

**Resolution Agreement
Anderson County School District
OCR Docket Number 04-13-7137**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Anderson County School District (District), 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 District agreed to resolve issues 1 and 2 of this complaint pursuant to Section 302 of OCR's *Case Processing Manual*.

Accordingly, to ensure compliance with Section 504 and Title II, and their implementing regulations and to resolve issues 1 and 2 of this investigation, the District voluntarily agrees to take the following actions:

FIELD TRIP

1. By April 2, 2014, the District will invite the Student and include the other students in XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX (XXX) at XXXXXXXX XXXXXXXXXXXXXXXXXX (School) to attend a make-up field trip, before the end of the 2013 - 2014 school year, comparable to the Farm Day field trip the Student was excluded from on September 20, 2012.

REPORTING REQUIREMENT: By June 11, 2014, the District will submit to OCR information showing when the Student and the XXX XXXXXX went on the field trip, and the location and duration of the field trip.

TRAINING

2. By August 15, 2014, the District will institute annual training for all XXXXXXXXXXXXX, XXXXXXXXXXXXXXXXXX, and XXXXXXXX XXXXXXXXXXXXXXXXXX to review Section 504 and Title II's prohibition against disability discrimination, including the District's field trip policy for special education students, to ensure that XXX students are not excluded from attending field trips with their non-disabled, grade-level peers.

REPORTING REQUIREMENT: By August 30, 2014, the District will provide to OCR documentation showing that it has provided the initial training session required of this Agreement. The documentation must include:

- the date, time, and location of the training;
- the topics addressed at the training;
- copies of handouts distributed to the training participants;

- the name(s) and title(s) of the individual(s) who conducted the training; and
- one or more sign-in sheets with the name and title of each employee who participated in the training.

PLAYGROUND

The District will take the actions described below to ensure that the playground facilities offered at the School are accessible to persons with mobility impairments. All modifications necessary to provide such access will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design¹ or any standards that provide equivalent or greater access.

Maintenance Plan

3. By June 2, 2014, the District will develop a written maintenance plan (Plan) for all the playgrounds at the School. The Plan will ensure that ground surfaces along accessible routes, clear floor or ground spaces, and maneuvering spaces within play areas will be stable, firm, and slip-resistant. The Plan will delineate in detail the steps that will be taken to ensure that the playgrounds are regularly and frequently inspected and maintained to ensure continued compliance with the 2010 ADA Standards.

REPORTING REQUIREMENT: By June 11, 2014, the District will provide OCR with a copy of the Plan required above. Once approved by OCR the District will begin implementing the Plan, and make the playground facilities at the School available for OCR to conduct an onsite inspection of the playground ground surfaces at the School to ensure that they meet the requirements noted above.

Accessible Routes

4. By January 15, 2015, the District will ensure that all the routes to playgrounds are accessible, ensuring that the routes comply with the 2010 ADA Standards set forth in Attachment A to this Agreement.

REPORTING REQUIREMENT: By February 2, 2015, the District will provide OCR with pictures of the accessible routes to the playgrounds.

Play Components

5. By January 15, 2015, the District will ensure that each playground has the appropriate number of ground level play components, as required by the 2010 ADA Standards set forth in Attachment A to this Agreement.

REPORTING REQUIREMENT: By February 2, 2015, the District will provide OCR with pictures of each of the playgrounds and describe the changes made to the

¹Located at: <http://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#c1>.

playgrounds to make them accessible by ensuring they each have the appropriate number of ground level play components.

The District 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 District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.21 and the Title II implementing regulation at 28 C.F.R. § 35.149.

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

The District 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent or Designee

Date

Resolution Agreement

Anderson County School District

OCR Docket Number 04-13-7137

Attachment A

2010 ADA Standards for Accessible Design

206 Accessible Routes

206.2.17 Play Areas: Play areas shall provide accessible routes in accordance with 206.2.17. Accessible routes serving play areas shall comply with Chapter 4 except as modified by 1008.2.

206.2.17.1 Ground Level and Elevated Play Components. At least one accessible route shall be provided within the play area. The accessible route shall connect ground level play components required to comply with 240.2.1 and elevated play components required to comply with 240.2.2, including entry and exit points of the play components.

240 Play Areas

240.1 General. Play areas for children ages 2 and over shall comply with 240.

240.2 Play Components. Where provided, play components shall comply with 240.2.

240.2.1 Ground Level Play Components. Ground level play components shall be provided in the number and types required by 240.2.1. Ground level play components that are provided to comply with 240.2.1.1 shall be permitted to satisfy the additional number required by 240.2.1.2 if the minimum required types of play components are satisfied. Where two or more required ground level play components are provided, they shall be dispersed throughout the play area and integrated with other play components.

240.2.1.1 Minimum Number and Types. Where ground level play components are provided, at least one of each type shall be on an accessible route and shall comply with 1008.4.

240.2.1.2 Additional Number and Types. Where elevated play components are provided, ground level play components shall be provided in accordance with Table 240.2.1.2 and shall comply with 1008.4.

Exception to 240.2.1.2. If at least 50 percent of the elevated play components are connected by a ramp and at least 3 of the elevated play components connected by the

ramp are different types of play components, the play area shall not be required to comply with 240.2.1.2.

Table 240.2.1.2 Number and Types of Ground Level Play Components Required to be on Accessible Routes

Number of Elevated Play Components Provided	Minimum Number of Ground Level Play Components Required to be on an Accessible Route	Minimum Number of Different Types of Ground Level Play Components Required to be on an Accessible Route
1	Not applicable	Not applicable
2 to 4	1	1
5 to 7	2	2
8 to 10	3	3
11 to 13	4	3
14 to 16	5	3
17 to 19	6	3
20 to 22	7	4
23 to 25	8	4

240.2.2 Elevated Play Components. Where elevated play components are provided, at least 50 percent shall be on an accessible route and shall comply with 1008.4.

402 Accessible Routes

402.1 General. Accessible routes shall comply with 402.

402.2 Components. Accessible routes shall consist of one or more of the following components: walking surfaces with a running slope not steeper than 1:20, doorways, ramps, curb ramps excluding the flared sides, elevators, and platform lifts. All components of an accessible route shall comply with the applicable requirements of Chapter 4.

403 Walking Surfaces

403.1 General. Walking surfaces that are a part of an accessible route shall comply with 403.

403.2 Floor or Ground Surface. Floor or ground surfaces shall comply with 302.

403.3 Slope. The running slope of walking surfaces shall not be steeper than 1:20. The cross slope of walking surfaces shall not be steeper than 1:48.

403.4 Changes in Level. Changes in level shall comply with 303.

403.5 Clearances. Walking surfaces shall provide clearances complying with 403.5.

403.5.1 Clear Width. Except as provided in 403.5.2 and 403.5.3, the clear width of walking surfaces shall be 36 inches minimum.

Exception: The clear width shall be permitted to be reduced to 32 inches minimum for a length of 24 inches maximum provided that reduced width segments are separated by segments that are 48 inches long minimum and 36 inches wide minimum.

403.5.2 Clear Width at Turn. Where the accessible route makes a 180 degree turn around an element which is less than 48 inches wide, clear width shall be 42 inches minimum approaching the turn, 48 inches minimum at the turn and 42 inches minimum leaving the turn.

403.5.3 Passing Spaces. An accessible route with a clear width less than 60 inches shall provide passing spaces at intervals of 200 feet maximum. Passing spaces shall be either: a space 60 inches minimum by 60 inches minimum; or, an intersection of two walking surfaces providing a T-shaped space complying with 304.3.2 where the base and arms of the T-shaped space extend 48 inches minimum beyond the intersection.

405 Ramps

405.1 General. Ramps on accessible routes shall comply with 405.

405.2 Slope. Ramp runs shall have a running slope not steeper than 1:12.

405.7.2 Width. The landing clear width shall be at least as wide as the widest ramp run leading to the landing.

405.7.3 Length. The landing clear length shall be 60 inches long minimum.

1008 Play Areas

1008.1 General. Play areas shall comply with 1008.

1008.2 Accessible Routes. Accessible routes serving play areas shall comply with Chapter 4 and 1008.2 and shall be permitted to use the exceptions in 1008.2.1 through 1008.2.3. Where accessible routes serve ground level play components, the vertical clearance shall be 80 inches high (2030 mm) minimum.

1008.2.1 Ground Level and Elevated Play Components. Accessible routes serving ground level play components and elevated play components shall be permitted to use the exceptions in 1008.2.1.

Exceptions to 1008.2.1:

- 1.** Transfer systems complying with 1008.3 shall be permitted to connect elevated play components except where 20 or more elevated play components are provided no more than 25 percent of the elevated play components shall be permitted to be connected by transfer systems.
- 2.** Where transfer systems are provided, an elevated play component shall be permitted to connect to another elevated play component as part of an accessible route.

1008.2.4 Clear Width. Accessible routes connecting play components shall provide a clear width complying with 1008.2.4.

1008.2.4.1 Ground Level. At ground level, the clear width of accessible routes shall be 60 inches minimum.

Exceptions to 1008.2.4.1:

- 1.** In play areas less than 1000 square feet, the clear width of accessible routes shall be permitted to be 44 inches minimum, if at least one turning space complying with 304.3 is provided where the restricted accessible route exceeds 30 feet in length.
- 2.** The clear width of accessible routes shall be permitted to be 36 inches minimum for a distance of 60 inches maximum provided that multiple reduced width segments are separated by segments that are 60 inches wide minimum and 60 inches long minimum.

1008.2.4.2 Elevated. The clear width of accessible routes connecting elevated play components shall be 36 inches (915 mm) minimum.

Exceptions to 1008.2.4.2:

1. The clear width of accessible routes connecting elevated play components shall be permitted to be reduced to 32 inches minimum for a distance of 24 inches maximum provided that reduced width segments are separated by segments that are 48 inches long minimum and 36 inches wide minimum.
2. The clear width of transfer systems connecting elevated play components shall be permitted to be 24 inches minimum.

1008.2.5 Ramps. Within play areas, ramps connecting ground level play components and ramps connecting elevated play components shall comply with 1008.2.5.

1008.2.5.1 Ground Level. Ramp runs connecting ground level play components shall have a running slope not steeper than 1:16.

1008.2.5.2 Elevated. The rise for any ramp run connecting elevated play components shall be 12 inches maximum.

1008.2.5.3 Handrails. Where required on ramps serving play components, the handrails shall comply with 505 except as modified by 1008.2.5.3.

Exceptions to 1008.2.5.3:

1. Handrails shall not be required on ramps located within ground level use zones.
2. Handrail extensions shall not be required.

1008.2.5.3.1 Handrail Gripping Surfaces. Handrail gripping surfaces with a circular cross section shall have an outside diameter of 0.95 inch minimum and 1.55 inches maximum. Where the shape of the gripping surface is non-circular, the handrail shall provide an equivalent gripping surface.

1008.2.5.3.2 Handrail Height. The top of handrail gripping surfaces shall be 20 inches minimum and 28 inches maximum above the ramp surface.

1008.2.6 Ground Surfaces. Ground surfaces on accessible routes, clear floor or ground spaces, and turning spaces shall comply with 1008.2.6.

1008.2.6.1 Accessibility. Ground surfaces shall comply with ASTM F 1951. Ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with ASTM F 1951.

1008.3 Transfer Systems. Where transfer systems are provided to connect to elevated play components, transfer systems shall comply with 1008.3.

1008.3.1 Transfer Platforms. Transfer platforms shall be provided where transfer is intended from wheelchairs or other mobility aids. Transfer platforms shall comply with 1008.3.1.

1008.3.1.1 Size. Transfer platforms shall have level surfaces 14 inches deep minimum and 24 inches wide minimum.

1008.3.1.2 Height. The height of transfer platforms shall be 11 inches minimum and 18 inches maximum measured to the top of the surface from the ground or floor surface.

1008.3.1.3 Transfer Space. A transfer space complying with 305.2 and 305.3 shall be provided adjacent to the transfer platform. The 48 inch long minimum dimension of the transfer space shall be centered on and parallel to the 24 inch long minimum side of the transfer platform. The side of the transfer platform serving the transfer space shall be unobstructed.

1008.3.1.4 Transfer Supports. At least one means of support for transferring shall be provided.

1008.3.2 Transfer Steps. Transfer steps shall be provided where movement is intended from transfer platforms to levels with elevated play components required to be on accessible routes. Transfer steps shall comply with 1008.3.2.

1008.3.2.1 Size. Transfer steps shall have level surfaces 14 inches deep minimum and 24 inches wide minimum.

1008.3.2.2 Height. Each transfer step shall be 8 inches high maximum.

1008.3.2.3 Transfer Supports. At least one means of support for transferring shall be provided.

1008.4 Play Components. Ground level play components connected by ramps shall comply with 1008.4.

1008.4.1 Turning Space. At least one turning space complying with 304 shall be provided on the same level as play components. Where swings are provided, the turning space shall be located immediately adjacent to the swing.

1008.4.2 Clear Floor or Ground Space. Clear floor or ground space complying with 305.2 and 305.3 shall be provided at play components.

1008.4.4 Entry Points and Seats. Where play components require transfer to entry points or seats, the entry points or seats shall be 11 inches minimum and 24 inches maximum from the clear floor or ground space.

Exception: Entry points of slides shall not be required to comply with 1008.4.4.

1008.4.5 Transfer Supports. Where play components require transfer to entry points or seats, at least one means of support for transferring shall be provided.