UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

August 10, 2026

Sent via e-mail only to: [redacted content]

Tracey R. Deagle, Ph.D.
Superintendent

Re: OCR Case Number 15-26-1361 – Gahanna Jefferson City Public Schools

Dear Dr. Deagle:

This letter is to notify you of the disposition of the U.S. Department of Education (Department), Office for Civil Rights (OCR) investigation of the above-referenced complaint against the Gahanna Jefferson City Public Schools (the District) alleging discrimination based on disability.

Specifically, the complaint alleged the following:

1. that Gahanna Lincoln High School (the High School) does not have accessible curb ramps onto the sidewalks in certain areas; and

2. that the High School's flashing lights on the scoreboard at the stadium may limit the participation of certain individuals with disabilities in their programs or activities at the stadium.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq*., and its implementing regulations at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a recipient of federal financial assistance from the Department of Education and as a public entity, the District is subject to these laws.

OCR investigated the complaint by reviewing documents and information submitted by the Complainant and the District. OCR investigated whether the High School is inaccessible to or unusable by individuals with disabilities because the absence of curb ramps is a barrier to entry at the High School in violation of Section 504 and Title II, at 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149, respectively; and whether programs or activities held at the High School's stadium are inaccessible to or unusable by individuals with disabilities in violation of Section 504 and Title II, at 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149, respectively.

Prior to the completion of OCR's investigation, the District expressed interest in resolving the complaint pursuant to Section 302 of OCR's Case Processing Manual (CPM) (Feb. 19, 2025). Discussions between OCR and the District resulted in the District's signing the enclosed

Resolution Agreement (Agreement), which, when fully implemented, will resolve the allegations and issues raised in the complaint.

Relevant Policies and Procedures

The District maintains multiple policies and procedures concerning nondiscrimination, including nondiscrimination on the basis of disability. With respect to facilities, Policy 9000 - Public Attendance at High School Events (the School Events Policy) states that no qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination in any District program or activity. The School Events Policy also requires all notices, signs, schedules, and other communications about school events to contain the following statement: "In accordance with State and Federal law, the District will provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify the Principal/designee if they require a reasonable accommodation."

The District also maintains Title II and Section 504 complaint procedures, which are published in the High School's handbook. These procedures state that, among other things, any person may file a complaint of disability discrimination and complaints will be resolved in a prompt and equitable manner. With respect to complaints concerning accessibility of facilities: building principals serve as the Building Section 504/ADA Compliance Officers (Building Compliance Officers).

Facts

In January 2018, the District approved a master facilities plan (the Facilities Plan) to address needed improvements at multiple school sites across the District, including the High School, which is the District's only high school. The Facilities Plan includes a new school instructional facility (the new High School); a new sports stadium (the New Stadium); and new parking lots.

The Facilities Plan for the new High School described three types of curb ramps on accessible paths of travel between asphalt parking lot / roadway areas and concrete sidewalks: double sided parallel ramps, perpendicular with flared sides ramps, and perpendicular with returned curb ramps. The Plans require a 1:20 or flatter counter slope for the gutter or street at the foot of each curb ramp; flush edges between all curbs and adjacent pavement, gutters, and intersecting surface slopes; and flush grade breaks. The Facilities Plan explicitly states that vertical changes in level, exceeding 1/8 inch between (1) pavement and gutter and (2) gutter and curb ramp are not allowed.

The District explained to OCR that construction has occurred in several phases, and the High School campus has been an "active jobsite" from the 2022-2023 school year to the present. An asphalt "top coat" covering all paved parking lots and roadway surfaces will be laid on during the final phase of the project in summer 2026.

Facilities Accessibility During Construction

Beginning in September 2022, the District built temporary wooden ramps around the construction to provide accessible paths of travel across the campus.

In summer 2025, a base course of asphalt was installed on the north and south ends of the New Stadium for bus loops, roadway areas, and parking lots. The District's contractor (the Contractor) installed additional temporary ramps to bridge transitions between this base course of asphalt and concrete curb ramps to the sidewalks surrounding the New Stadium.

By email dated October 10, 2025, the District's Chief Operating Officer (the COO) informed the Contractor that the "temporary condition of the base coat of asphalt being slightly lower than the concrete ADA ramps is preventing safe [ADA] access to the walks." This email included a map of the parking lot north of the New Stadium, identified the specific curb ramp transitions that needed correction, and stated that a "couple of wheelchairs have tipped over at football games and others in wheelchairs are having difficulty accessing the walk" and requested immediate assistance installing a smoother transition in these areas.

When the new High School opened on January 10, 2026, all main and secondary entrances had new concrete sidewalks, curb cuts, and ramps connecting paths of travel from School facilities to parking lots and roadways, which were paved with a base course of asphalt only.

By email dated April 20, 2026, a community member informed the High School Principal that a guest using a power wheelchair was unable to use the ramp nearest where they parked due to the curb/ramp transition being raised several inches from the base coat of asphalt, and noted that the lack of adequate transitions between base-asphalt parking areas and concrete sidewalks made it difficult to access the building regardless of disability status. The next day, the Principal forwarded this email to the COO and noted that a second ramp area near the New Stadium's field entrance was "still raised enough to create difficulty accessing the building." The COO explained in response that the final phase of paving had not yet occurred. The COO also confirmed that temporary ramps had been installed, but many had been moved and/or destroyed.

The District stated to OCR that a top coat of asphalt over all parking lot and roadway surfaces will be installed in summer 2026 prior to the start of the 2026-2027 school year. During this final phase of construction, the top coat of asphalt will be installed over all parking areas, bus loops, and roadway surfaces already paved with a base course of asphalt. Space had to be left where each curb ramp met asphalt to allow for the top coat, and the District confirmed that there is a half-inch to one inch gap between the bottom of each concrete ramp / curb cut and the surface of the asphalt basecoat. The top coat will bring all concrete ramps flush with the asphalt and provide a smoother surface with no noticeable transition from parking areas to sidewalks.

Stadium Renovations: LED Field Lighting

The New Stadium features an LED scoreboard and includes four LED light arrays mounted on 90-foot galvanized steel poles that illuminate the area of play. When a touchdown or a goal is scored, the LED field lights flash on and off in celebration. The Complainant stated that "[f]lashing lights can be seizure-inducing and may negatively affect individuals with epilepsy, neurological disorders, sensory sensitivities, or other medical conditions", and this impacts both students and members of the public attending school events." The Complainant further stated that there "are no visible warnings, alternative accommodations, or efforts to mitigate risk."

The Superintendent told OCR that attendees were surprised by the lights flashing on and off when the New Stadium hosted its first football game in fall 2023. Since then, the District added a public address system announcement before the start of every game alerting fans that the field

lights will flash on and off when a touchdown or goal is scored. The District reported that all tickets for events held at the New Stadium are printed with the reasonable accommodations notice required by the School Events Policy: "In accordance with State and Federal law, the District will provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify the Principal/designee if they require a reasonable accommodation."

In the three years that the New Stadium has been in use, the District stated that it has not received any requests for disability accommodations concerning, or complaints about, flashing lights at the Stadium.

Legal Standards

Accessibility, general

The implementing regulations of Section 504, at 34 C.F.R. § 104.21-23, and of Title II, at 28 C.F.R. § 35.149, provide that no qualified person with a disability shall, because a recipient's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity.

Maintenance of accessible features

The implementing regulations of Section 504, at 34 C.F.R. § 84.70(b), and of Title II, at 28 C.F.R. § 35.133, provide that isolated or temporary interruptions in service or access due to maintenance or repairs are not prohibited.

Accessibility, existing facilities

The implementing regulations of Section 504, at 34 C.F.R. § 104.22, and Title II, at 28 C.F.R. § 35.150, are applicable to any facility or part of a facility where construction commenced prior to June 3, 1977 (Section 504) or January 26, 1992 (Title II), respectively. The regulations provide that with regard to such facilities, termed "existing facilities," the District will operate the programs and activities, and (as to Title II) services so that, when viewed in their entirety, the programs, activities, and services are readily accessible to and usable by persons with disabilities. The District may comply with this requirement through the reassignment of programs, activities, and services to accessible buildings, alterations of existing facilities or any other methods that result in making each of its programs and activities accessible to disabled persons. The District is not required to make structural changes in existing facilities where other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of the statute, the District must give priority to methods that offer the programs, activities, and services to disabled persons in the most integrated setting appropriate.

Accessibility, new construction

The implementing regulations of Section 504, at 34 C.F.R. § 104.23(b), and Title II, at 28 C.F.R. § 35.151, are applicable to any facility or part of a facility where construction was commenced after June 3, 1977 (Section 504) or January 26, 1992 (Title II), respectively. These facilities are termed "new construction or alterations." The regulations provide that each facility or part of a facility which is altered by or for the use of a recipient or public entity in a manner that affects or

could affect the usability of the facility must, to the maximum extent feasible, be altered such that the altered portion is readily accessible to and usable by persons with disabilities. The regulations specify the accessibility standard to be used in determining the accessibility of the alterations based on the date of construction or renovation.

The regulations implementing Title II were amended in September 2010. Title II adopted new accessibility guidelines, 2010 ADA Standards for Accessible Design, available at http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm (hereafter referred to as the 2010 ADA Standards). The regulation, at 28 C.F.R. § 35.151(c)(3), now provides, "If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 [ADA] Standards."

Path of travel and walking surfaces

28 CFR 35.151(b)(4)(ii)(A) states that an accessible path of travel may consist of walks and sidewalks, curb ramps and other interior or exterior pedestrian ramps; clear floor paths through lobbies, corridors, rooms, and other improved areas; parking access aisles; elevators and lifts; or a combination of these elements.

Section 402.2 of the 2010 ADA Standards requires accessible routes to consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts.

Changes in level: ramps and curb ramps

Section 303 of the 2010 ADA Standards applies to changes in level in floor or ground surfaces. Accordingly, Section 303.4 states that changes in level greater than 1/2 inch (13 mm) high shall be ramped and shall comply with Sections 405 (ramps) or 406 (curb ramps).

Section 406 describes requirements for curb ramps on accessible routes. Specifically: Section 406 states that requirements for curb ramps apply to ramps that cut through curbs or are built up to them. 406.2 states that counter slopes of adjoining gutters and road surfaces immediately adjacent to the curb ramp shall not be steeper than 1:20, as the adjacent surfaces at transitions at curb ramps to walks, gutters, and streets shall be at the same level.

Analysis

Allegation 1: Curb Ramps

With respect to inaccessibility of the High School due to the absence of curb ramps, the Plans describe ramps within the slope and edge requirements of the 2010 ADA standards as drafted.

However, as currently built, OCR identified a compliance concern regarding a barrier to entry to the High School and New Stadium due to vertical changes in level greater than 1/2 inch between the base layer of asphalt and concrete curb ramps. Specifically, Section 406.2 requires the adjacent surfaces at transitions at curb ramps to walks, gutters, and streets to be at the same level. Although a vertical gap between concrete curb ramps and roadway surfaces may be necessary during construction to allow for the top coat of asphalt, the District is required to provide accessible curb ramps to its facilities nonetheless. The District installed temporary wooden ramps while the top coat was pending application. However, this condition has been present for

an extensive length of time, from the summer of 2025 until the summer of 2026. This length in time has also allowed for the temporarily installed ramps to be moved and destroyed in some locations. The data provided by the District also indicates that in October 2025 and April 2026 wheelchair users experienced difficulty accessing programs and activities held at the High School. The top coat of asphalt that will create smooth transitions between roadway surfaces and concrete curb ramps has not yet been installed, and information provided to date did not indicate that temporary wooden ramps during construction consistently addressed this barrier to entry.

Allegation 2: Stadium Lights

With respect to the New Stadium: the information reviewed to date does not indicate programs or activities held at the High School's stadium are inaccessible to or unusable by individuals with disabilities because of the flashing lights. Specifically, the District did not receive any complaints, reports, or requests for accommodations related to the flashing lights during the 2025-2026 school year. Additionally, the District provided evidence that all tickets to New Stadium events contain notice on the availability of, and how to request, reasonable accommodations on the basis of disability in conformity with applicable District policies.

The District stated that it provides a verbal public address statement about the flashing lights before the start of each event at the New Stadium and has a general provision on its tickets stating who to contact to request a reasonable accommodation. OCR has identified a concern that the New Stadium lacks signage warning of the flashing lights, thereby not providing sufficient notice to individuals with photo-sensitive disabilities like epilepsy, neurological disorders, sensory sensitivities, or other medical conditions of the potential for flashing lights at the New Stadium.

Prior to the completion of OCR's investigation, on July 9, 2026, the District expressed interest in resolving the complaint under Section 302 of the CPM, and OCR determined it is appropriate to resolve the complaint because OCR's investigation identified the above-described issues that can be addressed through a resolution agreement.

The District executed the enclosed Resolution Agreement which, when fully implemented, will address the allegations investigated and will resolve OCR's compliance concerns. It requires the District to:

- ensure that all curb ramps transitioning from paved asphalt surfaces to concrete curbs and sidewalks are readily accessible to individuals with disabilities;

- ensure that visitors to District programs and activities held at the New Stadium have adequate notice of how to request reasonable accommodations on the basis of disability; and

- ensure that District employees responsible for receiving and responding to requests for reasonable accommodations at the Stadium are aware of the District's procedures to process these requests.

The provisions of the Resolution Agreement are aligned with the information obtained during OCR's investigation and are consistent with applicable regulations. OCR will monitor the implementation of the Resolution Agreement.

Overall Conclusion

This concludes OCR's investigation of the complaint and should not be interpreted to address the District's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets 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.

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 individual 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.

The complainant may have a right to file a private suit in federal court whether or not OCR finds a violation.

OCR would like to thank the District for the courtesy and cooperation extended to OCR during the investigation. If you have any questions, please contact Alexis Turzan by email at Alexis.Turzan@ed.gov.

Sincerely,

/s/

Christina Haviland
Supervisory Attorney/Team Leader

Enclosure