



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS
1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

November 13, 2013

Ref. 06131503

Dr. Eddie Coulson, Superintendent
College Station Independent School District
1812 Welsh
College Station, TX 77840

Dear Dr. Coulson:

The U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, has completed the resolution of the above-referenced complaint, which was received by OCR on May 2, 2013, filed against the College Station Independent School District (CSISD or the District), College Station, Texas. In the letter of complaint, the complainant alleged that her son (Student) was retaliated against on the basis of disability (XXXXXXXXXX XXXXXXXX XXXXXXXXXXXXXXXX XXXXXXXXXXX XXXXXXX XXX XXXX XXXXXXXXXXXXXXXX XXXX XXXXXXXXXXXX XXXXXXXXXXXXXXX).

OCR is responsible for determining whether organizations that receive or benefit from Federal financial assistance from the U.S. Department of Education (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), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104. Section 504 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. § 12132, and its implementing regulation, 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.

In addition, the regulation implementing Section 504, at 34 C.F.R. § 104.61, incorporates by reference at 34 C.F.R. § 100.7(e) of the regulation implementing Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, which states:

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by section 601 of the Act or this part, or because he has made a complaint, testified, assisted, or participated in any manner in an investigation proceeding or hearing under this part.

The Title II regulation contains a similar prohibition against retaliation at 28 C.F.R. § 35.134 (a) and (b).

CSISD is a recipient of Federal financial assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to process this complaint for resolution under both Section 504 and Title II.

Based upon the letter of complaint and additional information received from the complainant, on July 22, 2013, OCR determined that the complaint allegation raised the legal issue of:

Whether, after the complainant advocated for the Student's rights under Section 504/Title II during the 2012-13 school year, the District retaliated against the Student by switching him to a different XXXXXXXX classroom in XXXXXXXX XX XXXX, causing the Student major anxiety (i.e., his grades slipped and he had to be restrained on several occasions), in violation of 34 C.F.R. § 104.61 and 28 C.F.R. § 35.134.

Prior to the completion of OCR's investigation, CSISD, without any admission of a violation of Section 504 or Title II, informed OCR of its willingness to voluntarily address the issue raised in this complaint through a voluntary resolution agreement (Agreement). On November 13, 2013, the District voluntarily signed the Agreement, and OCR has determined that this Agreement (copy enclosed), when fully implemented, will resolve any outstanding concerns. OCR will monitor CSISD's implementation of the Agreement until all action items are completed.

Please be advised this letter sets forth OCR's determination in an individual OCR case. This letter is not 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. This letter is not intended, nor should it be construed other allegations regarding the District's compliance with Section 504/Title II which may exist and are not specifically discussed herein.

Under OCR procedures we are obligated to advise the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by the regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the regulations enforced by OCR, or because one has made a complaint, testified, assisted, or participated in any manner in any investigation, proceeding, or hearing held in connection with a complaint.

Lastly, 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.

We would like to thank you and your staff for your cooperation during this investigation. If you have any questions about this correspondence, please contact Tonya Gentry, the assigned attorney investigator to this case, at (214) 661-9615, or via e-mail at tonya.gentry@ed.gov.

Sincerely,

Paul Edward Coxe
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure

cc: XXXXXXXX XXXXXXX, Director of Student Services