



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS**

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

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

August 16, 2023

[redacted content]

Re: OCR Complaint Ref. No. 06-22-1563  
Corpus Christi Independent School District

Dear [redacted content]:

This letter is to inform you of the disposition of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, against the Corpus Christi Independent School District (the District), in Corpus Christi, Texas, alleging discrimination on the basis of disability. The complaint was filed on behalf of a [redacted content] student at [redacted content] (the Student) and alleged that the District discriminated against the Student due to their [redacted content]. Specifically, the complaint alleged that, during [redacted content], the District denied the Student admission into the Mary Grett Transition Center (MGTC or Center), on the basis that the Student did not have a qualifying disability, and that the Student was therefore ineligible for enrollment at the Center.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 *et seq.*, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination by recipients of Federal financial assistance from the Department (recipients) based on 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, which prohibit discrimination based on disability by certain public entities. The District is a recipient and a public entity; therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

During the investigation to date, OCR collected and reviewed information from the complainant and the District. After a careful review of the evidence gathered during the investigation, OCR identified compliance concerns regarding the District's provision of a free appropriate public

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

education (FAPE) to the Student. Pursuant to Section 302 of OCR’s *Case Processing Manual*<sup>1</sup> (CPM), the District entered into the attached Resolution Agreement (Agreement), which when implemented will address the compliance concerns. The applicable legal standards, factual findings, and reasons for the determinations in this matter are summarized below.

## **I. Findings of Fact**

During the course of OCR’s investigation of the complaint, OCR received information from both the complainant and the District regarding the allegation under investigation. OCR also separately discussed the allegations with the complainant and the District. OCR’s review of the evidence indicated both that the Student had a valid Individualized Education Program (IEP) and, on account of the disabilities therein, received [redacted content].

Regarding the District’s evaluation of the Student for potential services from the MGTC, the information reflected that the complainant communicated to the District their interest in having the Student evaluated for transition services at MGTC [redacted content], during an Admission, Review, and Dismissal (ARD) meeting. [redacted content] On [redacted content], the complainant instructed the District, by e-mail, to cease from discussing or assessing the Student’s MGTC eligibility during that ARD meeting. The information obtained during OCR’s investigation appears to indicate that, while the District acknowledged the complainant’s requests, upon information and belief, it dismissed the [redacted content] ARD meeting without completing the Student’s MGTC-eligibility assessment. Thus, the information received reflects that the District rendered dispositive the complainant’s directive, rather than weighing their input as but one source of consideration during that evaluation process.

Additionally, OCR’s review of the information also identified that the District’s public-facing documents contained conflicting information in those published materials regarding a student’s maximum age of eligibility to receive MGTC services (i.e., until 21 or 22 years old).

After the investigation of this complaint began, but before OCR reached an investigative compliance determination, the District expressed a desire to voluntarily resolve this complaint. OCR determined that voluntary resolution of this investigation and the related allegation was appropriate pursuant to CPM Section 302.

## **II. Legal Standard**

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 district’s jurisdiction. The Section 504 regulations’ evaluation procedures, at 34 C.F.R. § 104.35(a) and (b), state that a recipient must evaluate any student who, because of disability, needs or is believed to need special education or related services before taking any action with respect to the student’s initial educational placement and any subsequent significant change in that placement. The Section 504 regulations do not specify how quickly an evaluation must be completed after a recipient obtains notice that a student needs or is believed to need special

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<sup>1</sup> A copy of OCR’s CPM may be found [here](#).

education or related services. As a result, OCR applies a “reasonableness” standard to determinations regarding the timeliness of evaluations.

Under Section 504 and Title II, at 34 C.F.R. § 104.3(j) and 28 C.F.R. § 35.104, respectively, a student is “disabled,” and therefore entitled to individually prescribed special education or related aids and services, if the student has a physical or mental impairment that substantially limits a major life activity. Finally, the Section 504 regulations, at 34 C.F.R. § 104.35(c), provide that:

In interpreting evaluation data and in making placement decisions, a recipient shall (1) draw upon information from a variety of sources, including aptitude and achievement tests, teacher recommendations, physical condition, social or cultural background, and adaptive behavior, (2) establish procedures to ensure that information obtained from all such sources is documented and carefully considered, (3) ensure that the placement decision is made by a group of persons, including persons knowledgeable about the child, the meaning of the evaluation data, and the placement options . . . .

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.

### **III. Analysis**

OCR has concerns regarding whether, in interpreting evaluation data and in making a placement decision for the Student with respect to the MGTC, the District based such decision solely on [the complainant’s] preference, in lieu of drawing upon information from a variety of sources, as Section 504 and Title II require. Further, OCR is concerned that the conflicting information in the District’s public-facing documents regarding a student’s maximum age of eligibility to receive MGTC services may have impeded the provision of such benefits to other eligible students.

### **IV. Conclusion**

On August 11, 2023, the District signed and voluntarily submitted the enclosed Resolution Agreement (Agreement), which when fully implemented, will address the evidence obtained, the allegation investigated, and the compliance concerns OCR identified. The Agreement requires the District to:

- Conduct Section 504/Title II training for relevant District staff;
- Offer to re-evaluate the Student pursuant to Section 504/Title II; and
- Re-evaluate the Student as appropriate pursuant to Section 504/Title II and provide any necessary services.

OCR will monitor the implementation of the Agreement until the District is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

This concludes OCR’s investigation of the complaint and 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. 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 District may not harass, coerce, intimidate, or discriminate against any individual because the individual 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, 5 U.S.C. § 552, it may be necessary to release this document and related correspondence and records upon request. If 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.

We appreciate the cooperation extended to OCR by you and your staff to successfully resolve the complaint. If you have any questions regarding this letter or the Agreement, please contact Nasser Siadat, the investigator assigned to the complaint, at (202) 987-1222, or at [Nasser.Siadat@ed.gov](mailto:Nasser.Siadat@ed.gov). You may also contact me, at (214) 661-9647, or at [Cristin.Hedman@ed.gov](mailto:Cristin.Hedman@ed.gov).

Sincerely,

Cristin Hedman Sparks  
Supervisory General Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure: Voluntary Resolution Agreement