

**Resolution Agreement  
Tennessee State University  
OCR Docket Number 04-13-2449**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of Tennessee State University (University), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the University agreed to resolve the issues of this complaint pursuant to Section 302 of OCR's *Case Processing Manual* (CPM). This resolution has been entered into voluntarily between the parties and does not constitute a finding or admission that the University is not in compliance with Section 504 and Title II and/or their implementing regulations. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the University voluntarily agrees to take the following actions:

**Parking Lot Renovations**

By March 28, 2014, the University will develop a plan to provide at least 52 accessible parking spaces (including at least 8 van accessible spaces) with accessible routes to an accessible entrance at the stadium for events, including but not limited to, football games, concerts, special events, and graduation in order to comply with the 2010 Americans with Disabilities Act (ADA) accessibility standards. Specifically, the spaces shall meet the following standards:

**Section 208 Parking Spaces**

**208.1 General.** Where parking spaces are provided, parking spaces shall be provided in accordance with 208.

**EXCEPTION:** Parking spaces used exclusively for buses, trucks, other delivery vehicles, law enforcement vehicles, or vehicular impound shall not be required to comply with 208 provided that lots accessed by the public are provided with a passenger loading zone complying with 503.

**208.2 Minimum Number.** Parking spaces complying with 502 shall be provided in accordance with Table 208.2 except as required by 208.2.1, 208.2.2, and 208.2.3. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility.

<b>Table 208.2 Parking Spaces</b>
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<b>Total Number of Parking Spaces Provided in Parking Facility</b>	<b>Minimum Number of Required Accessible Parking Spaces</b>
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

**502 Parking Spaces**

**502.1 General.** Car and van parking spaces shall comply with 502. Where parking spaces are marked with lines, width measurements of parking spaces and access aisles shall be made from the centerline of the markings.

**EXCEPTION:** Where parking spaces or access aisles are not adjacent to another parking space or access aisle, measurements shall be permitted to include the full width of the line defining the parking space or access aisle.

**502.2 Vehicle Spaces.** Car parking spaces shall be 96 inches (2440 mm) wide minimum and van parking spaces shall be 132 inches (3350 mm) wide minimum, shall be marked to define the width, and shall have an adjacent access aisle complying with 502.3.

**EXCEPTION:** Van parking spaces shall be permitted to be 96 inches (2440 mm) wide minimum where the access aisle is 96 inches (2440 mm) wide minimum.

**502.3 Access Aisle.** Access aisles serving parking spaces shall comply with 502.3. Access aisles shall adjoin an accessible route. Two parking spaces shall be permitted to share a common access aisle.

**502.3.1 Width.** Access aisles serving car and van parking spaces shall be 60 inches (1525 mm) wide minimum.

**502.3.2 Length.** Access aisles shall extend the full length of the parking spaces they serve.

**502.3.3 Marking.** Access aisles shall be marked so as to discourage parking in them.

**502.3.4 Location.** Access aisles shall not overlap the vehicular way. Access aisles shall be permitted to be placed on either side of the parking space except for angled van parking spaces which shall have access aisles located on the passenger side of the parking spaces.

**502.4 Floor or Ground Surfaces.** Parking spaces and access aisles serving them shall comply with 302. Access aisles shall be at the same level as the parking spaces they serve. Changes in level are not permitted.

**EXCEPTION:** Slopes not steeper than 1:48 shall be permitted.

**502.5 Vertical Clearance.** Parking spaces for vans and access aisles and vehicular routes serving them shall provide a vertical clearance of 98 inches (2490 mm) minimum.

**502.6 Identification.** Parking space identification signs shall include the International Symbol of Accessibility complying with 703.7.2.1. Signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be 60 inches (1525 mm) minimum above the finish floor or ground surface measured to the bottom of the sign.

**502.7 Relationship to Accessible Routes.** Parking spaces and access aisles shall be designed so that cars and vans, when parked, cannot obstruct the required clear width of adjacent accessible routes.

**REPORTING REQUIREMENT:** By March 28, 2014, the University will provide OCR with a copy of the parking plan (at least 52 spaces, including 8 van accessible spaces) with accessible routes that it will utilize for stadium events, including, but not limited to, football games, concerts, special events, and graduation at the University. Upon receipt of the plan, OCR will schedule an on-site to inspect the accessible parking spaces and routes. By May 28, 2014, or within 60 days of OCR's approval of the plan (whichever is later), the University will implement and publish the parking plan on its website and in all written advertisements/notices for stadium events.

The University understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the University understands that during the monitoring of this Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulations at 34 C.F.R. § 104.21 and the Title II implementing regulation at 28 C.F.R. § 35.149.

The University understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. § 104.21; and the Title II implementing regulation at 28 C.F.R. § 35.149.

The University understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

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University President or designee

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Date