



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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OKLAHOMA
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March 28, 2022

SENT VIA EMAIL ONLY

XXXXXXXXXXXXXXXXXXXX, XXXXXXXXXXXXXXXXXXXX
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XXXXXXXXXXXX, XXXXXXXXXXX XXXXX
XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX

Re: Mooreland Public Schools
OCR Complaint Number: 07211277

Dear XX XXXXXX:

On August 31, 2021, the U.S. Department of Education, Office for Civil Rights (OCR), received a complaint against the Mooreland Public Schools, Mooreland, Oklahoma, alleging discrimination on the basis of disability. This letter is to acknowledge that the Mooreland Public Schools has voluntarily submitted a Resolution Agreement (Agreement) to resolve this complaint.

On February 23, 2022, OCR opened for investigation whether the Mooreland Public Schools met the accessibility standards required by Section 504 and Title II with respect to the parking spaces at the northside entrance to XXXXXXXXXXX XXXXXXXXXXX XXXXXX.

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 based on disability in programs and activities that receive federal financial assistance. 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, regardless of whether they receive federal financial assistance.

Because the Mooreland Public Schools receive federal financial assistance from the U.S. Department of Education and is a public entity, it is subject to Section 504, Title II, and OCR’s jurisdiction. Additional information about the laws OCR enforces is available on our website at <http://www.ed.gov/ocr>.

To protect individuals’ privacy, the names of the Complainant, employees, witnesses, and other parties also were not used in the 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 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. The Americans with Disabilities Act (ADA) 2010 Standards for Accessible Design (2010 ADA Standards) set out the requirements for accessible parking spaces constructed or altered after March 15, 2012.

Preliminary Investigative Findings

OCR interviewed the Complainant. The Complainant stated that the parking at the northside entrance to the XXXXXXXXXXXXXXXXXXXX is not accessible to individuals with disabilities. The Complainant stated that some of the designated disabled parking spaces were occupied by XXXXXXXXXXXXXXXXXXXX vehicles. Additionally, the Complainant told OCR that the route from the northside parking lot to the northside entrance of the XXXXXXXXXXXXXXXXXXXX was grassy and gravelly with the surface conditions not accessible to individuals with disabilities.

OCR was provided photographs of the northside parking lot and northside entrance to the XXXXXXXXXXXXXXXXXXXX from the school district’s XXXXXXXXXXXXXXXXXXXX and from the Complainant. After reviewing the information provided and examining photos of the northside parking and entrance at the XXXXXXXXXXXXXXXXXXXX, OCR identified potential compliance concerns with regard to the availability of accessible spaces. The Mooreland Public Schools’ XXXXXXXXXXXXXXXXXXXX indicated to OCR that the school district is willing to bring the parking lot into compliance with the standards required by Title II, Section 504, and the 2010 ADA standards.

Resolution

Prior to the completion of OCR’s investigation, the Mooreland Public Schools expressed interest in voluntarily resolving this complaint pursuant to Section 302 of OCR’s *Case Processing Manual*.¹ The Mooreland Public Schools submitted a signed Agreement (copy enclosed) on March 28, 2022, that when fully implemented will address the allegations of this complaint. The Resolution Agreement requires the Mooreland Public Schools to develop and implement a plan to provide accessible parking at the northside entrance to XXXXXXXXXXXXXXXXXXXX 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 monitor the Mooreland Public Schools’ implementation of the Agreement. When OCR determines the Mooreland Public Schools has fully implemented the terms of the Agreement,

¹ OCR’s *Case Processing Manual* is available online at <http://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf>.

OCR will close this complaint. If the Mooreland Public Schools 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 OCR policy. OCR’s formal policy statements are approved by a duly authorized OCR official and made available to the public. Individuals who file complaints with OCR may have the right to file a private suit in federal court regardless of whether OCR finds a violation.

The Mooreland Public Schools must not harass, coerce, intimidate, discriminate, or otherwise retaliate against an individual because that individual asserts a right or privilege under a law enforced by OCR or files a complaint, testifies, or participates in an OCR proceeding. Complaints alleging such retaliation may be filed with OCR.

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, it will seek to protect, to the extent provided by law, personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released.

If you have any questions, please contact XXXXXX XXXX, Attorney, at (XXX) XXX-XXXX8 (voice) or (877) 521-2172 (telecommunications device for the deaf), or by email at XXXXXXXXXXXXXXXXXXXX.

Sincerely,

X XXXXXXXX
XXXXXX
Supervisory Attorney