



**UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS**

500 WEST MADISON ST., SUITE 1475
CHICAGO, IL 60661-4544

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July 19, 2018

Dr. Brad Ebert
District Administrator
Kiel Area School District
416 Paine St.
P.O. Box 201
Kiel, Wisconsin 53042

OCR Case No. 05-18-1203

Dear Dr. Ebert:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its complaint resolution efforts with respect to the above-referenced complaint against the Kiel Area School District (District). The complaint alleges discrimination based on disability (Traumatic Brain Injury, or TBI, depression, and severe anxiety). Specifically, the complaint alleges that the District failed to take effective action in response to the Complainant's reports that a student, Student A, was subjected to disability harassment by several students during the 2017-18 school year, thereby creating a hostile environment for Student A.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131-12134 and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and public entities, respectively. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to Section 504 and Title II. OCR therefore has jurisdiction over this complaint.

During its investigation, OCR reviewed information provided by the Complainant and the District and interviewed several District staff members. Prior to OCR making a final determination, the District expressed an interest in resolving the allegation. On July 18, 2018, the District signed the enclosed Resolution Agreement, which, when fully implemented, will address the allegation in the complaint. OCR will monitor the implementation of the Resolution Agreement.

This concludes OCR's investigation of the complaint. This letter should not be interpreted to address the District'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 Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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 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.

The Complainant may file a private suit in federal court whether or not OCR finds a violation.

OCR would like to thank the District, and particularly Lori Lubinsky, counsel for the District, for the courtesy and cooperation extended to OCR during its investigation. If you have any questions, you may contact Ms. Janet Bonem of my staff at 312-730-1567 or janet.bonem@ed.gov.

Sincerely,

Dawn R. Matthias
Team Leader

Enclosure

cc: Lori Lubinsky, Esq.