



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION I
5 POST OFFICE SQUARE, 8th FLOOR
BOSTON, MASSACHUSETTS 02109-3921

July 5, 2019

Carolyn Longworth
Via Email: clongworth@sailsinc.org

Re: Complaint No. 01-19-4020
The Millicent Library

Dear Carolyn Longworth:

This letter is to advise you of the outcome of the complaint that the U.S. Department of Education (Department), Office for Civil Rights (OCR) received against The Millicent Library (the Library). The complaint alleged that the Library discriminated against a child (Child) on the basis of disability. Specifically, the complaint alleged that a staff librarian, who was conducting a story-hour for children X-X years old and who knows that the XXXXX-year old Child has a disability, “aggressively” instructed the Child’s entire family to leave the Library in front of other families when the Child exhibited behaviors related to his disability, including XXXXXXXX XXXXXXXX XX the XXXXXXX, XXXXXXXX XXXXXXXXXXXX a XXXXX, and other similar behaviors. The complaint further alleged that when the Child’s parent offered to take the Child outside so that her other child, who is XXXXX and does not have a disability, could continue to participate in the craft activities available during the story-hour, the staff librarian insisted that the whole family had to leave. After leaving, the complaint alleged that the Child’s parent complained to the head librarian, and – although she seemed somewhat understanding – she did not assist the family in rejoining story-hour, nor did she explain to the staff librarian at that time that she could not exclude the Child from the story-hour because he exhibits behaviors related to his disability. As explained further below, before OCR completed its investigation, the Library expressed a willingness to resolve the complaint by taking the steps set out in the enclosed Resolution Agreement (Agreement).

OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems, institutions, and public libraries, regardless of whether they receive federal financial assistance from the Department. Because the Library is a public library, OCR has jurisdiction over it pursuant to Title II.

Summary of Preliminary Investigation

During the investigation, OCR interviewed the Complainant and the Head Librarian (Librarian). In the initial conversation with OCR staff, the Librarian acknowledged that she was the aware of the underlying incident prompting the complaint, and she had discussed it with Library staff. The Librarian expressed that library staff felt remorse that the child was excluded from the

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Library that day, and she further noted that the staff was discussing ways that they could have handled the situation differently.

Prior to the conclusion of OCR's investigation and pursuant to Section 302 of OCR's *Case Processing Manual*, the Library expressed an interest in resolving this complaint and OCR determined that a voluntary resolution is appropriate. Subsequent discussions between OCR and the Library resulted in the Library signing the enclosed Agreement which, when fully implemented, will address all of the allegations raised in the complaint. OCR will monitor the Library's implementation of the Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the Library's compliance with any other regulatory provision or to address any issues other than those addressed in this letter. 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 Library must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint with OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records upon request. If OCR receives such a request, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

If you have any questions, you may contact Civil Rights Attorney Benita Brahmhatt at (617) 289-0055 or by e-mail at Benita.Brahmbhatt@ed.gov.

Sincerely,

Abra Francois
Compliance Team Leader

Enclosure