



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

915 2<sup>ND</sup> AVE., SUITE 3310  
SEATTLE, WA 98174-1099

REGION X  
ALASKA  
AMERICAN SAMOA  
GUAM  
HAWAII  
IDAHO  
MONTANA  
NEVADA  
NORTHERN MARIANA  
ISLANDS  
OREGON  
WASHINGTON

June 1, 2021

***Sent Via E-mail Only to: [randy@andersonpainting.biz](mailto:randy@andersonpainting.biz)***

Mr. Randy Anderson  
PO Box 140  
Seaside, Oregon 97138

Re: Seaside School District 10  
OCR Reference No. 10211029

Dear Mr. Anderson:

This letter is to inform you of the disposition of the above-referenced complaint you filed against the Seaside School District 10 (district). In the complaint, you alleged that the district discriminates on the basis of disability when:

1. Seaside High/Middle School's (School) overflow parking lot has an insufficient number of accessible parking spaces;
2. the School's west campus parking lot has an insufficient number of accessible parking spaces;
3. the slope from the accessible parking spaces in the School's east campus parking lot is too steep and the accessible route from the accessible parking spaces to the School entrance is obstructed;
4. the School has a temporary access ramp from the accessible parking spaces in the main campus parking lot to the School that is in disrepair, is obstructed and does not have proper handrails; and,
5. Pacific Ridge Elementary School does not have a van accessible parking space nor van accessible signage.

As explained below, prior to completion of OCR's investigation, the district expressed an interest in voluntarily resolving the complaint and signed the enclosed Voluntary Resolution Agreement (agreement) to address complaint allegation nos. 1-3. OCR is dismissing complaint allegation nos. 4-5.

OCR investigated this case under the authority of Section 504 of the Rehabilitation Act of 1973 (Section 504). This federal civil rights law prohibits discrimination based on disability in programs and activities receiving federal financial assistance. OCR also enforces Title II of the Americans with Disabilities Act of 1990 (Title II), which prohibits retaliation and disability discrimination by public entities. The district receives federal financial assistance from this Department and is a public entity.

The regulation implementing Section 504 at 34 C.F.R. §§ 104.21-23 and the regulation implementing Title II at 28 C.F.R. §§ 35.151-35.155 address the physical accessibility of the district's parking facilities.

OCR's investigation to date included reviewing information regarding the School's various parking lots, including the accessible route of travel from the parking lots to the School. OCR also reviewed the information the district provided about the parking lot at Pacific Ridge Elementary School. Based on OCR's review of the information, OCR has identified concerns that the School parking lots referenced in allegation nos. 1-3 may not be accessible to individuals with disabilities with respect to number and type of accessible spaces.

In accordance with Section 302 of the OCR *Case Processing Manual* (CPM), a complaint may be resolved at any time when, before the conclusion of an investigation, the recipient expresses an interest in resolving the complaint allegation nos. 1-3 and OCR determines that it is appropriate to resolve the issues under investigation with an agreement during the course of an investigation. In this case, the district requested to resolve the complaint prior to the conclusion of OCR's investigation. In light of the district's willingness to address the concerns identified by OCR without further investigation, OCR determined that entering into a voluntary resolution agreement was appropriate. Subsequent discussions with the district resulted in the district signing the enclosed agreement.

The actions the district will take under the agreement include assessing the School's parking lots to ensure that the accessible parking spaces comply with the 2010 ADA Standards for Accessible Design, including the slope of the parking spaces in, and the designated accessible route from, the East Lot. Following the assessment, the district will provide OCR with a plan for any modifications necessary and implement the plan.

With regards to allegation nos. 4 and 5, the district provided OCR documentation and photographs showing that the temporary access ramp from the accessible parking spaces in the main campus parking lot has been removed, that the obstructions from the parking lot to the School and the Pacific Ridge Elementary School entrance have been removed, and that there is one van accessible space among its accessible spaces with the required ADA van accessible signage.

OCR's CPM states that OCR will dismiss an allegation when OCR obtains credible information indicating that the allegation raised by a complainant is currently resolved and is therefore no

longer appropriate for investigation. Because the information the district provided indicates that allegation nos. 4 and 5 have been resolved and are no longer appropriate for investigation, OCR is dismissing these allegations.

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. This letter serves as OCR's final agency determination and there is no right to appeal as to allegation nos. 4-5.

This concludes OCR's investigation of the complaint. The complainant may have the right to file a private suit in federal court regardless of OCR's determination.

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, 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 will monitor the implementation of the agreement and will close the complaint when OCR determines that the terms of the agreement have been satisfied.

Thank you for bringing these concerns to our attention. If you have any questions, please feel free to contact Alexander Choi, Attorney, by telephone at (206) 607-1625, or by e-mail at [alexander.choi@ed.gov](mailto:alexander.choi@ed.gov).

Sincerely,

Sukien Luu  
Supervisory Attorney

Enclosure: Voluntary Resolution Agreement