



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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September 25, 2018

Ms. Holly Paxson
Library Manager
Lacey Timberland Library
(a.k.a. Timberland Regional Library)
500 College Street SE
Lacey, Washington 98503-1240

Re: Lacey Timberland Library
OCR Reference No. 10164019

Dear Ms. Paxson:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Lacey Timberland Library, a.k.a. Timberland Regional Library (TRL) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that the TRL discriminated against the complainant, who is the son of a disabled patron, the disabled patron, and other patrons with disabilities, by failing to:

1. provide appropriate notice of non-discrimination, designate an appropriate staff person to coordinate compliance with Title II, and adopt grievance procedures that ensure for the prompt and equitable resolution of complaints;
2. allow the complainant to file a complaint of discrimination alleging disability discrimination; and
3. make reasonable modifications to TRL's policies and practices to enable the disabled patron access to TRL services and programs.

OCR enforces Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35. Title II prohibits discrimination on the basis of disability by public entities. As a public entity, TRL is subject to the requirements of Title II.

As explained below, prior to completion of OCR's investigation, TRL expressed an interest in voluntarily resolving allegation nos. 1 and 2, and signed the enclosed Voluntary Resolution

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Agreement (agreement) to address those allegations. OCR is dismissing Allegation 3 for the reasons described below.

With regard to allegation no. 1, the Title II regulation at 28 C.F.R. §35.106 requires public entities to apprise applicants, participants, beneficiaries, and other interested persons of the protections against disability discrimination assured to them in Title II; and the regulation at 28 C.F.R. §35.107 requires public entities to designate a responsible employee to coordinate its efforts to comply with Title II, and requires public entities to adopt and publish prompt and equitable grievance procedures so that complaints of discrimination may be investigated and resolved.

Although TRL sent various policies and procedures to OCR, the investigation to date has not identified a clear non-discrimination statement, a designated or publicized Title II coordinator, or a grievance procedure for patrons to use who wish to file complaints of disability discrimination. With regard to allegation no. 2, the evidence suggests that the TRL's lack of a clear grievance process may have hindered the complainant's ability to file a disability discrimination complaint.

In accordance with Section 302 of the OCR *Case Processing Manual*, a complaint may be resolved at any time when, before OCR's final determination, an entity expresses an interest in resolving the complaint allegations and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, TRL requested to resolve allegation nos. 1 and 2 prior to OCR's final determination. In light of TRL's willingness to address the concerns identified by OCR comprehensively without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with TRL resulted in TRL signing the enclosed agreement. When fully implemented, the agreement will address allegation nos. 1 and 2 and OCR will monitor the implementation of the agreement.

Regarding allegation no. 3, OCR obtained information that the patron passed away during the investigation of this complaint. Under OCR's *Case Processing Manual*, OCR will dismiss an allegation when OCR obtains credible information indicating that the allegations raised by the complainant are no longer appropriate for investigation. OCR determined that it was unable to fully investigate allegation no. 3 and could not provide individual relief. OCR also determined that there were no systemic issues raised by this allegation that would be appropriate for investigation or resolution. Therefore, it is dismissing allegation no. 3.

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.

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.

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 report under the agreement is due by October 1, 2018.

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 Ellen Chestnut, Attorney, by telephone at (206) 607-1605 or by e-mail at ellen.chestnut@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement

cc: Honorable Chris Reykdal, Superintendent of Public Instruction
Hanson Law Offices