

Resolution Agreement
Jefferson County School District
Complaint Number 08-19-1371

In order to resolve the facility accessibility allegation at Lasley Elementary School in Case Number 08-19-1371 filed against the Jefferson County School District (District), the District agrees to implement the following Resolution Agreement. This complaint allegation was opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) 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. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, which prohibit discrimination on the basis of disability in education programs that receive Federal financial assistance from the Department. The District is committed to complying fully with Title Section 504 and Title II, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. This Agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws, and the District specifically disclaims any liability to or wrongful acts against any person. The District hereby voluntarily commits to the following:

The District will comply with the cited provisions of the 2010 ADA Standards for Accessible Design (2010 Standards), 36 CFR part 1191, App. B and D, when taking the following actions required by this Agreement.

1. Provide an accessible route connecting the nearest designated accessible entrance to all playgrounds installed after 1992 that, to the maximum extent feasible, coincides with the route for the general public. The accessible route must have a minimum clear width of 36 inches, or a minimum clear width of 42 inches if there is a 180-degree turn around an obstruction less than 48 inches wide; have passing spaces at least 60 inches by 60 inches at least every 200 feet; have a surface that is firm, stable, and slip resistant; have, in the absence of a ramp, no level changes in excess of ½ inch vertically; and have a running slope of less than 1:20 (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50. 2010 Standards §§ 302.1, 302.3, 402, 403, 405.

REPORTING REQUIREMENT: By **December 31, 2020**, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to Term 1. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices or proof of efforts to secure funding/assistance for structural renovations or equipment.

2. The District will provide directional signage to indicate the accessible route to the playgrounds. The signs must include the International Symbol of Accessibility and note the direction to the accessible entrance. (It is advisable to locate the signs in a manner that minimizes back-tracking) 2010 Standards §§ 216.6, 703.5, 703.7.2.1.

REPORTING REQUIREMENT: By **December 31, 2020**, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to Term 2. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices or proof of efforts to secure funding/assistance for structural renovations or equipment.

3. Provide a ramp to the performance area with handrails on both sides that are between 1¼ inches and 2 inches in diameter with a continuous gripping surface that is not obstructed along the top and sides. Ensure that the handrails extend at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface, that they are mounted between 34 inches and 38 inches above the ramp surface, that they will not rotate within their fittings, and that they have ends that are rounded or return smoothly to floor, wall, or post. 2010 Standards §§ 405.8, 405.9, 505.

REPORTING REQUIREMENT: By **December 31, 2020**, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to Term 3. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices or proof of efforts to secure funding/assistance for structural renovations or equipment.

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 the Agreement, if necessary, OCR may visit the District, interview District employees 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 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.21, 104.23 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.130, 35.149, 35.151, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this complaint.

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.

For Jefferson County School District:

<u>/S/</u>	<u>10/31/19</u>
Name	Date
Title	