

Resolution Agreement
Lawson State Community College (Alabama)
OCR Complaint # 04-18-2243

The U. S. Department of Education, Office for Civil Rights (OCR) and Lawson State Community College (College) enter into this resolution agreement (Agreement) to resolve the allegation in the above-referenced complaint. The College 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 104, 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.

ACCESSIBILITY PLAN

1. Within ninety (90) days of the signing of this Agreement, the College will retain or confer with a consultant who is knowledgeable about the architectural accessibility requirements of Section 504 and Title II.
2. Within one hundred fifty (150) days of the signing of this Agreement, the Recipient's consultant will conduct an accessibility survey of Classroom Building "A" to ensure that the wheelchair lifts, the building's entrance doors nearest the identified accessible routes and accessible parking spaces, the library's entrance doors, and the identified accessible parking spaces and accessible routes from Building A's parking lot that were the subject of this complaint are in compliance with the 2010 ADA Standards. The identified areas will hereinafter collectively be referred to as "the Areas".

The College's consultant will examine "the Areas" identified in paragraph 2 and develop a written Accessibility Plan (Plan) identifying the modifications that are necessary to ensure that "the Areas" are accessible to and usable by persons with mobility disabilities in accordance with Section 504, Title II, and the 2010 ADA Standards.

3. The Plan must ensure that "the Areas" comply with the specific requirements of the 2010 ADA Standards as set forth below. The College will begin to implement the Plan no later than thirty (30) days following OCR's approval and will include a timetable for completion of all identified modifications with a time period not to exceed one-hundred

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

fifty (150) days following OCR's approval. The College's Plan will address the following elements:

- a. Restripe accessible parking spaces and provide proper signage for spaces marked accessible around Building A. *See* 2010 ADA Standards §§ 208.2 and 503.
- b. Provide directional signs complying with 703.5 that indicate the location of the nearest accessible entrance complying with 504 from accessible parking spaces. *See* 2010 ADA Standards §§ 216.6 and 703.7.2.1.
- c. Ensure entrances to and from the parking lot from the curb is flush with the sidewalk or create a curb cutoff at the access aisle. *See* 2010 ADA Standards §§§ 402, 405, 406, 502 and Advisory 502.3.
- d. Ensure all wheelchair lifts are operational and in compliance with § 410. *See* 2010 ADA Standards § 410.
- e. Ensure the interior and exterior doors closure speeds for the designated accessible entrances to Building A and the Library are in compliance with § 404.2.8. *See* 2010 ADA Standards § 404.2.8.1
- f. During the planning and implementation period of the OCR-approved Plan, the College will provide individualized assistance, as needed, to students and any individual with mobility disabilities so that they may readily access the College's programs and activities in Building A. The College will post signage at each designated accessible entrance at Building A. The signage will provide a telephone number for individuals to call if they need assistance. The College will monitor the number during normal hours of operation. Additionally, the College will continue its current practice of relocating to an accessible location, any class in Building A that was not initially assigned to the first floor, for any individual with a mobility disability.

Reporting Requirements:

1. Within thirty (30) of the College's completion of the Plan pursuant to Item 1 above, the College will submit the Plan for OCR's review and approval.
2. Following OCR's approval of the Plan, the College will provide progress reports to OCR that includes updates on the implementation of the Plan to modify the "Areas". The College will submit status reports to OCR every forty-five (45) days regarding the implementation of this Agreement, including the completion of any renovations or modifications, as applicable. These reports will include a description of the work performed, along with blueprints, photographs (with dimensions, as applicable) and copies of any invoices or work orders (if available). The College will continue to provide OCR with progress reports until the Agreement has been fully implemented and any work to be done under the Agreement has been completed.

3. Upon completion of all work and modifications under the Agreement and the OCR-approved Plan, the College will make the “Areas” identified in the RA available for OCR to conduct an onsite inspection, if necessary, to ensure that the College is in compliance with the 2010 ADA Standards and the requirements of this Agreement.

The College 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 College understands that during the monitoring of this Agreement, if necessary, OCR may visit the College, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21-104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint.

The College 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 College 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 College’s representative below.

President or Designee’s Signature
Lawson State Community College

Date

Printed Name and Title, if signed by Designee