



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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July 6, 2020

By email only to: randy@andersonpainting.biz

Randy Anderson
Post Office Box 140
Seaside, Oregon 97138

Re: OCR Docket No. 10-20-1125
McMinnville School District #40, Oregon

Dear Mr. Anderson:

On February 18, 2020, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received your complaint filed against the McMinnville School District #40 (District) alleging discrimination based on disability. Specifically, you allege that the District is failing to afford persons with disabilities an opportunity to participate in and benefit from the District's websites. You list these pages, among others, as examples of those containing barriers to access for people with disabilities:

- <http://www.msd.k12.or.us>
- <http://www.msd.k12.or.us/news>
- <http://www.msd.k12.or.us/departments>
- http://www.msd.k12.or.us/about_us/school_calendar
- <http://www.msd.k12.or.us/departments/safety>

We enforce Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance. We also enforce 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, which prohibits discrimination on the basis of disability by public entities. As a recipient of Federal financial assistance from the Department and a public entity, the District is subject to these laws.

Because OCR has determined that it has jurisdiction and that the complaint was filed timely, it is opening your disability discrimination allegation for investigation. Specifically, we will investigate the following issues:

- Whether the District, on the basis of disability, excluded qualified persons with disabilities from participation in, denied them the benefits of, or otherwise subjected them to discrimination in its programs, activities, aids, benefits, or services in violation of the

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

regulation implementing Section 504 at 34 C.F.R. § 104.4 and the regulation implementing Title II at 28 C.F.R. § 35.130.

- Whether the District failed to take appropriate steps to ensure that its communications with applicants, participants, members of the public, and companions with disabilities are as effective as its communications with others, in violation of the regulation implementing Title II at 28 C.F.R. § 35.160(a).

Please note that opening an allegation for investigation in no way implies that OCR has made a determination with regard to its merits. During the investigation, OCR is a neutral fact-finder, collecting and analyzing relevant evidence from the complainant, the District, and other sources, as appropriate. OCR will ensure that its investigation is legally sufficient and is dispositive of the allegation(s), in accordance with the provisions of Article III of OCR's *Case Processing Manual*. A complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

We are committed to prompt and effective service. If you have any questions, please contact me at (816) 268-0487 or by email at Laura.Favazza@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Laura Favazza". The signature is fluid and cursive, with a long horizontal stroke at the end.

Laura Favazza
Attorney