

**Resolution Agreement
Juab School District
Case Number 08-22-1147**

In order to resolve the allegations in Case Number 08-22-1147, filed against Juab School District (the District) and 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. Section 794 (Section 504) 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, 42 U.S.C. Sections 12131-65, 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 from the Department and by public entities respectively, the District agrees to implement the following Resolution Agreement (Agreement).

The complaint alleged that the District at Red Cliffs Elementary School (School) discriminates against individuals with mobility disabilities by failing to provide an accessible ramp along the route connecting the student drop off area to a designated accessible entrance to the School and by failing to ensure that designated accessible parking is available.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District's decision to enter into this Agreement is not an admission of liability, non-compliance, or wrong-doing, nor shall it be construed as such.

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 actions required by this Agreement.

RESOLUTION ACTION

1. The District agrees to take the following actions at Red Cliffs Elementary School (the School):

- a. **Accessible Route - Ramp**

There is a ramp component along the designated accessible route connecting the west side parking lot and a linear student drop-off/pick-up area, to the designated accessible main entrance to the School. The District has indicated that it will complete its evaluation of the ramp to ensure that the ramp complies with the accessibility standard selected at the time of construction (1991 ADA Standards for Accessible Design).

The District will ensure that the ramp component of the designated accessible route is at least 36 inches wide and has a slope not exceeding 1:12 and a cross slope not exceeding 1:50; provides level landings at the top and bottom of the ramp that are at least as wide as the ramp and at least 60 inches long; if the ramp changes direction, provides a level landing measuring at least 60 inches by 60 inches at the change in direction; on both sides of the ramp, provides handrails between 1¼ inches and 1½ inches in diameter with a continuous gripping surface; that the handrails extend at least 12 inches beyond the top and bottom of the ramp parallel with the ground surface and that they are mounted between 34 inches and 38 inches above the ramp surface, will not rotate within their fittings, and that have ends that are rounded or return smoothly to floor, wall, or post; provides edge protection that is at least 2 inches high at the ramp's drop off sides; and that the ramp and its level landing at the top

and bottom are designed and maintained so that water does not accumulate on walking surfaces. Standards §§ 4.3.8, 4.8.

If the ramp does not comply with the 1991 Standards, the District will remove all identified barriers to access in a way that complies with the 2010 Standards. 2010 Standards §§ 302, 402, 405, 505.

b. Parking - General

There are parking lots on the east and west sides of the School building. The District indicated that the parking lots were reconfigured in 2015. The District also indicated that it intends to alter the current designated accessible parking spaces in the lots based on its own recent accessibility review in order to ensure compliance with the 2010 Standards.

The District will provide an adequate number of standard and van accessible parking spaces for each lot that are located on the shortest accessible route to an accessible entrance. For standard accessible spaces, ensure the spaces are a minimum of 96 inches wide and served by access aisles at least 60 inches wide. Ensure that van accessible spaces are a minimum of 132 inches wide, served by an access aisle at least 60 inches wide or a minimum of 96 inches wide, served by an access aisle at least 96 inches wide. Access aisles shall be marked to discourage parking in them. At all spaces designated as reserved for persons with disabilities, provide vertical signs with the International Symbol of Accessibility located a minimum of 60 inches above the ground surface. At the van accessible space, provide an additional “Van-Accessible” designation on the sign. Ensure that all spaces and access aisles designated for use by persons with disabilities are flat and level, with slopes and cross-slopes not exceeding 1:50 in all directions, and that their surfaces are firm, stable, and slip-resistant. 2010 Standards §§ 208, 302.1, 502, 703.7.2.1.

c. Passenger Loading Zone

As noted, there is a linear student drop-off/pick-up area (passenger loading zone) in the front of the School’s main entrance. The District indicated that the passenger loading zone was included in the parking alterations completed in 2015.

The District will provide a passenger loading zone that provides a vehicular pull-up space 96 inches wide minimum and 20 feet long minimum; has an access aisle that is 60 inches wide minimum that extends the full length of the vehicle pull-up space and is at the same level as the vehicle pull-up space and is marked so as to discourage parking in them; and includes floor and ground surfaces that are stable, firm, and slip resistant. 2010 Standards §§ 209, 302, 503.

REPORTING REQUIREMENTS:

- a) By June 15, 2022, 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.
- b) The need for additional reports to OCR will be determined based on the District’s June 15, 2022, report and will be required until the District demonstrates the completion of the Terms of this Agreement.

- c) OCR may conduct at least one site visit prior to determining that the District satisfactorily completed the Terms of this Agreement.
 - d) All steps will be completed by December 1, 2022.
2. The District will take steps to ensure that the accessible features at the School, in particular the designated accessible parking spaces, are readily available and usable by individuals with disabilities.

REPORTING REQUIREMENTS:

- a. By May 15, 2022, the District will submit a plan for OCR for review and feedback that will ensure that designated accessible parking spaces at the School are consistently available for individuals with disabilities – the individuals that the parking spaces are intended to benefit.
- b. Within 15 days of OCR’s approval of the District’s plan, the District will implement the plan.

The District understands that by signing this Agreement, it agrees to provide documentation 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 request such additional reports or data.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, which were at issue in this case.

When OCR determines that the District has fulfilled all of the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, OCR will close Case Number 08-22-1147 and will send a letter to the District stating that Case Number 08-22-1147 is closed.

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. Sections 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 60 calendar days to cure the alleged breach.

The person signing for the District represents that she is authorized to bind the District to this Agreement. This Agreement becomes effective the date of the signature below.

For Juab School District:

_____/S/_____

Printed Name, Title, and Signature

May 13, 2022

Date