



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

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

RESOLUTION AGREEMENT

**Harrison County School District
OCR Complaint No. 06-23-1162**

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Harrison County School District (the District, HCSD) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) adopted accessibility guidelines. The DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards) became effective on March 15, 2012. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012. Prior to the 2010 Standards, the effective standards for new construction were the American National Standards Institute, effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 or ADAAG), effective January 26, 1992.

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to the Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.¹ New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

Prior to the completion of OCR's investigation, the District agreed to voluntarily resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

ACTION ITEM 1: HANDICAPPED PARKING SPACES

By **April 30, 2023**, the HCSD will complete an Assessment of Orange Grove Elementary School's rear parking lot and handicapped parking area at the front of the school (collectively, "parking areas") to determine their compliance with the 2010 Standards. Specifically, the HCSD will complete an Assessment concerning the accessibility of the following components:

¹ The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandards_index.htm.

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

- (a) The number of handicapped parking spaces in the rear parking lot;
- (b) The size of the access aisle(s) adjoining the handicapped parking spaces in front of the school, and the placement of the handicapped parking signs for these spaces.

Reporting Requirement 1

- a) By **April 30, 2023**, the HCSD will provide OCR with a copy of the Assessment identified within Action Item 1. The results and/or supplemental information provided to OCR shall include the identification of the requirements set forth in the 2010 Standards and the District's determinations as to the parking areas. The report shall include, for example, detailed photographs or videos showing the relevant measurements of the parking areas at issue, and blueprints or other records showing the layout of the parking spaces, to include the total number of spaces and the number of handicapped spaces. The assessment will also set forth the District's plan for remediation of any areas in which the parking areas fail to comply with the 2010 Standards.
- b) **Within 90 days** of OCR's approval of the Action Plan in Reporting Requirement 1(a), the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, work orders, purchase orders, invoices, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

ACTION ITEM 2: BUS PARKING

By March 30, 2023, the HCSD will identify a staff member who will serve as a point of contact (POC) for individuals who observe a bus parked or idling over handicapped parking spaces at OGES. The POC will have the necessary tools and resources to ensure that any such bus is moved to an appropriate area that does not impinge on handicapped parking spaces.

By March 30, 2023, the HCSD will draft and disseminate a memorandum to all bus drivers that serve Orange Grove Elementary School (OGES), and all staff responsible for managing student pick up and drop off (or arrivals and departures) at OGES. This memorandum will:

1. Designate an area where busses may park that does not impinge upon the OGES handicapped parking;
2. State that under no circumstances may busses park or idle over OGES's handicapped parking spaces;
3. Include the name, title, and telephone number of the point of contact (POC) at HCSD to which any concerns about access to handicapped parking spaces may be directed;
4. State that if contacted, the POC will ensure that any bus parked or idling over handicapped parking spaces will be moved.

Reporting Requirement 2

By March 30, 2023, the HCSD will provide OCR with a copy of the memorandum set forth in Action Item 2, along with evidence of its dissemination (e.g. email records, staff meeting agenda and associated handouts, etc.). The HCSD will also provide a signed statement from the POC, setting forth their understanding of their role and the steps they can take to address instances when they receive a report that a bus is parked over handicapped parking spaces.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceeding to enforce this agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

*****redacted***, Superintendent
Harrison County School District**

Date