



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

Mr. [***redacted***]
Superintendent
Harrison County School District
11072 Highway 49
Gulfport, MS 39503

Ref: 06231162

Superintendent [***redacted***]:

The U.S. Department of Education, Office for Civil Rights (OCR), has resolved the above-referenced complaint, which was filed on November 15, 2022, against Harrison County School District (HCSD, District) in Gulfport, Mississippi. The Complainant alleged that the District discriminated on the basis of disability because the parking at Orange Grove Elementary School (OGES) is inaccessible.

OCR enforces Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability in programs and activities that receive federal financial assistance from the Department. 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 regulation at 28 C.F.R. Part 35, which prohibit discrimination against qualified individuals with disabilities by public entities, including public education systems and institutions. The District is a recipient and a public entity; therefore, OCR has jurisdiction to process this complaint under Section 504 and Title II.

OCR processed the allegations pursuant to its *Rapid Resolution Process* (RRP). RRP is an expedited case processing approach that can be used to resolve cases. More information about RRP can be found at Section 203 of OCR's Case Processing Manual (CPM). Specifically, OCR opened the following issue for investigation under RRP:

Whether persons with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination by the District because the designated handicapped parking spaces at the OGES are inaccessible to, or unusable by, persons with disabilities (i.e. (1) school bus routinely obstructs parking; (2) incorrect size of access aisle; (3) incorrect number of handicapped parking spaces), in violation of Section 504 and Title II, at 34 C.F.R. §§ 104.21-104.23, and 28 C.F.R. §§ 35.149-35.151, respectively.

OCR's investigation included review of date-stamped photos and aerial footage of the parking areas in question, which were taken during the summer of 2022 and during previous school years. From these records, OCR determined that the front and rear parking areas were both repainted

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

between 2019 and 2021, thereby indicating that the parking areas are subject to the 2010 ADA Standards for Accessible Design (2010 Standards). These records further indicate that in previous school years the bus did park on the handicapped spaces at the front of the school, and that the placement of the handicapped parking sign as of July 2022 was incorrect for one of these spaces. Based on this information, OCR has concerns that the parking at Orange Grove Elementary School may not be accessible or usable.

HCSO requested to resolve this issue prior to the conclusion of the investigation via a voluntary resolution agreement. Section 302 of OCR's CPM provides that a complaint may be resolved at any time when, prior to the conclusion of an investigation, the recipient expresses an interest in resolving the allegation *and* OCR determines that it is appropriate to resolve them because OCR's investigation has identified issues that can be addressed through a resolution agreement. The provisions of the resulting resolution agreement will be aligned with the complaint allegations or the information obtained during the investigation, and will be consistent with applicable regulations.

HCSO signed the enclosed Resolution Agreement (Agreement) on March 10, 2023. OCR has determined the Agreement is aligned with the complaint allegation and appropriately resolves it. Further, OCR accepts the Agreement as an assurance that HCSO will fulfill its obligations under Section 504 and Title II with respect to this complaint. The dates for implementation and specific actions are detailed in the enclosed Agreement.

This concludes OCR's investigation of this complaint. However, OCR will monitor HCSO's implementation of the Agreement. Please be advised that if HCSO fails to adhere to the actions outlined in the Agreement, OCR will resume its compliance efforts.

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

Please be advised that the recipient may not harass, coerce, intimidate, discriminate or otherwise retaliate against any individual because he or she asserted a right or privilege under a law enforced by OCR or filed a complaint, testified, or participated in the complaint resolution process. If this happens, the individual may file a complaint with OCR.

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, it 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.

If you have any questions about this letter, you may contact [***redacted***], the attorney assigned to investigate your complaint, at [***redacted***], or by e-mail at [***redacted***]. You may also contact [***redacted***], Supervisory Attorney, at [***redacted***].

Sincerely,

[***redacted***]

Supervisory Attorney/Team Leader
Office for Civil Rights
Dallas Office