



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

March 29, 2022

Dr. Joseph Burns
Superintendent of Schools
Copperas Cove Independent School District
408 S. Main Street
Coppers Cove, Texas 76522

Sent via electronic mail only: burns@ccisd.com

RE: OCR Complaint 06-21-1750
Copperas Cove Independent School District

Dear Dr. Burns:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Copperas Cove Independent School District (CCISD or District), in Copperas Cove, Texas. The complaint, which was received in our office on September 27, 2021, was filed on behalf of a student at xxxxxxxxxxx xxxx xxxx xxxxxx (the Student) and alleged disability discrimination.

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), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which 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. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibits discrimination on the basis of disability by certain public entities, including elementary and secondary educational institutions. The CCISD is a recipient of Federal financial assistance from the Department and is a public elementary and secondary educational institution. Therefore, OCR has jurisdiction over this complaint under Section 504 and Title II.

Based on the complaint allegations and OCR's jurisdictional authority, OCR opened the following legal issue for investigation:

Whether the CCISD 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 and thereby denied the Student a free appropriate public education (FAPE) during the xxxxxxxxxx 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.

Legal Standard

The regulations implementing Section 504 and Title II, both of which prohibit discrimination on the basis of disability, provide the legal framework for OCR’s investigation of this complaint. Under the Section 504 and Title II implementing regulations, at 34 C.F.R. § 104.33(a) and 28 C.F.R. § 35.130, respectively, a public school district that receives Federal financial assistance from the Department (recipient) must provide a FAPE to each qualified student with a disability in the recipient’s jurisdiction. The Section 504 regulations, at 34 C.F.R. § 104.33(b), define an “appropriate education” as the provision of regular or special education and related aids and services that (i) are designed to meet the individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met, and (ii) are based upon adherence to procedures that satisfy Section 504 requirements.

With regard to a recipient's obligation to provide a FAPE to students with disabilities, compliance with this requirement is generally determined by assessing whether a recipient has implemented a student's Section 504 plan. If they have not been provided, OCR will determine the recipient's reason for failing to do so and the impact of the failure.

If a student with a disability transfers to a recipient district from another school district with a Section 504 plan, the receiving district should review the plan and supporting documentation. If a group of persons at the receiving school district, including persons knowledgeable about the meaning of the evaluation data and knowledgeable about the placement options determines that the plan is appropriate, the district is required to implement the plan. If the district determines that the plan is inappropriate, the district is to evaluate the student consistent with the Section 504 procedures at 34 C.F.R. § 104.35 and determine which educational program is appropriate for the student. OCR interprets the general prohibition against discrimination in the Title II implementing regulations to require the provision of a FAPE to the same extent that the Section 504 implementing regulations specifically require the provision of a FAPE.

Summary of the Evidence Obtained to Date

[illegible]

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 be advised that the CCISD 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 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.

If you have any questions regarding this letter or the Agreement, please contact Marvin Macicek, the investigator assigned to the complaint, at (214) 661-9636, or at marvin.macicek@ed.gov. You may also contact me, at (214) 661-9638, or at lori.bringas@ed.gov.

Sincerely,

Lori Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure: Voluntary Resolution Agreement

cc: kjanes@wabsa.com
Walsh Gallegos Trevino Kyle & Robinson, P.C.