



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN STREET, SUITE 1620
DALLAS, TEXAS 75201-6831

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

January 17, 2014

Mr. Terry Pittman, Superintendent
Sweetwater Independent School District
207 Musgrove St.
Sweetwater, TX 79556

RE: Sweetwater Independent School District
OCR Case No. 06131612

This letter is to inform you of the determination of the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, regarding the above-referenced July 8, 2013, complaint against the Sweetwater Independent School District (SISD), Sweetwater, Texas, in which the complainant alleged that the SISD discriminated against him and other persons with disabilities (mobility impairments) by failing to provide programs and activities that are accessible to and useable by persons with mobility impairments at Sweetwater High School (i.e., there are no accessible restrooms in the auditorium and no access to the accessible lift [no one had key to turn on the lift] in the auditorium; no accessible ramps from the auditorium to the accessible restrooms in the football stadium; and no legible signs identifying locations to accessible restrooms).

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance, either from the Department or 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, which prohibit discrimination on the basis of disability by public entities. The SISD is a recipient of Federal financial assistance from the Department and is also a public education system. Therefore, OCR has jurisdiction to process this complaint for resolution under Section 504 and Title II.

OCR informed the SISD by letter of September 5, 2013, that it was initiating an investigation as to whether the SISD discriminated against persons with disabilities by rendering Sweetwater High School (SHS) inaccessible to or usable by persons with disabilities, in violation of Section 504, at 34 C.F.R. §§ 104.21 - 104.23, and Title II, at 28 C.F.R. §§ 35.149 – 35.151, when it failed to (a) provide accessible rest rooms (near auditorium and football stadium); b) provide an accessible ramp to access the restroom identified as accessible at its football stadium; c) provide access to the accessible lift (i.e., no key to turn on the lift); and d) legible signs identifying the location for accessible ramps and lifts to the accessible restroom and how to access them.

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

During a January 10, 2014, telephone call with this office, the SISD expressed an interest to voluntarily resolve the complaint allegations prior to OCR's completion of its investigation. The SISD confirmed its intention by email on January 11, 2014.

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. Accordingly, the SISD submitted the enclosed Resolution Agreement (Agreement) dated January 16, 2014, to memorialize steps that it would take to resolve the identified compliance issues. OCR has determined that the Agreement, when fully implemented, will satisfactorily resolve the compliance issue. Therefore, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR will actively monitor the SISD's efforts to implement 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.

In light of the foregoing, OCR considers the investigation portion of this complaint closed as of the date of 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.

Under OCR procedures, we are obligated to advise the complainant and the institution against which a complaint is filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this agency. Specifically, the regulations enforced by OCR, directly or by reference, state that no recipient or other person shall intimidate, threaten, coerce or discriminate against any individual for the purpose of interfering with any right or privilege secured by regulations enforced by OCR or because one has made a complaint, testified, assisted or participated in any manner in an investigation, proceedings or hearing held in connection with a complaint.

Under the Freedom of Information Act, 5 U.S.C. § 552, it may be necessary to release this information 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.

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If you have any questions with regard to this matter, please feel free to contact Sharon A. Gilmore, the investigator assigned to this complaint, at 214.661.9655, or Adriane Martin, Supervisory Attorney/Team Leader, at 214.661.9600.

Sincerely,

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

Enc: as stated