



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION IV

61 FORSYTH ST., SOUTHWEST, SUITE 19T70
ATLANTA, GA 30303-8927

REGION IV
ALABAMA
FLORIDA
GEORGIA
TENNESSEE

February 15, 2019

Mr. Rodney Ackers
4474 Hollingsworth Ferry Road
Franklin, GA 30217
Rodakers6690@gmail.com

Re: OCR Complaint #04-18-1686

Dear Mr. Ackers:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has concluded its investigation of a complaint received by this office on August 21, 2018 alleging discrimination on the basis of disability by the Heard County School District (District). Specifically, you alleged that you were discriminated against when the District failed to provide an accessible route from the accessible parking spaces to the entrance of Centralhatchee Elementary School (School). You also alleged that the designated accessible parking spaces do not provide the appropriate signage, slope and cross-slope.

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

Based on the above, OCR opened an investigation of the following legal issue: whether the School's designated accessible parking spaces lack the appropriate signage, slope, cross-slope, and accessible route(s) to the School's designated accessible entrance, in non-compliance with the Section 504 implementing regulation at 34 C.F.R. §§104.21-104.23, and the Title II implementing regulation at 28 C.F.R. §§ 35.149-35.151.

Pursuant to OCR's *Case Processing Manual* (CPM) at Section 302, a complaint may be resolved when, before the conclusion of an investigation, "the recipient expresses an interest in resolving the allegations and issues *and* OCR determines that it is appropriate to resolve them with an

agreement during the course of an investigation.” After submitting information in response to OCR’s data request letter, the District informed OCR of its desire to take voluntary action necessary to resolve the allegation in the complaint. Accordingly, OCR has not issued findings concerning these issues. Set forth below is a summary of the evidence obtained thus far, prior to the signing of the resolution agreement and the terms of the resolution agreement.

The District provided photos and a map that shows the School has a total of 48 parking spaces, including 3 designated accessible parking spaces. The information provided thus far does not show an accessible route and appropriate signage to mark the designated accessible route nor does the information provided by the District include the slope and cross-slopes of the designated accessible parking spaces and along the accessible routes from the parking spaces to the accessible entrance(s) to the School.

As indicated above, prior to the completion of OCR’s investigation, the District requested to voluntarily resolve this complaint, and OCR determined that resolution pursuant to OCR’s CPM section 302 was appropriate. The attached Resolution Agreement (Agreement) will require the District to take actions to remedy any compliance concerns identified in the complaint.

On February 15, 2019, OCR received the enclosed signed Agreement that, when fully implemented, will resolve the allegations in the complaint. OCR will monitor the District’s implementation of this Agreement to ensure that it is fully implemented. If the District fails to fully implement the Agreement, OCR will reopen the case and take appropriate action to ensure compliance with Section 504 and Title II. The Complainant may file a private suit in federal court whether or not OCR finds a violation.

Please be advised that the District may not harass, coerce, 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. If OCR receives such a request, we will seek to protect, to the extent provided by law, personally identifiable information that, if released, could constitute an unwarranted invasion of privacy.

OCR is committed to prompt and effective service. If you have any questions, please contact Cassandra Williams at (404) 974-9393 or by email at cassandra.williams@ed.gov or the undersigned at (404) 974-9408.

Sincerely,

April England-Albright
Supervisory General Attorney

Enclosure