



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

May 20, 2019

Michael J. Hinojosa, Superintendent  
Dallas Independent School District  
9400 North Central Expressway  
Dallas, TX 75231

RE: OCR Complaint #06-19-1384  
Dallas Independent School District

Dear Superintendent Hinojosa,

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, filed on February 27, 2019, against the Dallas Independent School District (the District). The Complainant alleged that the District discriminated against the student (the Student) 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 regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on disability, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, which prohibit public entities from discriminating on the basis of disability.

The District is a recipient of Federal financial assistance from the Department and is a public educational institution. Therefore, OCR has jurisdiction to process this complaint filed under Section 504 and Title II.

OCR opened the following issue for investigation:

Whether the District 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 (e.g., speech services, verbal administration of tests, provision of regular and detailed progress reports), and thereby denied the Student a free appropriate public education during the 2018-2019 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.

During the investigation, OCR received information from both the Complainant and the District. An initial review of the District's response to OCR's preliminary request for data indicated

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potential issues with the Student not receiving speech services and noted the Student potentially needed compensatory services related to the provision of speech services.

Prior to the conclusion of OCR's investigation, on April 11, 2019, the District informed OCR that it was interested in resolving all complaint allegations. Section 302 of OCR's Case Processing Manual (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint and OCR determines that such a resolution is appropriate. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. On April 24, 2019 OCR determined that a resolution under Section 302 of the CPM was appropriate.

On May 15, 2019, the District voluntarily signed and submitted to OCR a Resolution Agreement (Agreement) to resolve the complaint allegation. A copy of the Agreement is enclosed. OCR determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolves them. Further, OCR accepts the Agreement as an assurance that the District will fulfill its obligations under Section 504 and Title II with respect to the complaint allegation. The dates for implementation and specific actions are detailed in the Agreement. OCR will monitor the District's implementation of the Agreement.

Effective the date of this letter, OCR is closing the investigation of this complaint. This letter 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. An individual may have the right to file a private suit in Federal court whether or not OCR finds a violation.

Please be advised that 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, an 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.

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If you have any questions about this letter, please contact Kyle Gruber, the attorney assigned to investigate this complaint, at (214) 661-9613 or [Kyle.Gruber@ed.gov](mailto:Kyle.Gruber@ed.gov). You may also contact me at (214) 661-9638 or [Lori.Bringas@ed.gov](mailto:Lori.Bringas@ed.gov).

Sincerely,

Lori Bringas  
Supervisory Attorney/Team Leader  
Dallas Office

Enclosure:  
Resolution Agreement