



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

ONE PETTICOAT LANE
1010 WALNUT STREET, SUITE 320
KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

January 10, 2017

Via Email
XXXXX, PC, LLO
XXXXX
XXXXX
Lincoln, NE 68508

Re: Docket # 07161197

Dear Mr. XXXXX:

On May 11, 2016, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint alleging discrimination on the basis of disability by the Gibbon Public School (District), Gibbon, Nebraska. This letter is to confirm the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

The complainant alleged the District discriminates on the basis of disability in violation of 34 C.F.R. §104.21, because the District school building that houses grades K-12, has inaccessible doors (main entrance doors, high school office doors, elementary office doors, doors on the two ends of the building, and back doors) and inaccessible parking by those doors

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 (FFA).
- 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 FFA from the Department and a public entity, the District is subject to these laws. Additional information about OCR and the laws we enforce is available on our website at <http://www.ed.gov/ocr>.

On June 23, 2016, OCR sent notification letters to the parties, including a data request to the District. On July 25, 2016, the District provided OCR with a response to OCR's data requests.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

OCR conducted an onsite accessibility survey on September 1, 2016. The District subsequently expressed to OCR an interest in engaging in resolution negotiations pursuant to section 302 of OCR's *Case Processing Manual*.¹

On December 14, 2016, prior to the completion of OCR's investigation, the District signed an Agreement (copy enclosed) that, when fully implemented, will address the above-referenced complaint. OCR considers 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.

OCR is committed to prompt and effective service. If you have any questions, please contact XXXXX XXXXX, Attorney at (816) 268-05XX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

Maria L. North
Supervisory Attorney

Enclosure

¹ OCR's *Case Processing Manual* may be accessed at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.html>.