SETTLEMENT AGREEMENT
Butte School District No. 1
OCR Reference No. 10131170

I. INTRODUCTION

Butte School District No. 1 (district) enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No.10131170, conducted under the authority of Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990.

II. GENERAL PROVISIONS

A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No.10131170 and does not constitute an admission by the district of any violation of Section 504 or Title II, or any other law.

B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 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.

C. The district understands that by signing this agreement, it agrees to provide OCR 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 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 and Title II, at 34 CFR 104.21 and 28 CFR 35.149, respectively, with respect to the issue in this case.

D. 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 regulations implementing Section 504 and Title II, at 34 CFR 104.21 and 28 CFR 35.149, respectively, with respect to the issue in this case.

III.   REMEDIAL PROVISIONS

A. By **January 31, 2014**, the district will develop a plan to ensure that the restrooms at XXXXXX are accessible to persons with mobility-impairments. The plan will reflect that all new or altered accessible elements comply with the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards) at Sections 309, 604, 605, and 606.

The plan will specifically address the following elements:

1. Force to operate soap dispensers and flush controls (Section 309.4);
2. Location of toilets in relationship to the side wall of the stall (Section 604.2);
3. Height of toilet seats (Section 604.4);
4. Flush control orientation (Section 604.6);
5. Obstruction of maneuvering space within the toilet stall (Section 604.8);
6. Lack of accessible urinal (Section 605); and
7. Exposed pipes under lavatories (Section 606.5).

B. By **May 31, 2014**, the district will ensure that the restrooms conform to the 2010 Standards.

IV.   REPORTING PROVISIONS

A. By **January 31, 2014**, the district will provide OCR with a copy of its plan, consisting of a schedule of activities and any supporting documentation so as to ensure that the restrooms conform to the requirements of the 2010 Standards at Sections 309, 604, 605, and 606. OCR will review the plan and will provide the district with feedback. The district will modify its plan to incorporate any changes identified by OCR.

B. By **May 31, 2014**, the district will provide OCR with documentation demonstrating that it has completed the actions outlined in its plan. The documentation will include a description of the changes and photographs of any physical modifications. Such documentation will provide sufficient detail to demonstrate that the modifications are consistent with the 2010 Standards.

Signed:

_____/ s /_____   __12/17/2013_____
Judy Jonart   Date
Superintendent
Butte School District No. 1