



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

December 8, 2016

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

Ref: 06161243

Mr. Don Fowler, Superintendent  
Richland Springs ISD  
700 W. Coyote Trail  
Richland Springs, Texas 76871

Dear Superintendent Fowler:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its processing of the above-referenced complaint alleging disability discrimination, which was filed against Richland Springs Independent School District (RSISD), Richland Springs, Texas. OCR received the complaint on February 8, 2016. The complainant alleged that the RSISD discriminates against individuals with disabilities because the football stadium is not accessible to persons who are mobility impaired. The complaint was filed pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, and 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.

This agency 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 the Department, are in compliance with Section 504, which prohibits discrimination on the basis of disability and Title II, which gives OCR jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The RSISD is a recipient of Federal financial assistance from the Department and a public entity. Therefore, OCR had jurisdictional authority to process this complaint for resolution under Section 504 and Title II.

Regarding the complaint allegation, OCR opened an investigation on the following issue:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the RSISD because the parking areas, accessible routes, and seating areas at the RSISD football stadium 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.

OCR opened this complaint for investigation because it determined that the issues raised in this complaint, if proven true, would constitute disability discrimination, in violation of 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.*

In processing the above complaint issues, OCR obtained and analyzed pertinent information provided by the complainant and the RSISD. The information included photographs of the RSISD football stadium and parking area that serves the stadium, a description of the physical accessibility of the football stadium and parking area, and further information gathered from an interview with XXX XXX and discussions with XXX XXX XXX.

After speaking with the RSISD and reviewing the data submitted by the RSISD, OCR had compliance concerns that the football stadium was not accessible to persons with mobility impairments due to the lack of accessible parking, the lack of accessible seating, and sloping issues with the ramp located at the stadium.

After the investigation began, but before OCR reached an investigative compliance determination, the RSISD expressed a desire to voluntarily resolve the complaint. Regarding the above issue, consistent with Section 302 of OCR's Complaint Processing Manual, the RSISD submitted the attached Resolution Agreement (Agreement) on December 8, 2016, which OCR has determined addresses the compliance issue raised in the complaint and which when fully implemented, will resolve this complaint. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor the implementation of the Agreement by the RSISD to determine whether the commitments made by the RSISD have been implemented consistent with the terms of the Agreement. If the RSISD fails to implement the Agreement, as specified, OCR will resume its investigation of the above issues. If the RSISD determines a need to modify any portion of the Agreement, the RSISD may submit for consideration, proposed revisions to OCR.

Therefore, based on OCR's monitoring of the implementation of the Agreement, we are closing the investigative phase of this complaint in accordance with our case processing procedures. The complainant has been notified of this action. This letter is not intended, nor should it be construed, to cover any matters that are not specifically discussed herein.

Under OCR procedures we are obligated to advise the complainant and the institution against which a complaint has been filed that intimidation or retaliation against a complainant is prohibited by regulations enforced by this office. 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.

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 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, 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.

OCR appreciates the cooperation and assistance of the RSISD in coordinating the complaint resolution activities. If you have questions or concerns, please contact Jeff Coleman, the assigned Attorney, at (214) 661-9686 or [jeffrey.coleman@ed.gov](mailto:jeffrey.coleman@ed.gov), or me at (214) 661-9608; [paul.coxe@ed.gov](mailto:paul.coxe@ed.gov).

Sincerely,

Paul Coxe  
Team Leader/Supervisory Attorney  
U.S. Department of Education  
Dallas Office