



**UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION IV**

61 FORSYTH ST., SOUTHWEST, SUITE 19T10  
ATLANTA, GA 30303-8927

**REGION IV**  
ALABAMA  
FLORIDA  
GEORGIA  
TENNESSEE

February 15, 2019

Dr. Bruce Borchers  
Superintendent  
Oak Ridge County School District  
304 New York Avenue  
P.O. Box 6588  
Oak Ridge, Tennessee 37830

Re: Complaint #04-14-1423

Dear Dr. Borchers:

The U.S. Department of Education (Department), Office for Civil Rights (OCR), has completed its investigation of the above-referenced complaint, which the Complainant filed on February 19, 2014, against the Oak Ridge County School District (District), alleging discrimination on the basis of disability. Specifically, the Complainant alleged that neither the District's Preschool and Administration (Preschool), nor any of the other schools in the District, are accessible to persons with disabilities.

As a recipient of Federal financial assistance from the Department, the District is subject to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability. As a public entity, the District is also subject to the provisions of Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability. Accordingly, OCR has jurisdiction over this complaint.

OCR proceeded with investigation of the following legal issue:

Whether the District discriminated against persons with disabilities by failing to make the Preschool and all other District schools accessible, in noncompliance 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.

During its investigation, OCR reviewed the Preschool/Administration Building (Preschool), the District's Stadium (Blankenship Field), 4 District Elementary Schools (Linden, Willow Brook, Woodland, Glenwood), 2 District Middle Schools (Jefferson and Robertsville), and 1 District High School (Oak Ridge). In addition, on July 21-24, 2014, OCR met with District officials and conducted an onsite visit to take preliminary accessibility measurements and discuss the accessibility issues for the Preschool, Blankenship Field and the 7 other District School buildings. OCR noted compliance issues with the parking lots at the following School District

buildings: the Preschool, Linden E.S., Willow Brook E.S., Woodland E.S., Jefferson M.S., and Oak Ridge H.S.

In order to resolve the compliance issues, the District agreed to enter into a Resolution Agreement (RA), which is aligned with the complaint allegation and the information obtained during the investigation. The RA is consistent with applicable Section 504 and Title II regulations. The following is a summary of OCR's observations and deficiency concerns that resulted in the District's agreement to voluntarily resolve this matter.

### **Applicable Regulations and Legal Standards**

The regulations implementing Section 504, at 34 C.F.R. §104.21, and Title II, at 28 C.F.R. §35.149, state that no person with a disability shall, because a recipient's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504 and Title II apply.

The Section 504 and Title II regulations contain two standards for determining whether a District's programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities; the other covers new construction and alterations. The applicable standard depends upon the date of construction or alteration of the facility.

For existing facilities, the regulations require an educational institution to operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. This standard does not necessarily require that the institution make each of its existing facilities or every part of a facility accessible if alternative methods are effective in providing overall access to the service, program, or activity. 34 C.F.R. §104.22(a); 28 C.F.R. §35.150(a). Under the Section 504 regulation, existing facilities are those for which construction began before June 3, 1977. The applicable date under the Title II regulation is January 26, 1992. In choosing among available methods for meeting the program access requirement for existing facilities, the institution is required to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. 34 C.F.R. §104.22(b); 28 C.F.R. §35.150(b).

For new construction, the facility (or newly constructed part of the facility) must itself be readily accessible to and usable by persons with disabilities. 34 C.F.R. §104.23(a); 28 C.F.R. §35.151(a). With regard to alterations, each facility or part of a facility that is altered by, on behalf of, or for the use of an institution after the effective dates of the Section 504 and/or Title II regulation in a manner that affects or could affect the usability of the facility or part of the facility must, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities. 34 C.F.R. §104.23(b); 28 C.F.R. §35.151(b).

The new construction provisions of the Section 504 and Title II regulations also set forth specific architectural accessibility standards for facilities constructed or altered after particular dates. With respect to Section 504 requirements, facilities constructed or altered after June 3, 1977, but

prior to January 18, 1991, must comply with the American National Standards Institute (ANSI) Standards (A117.1-1961, re-issued 1971). Facilities constructed or altered after January 17, 1991, must meet the requirements of the Uniform Federal Accessibility Standards (UFAS). Under the Title II regulation, a recipient had a choice of adopting either UFAS or the 1991 Americans with Disabilities Act Accessibility Guidelines (ADA Accessibility Standards) for facilities constructed or altered after January 26, 1992 and prior to September 15, 2010. For facilities where construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, the Title II regulation provides that recipient had a choice of complying with either UFAS, the ADA Accessibility Standards, or the 2010 ADA Standards for Accessible Design<sup>1</sup> (2010 Standards). The Title II regulation provides that recipients are required to comply with the 2010 Standards for construction or alterations commencing on or after March 15, 2012. While the Section 504 regulations have not been amended to formally adopt the 2010 Standards, a recipient may use the 2010 Standards as an alternative accessibility standard for new construction and alterations pursuant to Section 504. The 2010 Standards consist of 28 C.F.R. §35.151 and the 2004 ADA Standards, at 36 C.F.R. Part 1191, appendices B and D.

The District advised OCR that it followed the ADA Accessibility Standards to ensure compliance in the design and construction of the District's parking lots and accessible routes for the Preschool, Stadium and 7 other District School buildings. Therefore, OCR used the ADA Accessibility Standards, Appendix A to 28 C.F.R. Part 36, to evaluate the District's compliance.

## Standards

Minimum number of accessible parking spaces. According to ADA Accessibility Standards §4.1.2(5)(a), if parking spaces are provided for self-parking by employees or visitors, or both, then accessible spaces complying with §4.6 shall be provided in each such parking area in conformance with the table below. Spaces required by the table need not be provided in the particular lot. They may be provided in a different location if equivalent or greater accessibility, in terms of distance from an accessible entrance, cost and convenience is ensured.

Total Parking in Lot	Required Minimum Number of Accessible Spaces
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 over 1000

<sup>1</sup> Located at: <https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#titleII> (Last accessed 2/13/2019).

Minimum size of accessible parking spaces. Pursuant to ADA Accessibility Standards §4.1.2(5)(b), one in every eight accessible spaces, but not less than one, shall be served by an access aisle 96 inches wide minimum and shall be designated “van accessible” as required by §4.6.4. Builders may, however, opt to use the exception described in ADAAG §4.6.3 by installing parking spaces in conformance with the “Universal Parking Design.” Under this design, *all* accessible spaces are 132 inches wide with a 60 inch access aisle. Use of the Universal Parking Design eliminates the need to include additional signage designating spaces as “van accessible.”

Curb Ramps. Pursuant to the ADA Accessibility Standards §§ 4.7.1 and 4.7.7, curb ramps shall be provided wherever an accessible route crosses a curb. Curb ramps shall have a detectable warning complying with §4.29.2. The detectable warning shall extend the full width and depth of the curb ramp.

Slopes. The ADA Accessibility Standards §4.7.3 requires that the minimum width of a curb ramp shall be 36 inches. The ADA Accessibility Standards §4.7.2 requires that the slope of a curb ramp shall comply with §4.8.2 in that the maximum slope of a ramp in new construction shall be 1:12 and the maximum rise for any run shall be 30 in. For existing buildings where space limitations prohibit the use of 1:12 or less, §4.1.6(3)(a) allows a slope between 1:10 and 1:12 with a rise of 6 inches maximum or a slope between 1:9 and 1:10 with a maximum rise of 3 inches. A slope steeper than 1:8 is not allowed.

Location. Pursuant to §4.6.2, accessible parking spaces serving a particular building shall be located on the shortest accessible route of travel from adjacent parking to an accessible entrance. In parking facilities that do not serve a particular building, accessible parking shall be located on the shortest accessible route of travel to an accessible pedestrian entrance of the parking facility. In buildings with multiple accessible entrances with adjacent parking, accessible parking spaces shall be dispersed and located closest to the accessible entrances.

Signage. Pursuant to §4.6.4, each accessible space shall be designated reserved by a sign showing the symbol of accessibility (see §4.30.7). Such signs shall be located so they cannot be obstructed by a vehicle parked in the space.

Vertical Clearance. Pursuant to §4.6.5, accessible passenger loading zones must allow for minimum vertical clearance of 114 inches and the same minimum clearance must be allowed along at least one vehicle access route to such areas from site entrance(s) and exit(s). At parking spaces complying with §4.1.2(5)(b) (van accessible), a minimum vertical clearance of 98 inches must be allowed at the parking space and along at least one vehicle access route to such spaces from site entrance(s) and exit(s).

Ground & Floor Surfaces. Pursuant to §4.5.1, ground and floor surfaces along accessible routes and in accessible rooms and spaces including floors, walks, ramps, stairs, and curb ramps, shall be stable, firm, and slip-resistant and shall comply with §4.5.

Accessible Routes. In order to ensure compliance with §4.3.2: (1) At least one accessible route within the boundary of the site shall be provided from public transportation stops, accessible parking, and accessible passenger loading zones, and public streets or sidewalks to the accessible building entrance they serve. The accessible route shall, to the maximum extent feasible, coincide with the route for the general public; and (2) At least one accessible route shall connect accessible buildings, facilities, elements, and spaces that are on the same site.

### **Background**

The Complainant filed this complaint on February 19, 2014 against the Oak Ridge County School District (District) alleging discrimination on the basis of disability on behalf of persons with disabilities. Specifically, the Complainant alleged that the District's Preschool and Administration Building did not have accessible parking lots. The Complainant also alleged that none of the District's elementary and secondary schools had accessible parking available for persons with disabilities.

### **Factual Findings**

**Issue: Whether the District discriminated against persons with disabilities by failing to make the Preschool and all other District schools accessible to persons with disabilities.**

On July 21-23, 2014, OCR conducted an onsite inspection of the parking lots at the District's Preschool building, the Blankenship Field, and the 7 District School buildings to determine whether they are accessible for persons with disabilities. After OCR's onsite inspection, the District agreed to implement the attached RA to remedy the compliance issues noted by OCR. Set forth below are OCR's findings.

- **The Preschool/Administration**

The Preschool/Administration (Preschool) building was built in 1943. A classroom addition was made to the building in 1948 and an annex was built in 1952. In 1997, portable classrooms were built outside around the building. The District has added access ramps and new doors since the original construction; however, the dates of these modifications are unknown.

Minimum number of accessible parking spaces. There are four parking areas at the Preschool building. There is an upper lot, a lower lot, a gravel parking lot and side street parking adjacent to the building.

The upper lot has 26 spaces, the lower lot has 26 spaces, the gravel lot has 14 spaces and the side street parking area has 11 spaces, for a total of 77 spaces. There are no designated accessible parking spaces in the upper lot, lower lot or the gravel lot. There are three designated accessible parking spaces in the side street area parking that lead to the lower and upper levels of the building and one designated space in the building's "drop off/pick up" zone in front of the building.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the upper lot with a total of 26 parking spaces is 2 designated accessible parking spaces. The minimum number of accessible parking spaces for the lower lot with 26 parking spaces is also 2. The minimum number of accessible parking spaces for the side street parking with 11 parking spaces is 1 and the minimum number of accessible parking spaces for the gravel lot is 1; however, because the lot is gravel, this lot is not accessible, pursuant to § 4.5.1, because the route is not firm, stable and slip-resistant. The District does not have any accessible spaces in either the upper lot or the lower lot. There are 3 accessible spaces for the side street parking lot. The accessible parking space requirement has not been met for the upper or lower parking lots but the minimum number of spaces requirement has been met for the side street parking lot.

While the District provided the required minimum number of accessible parking spaces in the side street parking lot, OCR found that the District has not provided a sufficient number of designated accessible parking spaces in the upper and lower parking lots, as set forth at §4.1.2(5)(a).

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there were three designated accessible parking spaces in the side street parking lot. All 3 accessible spaces measured greater than 96 inches wide. However, none of the spaces had any access aisles and there was not any designated accessible space identified as a *van accessible* space. OCR determined that this side street parking lot permits access to the Preschool building but the parking spaces do not comply with the requirements of §4.1.2(5)(b).

Accessible Routes. Two of the three accessible parking spaces are located at one end of the side street parking lot (to permit access to the upper front of the building) and one accessible parking space is located at the other end of the side street parking lot (to permit access to the back lower level of the building). There are no accessible routes/walkways from the two designated accessible parking spaces providing access to the front of the building in the side street parking lot. There is no ramp or curb-cut leading from any of the spaces to the sidewalk. In order to access the sidewalk, a person parking in the space would have to exit their vehicle, travel behind the vehicle into the flow of traffic and go around to the front of the building in the street to gain entrance to the building. The marked crosswalks start at the sidewalk and into the street and up to the sidewalk at the front of the building. There is one designated accessible parking space at the other end of the side street parking lot; the accessible route is not marked and the asphalt is cracked and does not provide an accessible route that is firm, stable and slip-resistant in violation of §4.5.1. Accordingly, the District is not in compliance with the requirements of §§4.3.2 and 4.5.1.

There are no accessible spaces in the upper lot or lower lot; therefore, accessible routes have not been designated. Accordingly, the route from the upper and lower parking lots to the Preschool building is not in compliance with the requirements of §4.3.2.

As noted above, the District does not provide designated accessible parking in either the upper or lower parking lots. In order to comply with §4.1.2(5), the District will be required to provide OCR with a plan to provide accessible parking and accessible routes in the upper and lower parking lots.

Slope. The ramp leading to the front of the Preschool/Administration Building has a slope of less than 1:8 and in compliance with §4.7.2. The ramp leading to rear door of the building however, has a slope greater than 1:8 in noncompliance with §4.7.2.

Location. OCR found that the two accessible parking spaces in the side street parking lot that provide access to the front of the building were not located on the shortest route of travel to the front of the building. The two accessible spaces are located on the corner of the side street parking lot. However, as noted above, in order to access the front of the building, a person would have to travel behind their car and around the side of the building in the flow of traffic to access the front of the building. The one designated accessible parking space that provides access to the lower back part of the building is located on the closest route. OCR found that the District is in noncompliance with §4.6.2 for the two designated accessible parking spaces located at the front of the building in the side street parking lot. The District is in compliance with regard to the one designated accessible parking space that provides access to the lower back part of the building.

With regard to the upper and lower parking lots, they are located in the front of the Preschool/Administration Building. However, as noted above, there are no designated accessible parking spaces in either of these parking lots. Therefore, OCR found that the District is in noncompliance with §§4.1.2(5); 4.6.2.

Signage. OCR found that there is signage with the universal symbol of accessibility mounted so that they cannot be obscured by a parked vehicle. In addition, there is a universal symbol of accessibility painted on the ground of each designated accessible parking space in the side street parking lot. However, there are no spaces with a mounted van accessible signage, as required by §4.6.4. OCR found that the District is in noncompliance with the §4.6.4 because there is no van accessible signage provided on any of the spaces complying with §4.1.2(5)(b).

Vertical Clearance. OCR confirmed that the designated accessible parking spaces and loading zones have vertical clearance that are a minimum of 114 inches at accessible passenger loading zones and along at least one vehicle access route; and a minimum vertical clearance of at least 98 inches at the parking space and along at least one vehicle access route in compliance with §4.6.5.

Ground & Floor Surfaces. OCR determined that the designated accessible parking spaces located to provide access to the front of the building led to the street and then around to the sidewalk. The area leading to the sidewalk is cracked and does not provide an accessible route that is firm, stable and slip-resistant. The accessible space leading to the back lower part of the building is flush with the street but the path leading to the ramp is cracked and uneven and does not provide an accessible route that is firm, stable and slip-resistant. Accordingly, the District is in noncompliance with §4.5.

- **Blankenship Field**

Blankenship Field (Field) is the sports stadium where the District holds sporting events for all the District sports. The Field was built in the 1940s. In 1975, the press box and dressing rooms

were added. In 1998, the District added new restrooms to the upper and lower levels. The Field is currently under renovations for the Visitor stands on the Visitor side of the Field.

Minimum number of accessible parking spaces. There are three parking areas at the Field – an Upper Lot, Middle Lot and Lower Lot (Visitor parking). The Upper Lot has 110 total parking spaces, the Middle Lot has 5 total parking spaces, and the Lower Lot has a total of 2 parking spaces.

Pursuant to §§ 4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the Upper Lot with 110 parking spaces is 5. The Upper Lot has no designated accessible parking spaces. The minimum number of accessible parking spaces for the Middle Lot with 5 parking spaces is 1. All five spaces in the Middle Lot are designated accessible spaces. The minimum number of accessible parking spaces for the Lower Lot is 1. Both parking spaces in the Lower Lot are designated accessible parking spaces. The District stated that the reason the Middle Lot was designated an accessible parking lot is because it leads directly to the accessible seating in the Field as does the two accessible parking spaces on the Visitor side of the Field. Based on the foregoing, OCR finds that the District has complied with §4.1.2(5).

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that the five designated accessible parking spaces in the Middle Lot all measured greater than 102 inches. There were four access aisles in the Middle Lot – the first access aisle measured 146 inches and the other three measured 70 inches. The two accessible parking spaces in the Lower Lot both measured 102 inches and the access aisle measured 70 inches. OCR determined that both the Middle and Lower Lots were in compliance with §4.1.2(5)(b).

Accessible Routes. The Middle Lot provides access to the middle level of the Field and leads directly to the designated accessible seating. The Lower Lot provides access to the lower level of the Field and leads directly to the designated accessible seating on the Visitor side of the Field. Both routes are smooth asphalt and flush with the parking area. Accordingly, the District is in compliance with the requirements of §4.3.2.

Location. OCR found that the five accessible parking spaces in the Middle Lot are located on the shortest route to the middle level entrance of the Field. The two accessible parking spaces located in the Lower Lot on the Visitor side of the Field are located on the shortest route to the entrance of the lower level of the Field. The location of the accessible spaces are on the shortest routes to the accessible entrance for persons with disabilities. OCR found that the District is in compliance with §4.6.2.

Signage. OCR found that there is mounted signage with the universal symbol of accessibility in addition to a symbol painted on the ground for each accessible parking space in the side street parking lot. However, there are no spaces with a mounted van accessible signage. OCR found that the District is in noncompliance with §4.6.4 because there is no van accessible signage.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance for §4.6.5.



Ground & Floor Surfaces. OCR determined that the accessible parking spaces and routes located in the Middle and Lower Lots are on smooth, unobstructed surfaces. Accordingly, the District is in compliance with requirements of §4.5.

- **Linden Elementary School**

Linden Elementary School (LES) was built in 1968. The stage in the LES' gymnasium was added in 1999 and an elevator was also built in LES in 1999.

Minimum number of accessible parking spaces. There are two parking areas at LES. There is an upper lot and a lower lot. Both parking lots were constructed in 1968. In 2006, 10-15 additional parking spaces were added to the upper lot.

The upper lot has 58 spaces and the lower lot has 55 spaces. There are 3 designated accessible parking spaces in the upper lot and 4 designated parking spaces in the lower lot.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the upper lot with 58 parking spaces is 3. The minimum number of accessible parking spaces for the lower lot with 55 parking spaces also 3. OCR found that the District has provided the requisite number of designated accessible parking spaces in compliance with §§4.1.2(5)(1); 4.6.1 in the upper and lower parking lots at LES.

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there were three designated accessible parking spaces in the upper and lower parking lots. The designated accessible spaces measured greater than 96 inches wide. However, one of the spaces in the lower lot did not have a designated access aisle as required by §4.1.2.5(a). The remaining accessible spaces in the upper and lower lots had access aisles which all measured greater than 60 inches. OCR determined that the upper and lower parking lots are not in compliance with §4.1.2(5)(a).

Accessible Routes. There is no crosswalk from one of the designated accessible parking spaces to the sidewalk across the parking lot in the upper lot. The two remaining parking spaces in the upper lot have accessible routes from the spaces to the building. Two of the parking spaces in the lower lot have no accessible route across the parking lot to the sidewalk. The four parking spaces do not have marked crosswalk providing access for the four parking spaces and the person with a disability would have to go into the flow of traffic in the parking lot to gain access to the building. Accordingly, the District is not in compliance with the requirements of §4.3.2.

Location. OCR found that the three designated accessible parking spaces in the upper lot provides access to the front of the building were located on the shortest route of travel to the front of the building. The four accessible parking spaces in the lower lot provide access to the side entrance of the building and they are on the shortest accessible route of travel to the side of the building. OCR found that the District is in compliance with §4.6.2.

Signage. OCR found that there is mounted signage with the universal symbol of accessibility for two of the three designated accessible parking spaces in the upper lot. There is mounted signage

with the universal symbol of accessibility for two of the four designated accessible parking spaces in the lower lot. There is a painted universal symbol of accessibility painted on the ground for each accessible parking space in the both the upper and lower parking lots. However, there are no spaces with a mounted van accessible signage. OCR found that the District is in noncompliance with §4.6.4 because there is no van accessible signage on any of the spaces complying with §4.1.2(5)(b) and four of the spaces are not designated as reserved by a sign showing the symbol of accessibility. §§4.6.4; 4.30.7.

Vertical Clearance. OCR confirmed that none of the accessible parking spaces and zones are covered and therefore have vertical clearance. §4.6.5.

Ground & Floor Surfaces. OCR determined that the designated, accessible parking spaces located in the upper parking lot that provide access to the front of the building have clear, smooth ground space. There is a curb cut leading from the two closest accessible spaces which provides clear access to the sidewalk and the curb ramp. The accessible spaces in the lower parking lot that provide access to the side entrance of the building is also clear and smooth. The access from the two accessible parking spaces closest to the building are flush with the sidewalk and the path is clear. Accordingly, the District is in compliance with §4.5.

- **Willow Brook Elementary School**

Willow Brook Elementary School (WBES) was built in 1949. Renovations were made to WBES during the 1980's (an addition to the building, a new fire alarm system and an elevator). Portable classrooms were added outside of the building in 1990. The three parking lots for the building were built in 1949 and modified in the 1980's.

Minimum number of accessible parking spaces. There are three parking areas at WBES – the upper lot, the middle lot (faculty only lot) and the lower lot. The upper lot has a total of 8 parking spaces, the middle lot has 20 spaces and the lower lot has 67 spaces.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the upper lot with 8 parking spaces is 1. The minimum number of accessible parking spaces for the middle lot with 20 parking spaces is 1 and the minimum number of spaces for the lower lot with 67 spaces is 3. The upper lot has one designated accessible parking space, the middle lot has no designated accessible parking spaces and the lower lot has three designated accessible spaces.

While there are the minimum number of accessible parking spaces for the upper and lower parking lots, OCR found that the District has not provided the minimum number of designated accessible parking spaces in the middle parking lot in compliance with §§4.1.2(5)(a); 4.6.1.

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that the designated accessible parking spaces in the upper and lower lots measured greater than 96 inches wide. All of the spaces had access aisles that all measured greater than 60 inches wide. OCR determined that the District is in compliance with this provision §4.1.2(5)(b) for the upper and lower parking lots; however, OCR determined that the middle parking lot does not have any designated accessible parking spaces in non-compliance with §§4.1.2(5); 4.6.

Accessible Routes. The three accessible parking spaces in the lower parking lot are located at the front of WBES and are located on an accessible route to the front door. There is a crosswalk connecting the parking area to the sidewalk and there is a curb cut to allow easy access to the entrance of WBES. The one designated parking space in the upper lot is located next to a rear door of WBES. The upper parking lot is flush with the area leading to the rear door. There are signs in front of each entrance identifying the route as an accessible route. Accordingly, the District is in compliance with the requirements of §4.3.2.

Location. OCR found that the three designated accessible parking spaces in the lower parking lot that provide access to the front of the building were located on the shortest route of travel to the front of the building. The one designated accessible parking space located in the upper lot was also located on the shortest route to the rear entrance of the building. OCR found that the District is in compliance with §4.6.2 with respect to the designated accessible parking spaces in the upper and lower parking lots.

Signage. OCR found that the accessible parking spaces are designated as reserved by the a sign showing the universal symbol of accessibility, in addition there is a universal symbol of accessibility painted on the ground in each designated accessible parking space in the lower and upper parking lots. However, there are no spaces with a mounted van accessible signage in violation of §4.6.4.

Vertical Clearance. OCR confirmed that none of the accessible parking spaces and zones are covered and therefore have vertical clearance in compliance with §4.6.5.

Ground & Floor Surfaces. OCR found that the designated accessible parking spaces located in the lower parking lot which provide access to the front of the building are clear and smooth. There are no obstructions to access from this route. OCR found that the ground surface near the designated accessible parking space in the upper lot was not clear. There were cracks in the concrete in front of the rear door. In addition, there is a grate covered by a mat directly in front of the rear door. Accordingly, the District does not provide an accessible route that is stable, firm and slip-resistant in compliance with §4.5 in the upper parking lot.

- **Glenwood Elementary School**

Glenwood Elementary School (GES) was built in 1988. There have been no renovations to GES since it was constructed.

Minimum number of accessible parking spaces. There is one parking lot at GES which has 128 parking spaces. There are six designated accessible parking spaces in the parking lot.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of designated accessible parking spaces for a parking lot with 128 spaces is 5. OCR found that the District has is in compliance with §§4.1.2(5)(a).

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there were six designated accessible parking spaces in the GES parking lot. All 6 accessible

spaces measured greater than 96 inches wide. Each accessible space had an access aisle that led directly to the sidewalk. There were three access aisles for the six parking spaces. Two of the access aisles are 60 and 62 inches and the third access aisle measured 96 inches. OCR determined that the District is in compliance with §4.1.2(5)(b).

Accessible Routes. Each access aisle leads from the parking lot to the accessible route to the main entrance of GES by way of a curb ramp. There is also a ramp leading from the sidewalk to the main entrance of GES. All six accessible parking spaces are located on the side of the parking lot that leads directly to the sidewalk therefore there is no need for marked crosswalks. Accordingly, the District is in compliance with §4.3.2.

Location. OCR found that the six accessible parking spaces are located at the closet route to the front door of the building. The six designated accessible parking spaces provide direct access to the sidewalk without having to travel around their vehicles or into the flow of traffic. The sidewalk leads to the accessible ramp to the front door of the building. OCR found that the District is in compliance with §4.6.2.

Signage. OCR found that there is signage with the universal symbol of accessibility at each designated accessible parking space. In addition, there is a symbol with the international symbol of accessibility painted on the ground at each designated accessible parking space in the GES parking lot. However, there was no signage designating the van accessible spaces in noncompliance with §4.6.4.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance in compliance with §4.6.5.

Ground & Floor Surfaces. OCR determined that the all six of the designated accessible parking spaces in the GES parking lot provide direct access to the front of the building via the sidewalk and then a ramp to the front door. The area is clear and free of obstructions. Accordingly, OCR found that the District is in compliance with requirements of §4.5.

- **Woodland Elementary School**

Woodland Elementary School (WES) was built in 1948. A new wing was added to the building in 1988 and in 2011 structural renovations were done on the buildings foundations and walls.

Minimum number of accessible parking spaces. There are two parking areas at the WES building. There is parking directly in front of the school which leads to the front of the building and there is a parking area on the side of the building which provides access to a side door of the building. There are a total of 90 spaces in the WES lot, including 6 designated accessible parking spaces.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for parking lot is 4. Based on the foregoing, OCR finds that the District has provided the required number of designated parking spaces. §4.1.2(5).

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there were four accessible parking spaces directly in front of the WES building and two accessible parking spaces on the side of the building. All 6 accessible spaces measured greater than 102 inches wide. The four accessible spaces had access aisles. The first access aisle measured 72 inches; the second access aisle measured 124 inches; the third access aisle measured 71 inches; and the fourth access aisle measured 62 inches. However, the two accessible parking spaces on the side of the building, measured 102 inches each but had no access aisles. OCR determined that parking lot at WES is in noncompliance with §4.1.2(5)(b).

Accessible Routes. The four accessible parking spaces in the front of the building have access to a crosswalk which leads directly to the front of the building. The crosswalk leads directly to an access ramp that is flush with the sidewalk. However, the two accessible parking spaces on the side of the building do not have access to the sidewalk. There is no curb cut or ramp that provides access to the sidewalk or the entrance to the building. In order to access an entrance, a person would have to travel across the parking lot into the flow of traffic. Accordingly, the District is in non-compliance with §4.3.2.

Location. OCR found that the four accessible parking spaces in the front of the building were located on the shortest possible route providing access to the front of the building. OCR found that the District is in compliance with §4.6.2 for the four accessible parking spaces providing access to the front of the building. With regard to the two accessible parking spaces on the side of the building, they are located on the shortest possible route to the side entrance of the building. However, as noted above, there is no direct access to the sidewalk from the accessible parking spaces. OCR found that the District was in noncompliance with this standard for the two accessible parking on the side of the building.

Signage. OCR found that there is signage with the universal symbol of accessibility at each designated accessible parking space. In addition, there is a symbol with the international symbol of accessibility painted on the ground at each designated accessible parking space in the side street parking lot. However, there was no signage designating the van accessible spaces in noncompliance with §4.6.4.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance for §4.6.5.

Ground & Floor Surfaces. OCR determined that the four accessible parking spaces located directly in front of the building and the two accessible parking spaces on the side of the building are clear and free of obstructions. Accordingly, the District is in compliance with §4.5.

- **Jefferson Middle School**

Jefferson Middle School (JMS) was built in 1968. In 1994, new classrooms were added to the building and an elevator was built in the building.

Minimum number of accessible parking spaces. There are two parking areas at JMS – the South Side lot on one side of the building and the North Side lot on the other side of the building. The South Side lot has a total of 69 spaces and the North Side lot has 36 total spaces.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the South Side lot with 69 parking spaces is 3 and this lot has 4 designated accessible parking spaces. The minimum number of accessible parking spaces for the North Side lot with 36 parking spaces is 2 and this lot has 3 designated accessible parking spaces. Based on the foregoing, OCR finds that the District has provided the required number of designated parking spaces. §4.1.2(5).

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that the four accessible spaces in the South Side lot all measured greater than 110 inches. The four spaces shared three access aisles and each access aisle measured 67 inches, 108 inches and 66 inches. The three accessible spaces in the North Side lot all measured greater than 109 inches and shared two access aisles. Both access aisles measured 77 inches. OCR determined that both parking areas are in compliance with §4.1.2(5)(b).

Accessible Routes. The South Side lot is located on the south side of the front entrance of the building. The accessible route to the front of the building leads from the parking area, across the street to a locked door. In order to access the front of the building from the accessible parking spaces, a person would have to cross the street and then travel in front of a loading/garbage area which is not marked with any crosswalks. In addition, in order to access to crosswalk, a person would have to travel behind their cars, into the flow of traffic. There are no curb cuts leading directly from the front of the parking spaces to the sidewalk. The access to the sidewalk is cracked. The North Side lot is located on the north side of the front entrance. The accessible route from the designated parking spaces leads to a side door of the building. In order to access the crosswalk to the entrance of the building, a person would have to travel behind their cars into the flow of traffic. There are no curb cuts leading from the front of the parking spaces to the sidewalk. Accordingly, the District is not in compliance with the requirements of §4.3.2.

Location. OCR found that both the south side lot and the north side lot are located on the shortest route of travel to an entrance to the building. There is no immediate parking at the front entrance because the front entrance faces the circular drive where drivers enter the property. OCR found that the south side and north side lots are located on the shortest accessible routes of travel to an accessible entrance in compliance with §4.6.2.

Signage. In the south side lot, OCR found that there is signage with the universal symbol of accessibility; in addition, there is a universal symbol of accessibility painted on the ground. However, the mounted universal signs for accessibility were mounted in front of the access aisles instead of in front of the designated accessible parking spaces. In the north side lot, OCR found that there were no mounted signage with the universal symbol for accessibility but there were painted symbols on the ground in each parking space. OCR did not find any signage indicating van accessible spaces. OCR found that the District is in non-compliance with §4.6.4.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance for §4.6.5.

Ground & Floor Surfaces. OCR determined that the accessible parking spaces in the south side lot were in a clear area, however, the surface leading to and around the curb ramp was cracked and uneven. OCR determined that the accessible spaces in the north side lot were located in a clear area, however, the surface area leading to the curb ramp accessing the sidewalk was cracked and uneven. Accordingly, the District is non-compliance with §4.5 because the route is not stable, firm and slip-resistant.

- **Robertsville Middle School**

Robertsville Middle School (RMS) was built in 1953. In 1994, a new gym and wing of classrooms was added to the building.

Minimum number of accessible parking spaces. There are three parking areas at RMS – the North Visitor lot in the front of the school, the East Faculty lot and the South faculty lot.

The North Visitor lot has 7 parking spaces, the East Faculty lot has 52 parking spaces and the South Faculty lot has 65 parking spaces.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the North Visitor lot with 7 parking spaces is 1 and this lot has one designated accessible parking space. The minimum number of accessible parking spaces for the East Faculty lot with 52 spaces is 3 and this lot has 3 designated parking spaces. The minimum number of accessible parking spaces for the South Faculty parking lot with 65 parking spaces is 3. This parking area does not have any accessible parking spaces. This lot is located across a grass field from RMS on the south side of the building. Based on the foregoing, OCR finds that the District is in non-compliance with §4.1.2(5)(a) because there are because there are no designated accessible parking in the South Faculty lot.

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there was one designated accessible parking space in the North Visitor lot. This space measured 96 inches and is adjacent to the sidewalk and no access aisle is needed. In the East Faculty lot, OCR found three accessible parking spaces, each measuring greater than 104 inches. Two access aisles provided access for each parking space, one measuring 108 inches and one measuring 66 inches. OCR determined that the District is in compliance with §4.1.2(5)(b).

Accessible Routes. The accessible route from the North Visitor lot is located adjacent to the accessible parking space. Upon exiting a vehicle, a person has immediate access to the sidewalk which leads directly to the front of the building. The accessible route from the East Faculty lot requires that a person exit their vehicle, travel behind their vehicle into the flow of traffic and access the sidewalk which leads to the side entrance. There are no curb cuts in the front of each accessible space granting direct access to the sidewalk. Accordingly, the District is in non-compliance with §4.3.2.

Location. OCR found that the accessible parking space in the North Visitor lot was located on the shortest route of travel to the front of the building. The three accessible parking spaces in the

East Faculty lot are located directly in front of the side entrance of the building and are on the shortest route of travel. However, to travel to the side entrance, a person would have to travel around to the back of their vehicles, into the flow of traffic, in order to gain access to the sidewalk. The District is in compliance with §4.6.2 in the North Visitor lot. OCR found that the District is in noncompliance with §4.6.2 for the East Faculty lot.

Signage. OCR found that there is mounted signage with the universal symbol of accessibility, in addition to a symbol painted on the ground, for each accessible parking space in the North Visitor lot and the East Faculty lot. However, there are no spaces with a mounted van accessible signage. OCR found that the District is in noncompliance with §4.6.4.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance for §4.6.5.

Ground & Floor Surfaces. OCR determined that the accessible parking spaces located in the North Visitor lot and the East Faculty lot are clear and free of obstruction. Accordingly, the District is in compliance with §4.5.

- **Oak Ridge High School**

Oak Ridge High School (ORHS) was built in 1951 and was completely renovated between 2005-2008.

Minimum number of accessible parking spaces. There are five parking areas at ORHS – the Front Visitor Lot, the Turnpike Lot, the Auditorium/Back Lot, the Faculty/IT Lot, and the B-Gym Lot.

The Front Lot has 18 total parking spaces, the Turnpike Lot has 352 total parking spaces, the Auditorium Lot has 25 total parking spaces, the Faculty Lot has 117 total parking spaces and the B-Gym Lot has 195 total parking spaces.

Pursuant to §§4.1.2(5)(a); 4.6.1, the minimum number of accessible parking spaces for the Front Lot with 18 parking spaces is 1 and this lot has 3 designated accessible parking spaces. The minimum number of accessible parking spaces for the Turnpike lot with 352 parking spaces is 8 and this lot has 3 designated accessible parking spaces. The minimum number of accessible parking spaces for the Auditorium Lot with 25 parking spaces is 1 and this lot has 2 designated accessible parking spaces. The minimum number of accessible parking spaces for the Faculty Lot with 117 spaces is 4 and this lot has 6 designated accessible parking spaces. The number of minimum accessible parking spaces for the B-Gym Lot with 195 parking spaces is 6 and this lot has 4 designated accessible parking spaces. Based on the foregoing, OCR finds that the District is in non-compliance with §4.1.2(5)9a) because there are an insufficient number of designated accessible parking spaces in the Turnpike Lot and the B-Gym Lot.

Minimum size of accessible parking spaces. During OCR's onsite inspection, OCR found that there were three accessible parking spaces in the Front Lot. All 3 accessible spaces measured greater than 115 inches wide with 2 access aisles each measuring 114 inches. The 3 designated



parking spaces in the Turnpike Lot all measured greater than 112 inches with 2 access aisles each measuring 112 inches. The 2 designated parking spaces in the Auditorium Lot measured 124 and 136 inches each with an access aisle measuring 124 inches. The 6 designated accessible parking spaces in the Faculty Lot all measured greater than 105 inches with 3 access aisles measuring 115 inches, 60 inches and 68 inches. The 4 designated parking spaces in the B-Gym Lot all measured greater than 108 inches with 2 access aisles measuring 112 inches. OCR determined that the parking spaces in all five parking areas are in compliance with §4.1.2(5)(b).

Accessible Routes. The three designated parking spaces in the Front Lot provide accessible routes to the entrance of the building. There are curb cuts in each access aisle which lead to the sidewalk providing access to the building. The three designated accessible parking spaces in the Turnpike Lot did not have accessible routes to the entrance of the building. In order to gain entrance to the building, a person would have to exit their vehicle and travel behind it into the flow of traffic to a curb cut in the sidewalk. There are no curb cuts at the front of the parking spaces. The two designated accessible parking spaces in the Auditorium Lot did have an accessible route to the building. There is a curb cut in the access aisle serving both spaces which leads to the sidewalk and the entrance of the building. The six designated accessible parking spaces in the Faculty Lot did not have accessible routes to the building. In order to gain entrance to the building, a person would have to exit their vehicle and travel behind it into the flow of traffic. There are no curb cuts at the front of the parking spaces. There are no marked crosswalks leading from the designated accessible parking spaces to the sidewalk and entrance to the building. The four designated accessible parking spaces in the B-Gym Lot did have accessible routes to the building. The access aisles each had curb cuts which provided access to the sidewalk leading to the entrance of the building. Accordingly, the District is not in compliance with §4.3.2 with regard to the Turnpike Lot and Faculty Lot.

Location. OCR found that the designated accessible parking spaces in each of the five parking areas were all located on the shortest possible route to an entrance of the building. However, as stated above, the designated accessible spaces in the Turnpike and Faculty Lots did not provide accessible routes to the building. OCR found that the District is in compliance with § 4.6.2 for the Front Lot, the Auditorium Lot and the B-Gym Lot. OCR found that the District is in noncompliance with §4.6.2 for the Turnpike and Faculty lots.

Signage. OCR found that there is mounted signage with the universal symbol of accessibility, in addition to a symbol painted on the ground, for each accessible parking space in the side street parking lot. However, there are no spaces with a mounted van accessible signage. OCR found that the District is in noncompliance with §4.6.4 because there is no van accessible signage on any of the spaces.

Vertical Clearance. OCR confirmed that the accessible parking spaces and zones have vertical clearance, which exceeds the required clearance for §4.6.5.

Ground & Floor Surfaces. OCR determined that the designated accessible parking spaces and routes located in the five parking areas were clear and free of obstructions. Accordingly, the District is in compliance with requirements of §4.5.

**Analysis and Conclusion**

After OCR's onsite with District officials, the District agreed to voluntarily enter in the attached RA that will, when fully complied with, address the compliance issues noted by OCR.

Under the Freedom of Information Act, it may be necessary to release this document and related correspondence and records, upon request. If we receive 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.

Pursuant to OCR procedures, we have reminded the District that no recipient may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by the laws OCR enforces, or because one has made a complaint or participated in any manner in an investigation in connection with a complaint.

OCR will proceed with monitoring the RA, effective the date of this letter. OCR is committed to a high quality resolution of every case. If you have any questions regarding this matter, please contact Michelle Vaughan, General Attorney.

Sincerely,

Melanie Velez  
Regional Director

Enclosure: as stated