



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

February 22, 2016

Dr. Brad Lancaster, Superintendent  
Lake Travis Independent School District  
3322 Ranch Road, 620 South  
Austin, Texas 78738

RE: OCR Case No. 06151657  
Lake Travis Independent School District (LTISD)

Dear Dr. Lancaster:

This letter is to notify you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received in our office on August 18, 2015. The complainant alleged that the Lake Travis Independent School District (LTISD or District), Austin, Texas, discriminates on the basis of disability (mobility impairment). Specifically, the complainant alleged the LTISD:

1. Discriminates against individuals with disabilities at the Lakeway Elementary School (LES) by failing to provide:
  - a. Accessible playground(s) to individuals with mobility impairments (playground has mulch on the surface and barriers around the playground); and
  - b. Accessible entrances to the playground(s) (doors are not accessible).

OCR is responsible for determining whether organizations 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, which prohibits discrimination on the basis of disability, as well as 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 LTISD is both a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR has jurisdiction to resolve this complaint under Section 504 and Title II.

*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

OCR opened an investigation of the following legal issue:

1. Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the LTISD because the playground(s) (e.g., playground's ground surface, door to the playground and the playground has barriers around it) at the Lakeway Elementary School are inaccessible to or unusable by persons with disabilities, in violation of Section 504 and Title II, at 34 C.F.R. §§104.21 - 104.23, and 28 C.F.R. §§35.149 – 35.151, respectively.

During the course of investigation, OCR interviewed the Complainant and received information from the LTISD regarding the issue under investigation. The Complainant alleged that the playgrounds at the School are not accessible to XXXXXXXXXXXX. The XXXXXXXXXXXX at the time the complaint was filed, during the 2014-2015 school year. XXXXXXXXXXXX The Complainant stated that the deficiencies in the playgrounds include a lack of accessible routes to the play areas, which prevents XXXXXXXXXXXX the playground without assistance. Further, the complainant stated that there was a barrier along the route of the playground surface that makes it XXXXXXXXXXXX.

According to the LTISD, they engaged XXXXXXXXXXXX to conduct a 2010 ADA accessibility inspection of the playground located at the Lakeway Elementary. According to the LTISD, the LTISD conducted a comprehensive review and assessment of the Lakeway Elementary play areas in September 2015. The LTISD submitted this assessment to OCR for its review and analysis.

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 issues above, the LTISD 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 LTISD and obtained the enclosed Resolution Agreement (Agreement), dated February 17, 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 LTISD's implementation of the Agreement. Please be advised that if the LTISD 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 LTISD'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 LTISD 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 letter, you may contact Ms. Patricia Sinanan at (214) 661-9649 or by email at [Patricia.Sinanan@ed.gov](mailto:Patricia.Sinanan@ed.gov). You may also contact Ms. Melissa Malonson, Supervisory Attorney/Team Leader, at (214) 661-9637, or by email at [Melissa.Malonson@ed.gov](mailto:Melissa.Malonson@ed.gov).

Sincerely,

/S/

Taylor D. August, Director  
Office for Civil Rights  
Dallas Office

Enclosure