

Resolution Agreement
Docket # 07161043

The U.S. Department of Education, Office for Civil Rights (OCR), conducted a complaint investigation of the Jefferson County R-VII School District (District), Festus, Missouri, pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 United States Code (U.S.C.) § 794, and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. The District, as a recipient of Federal financial assistance and a public entity, is subject to the requirements of Section 504 and Title II.

The District agreed to take the following actions to resolve an allegation that the front doors and parking at Danby-Rush Tower Middle School are not accessible to persons with disabilities:

1. The District informed OCR that on May 16, 2016, the District will begin construction on the parking at Danby-Rush Tower Middle School by laying new asphalt and restriping the parking. By September 15, 2016, the District will make the parking at Danby-Rush Tower Middle School meet the parking requirements of Sections 208 and 502 of the Americans with Disabilities Act (ADA) 2010 Standards set forth below.
 - a. The minimum number of accessible parking spaces will meet the requirements of Table 208.2.

Table 208.2 Parking Spaces	
Total Number of Parking Spaces Provided in Parking Facility	Minimum Number of Required Accessible Parking Spaces
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4

Table 208.2 Parking Spaces	
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2 percent of total
1001 and over	20, plus 1 for each 100, or fraction thereof, over 1000

- b. For every six or fraction of six parking spaces required to be accessible, at least one will be an accessible van parking space.
- c. Accessible parking spaces will be located on the shortest accessible route to an accessible entrance. The current parking spaces for persons with disabilities in front of the classroom building which are 59 feet from a curb cut and require an individual to wheel into the road for that distance are not on an accessible route. If the District chooses to keep these parking spaces, the District will make a closer curb cut and a shorter accessible route to the front doors.
- d. Accessible car parking spaces will be 96 inches wide minimum and accessible van parking spaces shall be 132 inches wide minimum (or 96 inches wide minimum where the access aisle is 96 inches wide minimum). They will be marked to define the width and have an adjacent access aisle which may be shared by two accessible parking spaces.
- e. Access aisles will adjoin an accessible route which connects parking spaces to accessible entrances. Where the accessible route must cross vehicular traffic lanes, there will be visible marked crossings, including on the two roads which are crossed when going from the front doors to the parking for persons with disabilities at the football field. Where possible, the accessible route will not pass behind parked

vehicles. Access aisles will be 60 inches wide minimum, extend the full length of the parking spaces they serve, marked so as to discourage parking in them, and not overlap the vehicular way.

- f. Accessible parking spaces and access aisles serving them will be stable, firm, and slip resistant. Access aisles will be at the same level as the parking spaces they serve. Changes in level are not permitted. The parking spaces for persons with disabilities in front of the gymnasium will be level and not slope down from the access aisle.
- g. Walking surfaces that are part of an accessible route will have a stable, firm, and slip resistant surface; a running slope not steeper than 1:20; a cross slope not steeper than 1:48; and a clear width of 36 inches minimum. The District will make the walking surface in front of the right front doors (altered during the summer of 2015) and the sidewalk between the two roads which connects the front doors to the parking spaces for persons with disabilities by the football field meet this standard.
- h. Accessible parking spaces will be marked with identification signs that include the international symbol of accessibility and are 60 inches minimum above the ground when measured to the bottom of the sign. Signs identifying accessible van parking spaces shall state “van accessible.”

REPORTING REQUIREMENT: By July 15, 2016, the District will provide OCR a plan for OCR’s review and approval which documents how the District’s Danby-Rush Tower Middle School parking will meet the accessibility parking requirements of Sections 208 and 502 of the ADA 2010 Standards identified in 1 a through h above.

REPORTING REQUIREMENT: By November 1, 2016, the District will provide OCR documentation that the District’s Danby-Rush Tower Middle School parking meets the accessibility parking requirements of Sections 208 and 502 of the ADA 2010 Standards identified in 1 a through h above. This documentation will include photographs, measurements, and other documentation establishing the above.

- 2. By December 1, 2016, the District will make the gymnasium ground level door at Danby-Rush Tower Middle School meet the door requirements of Section 404 of the ADA 2010 Standards. The door will be unlocked from the outside during events held in the gymnasium, have an opening force of 5 pounds, and not have a 2 inch outside drop to enter the gymnasium.

REPORTING REQUIREMENT: By October 15, 2016, the District will provide OCR a plan for OCR’s review and approval which documents how the District’s Danby-Rush Tower Middle School gymnasium ground level door will meet the door requirements of Section 404 of the ADA 2010 Standards.

REPORTING REQUIREMENT: By January 15, 2017, the District will provide OCR documentation that the District’s Danby-Rush Tower Middle School gymnasium ground level door meets the door requirements of Section 404 of the ADA 2010 Standards. This

documentation will include photographs, measurements, and other documentation establishing the above.

3. By October 1, 2016, the District will adopt and publish a § 104.22(f) notice. This notice will state that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities by contacting [title, address, telephone number, and email address]. This notice will be included in a prominent place on the District’s website, in all student handbooks, and at each building.

REPORTING REQUIREMENT: By December 1, 2016, the District will provide OCR copies of the § 104.22(f) notice, the District’s website page which includes the § 104.22(f) notice, and all student handbooks which include the § 104.22(f) notice. The District will also provide OCR pictures of the § 104.22(f) notices which are posted at each building.

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 regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 35.151, which were at issue in this case.

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 regulation implementing Section 504 at 34 C.F.R. § 104.21, § 104.22, and § 104.23 and the regulation implementing Title II at 28 C.F.R. § 35.149, § 35.150, and § 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 (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.

/s/ Clint D. Johnston
Superintendent

May 6, 2016
Date