

**Jefferson County School District  
Pinson, Alabama  
Resolution Agreement  
Complaint # 04-18-1425**

The U.S. Department of Education, Office for Civil Rights (OCR), has completed its investigation of the Jefferson County School District (District), pursuant to 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, which prohibit discrimination on the basis of disability by public entities.

This Resolution Agreement (Agreement) reflects voluntary actions to be taken by the District to ensure compliance with Section 504 and Title II. All modifications necessary to provide such access will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design<sup>1</sup> or any accessibility standard that provides equivalent or greater access to individuals with disabilities.

**I. Pinson Valley Elementary School (School) Softball Stadium (Stadium) - Route to Accessible Parking**

- 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 develop a plan (Plan) for OCR's review and approval, to ensure the accessibility of the designated accessible routes and designated accessible parking at the Pinson Elementary School Softball Stadium (Stadium).
- B. The District's Plan will ensure that the gate at the entrance of the designated accessible parking lot will remain open during all softball games or other activities held at the Stadium. The Plan shall comply with the requirements of Title II and the 2010 ADA Standards and will describe the method the District will use to ensure that person with disabilities are not blocked from accessing and exiting the accessible parking spaces during games.
- C. The District will begin to implement the Plan no later than thirty (30) days following OCR's approval. The Plan will ensure that the District completes all modifications no later than **January 1, 2019**.

**REPORTING REQUIREMENT:** By **November 1, 2018** the District will provide OCR with progress reports that reflect the implementation of the Plan to guarantee that the gate will remain open during games and other activities at the Field. The District's status report will include a summary of the Plan and the time frame that the gate will remain open.

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

**II. Maintenance of Accessible Route**

- A. The District shall ensure that the designated accessible route to the home and visitor seating remains unobstructed. If the District permits temporary concession vehicles at the Stadium during games, the vehicles will not park on or obstruct the designated accessible routes or designated accessible parking. See § 402 of the 2010 ADA Standards and 28 C.F.R. § 35.133.

**REPORTING REQUIREMENT:** On or before **November 1, 2018**, the District will provide OCR with a written statement confirming that the District will prohibit any vehicle or other barrier from obstructing the designated accessible routes and/or designated accessible parking at the Stadium. The statement will include a plan to prevent obstruction and the District’s plan to remove any vehicle that obstructs the designated accessible parking and/or designated accessible route to the Stadium.

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.

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 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, which were at issue in 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

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 Date