

**Resolution Agreement
Kirby School District
OCR Case Number: 06-19-1430**

The Kirby School District (District), Kirby, Arkansas, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve this complaint filed under 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. § 12131, and its implementing regulation at 28 C.F.R. Part 35.

Before OCR completed its investigation, the District agreed to voluntarily resolve this complaint pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not made any conclusions of law or issued a final determination with respect to this complaint. While the District agrees to take the following actions, nothing contained in this Agreement shall be construed as an admission on the part of the District to the allegations in the complaint.

1. The District will develop a plan and a proposed timeline¹ for ensuring the parking lot for the gymnasium has an adequate number of designated accessible parking spaces on an accessible route to the entrance of the gymnasium. The District will need to take steps to ensure the designated accessible parking spaces are consistent with the requirements of sections 206, 208, 303, 402, 403, 404, and 502 of the 2010 ADA Standards for Accessible Design (2010 Standards). The plan will include a diagram or description of the parking lot for the gymnasium detailing the total number of parking spaces that will be provided in the lot and the number and location of designated accessible parking spaces, including van accessible spaces and access aisles, that will be provided in the lot. The plan will also include a description of the means by which the District will provide temporary accessible parking for the gymnasium until the District fully implements its plan to provide permanent accessible parking on an accessible route to the gymnasium.

REPORTING REQUIREMENT: By _____, the District will provide OCR a copy of the plan it developed pursuant to item 1 of the Agreement.

2. By _____, the District will adopt and begin implementing the plan developed pursuant to item 1 of the Agreement.

REPORTING REQUIREMENT: The District will notify OCR in writing within 30 calendar days of completing the plan developed pursuant to item 1 of the Agreement.

3. The District will develop a plan and proposed timeline² for ensuring the provision of designated accessible wheelchair spaces and companion seating in compliance with sections 206, 221, 403, and 802 of the 2010 Standards. The plan will include a diagram or description of the gymnasium detailing the total number and location of accessible wheelchair spaces

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

² OCR is available to provide technical assistance to the District upon request.

and companion seating spaces that will be provided in the gymnasium. The plan will also include a description of the steps the District will take to provide temporary accessible wheelchair spaces and companion seating until the District has fully implemented its plan to provide permanent accessible wheelchair spaces and companion seating.

REPORTING REQUIREMENT: By _____, the District will provide OCR a copy of the plan it developed pursuant to item 3 of the Agreement.

4. By _____, the District will adopt and begin implementing the plan developed pursuant to item 3 of the Agreement.

REPORTING REQUIREMENT: The District will notify OCR in writing within 30 calendar days of completing the plan developed pursuant to item 3 of the Agreement.

5. The District will take steps to ensure the ground surface at the end of the ramp used to exit the gymnasium through the exterior doors by the coaches' office is stable, firm, and slip resistant as required by section 302 of the 2010 Standards.

REPORTING REQUIREMENT: By _____, the District will provide OCR with a photograph of the ground surface at the end of the ramp, and written confirmation stating that the ground surface at the end of the ramp is stable, firm, and slip resistant.

6. The District will provide directional signage within the gymnasium designating the exterior exit by the coaches' office as an accessible exit.

REPORTING REQUIREMENT: By _____, the District will provide OCR with a photograph(s) showing the directional signage designating the exterior exit by the coaches' office as an accessible exit.

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 and Title II, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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.

Superintendent
Kirby School District

Date