR's issuance of a final determination, the recipient expresses an interest in resolving the allegations, and OCR

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determines it is appropriate to resolve them with an agreement. OCR approved the District's request to resolve this complaint.

The District voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the District signed the Agreement on December 5, 2018. OCR has determined that when fully implemented the Agreement will address all of the allegations. Further, OCR accepts the Agreement as an assurance the District 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. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the District's implementation of the Agreement. Please be advised that if the District fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

This letter sets forth OCR's determination in the individual OCR case identified above. 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 be advised the District 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 complainant may file another complaint alleging such treatment. The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation

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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Stephanie Inman, the attorney assigned to the matter, at (214) 661-9651 or stephanie.inman@ed.gov. You may also contact me at (214) 661-9600 or at melissa.malonson@ed.gov.

Sincerely,

Melissa Huling Malonson
Supervisory Attorney/ Team Leader
Office for Civil Rights
Dallas Office