



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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KANSAS CITY, MO 64106

REGION VII
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

April 13, 2018

Sent by email to: XXXXX
. XXXXX@nebraska.gov

XXXXX XXXXX

Legal Counsel III
Nebraska Department of Education
301 Centennial Mall South, P.O. Box 94987
Lincoln, NE 68509-4987

Re: Nebraska Department of Education
OCR Case Number: 07-17-4040

Dear Ms. XXXXX:

On September 28, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Nebraska Department of Education (Recipient), Lincoln, Nebraska. The Complainant alleged that the Recipient discriminated against her husband on the basis of disability by not providing him with equal access to the Recipient's Step Up to Quality program. This letter is to confirm that the Recipient has voluntarily entered into an agreement to resolve this complaint.

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 Recipient is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

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

www.ed.gov

On March 13, 2018, the Recipient requested to resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹

On April 12, 2018, prior to the initiation of OCR's investigation, the Recipient submitted a signed Agreement (copy attached) that, when fully implemented, will address the allegations of this complaint.

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

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.

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 via email at XXXXX

. XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Attachment

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