



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

November 23, 2016

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Jeff Snell  
Superintendent  
Camas School District No. 117  
841 NE 22<sup>nd</sup> Avenue  
Camas, Washington 98607-1142

Re: Camas School District No. 117  
OCR Reference No. 10161246

Dear Superintendent Snell:

This letter is to inform you that the U.S. Department of Education (Department), Office for Civil Rights (OCR) is discontinuing its investigation of the above-referenced complaint of disability discrimination against the Camas School District (District) based on the enclosed Voluntary Resolution Agreement (Agreement), which the District has signed. The complaint alleged that the District is discriminating against individuals with disabilities because there is no accessible route to the track facility at Skyridge Middle School.

OCR accepted this complaint for resolution under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities of 1990 (Title II), and their implementing regulations. Section 504 and Title II prohibit disability discrimination in programs and activities receiving federal financial assistance from the Department and by public entities, respectively. The District receives federal financial assistance from the Department and is a public entity, and is therefore required to comply with these federal civil rights laws.

OCR investigated whether the routes to the track facility are readily accessible to and usable by individuals with disabilities.

Under the Section 504 and Title II regulations, a school district is prohibited from excluding from participation in, denying the benefits of, or discriminating under any services, programs, or activities of the school district against people with disabilities because its facilities are unusable by or inaccessible to them. See 34 C.F.R. §104.21; 28 C.F.R. §35.149. With respect to existing facilities, a school district is required to operate each program or activity housed in the existing facility so that the program or activity, when viewed in its entirety, is readily accessible to and usable by people with disabilities. See 34 C.F.R. §104.22(a); 28 C.F.R. §35.150(a).

Under the program accessibility standard, a school district is not required to make all existing facilities or every part of its existing facilities accessible, as long as the program or activity provided at each facility is readily accessible to persons with disabilities. See 34 C.F.R. §104.22(a); 28 C.F.R. §35.150(a)(1). A school district is permitted to provide program accessibility in existing facilities through such means as a redesign or acquisition of equipment, reassignment of services to accessible buildings, delivery of services at alternate accessible sites, alteration of existing facilities or construction of new facilities, or any other method that results in making its services, programs, or activities readily accessible to and usable by people with disabilities. See 34 C.F.R. §104.22(b); 28 C.F.R. §35.150(b)(1).

With respect to altered or newly constructed facilities, each facility or part of a facility that has been altered or newly constructed is required to be designed, constructed, and maintained in operable working condition, in compliance with the applicable accessibility design standard. See 34 C.F.R. §104.23(a) and (b); 28 C.F.R. §35.133(a), and 35.151(a) and (b). The specific accessibility standard that applies to an altered or newly constructed facility depends upon the date that the alteration or construction commenced. See 34 C.F.R. §104.23(c); 28 C.F.R. §35.151(c).

Additionally, Section 504 and Title II require a school district to ensure that interested persons can obtain information from the district about the existence and location of its accessible services, activities, and facilities, and designate at least one employee who will coordinate and carry out the district's efforts to comply with the Section 504 and Title II regulations. See 34 C.F.R. §104.7 and 104.22(f); 28 C.F.R. §35.107 and 35.163(a). A school district must also take continuing steps to provide notice of the district's designated employee; the availability of information about the district's accessible services, activities, and facilities; and that the district does not discriminate on the basis of disability. See 34 C.F.R. §104.8; 28 C.F.R. §35.106.

OCR's investigation to date has shown that the complainant testified that her daughter, who uses a scooter because of a broken leg, was not able to access the track facility. The investigation has also indicated that the District had plans to construct a ramp to the track facility at Skyridge Middle School.

In accordance with Section 302 of the OCR Case Processing Manual, a complaint may be resolved at any time when the recipient expresses an interest in resolving the complaint before the conclusion of an investigation. When this occurs, the provisions of an agreement to resolve the complaint must be aligned with the complaint allegations or any information obtained during the discontinued investigation and must be consistent with applicable regulations.

In this case, the District requested to resolve the complaint prior to the conclusion of OCR's investigation. Subsequent discussions with the District resulted in the District signing the enclosed Agreement. Under the Agreement, the District agrees to identify the routes to the track facility needing renovation or replacement to meet Section 504 and Title II requirements, develop an action plan to renovate or replace these routes, provide interim

steps pending completion of any changes to ensure that individuals with disabilities have access to the track facility, review and revise the District's accessibility procedures as necessary, designate an employee who will be responsible for responding to accessibility-related questions and concerns, and provide training to employees who are primarily responsible for implementing the District's accessibility procedures.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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.

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 complainant 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.

OCR will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied. The first two reports under the agreement are due by December 17, 2016.

Thank you for the cooperation that you and your staff extended to OCR staff in resolving this complaint. If you have any questions, please feel free to contact Charlotte Cunningham at (206)607-1610 or at [charlotte.cunningham@ed.gov](mailto:charlotte.cunningham@ed.gov).

Sincerely,

/ s /

Sukien Luu  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Honorable Randy Dorn  
Superintendent of Public Instruction