



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

March 26, 2014

Ref: 06141248

Ms. Janie Wright
Acting Superintendent
Lockhart Independent School District
105 South Colorado
Lockhart, TX 78644

Dear Ms. Wright,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint that was received by OCR on February 27, 2014, against the Lockhart Independent School District (LISD). The complainant alleges that the LISD discriminated against her daughter, XXXXX XXXXXX (Student), based on disability when, during the 2013-14 school year, the District: (1) failed to timely evaluate whether Student was a qualified individual with a disability under Section 504; (2) failed to provide her with a free appropriate public education (FAPE) when it did not provide the services related to Student's disability within her food plan/504 Plan; and (3) retaliated against Student when, after the complainant complained about the District's failure to provide and implement a food plan for Student, the District "punished" Student by XXXXXXXXXXXX her meals XX XXXXX and making Student XXXX XX XXX XXX XX XXX XXXXX XXXX XX XXXXXX her food.

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 this Department are in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), 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. The Section 504 implementing regulation at 34 C.F.R. §104.61 incorporates by reference the provision against retaliation under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100. Title II also has a provision against retaliation at 28 C.F.R. § 35.134. The LISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process allegations of discrimination filed against the LISD under Section 504 and Title II.

During the course of this investigation, OCR conducted telephone conversations with the complainant and the LISD. Prior to the completion of OCR's investigation, the LISD informed OCR that it was interested in resolving the complaint. Section 302 of OCR's Case Processing Manual provides that the complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. Such a request to resolve the complaint during the course of the investigation must be approved by the OCR Office Director or designee. The provisions of the resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations.

On March 20, 2014, the Office Director's designee approved the request from the LISD to resolve the complaint. OCR submitted a proposed resolution agreement (Agreement) to the LISD and you agreed to the terms and signed the Agreement on March 26, 2014 (a copy is enclosed). OCR determined that the provisions of the Agreement are aligned with the present complaint allegations and properly resolves them. Furthermore, OCR accepts the Agreement as assurance that the LISD will fulfill its obligation under Section 504 and Title II, with respect to the complaint allegations. The dates for specific implementation and actions are detailed in the Agreement. OCR will monitor implementation of the Agreement. Please be advised that if the LISD fails to adhere to the actions outlined in this Agreement, OCR will immediately resume its compliance efforts.

Effective the date of this letter, OCR is closing the investigative portion of this case. This letter should not be interpreted to address the LISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. Please be advised that the recipient 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 complainant 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, 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, you may contact Timothy D. Caum, Attorney, at 214-661-9600 or me, at 214-661-9600.

Sincerely,

Adriane P. Martin
General Supervisory Attorney/Team Leader
Dallas Office

Enclosure