



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

Renaissance Tower  
1201 Elm Street, Suite 1000  
Dallas, TX 75270

April 24, 2023

Superintendent [\*\*\*redacted\*\*\*]  
1701 Pine Tree Road  
Longview, TX 75608

*Sent via email only to: [\*\*\*redacted\*\*\*] and [\*\*\*redacted\*\*\*], Counsel for PTISD, at [\*\*\*redacted\*\*\*]*

OCR Complaint No. 06-22-1295

Dear Superintendent [\*\*\*redacted\*\*\*]  
:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, has resolved the above-referenced complaint filed against the Pine Tree Independent School District (PTISD, District). The Complainant alleged that the District discriminated against people with mobility impairments because (a) Birch Elementary School, Pine Tree High School, and Pine Tree Auditorium have inadequate accessible parking spaces and no accessible routes from the accessible parking spaces to the buildings, and (b) the Pine Tree Auditorium has no spaces for people in wheelchairs among its auditorium seating.

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 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 regulations, at 34 C.F.R. Part 104, which prohibit discrimination based on 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, which prohibit public entities from discriminating on the basis of disability. The College is a recipient and a covered public entity. Therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR investigated the following issue:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the District because certain areas at the District's Birch Elementary School, Pine Tree High School, and Pine Tree Auditorium 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's investigation included review of data obtained from the Complainant and the District. OCR also reviewed aerial footage and date-stamped street-level photographs of the properties in

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

question. OCR's investigation revealed concerns that some of the accessible parking in the lots and other spaces serving Birch Elementary lack appropriate number of spaces, signage, access aisles, and accessible routes into the building. Additionally, some of the "accessible" parking spaces at Pine Tree High School and Pine Tree Elementary Auditorium appeared to lack appropriate access aisles, and the investigation suggested an insufficient number of accessible parking spaces in one of the high school parking lots.

PTISD requested to resolve this issue prior to the conclusion of the investigation via a voluntary resolution agreement. Section 302 of OCR's CPM provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation *and* OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement. 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.

PTISD signed the enclosed Resolution Agreement (Agreement) on April 19, 2023. OCR has determined the Agreement is aligned with the complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that PTISD will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement.

This concludes OCR's investigation of this complaint. However, OCR will monitor PTISD's implementation of the Agreement. If PTISD fails to adhere to the actions outlined in the Agreement, OCR will resume its compliance efforts.

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. A complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District 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, you may contact [\*\*\*redacted\*\*\*], the attorney assigned to investigate your complaint, at [\*\*\*redacted\*\*\*], or by e-mail at [\*\*\*redacted\*\*\*] You may also contact me at [\*\*\*redacted\*\*\*].

Sincerely,

*[\*\*\*redacted\*\*\*]*

Supervisory Attorney/Team Leader  
Office for Civil Rights  
Dallas Office

Enclosure