



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

November 19, 2015

Dr. Stephen Kleinsmith, Superintendent
Nixa Public Schools
301 South Main
Nixa, Missouri 65714

Re: Docket # 07151189

Dear Dr. Kleinsmith:

On May 27, 2015, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Nixa R-II School District (District), Nixa, Missouri, alleging discrimination on the basis of disability. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the Complainant alleged the District discriminates on the basis of disability because the District's Junior High School has inaccessible parking, entrances, gymnasium seating, and auditorium entrance and seating.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities.

As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR reviewed documentation and conducted an onsite review of the Junior High School's parking, entrances, gymnasium seating, and auditorium entrance and seating. Prior to the completion of OCR's investigation, the District submitted a signed Agreement (copy enclosed) on November 18, 2015 that, when fully implemented, will address the allegation of this complaint. The Agreement requires the District to make three additional accessible parking spaces by the Junior High School building; lower the height of the outside automatic door button at the main entrance door; ensure that the gymnasium 1 newer bleachers with

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the accessible seats are available for use and the activities are conducted close to the accessible seats; ensure that seating installed in gymnasium 2 meets accessibility requirements; remove additional seating by the spaces left by the District's removal of auditorium seats so that they are 36 inches wide minimum for a single wheelchair space or 33 inches wide minimum for each of two adjacent wheelchair spaces to provide at least 7 wheelchair spaces of this required width; determine if it is technically feasible to have the 7 wheelchair spaces be 48 inches deep minimum where a wheelchair space can be entered from the front or rear and 60 inches deep minimum where a wheelchair space can be entered only from the side and provide this if and where possible; provide at least one companion seat for each wheelchair space where possible; ensure that wheelchair spaces are used by persons in wheelchairs; and adopt and publish a § 104.22(f) notice. Please consult the Agreement for further details.

OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume the investigation.

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. 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 the District 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 Complainant 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 is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,
/s/ Maria L. North
Maria L. North
Supervisory Attorney

Enclosure