



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

915 2ND AVE., SUITE 3310
SEATTLE, WA 98174-1099

REGION X
ALASKA
AMERICAN SAMOA
GUAM
HAWAII
IDAHO
MONTANA
NEVADA
NORTHERN MARIANA
ISLANDS
OREGON
WASHINGTON

November 28, 2018

Mr. Ted Smith
Director
Newport Public Library
35 NW Nye Street
Newport, Oregon 97365

Re: Newport Public Library
OCR Reference No. 10184028

Dear Mr. Smith:

This letter is to inform you of the disposition of the above-referenced complaint filed against the Newport Public Library (library) with the U.S. Department of Education (Department), Office for Civil Rights (OCR). The complaint alleged that:

1. the library's accessible parking spaces are not located on the shortest accessible route to the accessible entrance;
2. the accessible entrance requires people with disabilities to use a path that is not stable, firm, and slip-resistant; and
3. the library's magazine area is inaccessible.

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

OCR investigated this case under the authority of Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation, which prohibits disability discrimination by public entities. The library is a public entity and therefore required to comply with Title II.

The regulation implementing Title II, at 28 C.F.R. § 35.149, provides that no qualified individual with a disability shall, because a public entity's facilities are inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the

benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

OCR's investigation to date included reviewing information provided by the complainant and the library as well as conducting an on-site visit to the library. Based on the investigation to date, OCR has a concern that certain elements of the library's facilities may be inaccessible to or unusable by individuals with disabilities.

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

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 library 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 December 31, 2018.

Page 3 – OCR Reference No. 10184028

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 Tina Sohaili, Attorney, at (206) 607-1634 or at tina.sohaili@ed.gov.

Sincerely,

Barbara Wery
Team Leader

Enclosure: Voluntary Resolution Agreement