



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

H.D. Chambers, Superintendent
Alief Independent School District
P.O. Box 68
Alief, TX 77411

OCR Ref # 06-19-1482
Alief Independent School District

Dear Superintendent Chambers:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Alief Independent School District (District), XXXX XXXX XXXX (School). The complaint alleged that the District discriminated against a student (the Student) based on disability.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination by recipients of Federal financial assistance (recipients) 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, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The District is a recipient and a public entity. Thus, OCR has jurisdiction to resolve this complaint pursuant to Section 504 and Title II.

OCR opened the following legal 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.*, administration of XXXX XXXX XXXX, XXXX of XXXX XXXX, following XXXX XXXX) and thereby denied the Student a free appropriate public education during the XXXX 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 to date, OCR reviewed information provided by the complainant and the District. OCR also interviewed the complainant and pertinent District personnel.

OCR's preliminary review indicates that the complainant provided the School updated copies of the Student's XXXX XXXX and XXXX XXXX (XXXX) on or about XXXX XXXX, XXXX (

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

XXXX), XXXX XXXX XXXX (XXXX), and XXXX XXXX, XXXX (XXXX). All three XXXX included XXXX or XXXX XXXX XXXX specifying the Student's XXXX XXXX XXXX. The District reported that although the Student is eligible for Section 504 services, the Student does not have a Section 504 Plan. The evidence received, to date, does not indicate that the District evaluated the Student to determine whether, as a qualified individual with a disability, the Student required regular or special education and related aids and services. Further, the evidence indicated that the School failed to incorporate the Student's XXXX into an XXXX XXXX XXXX (XXXX in accordance with District Policy.

District records also indicated that the XXXX XXXX did not follow the Student's XXXX when she XXXX the Student's XXXX XXXX on at XXXX XXXX occasions during the XXXX school year.

OCR's review also indicates that on several occasions throughout the XXXX school year, the XXXX XXXX XXXX provided the Student XXXX before XXXX when the Student was not experiencing XXXX XXXX XXXX, in opposition of the Student's XXXX XXXX provided to the District.

Based on OCR's investigation to date, the evidence reflects a concern that the Student was not evaluated the Student to determine whether as a qualified individual with a disability the Student required regular or special education or related services and concerns that the Student was not provided necessary services, pursuant to Section 504 and Title II. The evidence also raises concerns that the Student was denied full benefits of the District's educational program based on disability regarding the XXXX XXXX conduct referenced above.

Prior to the conclusion of OCR's investigation, the District informed OCR that it was interested in resolving the complaint. Section 302 of OCR's *Case Processing Manual* provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved District's request to resolve this complaint prior to conclusion of the investigation.

The District voluntarily signed the enclosed resolution agreement (Agreement) on September 24, 2019. OCR determined the Agreement addresses and resolves the issue under investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor implementation of the Agreement to ensure the District satisfies its obligations under the Agreement.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a retaliation complaint with OCR.

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. 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, the individual may file a 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.

If you have questions about this letter, please contact Tanya Oliveira, the attorney assigned to investigate this complaint, at 214-661-9679. You may also contact me at 214-661-9648.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
Dallas Office

Enclosure: Resolution Agreement