

December 11, 2015

Ref: 06151377

XXXXXXXXXX, Superintendent  
Spring Independent School District  
16717 Ella Blvd.  
Houston, Texas 77090

Dear Dr. Watson:

This letter is to inform you the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint for resolution, which was filed against the Spring Independent School District (SISD) in Houston, Texas, and was received by OCR on April 8, 2015. The complainant alleged the SISD discriminated against her son (the Student) based on his disability:

1. By not providing him with the following services as stipulated in his Individualized Education Plans (IEPs) for the 2014-2015 school year: a) after-school tutoring for state testing from about October 2014 to late November 2014 (for State of Texas Assessments of Academic Readiness (STAAR) testing) and related transportation; b) four (4) hours of practice testing for a college placement test (“TSI test”)<sup>1</sup> during spring break in either March or April 2015; c) materials to prepare for the TSI test in about March 2015; d) case management support (e.g., Case Manager #1 failed to inform the complainant of the Student’s failing grades and meet with the Student) between approximately October 2014 to March 2015; and e) enrollment in the correct classes in about January and February 2015 (i.e., enrolled him in an English class he had already completed for three weeks and then moved him to “Teen Leadership” elective); and
2. By not providing the complainant with timely access to the Student’s special education (SPED) records or providing incomplete records to her when: a) SPED records provided to the complainant in February 2015 had missing pages and page numbers that did not match; and b) the complainant was initially provided with a blank recording of an October 16, 2014 ARD meeting in about December 2014, and did not receive the correct recording until about February or March 2015.

---

<sup>1</sup> The TSI test is designed to determine if a student is ready for college-level course work in the general areas of reading, writing and mathematics.

OCR is responsible for determining whether organizations or entities that receive or benefit from Federal financial assistance, either from the Department or from 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 (amended 1992), and its implementing regulation, 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. § 12132, and its implementing regulation, at 28 C.F.R. Part 35, which prohibit disability discrimination by public entities. Because the SISD is both a recipient of Federal financial assistance from the Department and a public entity, OCR had jurisdiction to investigate this complaint pursuant to Section 504 and Title II.

Based on the complainant's allegations, OCR began investigating the following legal issues:

1. Whether the SISD 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 (i.e., after-school tutoring from October to late November 2014 and related transportation, four hours of practice testing for the TSI test and related preparation materials in about March or April 2015, case management support from about October 2014 to March 2015, and enrollment in the correct classes in about January and February 2015), and thereby denied the Student a free appropriate public education (FAPE) during the 2014-2015 school year in violation of Section 504 and its implementing regulation at 34 C.F.R. § 104.33 and Title II and its implementing regulation at 28 C.F.R. § 35.130.
2. Whether the SISD discriminated on the basis of disability during the 2014-2015 school year when it failed to provide the complainant with procedural safeguards (i.e., denied access to complete copies of the Student's SPED records requested between October 2014 to March 2015, and on a date between October and December 2014, provided a blank recording of an October 16, 2014 ARD meeting; also provided to the complainant other records in February 2015 that had missing pages and page numbers that did not match), in violation of Section 504 and its implementing regulation at 34 C.F.R. § 104.36 and Title II and its implementing regulation at 28 C.F.R. § 35.130.

During its investigation, OCR obtained copies of the SISD policies and procedures regarding the provision of a FAPE for students with disabilities and notice of procedural safeguards, as required by Section 504. OCR also conducted interviews with the complainant and reviewed the Student's SPED records. In addition, OCR reviewed other pertinent information regarding the complainant's requests for SPED records.

Prior to the completion of OCR's investigation, the SISD informed OCR that it was interested in resolving the complaint allegations. Section 302 of OCR's *Case Processing Manual* (CPM) provides that a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint. The provisions of the resulting voluntary resolution agreement will be aligned with the complaint allegations or the

information obtained during the investigation, and will be consistent with applicable regulations. OCR approved the SISD's request to resolve this complaint prior to the conclusion of the investigation.

The SISD voluntarily submitted the enclosed Resolution Agreement (Agreement) to resolve this complaint; the Agreement was signed by the SISD on December 11, 2015. OCR has determined that the provisions of the Agreement are aligned with the complaint allegations and appropriately resolve them. Further, OCR accepts the Agreement as an assurance that the SISD will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the SISD's implementation of the Agreement. Please be advised that if the SISD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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.

Please be advised that the SISD 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, 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.

Thank you for the cooperation extended to OCR in our efforts to resolve this complaint. If you have any questions regarding this letter, please contact Ms. Page Baird, the assigned investigator, at (214) 661-9604 or [page.baird@ed.gov](mailto:page.baird@ed.gov), or me at (214) 661-9687 or at [terri.gonzales@ed.gov](mailto:terri.gonzales@ed.gov).

Sincerely,

Terri Gonzales  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure

cc: XXXXXX,  
XXXXXX