



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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REGION VII
ARKANSAS
KANSAS
MISSOURI
NEBRASKA
OKLAHOMA
SOUTH DAKOTA

August 7, 2020

SENT VIA EMAIL

XXXX XXXXXX
XXXXX XXXXX
XXXX X XXXXX XXXXX XXXXX XXXXX
XXXXX, XXXXX XXXXX

Re: Dallas County R-I School District
OCR Case Number: 07-20-1043

Dear XX. XXXXX:

On November 6, 2019, the U.S. Department of Education (Department), Office for Civil Rights (OCR), received a complaint against the Dallas County R-I School District (District), Springfield, Missouri, alleging discrimination on the basis of disability. This letter is to confirm that the District has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

In a March 9, 2020 letter, OCR informed you and the District it would investigate whether the District fails to provide adequate accessible parking at XXXXX XXXXX XXXXX to persons with disabilities, as required by Section 504 and Title II, in the following respects: (1) by failing to provide accessible entrances to the parking lots on both sides of XXXXX XXXXX XXXXX (School); (2) by failing to provide an accessible route from the parking lots to the main entrance to the school; and (3) by failing to provide an accessible main entrance to the school.

OCR is responsible for enforcing:

- Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance (FFA). Under Section 504, OCR has enforcement jurisdiction over recipients of FFA from the Department.
- 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. Under Title II, OCR has enforcement jurisdiction over public school districts.

As a recipient of FFA from the Department and a public entity, the District is subject to Section 504 and Title II and to OCR’s jurisdiction. Additional information about the laws OCR enforces

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

is available on our website at <http://www.ed.gov/ocr>.

To protect individuals' privacy, the names of the Complainant and other parties were not used in this letter.

Legal Standards

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 provide 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. The Americans with Disabilities Act (ADA) 2010 Standards for Accessible Design (2010 ADA Standards) set out the requirements for accessible parking spaces, routes, access aisles, and signage constructed or altered after March 15, 2012.

Preliminary Investigative Findings

The Complaint alleged the District failed to provide adequate accessible parking on an accessible route to XXXXX XXXXX XXXXX (School). The Complainant stated the parking spaces for disabled parking is on the east and west sides of the building, but that the doors on those sides of the building are locked, and the main entrance to the building is not accessible. Since not every entrance to a building has to be accessible to comply with Section 504 and Title II, OCR's investigation focused not on the main entrance to the building, but on those entrances considered by the District to be accessible.

After reviewing the data, video and photographs provided by the District, as well as other information gathered through publicly available resources and from the Complainant, OCR confirmed that the School does have accessible entrances, but also identified potential compliance concerns with regard to the number of available accessible parking spaces, including van accessible parking spaces, access aisles and, appropriate accessibility signage.

Resolution

Prior to the completion of OCR's investigation, the District expressed interest in voluntarily resolving this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.¹ The District submitted a signed Agreement (copy attached) on August 3, 2020, that, when fully implemented, will fully address the allegations of this complaint. in compliance with the 2010 ADA Standards. The Resolution Agreement requires the District to develop and implement a Plan to provide accessible parking, routes to the School's accessible entrances, and appropriate signage, in compliance with the 2010 ADA Standards. Please consult the Agreement for further details.

OCR considers the allegation of this complaint resolved effective the date of this letter, and will

¹ The *Case Processing Manual* is available at <https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

monitor the District's implementation of the Agreement. When OCR concludes the District has fully implemented the terms of the Agreement, OCR will close the complaint. If the District fails to carry out the Agreement, OCR may resume investigating the complaint.

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

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, that individual may file a complaint with OCR 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.

If you have any questions, please contact XXXXX X. XXXXX, Attorney, at (XXX) XXX-XXXX (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXX.XXXXX@ed.gov.

Sincerely,

J. Earlene Gordon
Supervisory Attorney

Attachment

