



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

Renaissance Tower  
1201 Elm Street, Suite 1000  
Dallas, TX 75270

March 4, 2021

Re: OCR Complaint #06211185

Dr. Gerald Hudson, Superintendent  
Cedar Hill Independent School District  
285 Uptown Blvd., Building 300  
Cedar Hill, TX 75104

Via email ([gerald.hudson@chisd.net](mailto:gerald.hudson@chisd.net))

Dear Dr. Hudson:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received in our office February 1, 2021, and filed against the Cedar Hill Independent School District (CHISD or District), in Cedar Hill, Texas. The Complainant alleged that the CHISD discriminated against XXXX XXXX (Student) on the basis of disability. Specifically, the Complainant alleged that during the XXXX school year, the Student's teachers have not provided the Student with small group testing and oral administration of testing, which are identified as accommodations for the Student within his individualized education plan (IEP).

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), 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, which prohibit 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 CHISD is a recipient and a public entity. Therefore, OCR has jurisdiction to process this complaint for resolution.

OCR opened the following issue for investigation:

Whether the CHISD 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

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

meet the Student’s individual educational needs (i.e., small group testing and oral administration of tests), 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.

OCR reviewed information provided by the CHISD through email correspondence, and OCR conducted an interview with the Complainant. The Complainant explained that the Student was not provided his accommodations for small group testing and oral administration for tests for many or all of his tests and quizzes, both while the Student attended school remotely and while the Student received in-person education during the XXXX school year. A copy of the Student’s written IEP indicates that the Student was last evaluated on XXXX, that the CHISD determined that the Student is a qualifying student with a disability pursuant to Section 504, and that the CHISD determined the Student’s placement, aids and services pursuant to his identified disability bases: XXXX XXXX XXXX XXXX. Within correspondence to OCR, the CHISD indicated that based on internal CHISD review, it was determined that there were issues regarding the Student’s receipt of the aforementioned accommodations. The CHISD further explained that one CHISD staff member only provided accommodations to the Student when requested. OCR’s preliminary review of the evidence reflects a concern as to whether the Student was provided with small group testing and oral administration for tests per his IEP during the XXXX school year.

Prior to the conclusion of OCR’s investigation, the CHISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under Section 302 of OCR’s Case Processing Manual (CPM),<sup>1</sup> a complaint may be resolved at any time when, prior to the point that the OCR Regional Office issues a final determination under Section 303 of the CPM, the recipient expresses an interest in resolving the allegations and OCR determines that it is appropriate to resolve them with an agreement. OCR approved the CHISD’s request to resolve the complaint pursuant to Section 302 of the CPM.

On February 25, 2021, the CHISD voluntarily entered into the enclosed Agreement which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Accordingly, as of the date of this letter, OCR will cease all investigative action regarding this complaint. OCR will actively monitor CHISD’s implementation of the Agreement.

This concludes OCR’s investigation of the complaint and should not be interpreted to address the

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<sup>1</sup> OCR’s Case Processing Manual is available at: <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

CHISD’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, the Civil Rights Attorney assigned to the complaint, at 214-661-9614 or by email at [Michael.Pillera@ed.gov](mailto:Michael.Pillera@ed.gov). You may also contact me at 214-661-9648 or by email at [Timothy.Caum@ed.gov](mailto:Timothy.Caum@ed.gov).

Sincerely,

Timothy D. Caum  
Supervisory Attorney/Team Leader  
Office for Civil Rights, Dallas Office

Enclosure

Cc: XXXX XXXX XXXX XXXX XXXX CHISD, via email (XXXX)