

RESOLUTION AGREEMENT

Kennesaw State University (Georgia)
OCR Complaint # 04-23-2047

The U.S. Department of Education, Office for Civil Rights (OCR) and Kennesaw State University 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 University. The University assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 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 from the Department of Education and public entities, respectively.

Prior to the completion of OCR's investigation, the University agreed to resolve OCR Complaint # 04-23-2047 pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, the University voluntarily agrees to take the following actions. All modifications necessary to provide access pursuant to this Agreement will be made consistent with the applicable standards with the 2010 ADA Standards for Accessible Design¹, or any accessibility standard that provides equivalent or greater access to individuals with disabilities.

Item1: Accessible Parking

Parking Plan: Within ninety (90) days of the execution of this Agreement, in consultation with person(s) knowledgeable of the accessibility requirements of Section 504, Title II and the 2010 ADA Standards for Accessible Design, the University will conduct an accessibility survey of the parking areas identified as the Convention Center Parking Lot, East Parking Deck, and East Parking Lot.

The University may consult with someone with in-house expertise of the 2010 ADA Standards for Accessible Design or with an outside consultant with the relevant expertise and will prepare a Parking Plan to provide a minimum number of parking spaces complying with § 502, including an accessible route, from the parking spaces to the Convention Center. The University will begin to implement the Parking Plan within thirty (30) days after OCR's approval of the Plan and will include a timetable for completion of all identified modifications with a time period not to exceed nine (9) months from OCR's approval of the Parking Plan.

The Parking Plan will address the University parking areas identified as the Convention Center Parking Lot, East Parking Deck, and East Parking Lot and will ensure that the parking spaces comply with §§ 208 and 502 of the 2010 ADA Standards for Accessible Design as follows:

- Identification: Each designated accessible parking space, including van accessible space, shall have identification signs that include the International Symbol of Accessibility complying with

¹ <https://www.ada.gov/law-and-regs/design-standards/2010-stds> (last accessed 4/10/23).

§ 703.7.2.1. Sign identifying van parking spaces shall contain designation “van accessible.” See 2010 ADA Standards § 502.6. Symbols of Accessibility shall contrast with their background with either a light symbol on a dark background or a dark symbol on a light background. § 703.7.2.

- Vehicle spaces: Designated accessible car parking spaces shall be 96 inches wide minimum and van parking spaces shall be 132 inches wide minimum, shall be marked to define the width, and shall have an adjacent access aisle comply with § 502.3; Figure 502.2.
- Minimum Number of Vehicle Spaces: The designated number of accessible car parking spaces for each parking area shall comply with § 208.2, including the number of Van Parking Spaces. See § 208.2.4.

Reporting Requirements:

- a) **Within ten (10) months of OCR’s approval of the Parking Plan**, the University will provide OCR with documentation and photographs, including detailed measurements and diagrams, demonstrating that the designated accessible parking spaces and designated accessible routes at the Convocation Parking Lot, East Parking Deck, and East Parking Lot comply with the applicable requirements of the 2010 ADA Standards for Accessible Design.

Item 2: Ensuring Access to Designated Accessible Parking

Within ninety (90) days of the execution of this Agreement, the University will develop and implement measures to prevent University-owned or other vehicles from blocking access to designated accessible parking spaces. The University’s measures may include, but are not limited to, posting signage regarding maintaining access to the designated accessible parking spaces and issuing electronic communications to University faculty, staff and students regarding maintaining access to the designated accessible parking spaces.

Reporting Requirements:

- a) **On or before November 31, 2023**, the University will provide OCR with documentation of the measures it implemented to notify University staff, faculty and students that they must maintain access to designated accessible parking spaces, particularly to the Convention Center Parking Lot.

By signing the Agreement, the University agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of the Agreement.

The University understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the recipient is in compliance with the terms of the Agreement and the statute(s) and regulation(s) at issue in the case.

The University understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings to enforce the specific terms of the Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the University President or his designee below.

University President or Designee

Date

Printed Name & Title