

Office of Superintendent of Schools  
Board Meeting of April 17, 2002

March 25, 2002

Office of School Board Attorney  
Johnny Brown, Board Attorney

**SUBJECT: SETTLEMENT AGREEMENT**  
**ASSOCIATION FOR DISABLED AMERICANS, INC., ET AL. v. THE**  
**SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA - UNITED**  
**STATES DISTRICT COURT CASE NO. 00-00249-CIV-LENARD/TURNOFF**

This lawsuit was filed in the United States District Court for the Southern District of Florida and served on the School Board on January 20, 2000. The Complaint was filed by a group of individuals who allege that they are physically disabled and that they have been denied access to programs and services offered by the school system as a result of the district's failure to comply with the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12131, et seq. (Title II) accessibility requirements.

Among the numerous allegations made by the Plaintiffs in this lawsuit are that district's schools are in violation of the ADA by not having accessible drinking fountains, accessible parking spaces, doors with accessible hardware, appropriate signage, including braille, accessible telephones, and accessible restrooms. Plaintiffs sought an injunction ordering the School Board to bring its facilities into compliance to the extent required by law, and closing all premises and programs until the required modifications are completed. Plaintiffs also sought compensatory damages and attorney's fees.

Pursuant to a Court ordered settlement conference held on February 19 and 21, 2002, a proposed settlement with Plaintiffs was reached subject to the Board's consideration and approval. The main provisions of the settlement provide that the School Board will pay Plaintiffs \$62,917.96 for attorney's fees, expert's fees and costs, and that the School Board will allocate \$7 million from its facilities and construction budget during the 2002-2003 school year and \$8 million annually thereafter until enhancements required by the ADA and identified by a district-wide survey of district facilities are completed. In return, Plaintiffs agree to dismiss the lawsuit and release the Board from any further claims, including damages, and additional attorney's fees and costs. A memorandum explaining the details of the settlement terms, along with the proposed Settlement Agreement has been provided to the Board under separate cover. The Office of the School Board Attorney and administration recommend that the School Board approve the settlement of this lawsuit.

**RECOMMENDED:** That The School Board of Miami-Dade County, Florida, authorize the Superintendent to accept and execute the Settlement Agreement in the case of Association for Disabled Americans, Inc., et al. v. The School Board of Miami-Dade County, Florida, United States District Court Case No. 00-00249-Civ-Lenard/Turnoff.