



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
KANSAS
MISSOURI
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OKLAHOMA
SOUTH DAKOTA

June 25, 2018

Sent Via Email to: XXXX@XXXX.XXX

XXXXXXXX XXXX, XXXXX XXXXXXX XXXXX
XXXXXXXX XXXXXX XXXXXXX
XXXX XXXXXXX XXXXXXX
XXXXX, XXXXXXXXXX XXXXX

Re: Harris-Stowe State University
OCR Case Number: 07-17-2315

Dear XX XXXX:

On September 15, 2017, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received the above complaint against Harris-Stowe State University (University), St. Louis, Missouri, 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.

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 Section 504 and Title II. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

OCR investigated whether the University fails to provide accessible parking and accessible routes to its library for persons with disabilities as required by Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21 and 104.22 and the Title II implementing regulation at 28 C.F.R. § 35.130.

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

Preliminary Information

The Section 504 accessibility regulations are found at 34 C.F.R. §§ 104.21-104.23. The Title II accessibility regulations are found at 28 C.F.R. §§ 35.149-35.151. Both federal regulations at 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149 provide generally that no qualified individual with a disability shall, because an educational institution's facilities are inaccessible to or unusable by persons with disabilities, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination by that educational institution. Section 4.3 of the 1991 Americans with Disabilities Act (ADA) Standards for Accessible Design set out the requirements for accessible route from parking lots to buildings constructed or last altered between January 26, 1992 and September 14, 2010. Sections 208 and 502 of the Americans with Disabilities Act (ADA) 2010 Standards set out the requirements for accessible parking spaces constructed or altered after March 15, 2012.

OCR conducted an onsite accessibility review on February 27, 2018. During OCR's onsite, OCR surveyed the University's two main parking lots at the University's campus and the accessible routes to the University's AT&T Library (the Library). The Library was constructed in May of 1997. The "Emerson" lot (Lot 1), which is located due west from the Library across the campus quad, contains approximately 172 regular parking spaces and 12 accessible spaces and is connected by a pathway that is approximately 330 feet from the Library's entrance. The "Garrison Street" lot (Lot 2) to the east side of the University's Administration building, and southwest of the Library's main entrance, contained approximately 168 parking spaces and 9 accessible spaces and was connected to the Library's main entrance with a path approximately 350 feet in distance. The accessible routes from the two lots to the Library are primarily constructed of concrete. However, there are areas on the routes that may not contain firm or slip resistant material, areas with changes in levels outside the applicable standards, and potentially severe slopes at the areas of transition.

Prior to the conclusion of the investigation, the University requested to resolve the complaint pursuant to Section 302 of the OCR *Case Processing Manual*. Accordingly, the University submitted a signed Agreement (copy enclosed) on June 22, 2018, that, when fully implemented, will address the allegations of the complaint. OCR considers the 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 its investigation.

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. The Complainant may have the right to file a private suit in Federal court whether or not OCR finds a violation.

The University 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, please be advised 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. 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.

OCR is committed to prompt and effective services. If you have any questions, please contact XXXXX XXXXXXXX, Attorney, at (XXX) XXX-XXXX (voice) or (XXX) XXX-XXXX (telecommunications device for the deaf), or by e-mail at xxxxx.xxxxx@ed.gov.

Sincerely,

A handwritten signature in blue ink that reads "Maria North". The signature is fluid and cursive, with a long horizontal stroke at the end.

Maria North
Program Manager

Enclosure