

**Brevard County School District
Viera, Florida
Resolution Agreement
Complaint #04-16-1099**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Brevard 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), 29 U.S.C. §794, and its implementing regulation at 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to address the concerns related in the complaint pursuant to Section 302 of the OCR's Case Processing Manual. The District agrees to implement the following corrective actions to resolve the issues of this investigation. All modifications necessary to provide such access shall be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design¹ or any accessibility standard that provides equivalent or greater access to individuals with disabilities.

Assurances of Nondiscrimination. The District hereby reaffirms its commitment to ensure that persons with disabilities have an equal opportunity equal to participate in the District's programs, benefits, and services, except where doing so would impose an undue burden financial and administrative burden or create a fundamental alteration.

I. Stadium Accessible Seating

- A. Within thirty (30) days of the execution of this Agreement, the District, in consultation with persons knowledgeable about the accessibility requirements of Title II and the 2010 ADA Standards, will submit the Seating Plan that it developed for OCR's review and approval. The Seating Plan shall comply with the requirements of Title II and the 2010 ADA Standards and include a timetable for providing designated wheelchair accessible seats and companion seats, in proportion to the total number of seats in the Stadium. The District will begin to implement the Seating Plan no later than thirty (30) days following OCR's approval.

The Seating Plan will ensure that the designated accessible wheelchair seats will be dispersed in a variety of locations around the Stadium and provide lines of sight as required by the 2010 ADA Standards. The District will also ensure that the paths of travel for spectators do not obstruct the lines of sight of the designated wheelchair accessible seating areas. The District's Plan will ensure that the designated accessible wheelchair seating locations comply with the 2010 ADA Standards §§221; 802

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

REPORTING REQUIREMENT: Within thirty (30) days of the date of this Agreement, the District will provide OCR with progress reports that reflect the implementation of the Seating Plan. The District's Seating Plan status report will include blueprints, photographs, and work orders that reflect the District's implementation of the OCR-approved Seating Plan.

II. Accessible Parking

A. For each designated accessible parking space at the Stadium, the District shall erect signage that includes the International Symbol of Accessibility complying with §703.7.2.1 of the 2010 ADA Standards. Signs identifying van parking spaces shall contain the designation "van accessible." Signs shall be mounted 60 inches minimum above the finish floor or ground surface measured to the bottom of the sign. 2010 ADA Standards §502.6.

REPORTING REQUIREMENT: Within thirty (30) days of the execution of this Agreement, the District will provide OCR with pictures of the mounted signage in front of each new accessible parking space that complies with §§502.6 and 703.7.2.1.

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. §§104.21-104.23, and the Title II implementing regulation at 28 C.F.R. §§35.149-35.151. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District Superintendent or District designee below.

District Superintendent
or Designee

Date