



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

April 16, 2020

Ref: 06201225

Dr. Bruce Gearing, Superintendent  
Leander Independent School District  
204 W. South Street P.O. BOX 218  
Leander, Texas 78646

Dear Dr. Gearing,

The United States Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint, which was received on January 10, 2020, filed against the Leander Independent School District (LISD or Recipient), in Leander, Texas. The Complainant alleged that the LISD discriminated against him, his daughter (Student), and other disabled football patrons (the Class) on the basis of disability regarding the purchase of reserved seating at LISD home football games.

OCR is responsible for determining whether entities that receive or benefit from Federal financial assistance from the Department (recipients), 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. § 704 (amended 1992), and its implementing regulations at 34 C.F.R. § Part 104, which prohibit 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 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 LISD is a recipient and public entity. Therefore, OCR has jurisdiction over this complaint under Section 504 and Title II.

OCR opened the following issue for investigation—whether the LISD treated the Class differently on the basis of disability in the context of an educational program or activity (i.e., refused to allow disabled football patrons to purchase or reserve accessible seats while allowing non-disabled patrons to purchase and reserve non-accessible seats in advance of football games) without a legitimate, non-discriminatory reason, and thereby, interfered with or limited the ability of the Class to participate in or benefit from the services, activities or privileges provided by the LISD from August 2019 to present, in violation of Section 504 and Title II, and their implementing regulations at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130, respectively.

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 reviewed information provided by the Complainant and the LISD. OCR also conducted an interview with the Complainant. OCR's preliminary review of the information provided by the LISD indicates XX---phrase redacted---XX the Complainant attempted to purchase reserved, accessible seats for LISD home football games. Correspondence provided to OCR indicates LISD Staff told the Complainant the LISD did not sell reserved, accessible seats. Documents provided to OCR indicate that the LISD sold reserved, non-accessible seats for LISD home football games during the relevant time period. OCR's preliminary review of the above information raises a concern that the LISD did not provide the Class an equal opportunity to purchase reserved seats at LISD home football games as it provided to non-disabled football patrons.

Prior to the conclusion of OCR's investigation, the LISD informed OCR that it was interested in resolving the issue opened for investigation. Section 302 of OCR's Case Processing Manual (CPM) provides that an allegation may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation and will be consistent with applicable regulations. OCR approved the LISD's request to resolve the issue opened for investigation.

The LISD voluntarily signed the enclosed resolution agreement (Agreement) on April 16, 2020. OCR determined the Agreement resolves the issue opened for investigation, upon implementation. Thus, OCR is closing the investigation of this complaint as of the date of this letter. OCR will monitor the LISD's implementation of the Agreement to ensure all commitments are satisfied.

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a complaint with OCR.

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 about this letter, please contact Najwa-Monique Sharpe, the attorney assigned to investigate your complaint, at (214) 661-9642, or by e-mail at [najwa-monique.sharpe@ed.gov](mailto:najwa-monique.sharpe@ed.gov). You may also contact me at 214-661-9648 or by e-mail at [timothy.caum@ed.gov](mailto:timothy.caum@ed.gov).

Sincerely,

/s/

Timothy D. Caum  
Supervisory Attorney/Team Leader  
OCR, Dallas Office

CC: Shawn Swisher, LISD General Counsel Via e-mail only (Shawn.Swisher@leanderisd.org)