

RESOLUTION AGREEMENT
Spring Hill USD #230
Docket # 07161109

The U.S. Department of Education, Office for Civil Rights (OCR) and Spring Hill USD # 230 (District), Spring Hill, Kansas, enter into this Agreement (Agreement) to resolve allegations of the above-referenced complaint. This Agreement does not constitute an admission by the District of liability, noncompliance with Section 504, Title II, or any other law enforced by OCR, or any wrongdoing. The District assures OCR that it will take the following actions to comply with the requirements of 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, which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

PROGRAM AND FACILITY ACCESSIBILITY

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.

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 Accessible Design (2010 Standards),¹ 2) the 1991 Standards, or 3) UFAS.

- A. The District has agreed to execute remedial measures to modify the existing parking spaces in the front lot to comply with the applicable Standards. For any physical construction or alterations commenced on or after March 15, 2012, the 2010 Standards apply.²
- B. The District agrees to modify the front parking lot to comply with the following provisions of the 2010 Standards:

¹ 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.

² 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).

1. The 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. The District will add two additional parking spaces to the front lot to create a sufficient number of designated car- and van-accessible parking spaces as described in section B.1 above.
3. 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.
4. 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.
5. 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.

REPORTING REQUIREMENT:

The District has provided OCR with documentation that the parking lot has been modified as required by this agreement. OCR may inspect the parking lot to ensure compliance and may require further documentation if needed.

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. Part 104 and Title II at 28 C.F.R. Part 35, 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 regulations implementing Section 504 at 34 C.F.R. Part 104 and Title II at 28 C.F.R. Part 35, which were at issue in this case.

