



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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April 24, 2018

Ms. Debbie Steele
Principal
Blackfoot Charter Community Learning Center
2801 Hunters Loop
Blackfoot, Idaho 83221

Re: Blackfoot Charter Community Learning Center
OCR Reference No. 10181028

Dear Ms. Steele:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Blackfoot Charter Community Learning Center (the school) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that: (1) the school's parking lot does not have enough handicap accessible parking, and the portable classrooms are not accessible for individuals using wheelchairs; (2) that wheelchair ramps and landings in the portable classrooms do not meet accessibility standards; and, (3) that the route to the handicap parking from the portable classrooms is not accessible to individuals with disabilities.

As explained below, prior to completion of OCR's investigation, the school expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address the complaint allegation.

OCR investigated this case under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation. This statute prohibits discrimination on the basis of disability in programs and activities that receive federal financial assistance from the Department. Additionally, OCR investigated under the authority of Title II of the Americans with Disabilities Act of 1990 (Title II) which prohibits discrimination on the basis of disability by public entities. The school is a recipient of federal financial assistance from this Department and is a public entity.

The regulation implementing Section 504 at 34 C.F.R. § 104.21, provides that no qualified person with a disability shall, because a recipient's facilities are inaccessible to or unusable by disabled persons, be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity of the recipient. The

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Title II regulation at 28 C.F.R. § 35.149, provides that no qualified person with a disability shall, because a public entity's facilities are inaccessible to or unusable by disabled persons, be denied the benefits of, excluded from participation in, or otherwise be subjected to discrimination under any program, service, or activity of the recipient. Additionally, the Title II regulation at 28 C.F.R. § 35.133, provides that a public entity shall maintain in operable working condition those features of facilities and equipment that are required to be readily accessible to and usable by persons with disabilities.

The investigation to date indicated that potential accessibility concerns existed with respect to the school's parking areas and ramps to portable classrooms.

In accordance with Section 302 of the *OCR Case Processing Manual*, a complaint may be resolved at any time when, before issuing a letter of finding, the recipient 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, the school requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the school'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 the school resulted in the school's signing the enclosed agreement.

The actions school will take under the agreement include creating an accessibility plan to ensure the ramps to the portable classrooms and the parking area comply with the appropriate accessibility standards.

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 school 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

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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 Claudette Rushing, Attorney, by telephone at (206) 607-1606 or by e-mail at claudette.rushing@ed.gov.

Sincerely,

Paul Goodwin
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement