

Resolution Agreement
Lee County School District (Alabama)
OCR Complaint # 04-14-1425

The U. S. Department of Education, Office for Civil Rights (OCR) and the Lee County School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

All modifications necessary to provide access under this Agreement will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design pursuant to 28 C.F.R. § 35.151(c) and the Appendix to 28 C.F.R. § 35.151(c) (hereinafter, 2010 ADA Standards for Accessible Design)¹ or any accessibility standard that provides equivalent or greater access to individuals with disabilities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Section 504 and Title II and resolve the issues in Complaint #04-14-1425, the District agrees to take the following actions:

ACCESSIBILITY PLAN

1. Within sixty (60) days of the execution of this Agreement, the District will retain or confer with a consultant who is knowledgeable about the accessibility requirements of Section 504 and Title II.
2. Within sixty (60) days of the execution of this Agreement, the District's consultant will conduct an accessibility survey of Smiths Station High School Stadium (Stadium), to ensure that the Stadium Home restrooms/concessions and routes to and from these areas from Home and Visitor sides are in compliance with ADA Standards.

The District's consultant will examine the Stadium's Home restrooms, Home concessions, and designated accessible routes between these restrooms and concessions to the Home and Visitor seating area, develop a written Accessibility Plan (Plan) identifying the modifications that are necessary to ensure that the Home restrooms/concessions and routes are accessible to and usable by persons with disabilities in accordance with Section 504, Title II, and the 2010 ADA Standards.

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

3. The Plan must ensure that the Home restrooms and Home concessions, and the routes to and from these restrooms and concessions from both Home and Visitor sides comply with the specific requirements of the 2010 ADA Standards as set forth below. The District will begin to implement the Plan no later than forty-five (45) days of completion of the Plan and will include a timetable for completion of all identified modifications with a time period not to exceed one-hundred twenty (120) days of the execution of this Agreement. The District's Plan will address the following elements:

Plan Requirements:

- a. Ensure that designated accessible areas in the Stadium completed pursuant to the Plan, include the installation of designated accessible routes that connect the accessible parking to the nearest accessible entrance to the Stadium. *See* 2010 ADA Standards §§ 208, 208.3, 216.5, 502.
- b. Ensure that directional signage, installed pursuant to the Plan, indicates the location of the nearest accessible entrance complying with § 404 from the designated accessible parking spaces. *See* 2010 ADA Standards §§ 216.6, 703.5 and 703.7.2.1.
- c. Ensure that each designated accessible parking space provided pursuant to this Plan includes 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 minimum above the finish floor or ground surface measured to the bottom of the sign. *See* 2010 ADA Standards §§ 208.2, 502, 502.6.
- d. Ensure that the 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. *See* 2010 ADA Standards §§ 402, 502.3. Existing parking spaces may be converted to temporary accessible spaces or access aisles during games and other events to comply with this Plan.
- e. Ensure that there is designated companion seating in the designated accessible seating areas on both the Home and Visitor sides of the Stadium for persons with disabilities and the designated accessible seating areas are marked with the International Symbol of *Accessibility*. *See* ADA Standards §§ 221, 703.7.2.1, 801, 802
- f. Ensure that there are accessible routes to and from the Home concession stands in the Stadium, permitting access from both Home and Visitor sides. *See* 2010 ADA Standards §§ 206.2.1, 206.2.6, 216
- g. Ensure that there are accessible routes to and from Home seating areas to the restrooms on both the Home side of the Stadium. *See* 2010 ADA Standards §§ 206.2.1, 206.2.6, 216
- h. Ensure that the operable parts of the men's and women's restrooms doors on the Home side of the Stadium shall be operable with one hand and do not require tight grasping, pinching or twisting of the wrist to operate; install rear and side grab bars in the toilet rooms; ensure that the pipes under the sinks are covered; and, install signage on the latch side of the men's and women's restroom doors between 48 inches and 60 inches above the finish floor or ground surface, measured from the baseline of the highest tactile character. In lieu of modifying the Visitor restrooms

to meet accessibility standards, ensure that there is signage alerting Visitors to the availability of accessible restrooms on the Home side; such signage shall be posted on the Visitor Concession Building. The signage will include the International Symbol of *Accessibility*. See 2010 ADA Standards §§ 309.4, 404.2.7, 604.5, 606.5, 703.7.2.

Reporting Requirements:

Within one hundred fifty (150) days of the execution of this Agreement and upon completion of all work and modifications under the Agreement and the Plan, the District will provide OCR with photographs, including measurements, that demonstrate that it has completed the requirements of the Plan in compliance with the 2010 ADA Standards and consistent with the requirements of this Agreement. In addition, the District will make the parking lot and designated accessible routes to the School and Stadium available for OCR to conduct an onsite inspection, if necessary, to ensure that the District is in compliance with the 2010 ADA Standards and the requirements of this Agreement.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close OCR Complaint # 04-14-1425.

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, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or Designee's Signature

Date

Printed Name and Title, if signed by Designee