

**VOLUNTARY RESOLUTION AGREEMENT**  
**Cabell County Public Schools**  
**OCR Complaint #03161110**

In order to resolve the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), under 504 of the Rehabilitation Act of 1973, at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990, at 28 C.F.R. Part 35 (Title II), and their implementing regulations, Cabell County Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR.

This Agreement does not constitute an admission of liability on the part of the District and does not constitute a determination by OCR of any violation of any of the regulations enforced by OCR.

The District agrees that all modifications to the route to the playground at its XXXXXX (the School) will comply with the accessibility requirements of Section 504 and Title II and their implementing regulations. To the extent the District alters or renovates the existing route to this playground, these renovations and any new construction that is part of the renovations will conform to the 2010 ADA Standards for Accessible Design (2010 ADA Standards).

**Action Steps**

1. The District warrants to OCR that it will ensure compliance with the Section 504 regulation at 34 C.F.R. Section 104.21 and the Title II regulation at 28 C.F.R. Section 35.149, providing that no qualified person with a disability shall, because a recipient's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity operated by the recipient.
2. The District will submit for review and approval by OCR its written plan (the Plan) for providing an accessible route leading to its playground facility at the School to include the following provisions:

This Plan shall identify the modifications, as applicable, that are necessary to ensure that the route leading to its playground facility at the School is accessible to and usable by persons with mobility impairments in accordance with Section 504 and Title II and the 2010 ADA Standards, and specifically, shall address methods for compliance with the following provisions of the 2010 ADA Standards as applicable: 402 - Accessible Routes, 403 - Walking Surfaces, 405 - Ramps and

Platform Lifts - 410. The Plan should include sufficient detail of the proposed modifications to the route, including diagrams and measurements, as applicable.

The Plan will include a timetable for completion of all identified modifications with a time period not to exceed June 30, 2017.

The Plan will include an interim plan to provide accessibility to the playground for students with mobility impairments pending completion of any renovation and construction being done under the Plan.

**Reporting Requirements:**

1. By August 30, 2016, the District will provide OCR with a copy of the Plan developed pursuant to Action Step 2, for OCR’s review and approval.
2. Following OCR’s approval of the Plan, the District will provide OCR with progress reports regarding its implementation of the Plan by December 1, 2016 and June 30, 2017. These reports will include a description of the work performed, along with photographs (with dimensions, as applicable) and copies of any invoices or work orders. Upon completion of the work to be done in the Plan, OCR may conduct an onsite inspection of the route.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 regulations implementing Section 504 at 34 C.F.R. §§ 104.21 and 104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149 and 35.151, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21 and 104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149 and 35.151, which were at issue in 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.

/s/

7-11-16

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Superintendent and/or Designee  
Cabell County Public Schools

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Date