

Resolution Agreement #05-19-1327

Frankfort Community Unified School District #168

Frankfort Community Unified School District #168 (District), submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR complaint # 05-19-1327. The District submits this Agreement to ensure its compliance with 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation raised in this complaint.

The District agrees to the following:

1. For purposes of this complaint and Agreement, the District agrees to ensure that the parking facilities and the accessible routes from the parking facilities to the District's Frankfort Community High School (School) and Gymnasium comply with the 2010 ADA Standards for Accessible Design (2010 ADA Standards). To the extent the District alters or renovates existing facilities or parts of facilities, or constructs new facilities, such alterations, renovations and new construction will conform to the 2010 ADA Standards.
2. By December 1, 2019, the District will equip all of the accessible entrances to the School with signs identifying those entrances as accessible using the International Symbol of Accessibility. The District will also equip all non-accessible entrances with directional signs indicating the location of the nearest accessible entrance.

REPORTING REQUIREMENT: By **December 1, 2019**, the District will provide documentation to OCR that it has implemented item #2 of the Agreement.

3. By December 1, 2019, the District will submit for OCR's approval a plan and a proposed timeline¹ for ensuring that the parking lot(s) for the School and the parking lot(s) for the Gymnasium have an adequate number of designated accessible parking spaces on accessible routes to the accessible entrances of the School and Gymnasium, respectively. The District's plan will need to ensure the designated accessible parking spaces are consistent with the requirements of the 2010 ADA Standards for Accessible Design (2010 Standards), including but not limited to, sections 206, 208, 302, 402, 403, and 502. The plan, at a minimum, will include the following:
 - a. a diagram or description of each parking lot for the School and Gymnasium detailing the total number of parking spaces that will be provided in each lot, the number and location of designated accessible parking spaces in each lot, including van accessible spaces, and demonstration that the access aisles are adjoined to an accessible route to the closest accessible entrances to the School and Gymnasium;

¹ OCR is available to provide technical assistance to the District upon request.

- b. a description of the means it will utilize to ensure a stable, firm and slip resistant surface for parking spaces and access aisles;
- c. a description of the means it will utilize to ensure signage for parking spaces in each lot designated as accessible, including van accessible spaces, that are at least 60 inches above the ground; and
- d. a description of the means through which the District will provide temporary accessible parking for the School and Gymnasium until the District fully implements its plan to provide permanent accessible parking on an accessible route to the School and Gymnasium.

REPORTING REQUIREMENT: By **December 1, 2019**, the District will provide OCR a copy of the plan(s) developed pursuant to this item of the Agreement.

- 4. By March 1, 2020, the District will begin implementing the plan developed pursuant to item 3 of the Agreement and approved by OCR, and fully implement it on or before June 15, 2020.

REPORTING REQUIREMENT: By **June 15, 2020**, the District will provide documentation to OCR that it has implemented the Plan developed pursuant to item #3 of the Agreement. The District may obtain an extension to comply with this reporting requirement if it notifies OCR that it has experienced an excusable delay during the implementation of the approved plan. Excusable delay shall include poor weather conditions, natural disasters, unforeseen issues with the property, strikes, unforeseen delays in permitting or government approval, and delays solely caused by the District's contractor.

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 regulations implementing Section 504, at 34 C.F.R. § 104.23, and Title II, at 28 C.F.R. § 35.151, which were at issue in this case.

The District also 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.23, and Title II, at 28 C.F.R. § 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

FOR: Frankfort Community Unified School District #168

Superintendent/Designee

Date