

June 27, 2018

Michelle T. Bradley
Superintendent
Lockport City School District
130 Beattie Avenue
Lockport, New York 14094

Re: Case No. 02-18-1274
Lockport City School District

Dear Superintendent Bradley:

On April 20, 2018, the U.S. Department of Education, Office for Civil Rights (OCR) received the above-referenced complaint filed against the Lockport City School District (the District). The complainant alleged that the District discriminated against students with disabilities XXXXXXXX at the Emmet Belknap Intermediate School (the School), by starting and ending their school day forty minutes before non-disabled students (Allegation 1); and not allowing them to use locks on their lockers (Allegation 2).

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities receiving financial assistance from the U.S. Department of Education (the Department). OCR also is responsible for enforcing Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. Under the ADA, OCR has jurisdiction over complaints alleging discrimination on the basis of disability that are filed against certain public entities. The District is a recipient of financial assistance from the Department and is a public elementary and secondary education system. Therefore, OCR has jurisdictional authority to investigate this complaint under both Section 504 and the ADA.

On May 29, 2018, OCR contacted the District to provide notice of the complaint and discuss OCR's Rapid Resolution Process (RRP). The District communicated its willingness to voluntarily resolve the OCR complaint through RRP. On June 18, 2018, the District voluntarily entered into the attached resolution agreement to resolve the complaint, in accordance with Section 302 of OCR's Case Processing Manual. OCR will monitor implementation of the resolution agreement. If the District fails to comply with the terms of the resolution agreement, OCR will resume its processing of the complainant's complaint.

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 individual may file a 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, it will seek to protect, to the extent provided by law, personally identifiable information that, if released, could reasonably be expected to constitute an unwarranted invasion of personal privacy.

If you have any questions regarding OCR's determination, please contact Andy Artz, Compliance Team Attorney, at (646) 428-3901 or alexander.artz@ed.gov; Jonathon LeBeau, Compliance Team Investigator, at (646) 428-3790 or jonathon.lebeau@ed.gov; or me, at (646) 428-3826 or anna.moretto.cramer@ed.gov.

Sincerely,

/S/

Anna Moretto Cramer
Compliance Team Leader

Encl.