

Resolution Agreement  
McMinn County Schools, Tennessee  
OCR Complaint #04-15-1203

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against McMinn County Schools (District) alleging disability discrimination at Central High School (School) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 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), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. To ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions and to follow the 2010 ADA Standards for Accessible Design <http://www.ada.gov/regs2010/2010ADASTandards/2010ADAstandards.htm#pgfId-1015036>, consisting of the requirements contained in 28 C.F.R. § 35.151 and the 2004 ADA Accessibility Guidelines at 36 C.F.R. part 1191, Appendices B and D (collectively, “2010 Standards”). Relevant provisions are cited on the attached Addendum to this Agreement.

**1. By no later than the beginning of the 2015-2016 football and/or athletic season**, the District agrees to develop a plan of construction for Phases I, II and III for the actions listed in the Agreement Addendum for making all planned renovations to the School stadium facilities to ensure accessibility in accordance with the 2010 Standards.

**REPORTING REQUIREMENT: By August 31, 2015**, the District will prioritize the listed items for Phases I, II and III, establish a schedule of dates for completion of work for each item, and submit the schedule to OCR for approval.

**2. By no later than the beginning of the 2015-2016 football and/or athletic season**, the District will take interim measures to provide program access to the stadium by both home and visitor team spectators with mobility impairments, including providing clusters of accessible portable restrooms at each end of the field. The program access to the games must be meaningful and must provide a sufficient number of wheelchair and companion spaces that are not isolated in a home team or visitor team spectator section only, are not isolated in a student section or non-student section, are not isolated from other spectators in general, and that provide comparable views provided to the general public. For every athletic event at the stadium, during the 2015-16 school year, the District will also add signage for patrons with disabilities and notice to spectators not to obstruct views or walk in front of accessible seating areas.

**REPORTING REQUIREMENT: By August 31, 2015**, the District will submit a detailed report to OCR of how the District will provide meaningful program access in the Item above for the 2015-16 football season and a schedule of all home football games for the 2015-2016 season. It may be necessary for OCR staff to attend one or more football games at the stadium

during the 2015-16 football season to verify that the District has implemented the interim measures for providing program access.

**3. By no later than the beginning of the 2015-2016 football and/or athletic season,** the District will complete renovations to the stadium seating on the west side to add wheelchair accessible seating (no wheelchair spaces had been provided previously on this side) and other parts of the facilities categorized as Phase I on the Agreement Addendum, in accordance with 2010 ADA Standards.

**REPORTING REQUIREMENT: By August 31, 2015,** the District will submit a detailed report to OCR that includes pictures showing measurements if applicable of each area renovated for Phase I, in accordance with Item 3 above.

**4. By no later than the beginning of the 2015-2016 football and/or athletic season,** the District will provide training to its stadium and maintenance staff to ensure that accessible routes and facilities such as seating and restroom facilities are not blocked (e.g., keeping trash cans out of the restroom entrances), accessible elements such as parking spaces and ramps are kept free of debris, and spectators are not permitted to stand in front of and obstruct the view of patrons using wheelchair seating areas at the stadium[use of stadium monitor/s during games is a means to ensure this does not happen]. If the District decides to place home and visitor team spectators in both sides of the bleachers to provide program access, the District will also train stadium and maintenance staff on this policy.

**REPORTING REQUIREMENT: Within 15 days from the date training is provided,** the District will provide OCR with: 1) the name, title and qualifications of the trainer, 2) the date of the training, 2) a list of topics covered and copies of any handouts or power points utilized, and 3) an attendance sheet or similar list that shows the names and titles of employees who attended the training.

**5. Throughout the 2015-2016 football and/or athletic season,** the District will include information regarding the availability of assistive listening systems (ALS) receivers which can be picked up at the ticket office<sup>1</sup> and the location of accessible parking and accessible seating locations in the stadium in the correspondence sent to visiting schools, in the information about games provided on the District /athletic department and or School website, and in any articles posted in the local newspaper about the games. If the District decides to place home and visitor team spectators in both sides of the bleachers to provide program access, the District will notify District staff, patrons, students, and families of students enrolled in the District of the interim change in its longstanding visitor

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<sup>1</sup> If audio amplification is provided, then ALS receivers are required, and the District may start by providing ALS receivers for 1% of the total seating capacity for next athletic season (2016-2017), and increase to the total number of receivers required prior to the 2017-2018 athletic season (see 2010 ADA Standards chart at Section 219.3).

and home side seating tradition in the stadium. In addition, the District will conspicuously post signage in and around the stadium notifying spectators of this interim change in seating.

**REPORTING REQUIREMENT: By October 20, 2015**, the District will submit verification to OCR that the information listed above was included in the correspondence and any postings to the local newspaper, or District website during the 2015-2016 football and/or athletic season. Also, the District should report to OCR whether the ALS devices are being requested and used.

**6. By no later than the beginning of the 2016-2017 football and/or athletic season**, the District will make permanent modifications and renovations to the existing stadium seating on the east side so there are no line of sight issues for wheelchair areas provided, renovate the restrooms and other parts of its facilities categorized as Phase II on the Agreement Addendum, in accordance with the 2010 ADA Standards.

**REPORTING REQUIREMENT: By August 1, 2016**, the District will submit a detailed report to OCR that includes pictures showing measurements if applicable of each area renovated for Phase II, in accordance with Item 6 above.

**7. By no later than the beginning of the 2017-2018 football and/or athletic season**, the District will make permanent modifications and renovations to the existing stadium facilities categorized as Phase III on the Agreement Addendum such as water fountains and permanent signage, in accordance with the 2010 ADA Standards.

**REPORTING REQUIREMENT: By August 1, 2017**, the District will submit a detailed report to OCR that includes pictures showing measurements if applicable of each area renovated for Phase III, in accordance with Item 7 above.

**8. Beginning September 15, 2015 and throughout the monitoring of this Agreement**, the District will submit periodic progress reports to OCR verifying its progress on the work schedule for the items listed in the attached Addendum, and its compliance with the 2010 ADA Standards, including photographs with measurements shown when appropriate, plans, pictures, measurements, work orders, invoices and similar documentation.

**REPORTING REQUIREMENT: By September 15, 2015**, the District will begin to submit periodic reports with documentation as specified above on the following planned dates, which are subject to change by OCR: October 20, 2015 and March 31, August 1 and November 30, 2016 and August 1, 2017.

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 2010 ADA Standards, the regulations implementing Section 504 at 34 C.F.R. §§ 104.21-104.23, and the regulations implementing Title II at 28 C.F.R. §§ 35.149-35.151 which were at issue in this case.

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 2010 ADA Standards, the regulations implementing Section 504 at 34 C.F.R. §§ 104.21-104.23, and with the regulations implementing Title II at 28 C.F.R. §§ 35.149-35.151 which were at issue in this case. For any areas of noncompliance with the 2010 ADA Standards that are not specifically cited in the Agreement Addendum, but discovered by OCR during one or more of the monitoring onsite visit(s), the District agrees to make modifications necessary to comply with the 2010 ADA Standards before this monitoring will be 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. §§ 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

\_\_\_\_\_/S/\_\_\_\_\_  
Director of Schools (or designee)

\_\_\_\_\_  
7/30/15  
Date

**Resolution Agreement Addendum**

<b>Phase I, II or III</b>	<b>Modification</b>	<b>Relevant 2010 ADA Standards</b>
<u>Phase I</u>	<p><u>Accessible parking spaces in the stadium parking lot</u>                      Based on the 301 total number of parking spaces, the District has at least the minimum of 8 accessible spaces required (District has 9), one of which must be a van space. The spaces should be located in the area nearest to the accessible route to the stadium entrance. Each accessible non-van parking space must be at least 96” wide with adjacent access aisles measuring at least 60” wide. The van accessible space must be 96” wide, with an aisle that is also 96” wide.</p> <p>The accessible spaces will be conspicuously marked with the International symbol of accessibility. Van accessible spaces will contain additional “Van Accessible” signage mounted below the symbol of accessibility. Parking signs shall be 60 inches minimum above the finish floor or ground surface measured to the bottom of the sign.</p>	208 216.5 502
<u>Phase I</u>	<p><u>Accessible route</u>                      Need an accessible route from the parking lot to the stadium entrance, with a curb ramp or cut in the transition from the parking lot to the accessible route/sidewalk that is flush and free of abrupt changes. The accessible route must continue from the stadium entrance to both sides of the bleachers, and also to accessible restrooms, concessions and ticket counters.</p>	206 207 401-410

<p><u>Phase I</u></p>	<p><u>Accessible bleacher seating</u>                  Install new bleacher seating on both sides of the stadium that are designed to provide the appropriate number of wheelchair spaces and companion seats based on the total number of seating capacity (e.g. for 501-5000 seating capacity: 6 wheelchair spaces, plus 1 for each 150, or fraction thereof, between 501 through 5000 seats, are required). Each wheelchair space requires next to it, a companion seat which can be removable.</p> <p>The District will ensure that visibility to the field is provided from the accessible seats and not blocked by standing patrons. This line of sight requirement can be achieved in various ways, such as by placing wheelchair spaces and companion seating in the front area of a seating section, or by providing sufficient additional elevation for wheelchair spaces and companion seating placed in the rear area of a seating section. The wheelchair spaces and companion seating areas will be readily accessible to and usable by persons with disabilities in an integrated manner, included in rows with other patrons, not separated in a section away from regular patron seating.</p> <p>A single wheelchair space will be a minimum of 36 inches wide. Where two adjacent wheelchair spaces are provided, each wheelchair space will be a minimum of 33 inches wide. If a wheelchair space can be entered from the front or rear, then the wheelchair space will be a minimum of 48 inches deep. If a wheelchair space can be entered only from the side, then the wheelchair space will be a minimum of 60 inches deep. Wheelchair spaces must adjoin accessible routes. The accessible routes will not overlap wheelchair spaces. Wheelchair spaces will not overlap circulation paths.</p>	<p>221                  302                  802                  Also see DOJ                  Stadium Accessibility                  Guide  <a href="http://www.ada.gov/stadium.pdf">http://www.ada.gov/stadium.pdf</a></p>
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<u>Phase I</u>	<p><u>Program Accessibility – Portable Restrooms</u></p> <p>Until the existing restrooms are renovated, provide an accessible portable toilet facility (or, if six or more stalls are provided to the general public, than two accessible portable toilet facilities) for all public events at the stadium. The portable toilet facility will be on an accessible route and will include a source of running water (e.g., a basin with a fresh water holding tank attached to a spigot), paper towels, and a waste receptacle. The District will ensure that the accessible water closet and lavatory comply with the 2010 ADA standards.</p>	213 603
<u>Phase I</u>	<p><u>Concessions</u></p> <p>All concessions, including food service areas and souvenir stands must be accessible.</p> <p>For example, lowered counters (no more than 34” high) must be provided where goods or food service are provided and where cash registers are located. Condiments and self-serve food items must be provided within reach of a person using a wheelchair.</p>	226 227 904
<u>Phase I, II, III</u>	<p><u>Signs</u></p> <p>Permanent signs that identify permanent rooms and spaces, such as those identifying accessible restrooms, exits or room numbers, must have Braille and raised letters or numbers so that they may be read visually or tactually (by feeling the characters with one’s fingers). They must also meet specific requirements under the 2010 ADA Standards for mounting location, color contrast, and non-glare surface. Temporary signs can be posted during Phase I and II, until the permanent signs can be installed for Phase III.</p>	216 703

<p><u>Phase II</u></p>	<p><u>Men’s and Women’s new accessible restrooms (including those in locker rooms)</u></p> <p>Accessible stalls shall be a depth of 56” to 59” and a width of 60”; stall doors shall be a minimum of 32” wide and swing out (can swing in if there is a clear floor space inside the stall that measures at least 30 inches by 48 inches provided outside of the door swing). Doors shall have accessible hardware. Depending on the arrangement of the accessible stall, grab bars will be mounted on both sides or on at least one side and at the back of the stall, 33’-36’ from the floor and of appropriate length. Urinals will be no higher than 17” from the floor; toilets will be 17-19” from the floor.</p> <p>The mirrors will be mounted so that the bottom edge of the reflecting surface is no higher than 40” above the floor.</p> <p>Hot water pipes under sinks will be insulated or otherwise configured to protect against contact.</p> <p>Towel and soap dispensers shall be mounted within accessible reach ranges (Forward and side unobstructed reaches will be no higher than 48”).</p> <p>Lavatories, the top rim of which, shall be no more than 34” from the floor. Audible/visual alarms shall be installed in the men and women’s new restrooms. Exception: visible alarms must be installed only when an existing fire alarm system is upgraded or replaced, or a new fire alarm system is installed.</p> <p>For entrance doors into the restroom, the door pressure should be such that the doors are operable and usable, requiring no more than 5 lbs. of force to push or pull.</p>	<p>213 222 308 601-610 803</p>
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<u>Phase III</u>	<u>Alarm system boxes</u> Throughout the stadium facilities, audible/visual <u>alarm boxes</u> shall be mounted no higher than 48” from floor.	215 702
<u>Phase III</u>	<u>Water fountains</u> 50% of water fountains at the stadium facilities will be accessible to persons in wheelchairs. The water fountain spout will be no higher than 36” from the floor and the controls will be front mounted or side mounted near the front edge.	211 602
<u>Phase II, III</u>	<u>Assistive Listening Systems (ALS)</u> In each assembly area where audible communication is integral to the use of the space, an assistive listening system shall be provided, except that ASL shall not be required where audio amplification is not provided. When required, ALS receivers shall be available for four percent (4%) of the total number of fixed seats. <sup>2</sup> At least twenty-five percent (25%), but no fewer than two, of the ASL receivers must be hearing-aid compatible. Receivers may be picked up by patrons at a ticket or will-call window and signs indicating such are available will be posted next to the ticket/will call windows.	219 706

<sup>2</sup> If audio amplification is provided, then ALS receivers are required and the District may start by providing ALS receivers for 1% of the total seating capacity during the 2016-2017 athletic season and increase it to the 4% for the 2017-2018 athletic season.