



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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Dallas, TX 75270

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TEXAS

August 21, 2023

Dr. Douglas Killian, Superintendent  
Pflugerville Independent School District  
1401 W. Pecan St.  
Pflugerville, Texas 78660

*Sent via email only to:* [redacted content]

Re: OCR Complaint No. 06-19-1726  
Pflugerville Independent School District

Dear Dr. Killian:

This letter is to inform you of the disposition of the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights, Dallas Office (OCR) against the Pflugerville Independent School District (the District) on June 21, 2019. OCR apologizes for the length of time it has taken to resolve this case. The complainant alleged the District discriminated against her daughter (Student 1) based on sex and disability [redacted content] during the 2018–2019 school year when it failed to:

1. Respond equitably to a report on or about [redacted content] 2019, that a male student (Student 2) sexually assaulted Student 1 in a [redacted content] High School ([redacted content] or the School) girls' restroom; and
2. Provide her with accommodations required by her Section 504 Plan for [redacted content] class and the State of Texas Assessments of Academic Readiness (STAAR) [redacted content] test during the 2018–2019 school year.

OCR is responsible for enforcing Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106, which prohibit discrimination based on sex in any education program or activity receiving federal financial assistance. OCR also enforces 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 based on disability in any program or activity receiving federal financial assistance, and 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 disability discrimination by public entities. As a recipient of federal financial assistance from the Department and a public entity, the District is subject to Title IX, Section 504, Title II, and their implementing regulations. Therefore, OCR had jurisdiction to investigate this complaint.

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To conduct this investigation, OCR reviewed and analyzed relevant information obtained from the complainant and the District, including District policies and procedures, student records, documentation of the District's reported Title IX investigation, and information regarding a criminal investigation by the Pflugerville ISD Police Department (PISDPD). OCR also conducted interviews with the complainant, Student 1, District staff and administrators, a PISDPD Detective, School Resource Officers (SROs), and an outside investigator hired by the District.<sup>1</sup>

After a careful review of the evidence gathered during the investigation, OCR found the District violated Title IX as alleged. OCR determined that the District failed to provide an equitable response to notice of sexual harassment in violation of Title IX and its implementing regulation. OCR also found that the District violated Section 504 and Title II in its provision of accommodations to Student 1, as well as additional compliance concerns. In resolution of the complaint, the District entered into the attached Resolution Agreement (Agreement), which when implemented will address the violation findings and compliance concerns. The applicable legal standards, factual findings, and reasons for the determinations in this matter are summarized below.

### **Allegation One - Failure to Respond Equitably to Alleged Sexual Assault**

#### ***Applicable Legal Standards***

In evaluating the District's compliance with Title IX, OCR applied the Title IX regulation in effect during the 2018-2019 school year.<sup>2</sup> Citations in this section are to this prior regulation, and the legal standards discussed below were in effect during the subject school year.

The Title IX regulation contains several procedural requirements, including a requirement that recipients designate at least one employee to coordinate the recipient's efforts to comply with Title IX, including the investigation of any complaint communicated to such recipient alleging its noncompliance with Title IX or any actions that Title IX would prohibit, 34 C.F.R. 106.8(a). In addition, the Title IX regulation requires recipients to publish a notice of nondiscrimination covering Title IX, and to adopt and publish procedures that provide for the prompt and equitable resolution of student and employee complaints alleging any actions prohibited by Title IX and its implementing regulation. *See* 34 C.F.R. § 106.9(a); *see also* 34 C.F.R. § 106.8(b).

While the Title IX regulation in effect during the school year under review did not reference sexual harassment, OCR interpreted Title IX at that time to require school districts to respond to complaints or other notice of sexual harassment involving students and employees. Sexual harassment is a form of sex discrimination prohibited by Title IX. Sexual harassment can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or

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<sup>1</sup> OCR attempted to contact the [redacted content] assistant principal (AP 2) who was no longer employed by the District but was unsuccessful in reaching him for an interview.

<sup>2</sup> Amendments to the Title IX regulation went into effect on August 14, 2020, and can be viewed [here](#). For more information about Title IX, including the new Title IX regulation and related resources, visit OCR's website at [https://www2.ed.gov/about/offices/list/ocr/docs/tix\\_dis.html](https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html) and <https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/index.html>.

physical conduct of a sexual nature, such as sexual assault or acts of sexual violence. Sexual harassment can create a hostile educational environment based on sex when the harassment is sufficiently serious to deny or limit the individual's ability to participate in or benefit from the recipient's education program or activity.

In determining whether sexual harassment exists and has created a hostile environment based on sex for students, OCR looks at the totality of the circumstances, and considers a variety of factors, including whether the conduct was unwelcome to the student(s), the degree to which the conduct affected one or more students' education; the type, frequency, and duration of the conduct; the identity of and relationship between the alleged harasser and the subject or subjects of the harassment; the number of individuals involved; the age and sex of the alleged harasser and the subject of the harassment; the size of the school, location of the incidents, and the context in which they occurred; other incidents at the school; and whether there were also incidents of gender-based but non-sexual harassment. OCR examines the conduct from an objective perspective and a subjective perspective.

Under the Title IX regulation in effect for the time period reviewed in this investigation, when the recipient has actual or constructive notice of sexual harassment, it must take appropriate steps to investigate or otherwise determine what occurred, and it may be appropriate for a school to take interim measures prior to or during the investigation of a complaint. Interim measures are individualized services offered as appropriate to either or both the reporting and responding parties involved in an alleged incident of sexual misconduct. Interim measures include counseling, extensions of time or other course-related adjustments, modifications of work or class schedules, campus escort services, restrictions on contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of campus, and other similar accommodations. For instance, if a student alleges that he or she has been sexually assaulted by another student, the school may decide to place the students immediately in separate classes, pending the results of the school's investigation. Similarly, if the alleged harasser is a teacher, allowing the student to transfer to a different class may be appropriate.

Once charged with notice of sexual harassment, a school should take steps to prevent any retaliation against the person who made the complaint (or was the subject of harassment) or against those who provided information as witnesses. At a minimum, the school's responsibilities include making sure that the harassed students know how to report any subsequent problems, conducting follow-up inquiries to see if there have been any new incidents or any instances of retaliation, and responding promptly and appropriately to address continuing or new problems. In cases where the harassment is widespread, the school may need to provide training for the larger school community to ensure that individuals can recognize harassment if it recurs and know how to respond.

### ***Findings of Fact***

During the 2018-2019 school year, Student 1 was enrolled in the [redacted content] grade at [redacted content]. On May 17, 2019, another [redacted content] student (Student 3) reported to the [redacted content] Counselor (Counselor) that she heard in the hallway that Student 2 (also a [redacted content] student) sexually assaulted Student 1 in the School restroom. Upon receipt of

Student 3’s report, the Counselor advised the School Social Worker (SSW) of the alleged sexual assault. The SSW unsuccessfully attempted to contact a PISDPD detective (the Detective) but reached PISDPD SROs 1 and 2, who interviewed Student 1 in the presence of the SSW. Student 1 confirmed that Student 2 had sexually assaulted her and identified the location of the reported assault as the restroom in the School’s “[redacted content].” Although Student 1 was unclear about the date of the alleged assault, District staff members were able to pinpoint the date to [redacted content] 2019, based upon attendance records.

That same day, another assistant principal (AP 1) and the [redacted content] assistant principal (AP 2) spoke to Student 2 about what allegedly happened. APs 1 and 2 did not inform Student 2 that Student 1 had accused him of sexual assault. According to AP 1, law enforcement advised her to do one thing, namely, to pinpoint the date of the alleged incident. She was not supposed to let Student 2 know that she was investigating an alleged sexual assault. Hence, the APs were limited to asking Student 2 why he and Student 1 were in the bathroom together. In response to their inquiry, Student 2 reported his knowledge of other students talking about him and Student 1 having sex in the restroom, but he denied having sex with Student 1 and asserted that he was [redacted content]. Student 2 instead informed them that Student 1 had asked him to go into the restroom with her, that they were playfully pushing and shoving each other, and that Student 1 left thereafter.

The Detective and SROs 1 and 2 also conducted interviews that day with Student 2 and two other student witnesses, including Student 3 and another student with whom Student 1 had allegedly discussed the incident immediately after it reportedly occurred (Student 4). The Detective also notified the complainant of the alleged incident by telephone. Meanwhile, the District thereafter took no further action at the PISDPD’s request while the PISDPD conducted its law enforcement investigation.

On [redacted content], 2019, the Detective attended Student 1’s forensic interview with the County District Attorney’s office and thereafter advised the complainant that the District Attorney had declined prosecution. Additionally, by email dated [redacted content] 2019, the Detective informed the Director of [redacted content] that the PISDPD had closed the investigation as of [redacted content] 2019, due to a lack of corroborating evidence.

The complainant informed OCR that, in the interim, she asked AP 2 about a “no-contact order,” but was told the School could not provide one because Student 2 was not criminally charged. The complainant further informed OCR that she requested, and District staff agreed, to permit Student 1 to complete the school year in the library and visit Content Mastery<sup>3</sup> class to quell her anxiety and alleviate her concerns about possible contact with Student 2, as her [redacted content] class was next to Student 2’s [redacted content] class, but her teachers did not permit her to do so. Meanwhile, AP 1 asserted that she and AP 2 ensured a no-contact order was in place, and that Students 1 and 2 did not have any classes together or other contact with each other, but the District did not produce any documentary evidence to affirm AP 1’s assertions.

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<sup>3</sup> A separate classroom wherein teachers and aides provide special education students extra help with their studies.

Upon completion of the law enforcement investigation, in approximately [redacted content] 2019, the Superintendent hired an outside investigator (the OI) to examine the matter because the complainant reportedly did not trust the District. By email dated [redacted content] 2019, the Superintendent informed the complainant of the “external investigator,” whom he highlighted was “not an employee of the District,” and further informed the complainant that the OI would be in contact with her soon.

OCR interviewed the OI and reviewed the OI’s report dated [redacted content] 2019. The OI stated in her report that the Superintendent, in retaining her, requested a review of the administrative procedures followed in an alleged sexual incident. She did not state that she had been hired to conduct a Title IX investigation. Regarding her qualifications, the OI informed OCR that she had attended workshops and conferences related to Title IX but had not received training from the District. The OI further informed OCR that no one had oversight over her activities.

In conducting her review, the OI visited [redacted content] on [redacted content] 2019, when school was closed. She examined the School’s written incident report, as well as Student 1’s and Student 2’s attendance records, and confirmed that on [redacted content] 2019, both Students were tardy to their respective classes at the same time. She informed OCR that she also walked through the facilities, including the routes between Student 1’s and Student 2’s respective classrooms, the attendance office, and the [redacted content] wing in which bathroom was located, timing how long it would take to walk to each area. She stated the [redacted content] wing was not anywhere near the attendance office or the classrooms. In her estimation, therefore, none of the timing matched.

The OI also interviewed the complainant and Student 1 with the [redacted content] present on about [redacted content] 2020. The OI informed OCR that she believed Student 1’s credibility went down based upon her responses to questions about whether she tried to scream during the alleged incident and her physical demeanor during the interview. The OI did not, however, interview Student 2 because, as she told OCR, she just did not think the assault happened. Also, the OI relayed that interviewing additional witnesses would have dragged out the investigation and that someone had promised they would not interview Student 2 because “it was horrible.” However, the OI vacillated and stated that, if school had been in session, she probably would have interviewed Student 2, but because she did not know where she could locate him, she did not try to interview him. The OI did not interview Student 3 or Student 4, either.

OCR also asked the OI as to whether she examined any relevant video from the School’s surveillance cameras. She informed OCR that the evidence provided by the District indicated that their surveillance videotapes “loop,” i.e., tape over each other. Her report advised that the tapes looped over every 10 days; therefore, with the alleged incident having been reported 37 days after it allegedly occurred, no tape would have existed by the time the report was made. Consequently, there was no related video for her to review. Nevertheless, she noted in her report that the video would have only shown the [redacted content] hallway outside, not inside, the restroom.

At the conclusion of her inquiry, the OI determined that the District appropriately and timely responded to the report of the alleged incident, and that once the PISDPD took over the case, District administration did not interfere with the law enforcement investigation; the OI did not make a determination as to whether the incident occurred as alleged, or whether Student 1 was subjected to a hostile environment.

Shortly thereafter, on [redacted content] 2019, the District's Title IX Coordinator adopted the OI's findings and issued a written notice of the outcome to only the complainant. Her determination also went a step further to state that the District could not substantiate that the sexual assault occurred as alleged. In her letter, the Title IX Coordinator offered Student 1 a transfer to any other high school in the District for the 2019-2020 school year or, if she were to attend [redacted content], a plan to minimize contact between her and Student 2; counseling; and credit recovery for [redacted content], in which she had received a failing grade. The complainant did not return Student 1 to the District, however, based upon her lost confidence in the District.

By her own admission, the Title IX Coordinator's only involvement with this complaint consisted of issuing the final notice of the outcome. During the latter portion of the Spring 2019 semester and through the Summer of 2019, i.e., during the subject time period, the Title IX Coordinator primarily served as the District's [redacted content]. From approximately February 2019 until the first or second week of June 2019, the District also detailed her to serve as an Interim Principal at an elementary school. Based upon the information provided to OCR, the District did not delegate the Title IX Coordinator's duties to anyone else during her detail. Notably, although the Title IX Coordinator had served as the District's Title IX Coordinator for two years, she informed OCR that she was only involved in one other Title IX complaint besides the one at issue.

### *Analysis*

The Title IX regulation requires recipients to designate at least one employee to coordinate the recipient's efforts to comply with Title IX, including the investigation of any complaint communicated to such recipient alleging any actions that Title IX would prohibit. OCR had a concern that the District failed to consistently designate a full-time Title IX Coordinator, in that the District detailed the Coordinator to other administrative positions. This failure resulted in an inadequate response to this report of sexual assault. Upon notice of the alleged incident, District staff did not immediately contact the Title IX Coordinator. OCR found that this lack of notice to the Title IX Coordinator precluded the opportunity for her to provide timely intervention to ensure that Student 1's allegation was effectively addressed and, likely as a result, the District failed to conduct a Title IX investigation.

Under the Title IX regulation in effect for the time period reviewed in this investigation, when the recipient has actual or constructive notice of sexual harassment, it must take appropriate steps to investigate or otherwise determine what occurred. District staff did not conduct interviews of all the relevant witnesses in this matter. At the outset, District staff did not conduct a Title IX interview of Student 1; rather, only law enforcement interviewed her. Law enforcement and Title IX inquiries differ because, whereas law enforcement consider whether criminal

prosecution should follow, Title IX requires schools to investigate whether discrimination has occurred and if so to take prompt and effective steps to end discrimination. The District had, and has, a Title IX obligation to ensure that Student 1, and all its students, did not experience discrimination in its educational program. Abdicating its responsibility to law enforcement left the District without information it needed to evaluate what Title IX steps may be necessary. Nor did District staff interview Student 2 in the context of Title IX either. District staff did not notify Student 2 that there was an allegation that he had sexually assaulted Student 1. They merely attempted to ascertain his whereabouts on the date in question. Failing to conduct a Title IX inquiry with respect to Student 2 left the District's process inequitable as to Student 2, failing to afford the Student the opportunity to be heard regarding the allegation. District staff did not interview Student 4, with whom Student 1 had allegedly discussed the incident immediately after it reportedly occurred. Thus, the District neglected to conduct Title IX-related interviews of the students with the most knowledge of the alleged incident.

It may also be appropriate for a school to take interim measures prior to or during the investigation of a complaint. Although District staff assert that they provided interim measures to Student 1, they did not produce corroborating evidence to show that they provided Student 1 with such services, and the complainant disputes that any were provided. As a result, it appears that, to the extent a hostile environment may have been created by Student 2's alleged conduct, Student 1 would have been left vulnerable to a perpetuated hostile environment.

Upon conclusion of the law enforcement investigation, the District hired an OI. It appears that there may have been a discrepancy in the understanding as to the purpose of the investigation. The OI stated that it was her understanding that the purpose of her inquiry was to conduct a review of administrative procedures, rather than to conduct a Title IX investigation. District officials stated that her role was to conduct a Title IX investigation and indeed her findings were then ultimately adopted by the Title IX coordinator as the final conclusion. The OI informed OCR that she had attended workshops and conferences related to Title IX but had not received training from the District.

To the extent the OI conducted an inquiry, it was insufficient because after interviewing Student 1, the OI simply decided that the incident did not occur as alleged. She therefore did not interview Students 2, 3, or 4. OCR is concerned that the OI drew a conclusion about the events based on a single interview of Student 1 only, without interviewing Student 2 or the other students Student 1 identified, and based largely on Student 1's responses to questioning about a single reaction the OI expected the student to have had (trying to scream during the incident). Although the OI informed OCR during her interview that she did not believe the incident occurred as alleged, she did not document in her report whether she determined that the incident occurred as alleged, or whether Student 1 had been subjected to a sexually hostile environment. Meanwhile, as stated above, the Title IX Coordinator, without conferring with the OI or conducting her own investigation, adopted the OI's report. The Title IX Coordinator issued a written determination only to the complainant, but not Student 2, in which she concluded that the incident did not occur as alleged.

Based upon the foregoing, OCR finds that the District violated Title IX by failing to involve the Title IX Coordinator in investigating the alleged sexual assault, and failing to conduct an



equitable Title IX investigation by not interviewing all relevant witnesses. OCR also determined that the District's failure to notify Student 2 of the outcome constitutes a violation of Title IX and its implementing regulation.

OCR also identified serious Title IX compliance concerns in its investigation. Because the District detailed its Title IX Coordinator to other significant administrative duties during the subject time period, OCR is concerned the District may not have actually had a Title IX Coordinator during the period of the Coordinator's detail. It therefore follows that the District's failure to respond appropriately to this incident of possible sexually harassing conduct could extend to other incidents and/or other schools within the District. OCR also has several concerns about the outside investigator, namely that the OI was not properly trained, there was a discrepancy in the understanding of what the OI's role was to be, her reliance upon incomplete evidence, and the Title IX Coordinator's subsequent adoption of the findings of the OI as the final determination without independent review notwithstanding the evident flaws in the investigation with respect to Title IX compliance. Finally, OCR is also concerned that the District could not corroborate that it considered or provided interim measures to the Student.

### **Allegation Two - Alleged Failure to Implement Student 1's Section 504 Plan**

#### ***Applicable Legal Standards***

Under the Section 504 implementing regulation at 34 C.F.R. § 104.33(a), a public school district that receives Federal financial assistance from the Department (recipient) must provide a free appropriate public education (FAPE) to each qualified student with a disability in the district's jurisdiction. Although the Title II implementing regulation does not expressly address provision of a FAPE, OCR interprets the general prohibition against discrimination in the regulation at 28 C.F.R. § 35.130 to require the provision of a FAPE to the same extent that the Section 504 implementing regulations specifically require the provision of a FAPE. The Section 504 regulation at 34 C.F.R. § 104.33(b) defines an "appropriate education" as the provision of regular or special education and related aids and services that are (i) designed to meet the individual educational needs of disabled persons as adequately as the needs of nondisabled persons are met, and (ii) based upon adherence to procedures that satisfy Section 504 requirements.

When evaluating whether a district has failed to provide the related aids and services deemed necessary to provide the student a FAPE, OCR determines: (1) whether the district evaluated the student in accordance with Section 504 requirements and determined that the student was a qualified individual with a disability as defined by Section 504; (2) whether the student's needs were determined on an individualized basis by a group of persons knowledgeable about the student and the information considered; and (3) whether the placements, aids, and services identified by the district through this process as necessary to meet the student's individual needs were or are being provided. If the placements, aids, and services identified in a Student's Section 504 Plan have not been provided, OCR will determine the district's reason for failing to do so and the impact of the failure.

### ***Findings of Fact***

Student 1 is a student with a disability and has [redacted content]. The District had convened and conducted an annual reevaluation of Student 1’s individual educational needs on [redacted content] 2018. The Section 504 Committee (Committee) was comprised of a general education teacher, a “[redacted content] Designee,” a school Section 504 Coordinator, and a relative of Student 1. The Committee reviewed data that included feedback from the [redacted content] Coordinator and two of Student 1’s teachers regarding her academic performance, records from the campus she previously attended, and [redacted content] screening information. The Committee classified Student 1 as a student with a disability, namely, [redacted content], and developed a Section 504 Plan for her, which prescribed the following accommodations to be provided during Student 1’s academic classes: [redacted content].

The complainant alleged that the District discriminated against Student 1 based on her disability when it failed to provide her with accommodations required by her Section 504 Plan for [redacted content] class and the State of Texas Assessments of Academic Readiness (STAAR) [redacted content] tests during the 2018–2019 school year.

Regarding [redacted content] class, the complainant specifically alleged Student 1’s Teacher failed to provide her with [redacted content] as required by her Section 504 Plan. Accordingly, OCR interviewed Student 1’s Spring 2019 [redacted content] Teacher, who reported that he was aware of Student 1’s Section 504 Plan because he had access to students’ Section 504 plans through the District’s Eduphoria computer program. He identified Student 1’s accommodations as [redacted content]. According to the [redacted content] Teacher, any student, not just Section 504 students, could request [redacted content] in his class. However, instead of proactively providing the services required in Student 1’s Section 504 Plan, he reported that it was up to Student 1 to ask for [redacted content] for assignments and stated that Student 1 never requested [redacted content]. Notably, OCR’s review of Student 1’s Section 504 Plan revealed that it did not contain any requirements for Student 1 to request or initiate accommodations.

With respect to the complainant’s allegations related to STAAR testing, OCR’s investigation revealed that STAAR exams were not administered to [redacted content] grade students, including Student 1, during the 2018-2019 school year. On the contrary, STAAR exams were only for students in grades 3 through 8. However, the information collected reflects that, during [redacted content] 2019, Student 1 took state End of Course (EOC) exams for [redacted content]. Therefore, to the extent the complainant alleged the District failed to provide [redacted content] for the [redacted content] test and, for the [redacted content] test, failed to provide Student 1 with a [redacted content] rather than [redacted content], OCR considered whether these accommodations were provided for Student 1 during her EOC exams.

With respect to [redacted content] for the Spring 2019 EOC [redacted content] exam, Student 1 related that she received a paper test without the [redacted content] generally required for testing pursuant to her Section 504 Plan. Student 1 said she asked the test proctor, whom she could only identify as a female teacher she had never seen before, why she was not taking the [redacted content] test on the computer. Although the proctor told her that she would look into this, the proctor later went ahead and started the test, and Student 1 completed it without [redacted content]. OCR requested that the District make Student 1’s EOC [redacted content] exam proctor available for an interview. However, according to the District, the School did not retain

documentation necessary to identify the above proctor. Accordingly, OCR was unable to confirm the District provided Student 1 with the requisite [redacted content] of her EOC [redacted content] exam.

Regarding the EOC [redacted content] exam, despite the complainant’s assertion that Student 1 was not permitted to use a [redacted content], OCR notes that Student 1’s relevant Section 504 Plan did not provide that she was to receive use of any [redacted content] for the EOC exam for [redacted content] or for other testing. Nevertheless, Student 1 reported that she had access to a [redacted content] in the computerized EOC [redacted content] test.

### *Analysis*

OCR found that the District’s annual reevaluation met the requirements of Section 504, as the Committee was knowledgeable about Student 1 and properly determined her needs on an individualized basis. However, OCR determined that during the Spring 2019 semester, the [redacted content] Teacher failed to provide Student 1 “[redacted content],” which was a related service determined necessary by the [redacted content] 2018, Section 504 Committee. Accordingly, OCR identified a violation of Section 504 and Title II regarding the [redacted content] Teacher’s dependence upon Student 1 to request [redacted content] rather than affirmatively providing her the accommodation in compliance with her Section 504 Plan. Because OCR was unable to confirm that the District provided Student 1 with the required [redacted content] of her EOC [redacted content] exam, OCR identified a compliance concern in this regard.

OCR found insufficient evidence to establish a violation of Section 504/Title II regarding provision of a [redacted content] to Student 1 during her EOC [redacted content] exam.

### **Conclusion**

On August 17, 2023 the District signed the enclosed Agreement, which, when fully implemented, will address the evidence OCR obtained, the issues OCR investigated, and the violations of Title IX, Section 504 and Title II, as well as the compliance concerns, OCR identified. The Agreement requires the District to:

- Designate a Title IX Coordinator
- Conduct Title IX training for relevant district staff
- Conduct a file review of Title IX investigation files for the 2021-2022 and 2022-2023 school years
- Conduct a Title IX climate survey
- Provide individual relief for Student 1
- Develop and maintain a record-keeping system for Title IX complaints and investigations
- Conduct Section 504 / Title II training for relevant staff

OCR will monitor the implementation of the Agreement until the District is in compliance with the terms of the Agreement. Upon completion of the obligations under the Agreement, OCR will close the case.

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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 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, that 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, 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.

We appreciate the cooperation extended to OCR by you and your staff to successfully resolve the complaint. If you have any questions or concerns regarding this letter, please contact Page Baird, Senior Investigator, at 214-661-9604 or via email at [page.baird@ed.gov](mailto:page.baird@ed.gov).

Sincerely,

/s/

Angela Hights  
Regional Director  
OCR Dallas Office

Enclosure  
cc: [redacted content]