

**Voluntary Resolution Agreement
Cumberland County Schools
OCR Complaint No. 11-12-1519**

Cumberland County Schools (the District) voluntarily enters into this voluntary resolution agreement (the Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR) to resolve the above-referenced complaint.

1. The District shall adopt a written procedure for relocating classes, events, performances, and any other educational program or activity, including extracurricular activities, scheduled in the "XXXX," "XXXX," and stage. The District will notify parents/guardians; students; and all XXXX School (School) personnel of the procedure and that students with mobility impairments have access to all the District's programs and activities. This notification shall include a posting on the School's website.

Reporting Requirement: By January 31, 2013, the District will provide OCR with a copy of its draft written procedure, as described above, for OCR's approval.

Reporting Requirement: Within 30 days of OCR's approval of the written procedure, the District will provide OCR with documentation that it published the notification on its website, sent a letter or similar notice about the change to the parents or guardians of children currently enrolled in the School, and placed copies of the procedure in the School office.

2. By March 29, 2013, the District will review playground facilities at the School and develop a written plan (Plan) identifying the modifications that are necessary to ensure that the playground facilities are accessible to and usable by persons with mobility impairments in accordance with Section 504 and Title II and the 2010 ADA Standards for Accessible Design ("2010 Standards"), which took effect on March 15, 2012. The District agrees to consult with one or more professionals knowledgeable about accessible playground settings, as necessary. The Plan will include a timetable for completion of all identified modifications with a time period not to exceed August 30, 2014, and will ensure that the Plan:
 - a. Provides for an accessible route from the School to the playground settings, as well as accessible routes that connect and surround accessible activities within the playground settings;
 - b. Provides for ground surfaces along accessible routes, clear floor or ground spaces, and all entry and exit points of accessible playground equipment that complies with 2010 ADA Standards at § 1008.2;
 - c. Ensures that students with mobility impairments can access at least one type of each play experience available to students without disabilities (e.g., climbing, sliding, swinging, playing tic tac toe, and crawling);

- d. Explains the specific ground level and elevated play activities which will be made accessible upon implementation. Ground level play activities included in the Plan will be set at a height useable by children with various disabilities, including those who use wheelchairs. Elevated play activities included in the Plan will be connected to the playground surface through an appropriate ramp or transfer system;
- e. Ensures that ground level play components accessed by children with disabilities are dispersed throughout the play area and integrated with other play components; and
- f. Ensures that ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with applicable accessibility standards.

Reporting Requirement: By March 29, 2013, the District will provide OCR with a copy of the Plan developed as a result of its review of the playground facilities and, if applicable, identify the professionals with which it consulted during the development of the Plan. The Plan will include estimated completion dates for each phase of the design and implementation process and identify what year each of the two playgrounds at the School will be brought into compliance with Section 504 and Title II.

Reporting Requirement: By June 30, 2013, the District will provide OCR with an interim report describing the steps that have been taken to date regarding the completion of the modifications identified in the District's Plan. This report will include a written description of the work in progress, photographs, as well as copies of any proposals, estimates, and/or work orders which illustrate the actions taken by the District to date.

Reporting Requirement: The District will continue to send OCR interim reports due each year on January 1 and June 30, until August 30, 2014 when the School's playgrounds have been brought into compliance with Section 504 and Title II and the applicable regulations. Each year's interim report shall describe the steps that have been taken to date regarding the completion of the modifications identified in the District's Plan. This report will include a written description of the work in progress, photographs, as well as copies of any proposals, estimates, and/or work orders which illustrate the actions taken by the District to date.

3. During the planning and implementation period, the District will provide individualized assistance, as needed, to students with mobility impairments enrolled at the School so that they may participate in a range of activities in the existing play setting.

Reporting Requirement: By January 31, 2013, the District will provide OCR with a description of the range of activities available to students generally and which of those activities are available to students with mobility impairments and, if applicable, documentation that this information was provided to the parents/guardians of students with mobility impairments.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35. The District also 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 regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35.

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.

_____/s/_____
Dr. Frank Till, Jr.
Superintendent
Cumberland County Schools

_____/01/10/2013_____
Date