



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

September 10, 2018

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Fred Brent, Ed.D.
Superintendent
Georgetown Independent School District
603 Lakeway Drive
Georgetown, TX 78628

OCR Ref. No. 06181739

Superintendent Brent:

This letter is to inform you of the resolution of a complaint received by the U.S. Department of Education, Office for Civil Rights (OCR) concerning Georgetown Independent School District (GISD, the District), in Georgetown, Texas, OCR Ref. No. 06181739. The Complainant had alleged that the District had discriminated against her daughter (the Student) on the basis of disability.

This agency 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. Section 504 prohibits discrimination on the basis of disability. OCR is also responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation 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, including public elementary and secondary educational institutions. GISD is a public entity and a recipient of federal financial assistance. Therefore, OCR has jurisdiction over GISD.

Based on the Complainant's allegations, OCR considered the following legal issue through its Rapid Resolution Process:

Whether GISD discriminated against the Student on the basis of disability (***[redacted]***) by failing to evaluate the Student's need for regular or special education and related aids and services despite having notice that, because of the Student's alleged disabilities, the Student needed or was believed to need such aids and services, and thereby denied the Student a free appropriate public education during the 2017-2018 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. §§ 104.33 and 104.35, and 28 C.F.R. § 35.130, respectively.

During RRP, 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

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 OCR's issuance of a final determination, the recipient expresses an interest in resolving the allegations, and OCR 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 September 7, 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 an individual case. This letter is not a formal statement of 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 federal suit in court whether or not OCR finds a violation.

Please be advised that the GISD may not harass, coerce, intimidate, or discriminate against you because an individual has filed a complaint or participate in the complaint resolution process. If this happens, such individual may file another complaint alleging such treatment.

Under the Freedom of Information Act, 5 U.S.C. § 552, 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, please feel free to contact Civil Rights Attorney Kulsoom Naqvi at ***[redacted]***. You may also contact me at ***[redacted]***.

Sincerely,

Melissa Malonson
Supervisory Attorney/Team leader
Dallas Office