



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, 2019

Dr. Dan Troxell, Superintendent of Schools
Leander Independent School District
P.O. Box 218
Leander, TX 78646-0218

Ref: 06-19-1199

Dear Dr. Troxell:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has completed its consideration of the above-referenced complaint filed against the Leander Independent School District (LISD), Leander, Texas, which was received by our office on December 10, 2018. The complainant alleged that the LISD, XXXX XXXX XXXX, discriminated against XXXX (the Student) on the basis of his disability (XXXX XXXX XXXX) when, on XX –phrase redacted - XX, the LISD denied the Student the opportunity to participate in XX – to end of sentence redacted – XX.

This agency 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 the Department are in compliance with 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, 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. § 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, including public elementary and secondary educational institutions.

The LISD is a recipient of Federal financial assistance from the Department and is a public elementary and secondary educational institution. Therefore, OCR has jurisdiction to process this complaint to resolution pursuant to Section 504 and Title II.

Based on the complaint allegations and OCR's jurisdictional authority, OCR opened the following legal issue for investigation:

Whether the LISD discriminated against the Student on the basis of disability when, on or around XXXX XXXX XXXX, the LISD denied the Student the opportunity to participate in XXXX XXXX XXXX for the XX – phrase redacted

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

– XX, in violation of Section 504, at 34 C.F.R. § 104.37, and Title II, at 28 C.F.R. § 35.130.

In accordance with Section 110 of OCR's *Case Processing Manual* (CPM), OCR used its Rapid Resolution Process (RRP) to promptly resolve this complaint. OCR began its investigation of this complaint by requesting written documentation from the LISD in response to the complaint allegations. Prior to OCR investigating further, the LISD expressed interest in taking action to voluntarily resolve this complaint. Pursuant to Section 110(b) of OCR's CPM, RRP may be used to resolve a complaint where a recipient has indicated that it is willing to take action in the future to resolve the complaint by obtaining a resolution agreement, the implementation of which OCR will monitor. In light of the LISD's willingness to address the complainant's allegations without further investigation, OCR has determined that entering into a voluntary resolution agreement with the LISD is appropriate in this case. Accordingly, OCR approved the LISD's request to voluntarily resolve this complaint pursuant to Sections 110(b) and 302 of the CPM.

The LISD voluntarily submitted the enclosed Voluntary Resolution Agreement (Agreement), which was signed by the LISD on February 21, 2019. The provisions of the Agreement are aligned with the complaint allegations and the information obtained during OCR's preliminary investigation, and are consistent with applicable law and regulations. OCR has determined that the Agreement, upon full implementation by the LISD, satisfactorily resolves the allegations presented in this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement. Accordingly, as of the date of this letter, OCR will cease all investigative actions regarding this complaint; however, OCR will actively monitor LISD's implementation of the Agreement. Please be advised that if the LISD fails to adhere to the actions outlined in the Agreement, OCR will immediately resume its compliance efforts.

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 be advised that the LISD 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 individual 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.

OCR would like to thank the LISD for its cooperation in promptly resolving this complaint. If you have any questions regarding this letter, please contact Rachel Caum, Attorney, at (214) 661-9632, or at rachel.caum@ed.gov. You may also contact me, at (214) 661-9638, or at lori.bringas@ed.gov.

Sincerely,

Lori Howard Bringas
Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office

Enclosure: Voluntary Resolution Agreement

cc: XXXX XXXX (*email only*)