



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

1201 Elm STREET, SUITE 1000
DALLAS, TEXAS 75201-6831

August 2, 2022

OCR Ref: 06221405

Dr. Michael McFarland, Superintendent
Crowley ISD
512 Peach Street
Crowley, TX 76036

Via email (michael.mcfarland@crowley.k12.tx.us)

Dear Dr. McFarland:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, received in our office on February 17, 2022, filed against the Crowley Independent School District (the District), in Crowley, Texas. The Complainant alleged that the District discriminated against a student (the Student) with disabilities.

OCR enforces 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 on the basis of disability in programs and activities that receive federal financial assistance from the Department. 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 regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions, regardless of whether they receive federal financial assistance from the Department. The District is a recipient and a public entity; therefore, OCR has jurisdiction to process this complaint under 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 (accommodations in 504 Plan), and thereby denied the Student a free appropriate public education during the 2021-2022 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 Complainant and the District and conducted preliminary interviews with the Complainant and District Staff. OCR's preliminary review of the information indicates the Student is a qualified student with a disability who receives accommodations from the District. The accommodations to be provided were [**Redacted**]. OCR conducted interviews with the ELAR teacher, the 504 Director, and the Counselor, who

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indicated that the Student had [**Redacted**] and missing assignments but was not penalized for any assignment turned in after the due date, even if the assignment was turned in more than one day after the due date. The ELAR Teacher also stated that she provided [**Redacted**] through text to speech with headphones. The ELAR Teacher stated that she implemented [**Redacted**] by using a video on the topic, teaching the topic, through a written story, and reviewing the plot. The ELAR Teacher also stated that she would reteach topics every six weeks. For [**Redacted**], the ELAR Teacher stated that she would give the Student fewer questions for weekly comprehension tests that occurred on Fridays. For small [**Redacted**], the ELAR Teacher stated that the class only has 15-16 students, the Student sat by her, separated from the rest of the class, so she could focus on the Student during testing, and would ask the Student to use her headphones for text to speech. OCR's preliminary review did not yield a concern regarding the provision of such instructional accommodations. However, the Complainant provided OCR with information indicating the Student did not receive a text to speech accommodation on the State of Texas Assessments of Academic Readiness (STAAR) exam as specified in the Student's 504 Plan. The District confirmed that it reported a failure to provide this accommodation – reportedly due to a clerical error— to the Texas Education Agency (TEA). The District also reported to OCR it received a corrective action plan from TEA for the District Testing Coordinator to “require all 504/SPED/RTI and LPAC chairs sign off on accommodations prior to testing.” The District also provided OCR with emails indicating that if the Student's STAAR test is lower than it otherwise would have been if she received text-to-speech, the Student could be offered additional optional resources. OCR's preliminary review of this information reflects a concern that the Student's 504 Plan was not implemented with respect to state assessment in May 2022.

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 complaint and OCR determines that it is appropriate to resolve them because OCR's investigation has identified concerns that can be addressed through a resolution agreement. The provisions of the resulting resolution agreement will be supported by the evidence obtained during the investigation and will be consistent with the applicable statutes and regulations. OCR approved the District's request to resolve the complaint.

The District voluntarily signed the enclosed resolution agreement (Agreement) on August 2, 2022. OCR determined that when fully implemented, the Agreement will address the evidence obtained and all of the allegations investigated. OCR will monitor the implementation of the agreement until the recipient is in compliance with the terms of the agreement and the statutes and regulations at issue in the case.

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 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.

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 about this letter, please contact Brian Aurelio, the attorney assigned to investigate your complaint, at (214) 661-9661, or by e-mail at Brian.Aurelio@ed.gov. You may also contact me at 214-661-9648 or by e-mail at Timothy.Caum@ed.gov.

Sincerely,

Timothy D. Caum
Supervisory Attorney/Team Leader
OCR, Dallas Office