



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
ARKANSAS  
LOUISIANA  
MISSISSIPPI  
TEXAS

March 9, 2018

Re: OCR Complaint #06181091

Dr. Bruce Gearing, Superintendent  
Dripping Springs Independent School District  
510 W. Mercer Street  
Dripping Springs, Texas 78620

Via first class mail and email ([bruce.gearing@dsisdtx.us](mailto:bruce.gearing@dsisdtx.us))

Dear Dr. Gearing:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its investigation of the above-referenced complaint, which was received in our office on November 1, 2017, and filed against the Dripping Springs Independent School District (DSISD or District), in Dripping Springs, Texas. The Complainant alleged that the DSISD is discriminating against students with disabilities. Specifically, OCR determined that the Complainant made the following allegations:

1. Certain elements of the XXXX XXXX XXXX XXXX XXXX are not accessible to students within wheel chairs and with walkers, including specifically:
  - (a) All external doors are not accessible because they are too heavy and there are no push buttons to open the doors;
  - (b) The playground is not accessible to students in wheel chairs and with walkers because there are not sufficient structure components at ground level, there is no way to access play structures, and the surface is not accessible to wheel chairs and walkers; and
  - (c) The pick-up, drop-off parking lot does not have a sufficient number of designated handicap spots;
2. Certain elements of the XXXX XXXX XXXX XXXX XXXX are not accessible to students within wheel chairs, and with walkers, including:
  - (a) All external doors are not accessible because they are too heavy and there are no push buttons to open the doors;
  - (b) Several areas inside the school are not accessible because they have a step to access them, with no ramp or alternative method to do so, including at the main entry of the school; and
  - (c) There is not an accessible route from the school to the football field;

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

3. The playground of the XXXX XXXX XXXX XXXX XXXX is not accessible to students within wheel chairs, and with walkers, because the surface is not accessible; and
4. Certain elements of the XXXX XXXX XXXX XXXX XXXX are not accessible to students within wheel chairs, and with walkers, including:
  - (a) All external doors are not accessible because they are too heavy and there are no push buttons to open the doors;
  - (b) The internal cafeteria doors are not accessible because they are too heavy and there are no push buttons to open the doors; and
  - (c) The slopes of ramps throughout the inside the school are too steep.

OCR is responsible for determining whether entities 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. OCR also enforces 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. Under Title II, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against public entities. The DSISD is a recipient of Federal financial assistance from the Department and is a public entity. Therefore, OCR has jurisdictional authority to process this complaint for resolution.

OCR opened the allegations for investigation, and investigated the following issue:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the DSISD because certain elements at the XXXX XXXX XXXX and XXXX are inaccessible to or unusable by persons with disabilities (e.g., doors, ramp access, access to internal campus areas/components, playground, parking lot, and routes to football field), 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.

Prior to OCR making an investigative determination, the DSISD requested to resolve the complaint by voluntarily entering into a Resolution Agreement (Agreement). Under OCR's procedures, a complaint may be resolved at any time when, prior to the conclusion of the investigation, a recipient expresses an interest in resolving the allegations and issues and OCR determines that it is appropriate to do so.

On March 6, 2018, the DSISD voluntarily entered into the enclosed Agreement, which, when fully implemented, resolves the complaint. The Agreement is aligned with the complaint allegations and the information obtained during the investigation, and is consistent with applicable law and regulations. Specifically, the Agreement requires the DSISD to complete an accessibility assessment of identified components at the XXXX XXXX XXXX and XXXX, submit a corrective action plan for OCR approval, implement the corrective action plan, and provide accessibility training to relevant DSISD staff members. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint. However, OCR

will actively monitor the DSISD implementation of the Agreement to ensure compliance with Section 504 and Title II with regard to the issue investigated.

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. Please also note that 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 a recipient 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, complainants 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, 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.

If you have any questions, you may contact Michael J. Pillera, Civil Rights Attorney, at 214-661-9614 or by email at [Michael.Pillera@ed.gov](mailto:Michael.Pillera@ed.gov), or Paul Edward Coxe, Supervisory Attorney/Team Leader at 214-661-9608 or by email at [Paul.Coxe@ed.gov](mailto:Paul.Coxe@ed.gov).

Sincerely,

Paul Edward Coxe  
Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure

cc: XXXX XXXX, Esq., Counsel for the DSISD (via email at XXXX);  
XXXX XXXX, Esq., Counsel for the DSISD (via email at XXXX)