



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

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

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

September 26, 2023

[redacted content]

Re: OCR Complaint Ref. No. 06-23-1602
Spring Branch Independent School District

Dear [redacted content]:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against [redacted content], the Spring Branch Independent School District (the District), which OCR received on March 23, 2023. The complainant alleged that, [redacted content], the District discriminated against [redacted content] (the Student) on the basis of disability ([redacted content]) by failing to provide [redacted content] with the requested “auxiliary aids and services” ([redacted content]) required for [redacted content] disabilities and needs (Allegation 1). The complainant also alleged that, [redacted content], the District discriminated against the Student on the basis of disability by denying [redacted content] an equal opportunity to participate in non-academic and extracurricular activities (, [redacted content]) (Allegation 2).

OCR 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 the 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 regulations at 34 C.F.R. Part 104, which prohibit 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 regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by certain public entities, including public elementary and secondary educational institutions. The District is a recipient of Federal financial assistance from the Department and is a public elementary and secondary educational institution. Accordingly, OCR has jurisdiction to process this complaint to resolution pursuant to Section 504 and Title II.

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

OCR initiated an investigation of this complaint pursuant to OCR’s Rapid Resolution Process (RRP) at Section 203 of OCR’s *Case Processing Manual* (CPM)¹. RRP is an expedited case processing approach that can be used to resolve cases in any of OCR’s statutory areas.

During the processing of this complaint, OCR spoke with the complainant and the District. OCR also reviewed documentation provided by the complainant. On August 15, 2023, following an attempt to resolve these concerns with the complainant via mediation, which failed, the District informed OCR that it still wanted to resolve the complaint. The District asserted that it had attempted to accommodate the complainant’s prior requests for evaluations, and expressed its willingness to reevaluate the Student, ensure effective communication with the Student, and to conduct training to ensure relevant District staff understand their legal obligations under Section 504 and Title II.

Section 203 of the CPM states that, “*where a recipient has indicated that it is willing to take action in the future to resolve the allegation(s), ... upon the recipient’s request and OCR’s agreement, the allegation(s) may be resolved pursuant to Section 302.*” Based on the foregoing, OCR has determined that it is appropriate to resolve this complaint by obtaining a resolution agreement, the implementation of which OCR will monitor.

On September 20, 2023, the District submitted the enclosed signed Resolution Agreement (Agreement) to OCR. When fully implemented, the Agreement will resolve the allegations in the complaint.

In light of the commitments the District has made in the Agreement, OCR finds that the complaint is resolved, and OCR is closing its investigation as of the date of this letter. OCR will monitor the District’s implementation of the Agreement to ensure that the commitments made are implemented timely and effectively. OCR may request additional information as necessary to determine whether the District has fulfilled the terms of the Agreement and is in compliance with Section 504 and Title II with regard to the complaint allegations.

This concludes OCR’s investigation of this complaint. However, if the District fails to implement the Agreement, OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 a right to file a private suit in federal court whether or not OCR finds a violation.

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

Please be advised the District 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, 5 U.S.C. § 552, 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 Nasser Siadat, the attorney assigned to the complaint, at (202) 987-1222, or at Nasser.Siadat@ed.gov. You may also contact me, at (214) 661-9647, or at Cristin.Hedman@ed.gov.

Sincerely,

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

Enclosure: Voluntary Resolution Agreement