

**Accessibility Issues:** Local educational agencies are required to adhere to the applicable accessibility standard (determined by date of facility construction or alteration) of every building housing a secondary program offering career and technical education classes. Section 504:34 CFR § 104.21, Title II: 28 CFR § 35.150(a), Title II: 28 CFR § 35.151(a) (b), Guidelines IV-N

Summary of Accessibility Compliance Standards Utilized by Date:

If facilities (or parts of facilities) commenced construction/alteration before <b>June 4, 1977</b> , programs must be <b>readily accessible</b> .
If facilities (or parts of facilities) commenced construction/alteration between <b>June 4, 1977</b> and <b>January 18, 1991</b> they must be in compliance with <b>ANSI standards</b> , A117.1-1961 (R 1971).
If facilities (or parts of facilities) commenced construction/alteration between <b>January 19, 1991</b> and <b>January 26, 1992</b> they must be in compliance with <b>UFAS standards</b> .
If facilities (or parts of facilities) commenced construction/alteration between <b>January 27, 1992</b> and <b>September 14, 2010</b> they must be in compliance with either <b>UFAS</b> or <b>1991 ADA standards</b> .
If facilities (or parts of facilities) commenced construction/alteration between <b>September 15, 2010</b> and <b>March 14, 2012</b> , they may be in compliance with <b>UFAS</b> , the <b>1991 ADA standards</b> , or the <b>2010 ADA standards</b> .
If facilities (or parts of facilities) commenced construction/alteration on or after <b>March 15, 2012</b> , they must be in compliance with <b>2010 ADA standards</b> .

UFAS and ADA standards are available on-line at:

<http://www.access-board.gov/ufas/ufas-html/ufas.htm> (UFAS)

<http://www.ada.gov/reg3a.htmlAnchor-Appendix-52467> (1991 Standards)

<http://www.access-board.gov/ada-aba/ada-standards-doj.cfm> (2010 Standards)

Summary of Accessibility Compliance Standards utilized by site:

Building	Date of ORIGINAL construction and standard applied	Date(s) of alterations(s) and standard(s) applied
Nelson County H.S.	1955-Readily Accessible	Elevators (2)-1975 ( <b>Readily Accessible</b> ); Ramps in CTE wing (2)-1975 ( <b>Readily Accessible</b> ); Cosmetology-1996 ( <b>1991 ADA</b> ); All other CTE labs and classrooms [Business, Family and Consumer Sciences, Agriculture, Computer

		Science, Horticulture, Auto Mechanics, Information Technology, Building Trades, and Health Occupations], locker rooms and weight room near old gym, main entrance and office area, classrooms 101-104, new auditorium, kitchen, high school commons, chorus room, and band room, ramp in the science wing, and new gymnasium [in middle school section]-2001 ( <b>1991 ADA</b> );
<b>Parking-</b> Nelson County H.S.	2002-( <b>1991 ADA</b> ) Front lot-33 spaces [designated 6 standard accessible and 1 van accessible]; Lower level lot-302 spaces [designated 2 standard accessible]; Side lot-106 spaces [designated 4 standard accessible and 1 van accessible]; Back lot-9 spaces [designated 0 accessible]	2011-all lots restriped and/or resurfaced ( <b>1991 ADA</b> )

The Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex and Handicap, (the Guidelines), 34 CFR Part 100 Appendix B, is the federal law used to determine compliance with regulations regarding civil rights issues. Compliance with the Guidelines is determined by the applicable accessibility standards that are determined by the date the facility was constructed and/or the date(s) of alteration(s). However, compliance with building codes or standards, which were applicable at the time an element or structure was originally built or altered, do not necessarily reflect compliance with Section 504 (34 CFR Part 104) and ADA (28 CFR Part 35).

#### **OVERARCHING COMPLIANCE STANDARDS FOR ACCESSIBILITY ISSUES**

Recipient may not exclude students or community members with disabilities from enjoying the benefits of its program or service because its facilities are inaccessible to or unusable by persons with disabilities. Architectural barriers should not prevent students or otherwise qualified persons with disabilities to include parents and/or other community members with disabilities from having access to vocational, career or academic programs, courses, services or activities. Section 504: 34 CFR § 104.21, Title II: 28 CFR § 35.150 (a), Title II: 28 CFR § 35.151 (a) (b), Guidelines IV-N

## **Nelson County H.S. (NCHS)**

**NOTE:** NCHS is the sole location in NCPS for Business, Family and Consumer Sciences, Agriculture, Computer Science, Horticulture, Auto Mechanics, Information Technology, Building Trades, and Health Occupations.

*Finding 1.* The lower level parking lot at NCHS has 302 total parking spaces, but only two of these spaces are designated as accessible. Additionally, these two designated spaces contain signage that can be blocked by vehicles parked in them. The designated accessible route from these spaces to the main entrance of the building contains a curb that has not been ramped for accessibility, and a steep incline that is not accessible.

➤ **Compliance Standard(s):**

- ADA 2010 208.2 and 208.3 (Parking Spaces)
- ADA 2010 216.5 (Signs-Parking)
- ADA 2010 502.1 through 502.7 (Parking Spaces)
- ADA 2010 206.2.1 (Accessible Route-site of arrival points)
- ADA 2010 402 (Accessible Routes: Accessible Routes)
- ADA 2010 403.3 (Walking Surfaces: Slope)
- ADA 2010 406.1 through 406.5 (Curb Ramps)
- ADA 2010 405.2 through 405.5 (Ramps: Slope, Cross Slope, Floor or Ground Surfaces, and Clear Width)

➤ **Required Action:** Create two van accessible parking spaces and six standard accessible parking spaces in the lower level lot. Also create an ADA accessible route from these spaces to the closest entrance into the school, including a curb ramp.

*Finding 2.* All interior doors that are not fire rated and have closers attached to them require greater than five pounds of force to operate.

➤ **Compliance Standard(s):**

- ADA 2010 404.2.9 (Accessible Routes: Doors, Doorways and Gates-Door and Gate Opening Force)

➤ **Required Action:** Adjust the door opening mechanisms on the interior doors in NCHS that are not fire rated, or replace them so that they require five pounds or less force to operate.

*Finding 3.* The elevator in the high school portion of the building is key-operated, which does not foster independent access to the second floor because use of the key requires twisting of the wrist and fine motor control.

- Compliance Standard(s):
  - ADA 2010 402 (Operable Parts: Operation)
- Required Action: Modify the means to operate the elevator so that its operation does not require twisting of the wrist and fine motor control.

*Finding 4.* The accessible route to the computer tables in the media center is blocked by a table, and other furniture and accessories block the accessible route to the high stacks along the wall in this space.

- Compliance Standard(s):
  - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
- Required Action: Rearrange the furniture and other accessories in the media center to create an ADA accessible route throughout this space.

*Finding 5.* Less than 50 percent of the drinking fountains on each level of NCHS are accessible. Additionally, the accessible drinking fountains that have been installed are mounted with their leading edges greater than 27 inches above the floor, thereby causing them to be inaccessible for persons who are blind.

- Compliance Standard(s):
  - ADA 2010 307.2 (Protruding Objects: Protrusion Limits)
  - ADA 2010 602.1 through 602.7; especially 602.4 (Drinking Fountains)
- Required Action: Replace 50 percent of the drinking fountains on each floor of NCHS with drinking fountains that can accommodate persons in wheelchairs. Also replace 50 percent of the drinking fountains on each floor with those designed to accommodate persons who are able to stand. Remount the accessible drinking fountains in NCHS so that their leading edges are 27 inches or less above the floor with spout outlets no more than 36 inches above the floor. Alternately, detectable warning objects can be installed at these fountains so that they are cane detectable for blind persons.

*Finding 6.* The middle and top runs of the ramp at gymnasium two (old gym), the top run of the ramp at the commons, the ramp in the hallway of the CTE labs, and the ramp at the entry door of the Agriculture lab and classroom have inaccessible running slopes. Additionally, the top run of the ramp in the commons is missing a second handrail, and there is no edge protection on the ramp at the entry door of Agriculture.

- Compliance Standard(s):
  - ADA 2010 405.1 through 405.9.2 (Ramps)
- Required Action: Modify the middle and top runs of the ramp at gymnasium two, the top run of the ramp at the commons, the ramp in the hallway of the CTE labs, and the ramp at the entry door of the Agriculture lab and classroom so that their runs have ADA accessible slopes. Also, add another handrail at the top run of the ramp in the commons, and edge protection on the ramp at the entry door of Agriculture.

*Finding 7.* There is no accessible seating in gymnasium two.

- Compliance Standard(s):
  - ADA 2010 221.1 through 221.2.1.1, 221.2.1.4 through 221.2.3.1, and 221.3; especially Table 221.2.1.1-Number of Wheelchair Spaces in Assembly Areas (Assembly Areas)
  - ADA 2010 802.1 through 802.1.5 and 802.3.1 through 802.3.2 (Wheelchair Spaces, Companion Seats, and Designated Aisle Seats)
- Required Action: Provide seven accessible wheelchair seating spaces along with the required companion and player seating in gymnasium two.

*Finding 8.* Clutter in the hallways and walkways of the team room areas behind gymnasium two makes the route within these spaces inaccessible. In the team rooms there are no rear grab bars in the accessible toilet compartments; the pipes are unwrapped at the sinks; mirrors are mounted too high; the shower areas are not accessible, and the benches in the locker room portions of these spaces have no back support.

**NOTE:** This area was altered in 2001 (**1991 ADA**)

- Compliance Standard(s):
  - ADA 1991 4.3.3 (Accessible Route: Width)
  - ADA 1991 4.17.6 (Toilet Stalls: Grab Bars)
  - ADA 1991 4.19.4 and 4.19.6 (Lavatories and Mirrors: Exposed Pipes and Surfaces and Mirrors)
  - ADA 1991 4.21.2 through 4.21.7 (Shower Stalls)
  - ADA 1991 4.35.4 (Dressing and Fitting Rooms: Bench)
  - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
  - ADA 2010 604.5 (Water Closets and Toilet Compartments: Grab Bars)
  - ADA 2010 606.5 (Lavatories and Sinks: Exposed Pipes and Surfaces)
  - ADA 2010 608.1 through 608.7 (Shower Compartments)
  - ADA 2010 603.3 (Toilet and Bathing Rooms: Mirrors)
  - ADA 2010 903.3 through 903.5 (Benches: Size, Back Support, and Height)

- **Required Action:** Remove the clutter in the hallways and within the team rooms behind gymnasium two. Add rear grab bars within the toilet compartments in the team rooms; wrap the pipes at the sinks; remount the mirrors to an accessible height; and create one accessible shower area or compartment in each team room. Also, provide accessible benches with back support in the locker room portions of these spaces according to ADA standards.

*Finding 9.* In the alternate locker room spaces for males and females at NCHS designated as accessible, there is no designation signage at the entry doors, nor is there directional signage posted indicating the location of these spaces. Also, there are inaccessible thresholds at the transfer type shower compartments within these spaces. In the alternate accessible locker room space for males, there is no toilet paper dispenser in the accessible toilet compartment, and the shower sprayer is not mounted to promote accessibility. In the alternate accessible locker room space for females, the paper towel dispenser is mounted too high, and the shower sprayer is not mounted to the adjustable rod.

**NOTE:** These spaces were created in 2001 (**ADA 1991**)

**NOTE:** These spaces are currently locked during the school day. However, once they are altered, they must be unlocked during the school day and whenever the inaccessible locker room spaces are opened for use.

- **Compliance Standard(s):**
  - Title II ADA (as amended): 28 CFR § 35.133 (a)-Maintenance of accessible features (regarding the missing toilet paper dispenser and the unattached shower sprayer)
  - ADA 1991 4.1.3 (16)(a) and (b) (Accessible Buildings: New Construction-Building Signage [permanent rooms and directional])
  - ADA 1991 4.30.1, 4.30.4 through 4.30.6 (Signage [designation]: General, Raised and Brailled Characters and Pictorial Symbol Signs, Finish and Contrast, and Mounting Location and Height)
  - ADA 1991 4.30.1 through 4.30.3, and 4.30.5 (Signage [directional]: General, Character Height, Raised and Brailled Characters and Pictorial Symbol Signs, and Finish and Contrast)
  - ADA 1991 4.16.6 (Water Closets: Dispensers)
  - ADA 1991 4.21.6 and 4.21.7 (Shower Stalls: Shower Unit and Curbs)
  - ADA 1991 4.27.3 (Controls and Operating Mechanisms: Height)
  - ADA 1991 4.2.5 or 4.2.6 (Space Allowance and Reach Ranges: Forward Reach or Side Reach)
  - ADA 2010 216.2 and 216.3 (Signs: Designations and Directional and Informational)
  - ADA 2010 703.1, 703.2, 703.5, and 703.6 (Signs [designation]: General, Raised Characters, Visual Characters, and Pictograms)

- ADA 2010 703.5 through 703.5.9 (Signs [directional and informational]: Visual Characters)
  - ADA 2010 604.7 (Water Closets and Toilet Compartments: Dispensers)
  - ADA 2010 608.6, and 608.7 (Shower Compartments: Shower Spray Unit and Water, and Thresholds)
  - ADA 2010 309.3 (Operable Parts: Height)
  - ADA 2010 308.2.1 and 308.2.2 (Reach Ranges: Forward Reach-unobstructed and obstructed high reach)
- Required Action: Install designation signage at the entry doors of the accessible alternate locker room spaces for males and females at NCHS to indicate that they are accessible. Additionally, directional signage should be posted to indicate the location of these spaces. Also install a toilet paper dispenser in the accessible toilet compartment in the alternate accessible locker room space for males, and remount the sprayer unit in the shower within this space so that it can be used both as a fixed-position shower head and hand-held shower. Remount the paper towel dispenser in the alternate accessible locker room space for females, and reattach the shower spray unit to its adjustable rod.

*Finding 10.* All doors in the CTE wing have door opening mechanisms (knobs) that require twisting of the wrist to operate. There are no fully accessible restrooms on this wing, within the labs or on the hallways. The industrial sinks in the CTE labs that are used as lavatories do not have adequate knee clearance for forward accessibility. Additionally, the paper towel dispensers at these sinks are mounted too high or have inaccessible dispensing controls.

- Compliance Standard(s):
- ADA 2010 309.3 and 309.4 (Operable Parts: Height and Operation)
  - ADA 2010 213.2, 213.3.1 through 213.3.5, and 213.3.7 (Toilet Facilities and Bathing Facilities: Toilet Rooms and Bathing Rooms, Toilet Compartments, Water Closets, Urinals, Lavatories, Mirrors, and Coat Hooks and Shelves)
  - ADA 2010 216.8 (Signs: Toilet Rooms and Bathing Rooms)
  - ADA 2010 603.2 through 603.4 (Toilet and Bathing Rooms: Clearances, Mirrors, and Coat Hooks and Shelves)
  - ADA 604.2 through 604.8.1, and 604.8.3 (Water Closets and Toilet Compartments: Location, Clearance, Seats, Grab Bars, Flush Controls, Dispensers, Wheelchair Accessible Compartments, and Coat Hooks and Shelves)
  - ADA 2010 605.2 through 605.4 (Urinals: Height and Depth, Clear Floor Space, and Flush Controls)
  - ADA 2010 606.2 through 606.5 (Lavatories and Sinks: Clear Floor Space, Height, Faucets, and Exposed Pipes and Surfaces)
  - ADA 2010 216.2 (Signs: Designations)
  - ADA 2010 703.1, 703.2, 703.5, and 703.6 (Signs [designation]: General, Raised Characters, Visual Characters, and Pictograms)
  - ADA 2010

- Required Action: Replace the inaccessible hardware (knobs) at the doors in the CTE wing; provide accessible restrooms for males and females on this wing within an accessible walking distance from each lab; and provide sinks that have adequate knee clearance for forward accessibility in the CTE labs with inaccessible industrial sinks. Also, remount or replace the paper towel dispensers at the sinks in the labs in order to make them ADA accessible.

*Finding 11.* In the Automotive Technology lab the alignment service equipment is in a 4 ½ foot deep pit that is only accessible by stairs. Additionally, the pit is not properly gated or marked to prevent visually impaired or blind persons from falling into this space.

- Compliance Standard(s):
  - ADA 2010 303.2 and 303.4 (Changes in Level: Vertical and Ramps)
  - ADA 2010 302.3 (Floor or Ground Surfaces: Openings)
- Required Action: Provide a means of gaining access to the alignment pit in the Automotive Technology lab that is ADA acceptable. Also, add ADA acceptable gates and/or mark the pit using ADA detectable warnings to prevent visually impaired or blind persons from falling into this space.

*Finding 12.* The ramp at the greenhouse, the aisles within this space, and the threshold at the doorway to transition into the second half of this space are all inaccessible. Additionally, there are knobs at all greenhouse doors.

- Compliance Standard(s):
  - ADA 2010 405.2 through 405.7.5 (Ramps)
  - ADA 2010 303.2 and 303.3 (Changes in Level: Vertical and Beveled)
  - ADA 2010 404.2.5 and 404.2.7 (Doors, Doorways, and Gates: Manual Doors, Doorways, and Manual Gates-Thresholds and Door and Gate Hardware)
  - ADA 2010 309.4 (Operable Parts: Operation)
  - ADA 2010 403.5.1 (Walking Surfaces: Clearances-Clear Width)
- Required Action: Modify the ramp at the greenhouse so that it meets all ADA requirements for accessible ramps; rearrange and/or remove items within this space to create aisles with ADA acceptable widths; modify the threshold at the doorway to the second half of the greenhouse so that it is an ADA accessible height. Additionally, the inaccessible hardware (knobs) on the greenhouse doors should be replaced.

*Finding 13.* The sink in the kitchen space of Family and Consumer Sciences (FACS) does not have adequate knee clearance for forward accessibility, and its associated counter is too high.

- Compliance Standard(s):
  - ADA 2010 212.3 (Kitchens, Kitchenettes, and Sinks: Sinks)



- ADA 2010 606.1 (including the advisory) through 606.2 (Lavatories and Sinks: General and Clear Floor Space)
  - ADA 2010 306.3.1 through 306.3.5 (Knee and Toe Clearance: Knee Clearance)
  - ADA 2010 902.1 (Dining Surfaces and Work Surfaces: General)  
-“...Examples of work surfaces include writing surfaces, study carrels, student laboratory stations...”
  - ADA 2010 902.3 (Dining Surfaces and Work Surfaces: Height)
- **Required Action:** Modify at least one kitchen sink in FACS so that meets ADA requirements for forward accessibility. Also, modify the height of the counter associated with the sink so that it is an ADA accessible height.

*Finding 14.* There is no signage posted at auditorium one (new auditorium) indicating the availability of an assistive listening system; there are only five assistive listening receivers available for a facility with the capacity to hold 623 people; and the ticket booth at this auditorium is too high to be accessible.

**NOTE:** This auditorium was added in 2001 (**ADA 1991**)

- **Compliance Standard(s):**
- ADA 1991 4.1.3 (19)(b) (Accessible Buildings: New Construction)-  
The minimum number of receivers to be provided shall be equal to 4 percent of the total number of seats, but in no case less than two. Signage...shall be installed to notify patrons of the availability of a listening system.
  - ADA 1991 4.30.7 (4) and figure 43(d) (Signs: Symbols of Accessibility-Assistive Listening Systems)
  - ADA 1991 7.2 (2)(i),(ii), or (iii) (Sales and Service Counters, Teller Windows, Information Counters)
  - ADA 2010 216.10 (Signs: Assistive Listening Systems)
  - ADA 2010 703.5 through 703.5.9 and 703.7.2.4 (Signs: Visual Characters and Symbols of Accessibility-Symbols-Assistive Listening Systems)
  - ADA 2010 219.1 through 219.3 (especially Table 219.3) (Assistive Listening Systems: General, Required Systems, and Receivers)
  - ADA 2010 Advisory 706.1 through 706.6 (Assistive Listening Systems)
  - ADA 2010 904.4 and 904.4.1 or 904.4.2 (Check-Out Aisles and Sales and Service Counters: Sales and Service Counters-Parallel Approach or Forward Approach)
- **Required Action:** Post signage according to 2010 ADA standards indicating that auditorium one has an assistive listening system. Provide 19 additional assistive listening receivers, with six of them being hearing-aid compatible (NOTE: If the built-in assistive listening system in auditorium one is an induction loop type, hearing-aid compatible receivers are not required). Also, provide a ticket booth counter that meets all accessible requirements.

*Finding 15.* In the cafeteria, the a-la-carte baskets placed on the top of the refrigerator unit on the serving line places the items offered out of accessible reach.

**NOTE:** The kitchen was added in 2001 (**ADA 1991**)

- Compliance Standard(s):
  - ADA 1991 4.2.6 (especially figure 6(c)-side reach over an obstruction) (Space Allowance and Reach Ranges: Side Reach)
  - ADA 2010 308.3.2 (Reach Ranges: Side Reach-Obstructed High Reach)
- Required Action: Move the a-la-carte baskets on top of the refrigerator unit on the serving line in the cafeteria to a 2010 ADA accessible height.

*Finding 16.* There are nine toilet stalls in the accessible female restroom near auditorium one (new auditorium) and cafeteria, one of which is a standard accessible stall; however, there is no ambulatory stall in this space.

**NOTE:** This restroom was added in 2001 (**ADA 1991**)

- Compliance Standard(s):
  - ADA 1991 4.22.4 (Toilet Rooms: Water Closets)-“...; where 6 or more stalls are provided, in addition to the stall complying with 4.17.3, at least one stall 36 inches wide with an outward swinging, self-closing door and parallel grab bars...shall be provided.”
  - ADA 2010 213.3.1 (Toilet Facilities and Bathing Facilities: Plumbing Fixtures and Accessories-Toilet Compartments)-“...In addition to the compartment required to comply with 604.8.1, at least one compartment shall comply with 604.8.2 [ambulatory accessible compartments] where six or more toilet compartments are provided...”
- Required Action: Provide an ambulatory accessible toilet compartment in the accessible female restroom near the auditorium and cafeteria at NCHS.

**Provide an action plan that identifies: (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.**

**Comparable Facilities Issues:** Local educational agencies are required to provide comparable facilities, in terms of quality and convenience, for students with disabilities and students of different genders. This applies to both facilities within the same building as well as separate facilities designated specifically for students with disabilities or specific gender students. Separate facilities should be located in similar proximity to the associated classrooms, shops or laboratories. Section 504: 34 CFR § 104.34(c), Guidelines VI-A, Title IX: 34 CFR § 106.33, Section 504: 34 CFR 104.4(b)(ii)

*Observation:* The reviewed aspects of this equity requirement included facilities of similar quality and convenience for both genders as well as students with disabilities. The on-site review of this equity requirement consisted of reviews of indoor athletic and academic facilities. As a result of this review, it was found that NCPS does not provide for comparable facilities in all assessed programs and service areas.

The following documentation was utilized in reviewing this equity requirement:

- On-site visual review of locker rooms, indoor athletic facilities
- Assessment of sports programs offered for both boys and girls
- On-site visual review of CTE academic programs for all students

**Finding(s) Requiring Action:**

*Finding 1.* Nelson County H.S. has two dedicated team rooms, both of which were altered in 2001 and are currently used for male sports teams only. Also, currently there is only office space for a male coach in this area.

- Compliance Standard(s): *Title IX: 34 CFR § 106.33, Section 504: 34 CFR § 104.4(b)(ii)*

Changing rooms, showers, and other facilities for students of one sex are comparable to those provided to students of the other sex.

- Required Action: Assign female sports teams to use one of the two team rooms behind gymnasium two (the old gymnasium). Also, designate office space for at least one female coach in this area.

**Provide an action plan that identifies: (1) each finding, (2) how the school division will make the required corrections, (3) timelines, (4) person(s) responsible for the corrections, and (5) how the school division will monitor to ensure full compliance.**