

UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

8TH FLOOR, 5 POST OFFICE SQUARE
BOSTON, MA 02109-3921

REGION I

CONNECTICUT
MAINE
MASSACHUSETTS
NEW HAMPSHIRE
RHODE ISLAND
VERMONT

December 5, 2023

Sidney Harris

By email: sidharris54@gmail.com

Re: Complaint No. 01-23-1411
Methuen Public Schools

Dear Sidney Harris:

This letter is to notify you that the U.S. Department of Education, Office for Civil Rights (OCR) is dismissing the above-referenced complaint you filed against Methuen Public Schools.

You and Methuen Public Schools expressed interest in resolving the complaint through OCR's mediation process and were able to reach a resolution, as specified in the enclosed document, of the following:

- Parking spaces at the high school are not accessible, including parking spaces for the main entrance, auditorium, baseball field, ice rink, and field house;
- The walkways/routes around the high school are not accessible, including sidewalks around the school and routes to the baseball field, ice rink, and field house;
- Newly installed EV stations are not accessible

As a result of the Mediation Agreement, entered into voluntarily and signed by both parties, this complaint has been resolved pursuant to Section 201(a) of OCR's *Case Processing Manual*.¹ Therefore, OCR has dismissed the complaint as of the date of this letter and will take no further action on it.

Please note that OCR is not a party to, nor does it monitor or enforce, mediation agreements. Additionally, a breach of a mediation agreement, in and of itself, is not a breach of the regulations that OCR enforces. If a breach of a mediation agreement occurs, a complainant has the right to file another complaint. To be considered timely, the new complaint must be filed either within 180 calendar days of the date of the discrimination and/or retaliation alleged in the original complaint or within 60 calendar days of the date that the complainant obtains notice that a breach occurred, whichever date is later. If a new complaint is filed, OCR will not address the alleged breach of the agreement. Instead, OCR will determine whether to investigate the original allegation(s). When making this determination, OCR will consider whether the alleged breach is material, its relation to any alleged discrimination and/or retaliation, and any other factors as appropriate.

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

Please be advised that Methuen 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, assists, or participates in a proceeding under a law enforced by OCR. If this happens, the individual may file a retaliation complaint 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, we will seek to protect personally identifiable information that could reasonably be expected to constitute an unwarranted invasion of personal privacy if released, to the extent provided by law.

Sincerely,
OCR-Boston

Enclosure

Mediation Agreement
OCR Complaint No. 01-23-1411

To resolve the allegations in U.S. Department of Education, Office for Civil Rights (OCR) Complaint No. 01-23-1411, Methuen Public Schools and the City of Methuen (the City) and Sidney Harris (the Complainant) voluntarily and mutually agree to the following:

1. The City has engaged an engineering firm to complete the Methuen High School Renovation Projects (Projects) which will ensure compliance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design. The City agrees to bring into compliance with the ADA the following areas of the High School Campus, with an expected completion date prior to the start of the 2024-2025 school year:
 - a. Parking
 - i. At the rear entrance of the ice rink;
 - ii. At the front entrance of the ice rink;
 - iii. At the main entrance of the Fieldhouse; and
 - iv. At the main entrance of the High School
 - b. Walkways and seating areas at the tennis court;
 - c. Walkways and seating areas at the baseball field; and
 - d. All walkways surrounding the High School.

2. The City agrees to consider the following suggestions from the Complainant regarding implementation of the Projects:
 - a. Adding 4-5 additional accessible parking spaces at the main entrance of the High School, for a total of 10-11; and
 - b. Adding an access aisle between two existing parking spaces at electric vehicle chargers at the baseball parking lot.

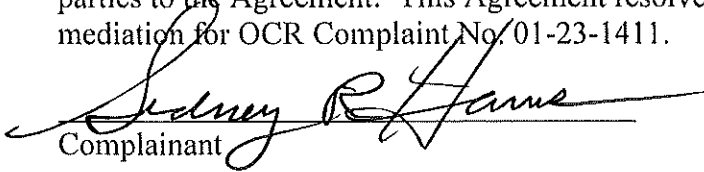
3. Within 60 days of this Agreement, the City will convene a Special Meeting of the City Council (Special Meeting), devoted exclusively to a public hearing on the status of the Projects.
 - a. Before the Special Meeting, the City will issue a press release and circulate a reverse 911 call to Methuen residents about the Special Meeting.

4. Within 30 days of the Special Meeting, described in #3, the Mayor of the City of Methuen, as part of the Mayor's Report during City Council meetings, will furnish an update on the status of the Projects during the first City Council meeting of each month, going forward until completion of the Projects.
 - a. At the end of each update, the Mayor will provide contact information for residents to ask further questions related to the Projects.


This Agreement does not constitute an admission, by either party, of discrimination or wrongdoing, including any violation of law, policy, procedure, or right belonging to either party, or any other party.

The parties have been informed that mediation is completely voluntary and that OCR will not monitor or enforce this Agreement. The parties understand that, after OCR receives the signed Agreement, OCR will close its complaint investigation in this case. The parties agree to abide by the terms of the Agreement in good faith. However, if a breach occurs, the Complainant has the right to file another complaint and OCR will determine whether to investigate the original allegation, not the breach of the Agreement. To be considered timely, the new complaint must be filed either within 180 calendar days of the date of the original allegations of discrimination or within 60 calendar days of the date that the Complainant obtains notice that a breach occurred, whichever is later.

Wet, digital, or electronic signature(s) by either or both parties will fully execute and bind the parties to the Agreement. This Agreement resolves the allegations that were approved for mediation for OCR Complaint No. 01-23-1411.


Complainant

12/4/23
Date


Neil Perry
Mayor
City of Methuen
Chair of Methuen School Committee

12/4/23
Date