



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS -- REGION VII

December 13, 2013

XXXXXX XXXXXX XXXXXX
XXXXXX XXXXXX XXXXXX
University of Nebraska
XXXXXX XXXXXX XXXXXX
XXXXXX XXXXXX XXXXXX

Re: OCR Docket # 07132236

Dear XXXXXX XXXXXX:

On May 28, 2013, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the University of Nebraska at Omaha (University), Omaha, Nebraska, alleging discrimination on the basis of disability. This letter is to confirm the University has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

Specifically, the complainant alleged the University discriminated against his client, a qualified student with a disability (XXXXXX XXXXXX), by excluding her from a course of study (teaching certificate program) in the College of Education, in violation of 34 C.F.R. 104.43(c).

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance.
- 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. Title II 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 University is subject to these laws. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

Prior to the completion of OCR's investigation, the University submitted a signed Agreement (copy enclosed) on December 13, 2013, that, when fully implemented, will address the complaint allegation. The Agreement requires the University to contact the

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student by certified mail and notify her of the University's commitment to the following: 1) the University will pay for all tuition, student fees, and required books for the remaining courses necessary for the student to meet the requirements for certification and graduation from the teacher education program; 2) the University's Title II/Section 504 Compliance Officer and the University's Assistant to the Chancellor for Equity, Access, and Diversity will serve as the student's contacts for all issues related to reasonable accommodation and will meet with the student prior to and during each of her remaining semesters to revise her accommodation plan as necessary; 3) the University will identify one or more individuals, other than the current Coordinator of Field Experiences, to coordinate the student's field experiences, including student teaching; 4) the University will assign an individual from the Dean's office in the College of Education to oversee course delivery for any course from which the student withdrew in the spring of 2013. The Agreement further requires the University to ensure the student's enrollment in a section of Teaching and Reading and Language Arts 4350 (TED 4350) is taught by an instructor different than the instructor for the student's spring 2013 section of TED 4350 and expunge from the student's file all Conference of Concerns records related to the student dated on or before August 20, 2013, as well as any written or electronic communications in the student's file relating to the student's XXXXX XXXXX. The Agreement also requires the University to develop enhanced protocols for determining and providing academic adjustments and auxiliary aids to students with disabilities during placement in teacher education program field experiences and provide training on the protocols to Disability Services Office staff. Finally, the Agreement requires the University to provide training to all College of Education administrators, faculty, and teaching assistants regarding Title II and Section 504, including training on disability discrimination and the provision of academic adjustments and auxiliary aids to students with disabilities. Please consult the enclosed Agreement for further details.

OCR considers the allegation of this complaint resolved effective the date of this letter and will monitor the University's implementation of the Agreement. When OCR concludes the University has fully implemented the terms of the Agreement, OCR will close the complaint. If the University fails to carry out the Agreement, OCR may resume the investigation.

This resolution letter and Agreement set forth OCR's determination in an individual OCR case. 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. The complainant may have the right to file a private suit in federal court on behalf of the student whether or not OCR finds a violation.

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If you have any questions regarding this matter, please contact XXXXX XXXXX, Attorney, at (816) 268-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

/s/ Joshua Douglass

Joshua Douglass
Supervisory Attorney

Enclosure