



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
SOUTHERN DIVISION, DALLAS OFFICE

February 29, 2008

Reference: 06081125

Mr. David Lovelace



Dear Mr. Lovelace:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), Southern Division, Dallas Office, has completed its evaluation of the above-referenced complaint, which was received by OCR on January 9, 2008, and filed against the Lake Travis Independent School District (LTISD), Austin, Texas. Your complaint alleges that the LTISD discriminates against students with disabilities, in violation of 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 (2007), 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 (2007), which prohibit discrimination on the basis of disability.

Based on a careful review of the allegations in your complaint and a telephone conversation with you on February 5, 2008, OCR has determined that you are alleging that the LTISD discriminates against mobility-impaired students at Lakeway Elementary, Lake Travis Elementary, Bee Cave Elementary, and Lake Pointe Elementary schools by failing to provide them with accessible routes to play area entry points, accessible routes within the boundary of play areas, and accessible play components that, when viewed in their entirety, are accessible to and usable by persons with disabilities (mobility-impaired individuals) to the same extent as those that are offered to students without disabilities.

OCR 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 provides in pertinent part that:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

OCR is also responsible for enforcing Title II, which states in pertinent part that:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

Under Title II, OCR has jurisdiction over complaints alleging disability discrimination against public entities, such as public pre-schools, elementary and secondary education systems and institutions, public institutions of higher education and vocational education (other than schools of medicine, dentistry, nursing, and other health-related institutions), and public libraries.

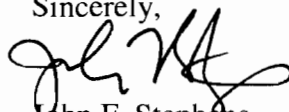
OCR has determined that the LTISD is a recipient of Federal financial assistance from the Department and is also a public entity. Thus, OCR has jurisdiction to consider your allegation of disability discrimination under Section 504 and Title II. OCR has also determined that you have provided sufficient information and will investigate these complaint allegations to resolution.

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 any investigation, proceeding or hearing held in connection with a complaint. Please find enclosed, "Some Information About OCR's Complaint Resolution Procedures," to provide you with an overview of our complaint evaluation and resolution process.

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.

We will communicate with you periodically regarding the status of your complaint. If you have any questions, please feel free to contact Richard Cho, the attorney assigned to investigate your complaint, by telephone at (214) 661-9631 or by e-mail at: Richard.Cho@ed.gov.

Sincerely,



John F. Stephens
Compliance Team Leader
Office for Civil Rights
Southern Division, Dallas Office