



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

June 30, 2016

Ref: OCR Docket #06161418

Dr. Kevin Spiller, Superintendent  
Seagraves Independent School District  
1801 Avenue K  
Seagraves, TX 79359

Dear Dr. Spiller:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Seagraves Independent School District (SISD), Seagraves, Texas, which OCR received on April 4, 2015. The Complainant alleged that SISD discriminated against her son (Student) on the basis of disability when it failed to provide the Student the accommodations specified in his Section 504 accommodation plan (e.g., xxx xxx xx xxx, xxx xxx xxx) during the 2015-16 school year.

OCR is responsible for determining whether 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, 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. § 12132, and its implementing regulations at 28 C.F.R. Part 35. Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public preschools, elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related schools), and public libraries.

The SISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR opened an investigation of the following legal issue:

Whether 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 (e.g., xxx xxx xx xxx) and thereby denied the Student a free appropriate public education during the 2015-16 school year, in violation of Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130, respectively.

During the course of investigation, OCR received information from the SISD regarding the issue under investigation. OCR's review of documents provided by the SISD indicated that the Student was an SISD student during the 2015-2016 school year and that the Student's IEP called for xxx xxx in xxx xxx and on the XXX xxx. The Complainant maintained that the SISD staff failed to provide the Student with xxx xxx on various occasions during the 2015-16 school years.

Prior to the conclusion of OCR's investigation, and before OCR had obtained sufficient evidence to support a finding of either compliance or noncompliance with regard to the year, the SISD expressed an interest in resolving the allegations and issues raised in the complaint. Under Section 302 of OCR's Case Processing Manual, issues under investigation may be resolved at any time when, prior to the conclusion of the investigation, the recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to resolve them with an agreement during the course of an investigation.

OCR determined that it is appropriate to resolve the allegations and issues pursuant to OCR's case processing procedures referenced above. OCR negotiated with the SISD and obtained the enclosed Resolution Agreement (Agreement) dated June 28, 2016. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issues raised by the complaint allegations. 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 required under the Agreement, OCR will immediately resume its compliance efforts

This concludes OCR's investigation of the complaint and should not be interpreted to address the SISD's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. The Complainant has been notified of this action.

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 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.

If you have any questions regarding this matter, you may contact Tamara Williams, the investigator assigned to this complaint, at (214) 661-9607 ([Tamara.Williams@ed.gov](mailto:Tamara.Williams@ed.gov)). You may also contact me at (214) 661-9638 ([lori.bringas@ed.gov](mailto:lori.bringas@ed.gov)).

Sincerely,

Lori Bringas  
Supervisory Attorney/Team Leader  
Dallas Office

Enclosure