

**RESOLUTION AGREEMENT
RAYMORE-PECULIAR R-II SCHOOL DISTRICT
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07131175**

The Raymore-Peculiar R-II School District (District), Peculiar, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegation against the District in OCR Docket Number 07131175, and to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation at 34 Code of Federal Regulations (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 asked to resolve the allegation in the complaint pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations, and to resolve the allegation of this complaint and any other issues identified by OCR during the course of its investigation of this complaint, the District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

This Agreement resolves the allegation in OCR Docket Number 07131175 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.

This Agreement shall become effective upon the District's receipt of a letter from OCR advising the District that this Agreement resolves the allegation raised in this complaint.

OCR agrees to discontinue its investigation of OCR Docket Number 07131175 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in this case and any other issues identified by OCR during the course of its investigation.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

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. 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.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines 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.

II. RESOLUTION PROVISIONS

PROGRAM AND FACILITY ACCESSIBILITY

- A. OCR inspected the high school (south building) parking lots, respectively the main lot, the north lot and the south lot. OCR also inspected the curb ramps along the accessible route to the building entrances from the parking lots and the exterior doors at the three building entrances from the parking lots.
- B. The accessibility requirements of the Section 504 regulation are found at 34 C.F.R. §§ 104.21 through 104.23. Comparable sections of the Title II regulation are found at 28 C.F.R. §§ 35.149 through 35.151. Both 34 C.F.R. § 104.21 and 28 C.F.R. § 35.149 provide generally, that no qualified individual with a disability shall, because a District's facilities are inaccessible to or unusable by persons with disabilities, be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination by that recipient.
- C. Facilities constructed or altered on or after June 3, 1977, but prior to January 18, 1991, must comply with the American National Standards Institute (ANSI) Standards A117.1-1961. Facilities constructed or altered on or after January 18, 1991, but prior to January 26, 1992, must meet the requirements of the Uniform Federal Accessibility Standards (UFAS). Pursuant to the Title II regulation, which was amended on September 10, 2010, and became effective March 15, 2011, physical construction or alterations commenced after July 26, 1992, but prior to September 15, 2010, must comply with either the UFAS or the Americans with Disabilities Act Accessibility Guidelines (1991 Standards).¹
- D. In addition, the Title II regulation states that physical construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, may comply with one of the following: 1) the 2010 Standards for

¹The 1991 Standards include the ADAAG standards. The 1991 Standards may be accessed at <http://www.ada.gov/stdspdf.htm>.

Accessible Design (2010 Standards),² 2) the 1991 Standards, or 3) UFAS. For any physical construction or alterations commenced on or after March 15, 2012, the 2010 Standards apply.³

- E. The District has agreed to execute remedial measures to modify the existing parking spaces in the main lot, north lot and south lot, and the curb ramps and exterior doors that are part of the accessible route from the parking lots to the building entrances to comply with the 2010 Standards.

Remedial Plan

- F. The District agrees to develop a remedial plan by which it will execute remedial measures necessary to comply with the following provisions of the 2010 Standards.
1. The main lot, north lot and south lot will have a sufficient number of designated car and van accessible parking spaces, according to the scoping requirements of 208.2 and 208.2.4. Car parking spaces shall be 96 inches wide minimum, according to 502.2. Van parking spaces shall be 132 inches minimum, with 60 inches wide minimum adjacent access aisle, or 96 inches minimum, with 96 inches wide minimum adjacent access aisle, according to 502.2.
 2. Car and van accessible parking spaces in the main lot, north lot and south lot will have an adjacent access aisle complying with 502.3.
 3. Parking spaces and access aisles serving them in the main lot, north lot and south lot shall comply with 302 and shall have slopes no steeper than 1:48, according to 502.4.
 4. Parking space identification signs for designated accessible parking spaces in the main lot, north lot and south lot shall include the International Symbol of Accessibility complying with 703.7.2.1 and 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.

² See 28 § 35.151(b). The 2010 Standards are comprised of the 2004 ADAAG standards (appendices B and D to 36 C.F.R. § 1191) and the amended Title II regulation at 28 C.F.R. § 35.151. The 2010 Standards may be accessed at http://www.ada.gov/2010ADASTandards_index.htm.

³ With respect to maintenance of accessible features, if the 2010 Standards reduce the technical requirements or the number of required accessible elements below the number required by the 1991 Standards, the technical requirements or the number of accessible elements in a facility may be reduced in accordance with the requirements of the 2010 Standards. See 28 C.F.R. § 35.133(c).

5. Curb ramps on the route from the accessible parking spaces to the building entrances serving the main lot, north lot and south lot shall have a running slope not steeper than 1:12, according to 405.2, and a cross slope not steeper than 1:48, according to 405.3. Where provided, curb ramp flares shall not be steeper than 1:10, according to 406.3. Counter slopes adjoining gutters and road surfaces immediately adjacent to a curb ramp shall not be steeper than 1:20. Landings shall be provided at the tops of curb ramps, with a clear length of 36 inches minimum and a clear width at least as wide as the curb ramp, excluding flared sides, according to 406.4.
6. Handles, pulls, latches, locks, and other operable parts on doors at entrances serving the main lot, north lot and south lot shall comply with 309.4, according to 404.2.7. Operable parts of such hardware shall be 34 inches minimum and 48 inches maximum above the finish floor or ground.

REPORTING REQUIREMENT: By March 1, 2014, the District will submit a remedial plan including, at a minimum, the following information for the remedial measures required to achieve the compliance identified in item F:

- a. a description of the specific architectural changes or actions to be performed by the District to achieve compliance with the facility, area, space, or element identified, including a specific description of the changes or actions to be performed in each of the three parking lots specifically;
 - b. the expected start and completion dates; and
 - c. the District employee or official responsible for the change or action.
- G. By October 1, 2014, the District will complete the remedial measures identified above to achieve compliance with the 2010 Standards. OCR understands that due to the unpredictable nature of construction projects, this date may need to be extended, and will agree to a reasonable extension, if needed.
- H. The District will provide OCR with 30-day status updates on progress implementing the District's remedial plan. The first status update will be due 30 days from the date of the District receives OCR's approval of the District's remedial plan required by this Agreement. Each status update will identify the action steps which have been completed since the submission of the remedial

plan (first status update) or since the date of the previous status update. The status updates will be provided every 30 days until all necessary remedial measures identified in the District’s remedial plan have been completed.

REPORTING REQUIREMENT: The District shall submit status updates as set out in item H above.

/s/ Kari Monsees
Dr. Kari Monsees
Raymore-Peculiar R-II School District
Peculiar, Missouri

12/19/13
Date