

Resolution Agreement
Kingsport City School District (Tennessee)
OCR Complaint # 04-19-1371

The U. S. Department of Education, Office for Civil Rights (OCR) and the Kingsport City 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 #04-19-1371, 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 Recipient's consultant will conduct an accessibility survey of Kingsport City School District (School) track field to ensure that the designated accessible parking spaces in the School parking lot, including the designated accessible routes to the track field, as well as the accessible seating around the track field, which were the subject of OCR Complaint 04-19-1371, are in compliance with the 2010 ADA Standards.

The District's consultant will examine the parking lot, designated accessible routes from the parking lot to the track field, and accessible seating around the track field and develop a written Accessibility Plan (Plan) identifying the modifications (if applicable) that are necessary to ensure that the parking lots, accessible routes, and accessible seating are

¹ Located at: <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.htm#c1> (Last accessed by OCR on 10.16.2019)

accessible to and usable by persons with disabilities in accordance with Section 504, Title II, and the 2010 ADA Standards.

3. The Plan must ensure that the parking lot, the designated accessible routes, and accessible seating 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. Ensures the appropriate number and distribution of designated accessible parking spaces on the School grounds and around the track field. *See* 2010 ADA Standards § 208..
- b. Ensures that the designated accessible parking spaces at the School, completed pursuant to the Plan, include the installation of designated accessible routes that connect the accessible parking to the nearest accessible entrance to the track field. *See* 2010 ADA Standards §§ 208.3, 216.5, 502.2.
- c. 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.
- d. Ensures 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.
- e. 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.
- f. Ensure that the Plan for track field includes *wheelchair spaces* that are an integrated part of the seating plan. *See* 2010 ADA Standards §221; 802.

Reporting Requirements:

1. Upon completion of all work and modifications under the Agreement and the Plan, the District will provide a report outlining compliance of items (a) –(f) and make the parking lot, designated accessible routes to the track field and accessible seating around the track field 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 # 04-19-1371.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulations(s). Before initiating such proceedings, 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.

/s/
Superintendent or Designee's Signature

Date

Printed Name and Title, if signed by Designee