

RESOLUTION AGREEMENT
Clover County Schools
OCR Complaint No. 11-14-1268

Clover County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1268. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR. For the purposes of this agreement the accessibility standard that will be applied is the 2010 ADA Standards for Accessible Design (2010 Standards).

Actions by the District

1. By April 30, 2015, the District will develop a policy or procedure to annually evaluate all programs in the District that utilize play areas, including but not limited to those open to the public during non-school hours, and determine whether they are accessible and if additional play areas must be made compliant with the 2010 Standards in order to achieve access to the programs. Factors to consider include but are not limited to: the number of existing play areas in the District, travel times or geographic distances between play areas, the size of the District, availability of accessible pedestrian routes to the play areas, ready availability of accessible transportation, comparable amenities and services in and surrounding the play areas, size of the play areas, and sufficient variety in accessible play components within the play areas. This will not be finalized until approved by OCR.
2. By May 15, 2015, the District will provide OCR a copy of the analysis for XXXX determining how many play areas (if any), beyond those prescribed below, are required to meet the 2010 Standards. These play areas will be compliant with the 2010 Standards by August 15, 2015, as outlined herein. This will not be finalized until approved by OCR.
3. By April 30, 2015, the District will develop a policy or procedure to monitor the force required to open all internal doors and ensure that the force is less than 5 pounds. This will not be finalized until approved by OCR.

Reporting Requirements:

- a. By April 30, 2015, the District will provide for OCR's review and approval draft policies and reports as described above in items 1 and 3.
- b. Within 30 calendar days of OCR's approval of the policies/procedures described in items 1 and 3, the District will provide OCR with the name(s) and title(s) of the personnel responsible for implementing the policies/procedures and documentation demonstrating that it has trained those individual regarding their responsibilities under the policies/procedures.

- c. If the District determines (under item 2) that additional play areas must comply with the 2010 Standards in order to provide access to all programs at Larne, Griggs, and/or the Resource Center, the District will provide the proposed changes in accordance with Action Item 2. The District will provide documentation to OCR by September 1, 2015 of the changes made.
- d. By May 15, 2015 the District will provide for OCR's review and approval documentation of its analysis of the accessibility of programs District-wide that utilize play areas, as described in item 1.
- e. By May 15, 2015 the District will provide for OCR's review and approval documentation demonstrating that it has implemented its policy/procedure District-wide regarding the force required to open all internal doors and made any necessary adjustments to ensure that the force is less than 5 pounds.

At Larne Elementary School the District will make the following changes by August 15, 2015:

- 4. Ensure that the ramp to enter the elevated area of main play area meets the 2010 Standards. This includes, but is not limited to, modifying the slope to be no greater than 8.33% (2010 Standards §405.2) and installing compliant handrails (2010 Standards § 405.8).
- 5. Ensure at least one of the prekindergarten or kindergarten small play areas meets the 2010 Standards, including that the ground surface meets the requirements of the 2010 Standards § 1008.2.6.
- 6. Ensure there is an accessible adult restroom provided near the cafeteria consistent with the 2010 Standards § 609.4.

At Griggs Road Elementary School the District will make the following changes by August 15, 2015:

- 7. Ensure at least one of the prekindergarten or kindergarten small play areas meets the 2010 Standards, including that the ground surface meets the requirements of the 2010 Standards § 1008.2.6.
- 8. Ensure there is an accessible route to the basketball court and four lawn basketball stations consistent with the 2010 Standards including § 206.2.2.
- 9. Ensure that the ramp to the Four Square Courts adjacent to the main XXXX play area meets the 2010 Standards. This includes, but is not limited to modifying the slope to be no greater than 8.33% (2010 Standards §405.2) and installing compliant handrails (2010 Standards § 405.8).

At the XXXX, the District will make the following changes by August 15, 2015:

10. If the Head Start play area will be used, ensure that it meets the 2010 Standards, including ensuring that the equipment and ground surface meet the requirements of the 2010 Standards § 1008.2.6. If the play area is not to be updated the District will need to ensure it is not accessible to the public.

11. Evaluate the public access to the main play area to determine if the play area must meet the 2010 Standards to enable the program of public access to continue. Factors to consider but are not limited to: the number of existing play areas in the District, travel times or geographic distances between play areas, the size of the District, availability of accessible pedestrian routes to the play areas, ready availability of accessible transportation, comparable amenities and services in and surrounding the play areas, size of the play areas, and sufficient variety in accessible play components within the play areas. If the main play area must meet the 2010 Standards to enable the program of public access to continue, the District shall make the required changes, including ensuring that the ground surface meets the requirements of the 2010 Standards § 1008.2.6 and that there are accessible paths of travel to and from this play area. The parties acknowledge that compliance may also be achieved by removing the play area.

12. By May 1, 2015, the District will develop a plan to make all parking lots and accessible routes at the XXXX to compliant with the 2010 Standards § 208, Chapter 4, and § 502. Specifically the District will ensure that:

- (a) There are the adequate number of accessible and van accessible parking spaces provided at all entrances (2010 Standards §§ 208.) and meet the other 2010 Standards regarding parking spaces at §502; and
- (b) There are accessible routes from the parking to the entrance intended to serve the parking, including but not limited to compliant curb cuts and landings (2010 Standards Chapter 4).

The District will make any changes required to achieve compliance with the 2010 Standards by August 15, 2015.

13. The District will ensure that there is clear signage stating that the external door to the cafeteria kitchen is not used by the public.

Reporting Requirements

- f. By May 15, 2015, the District will provide for OCR's review and approval its evaluation of all parking and accessible routes at the Resource Center as described in item 12. The District will wait for OCR's approval prior to implementing the changes at the Resource Center.
- g. By September 1, 2015, the District will provide OCR documentation the changes for items 4 through 13 are completed.

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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. The District 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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

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. Marc Sosne
Superintendent

_____/4/17/15_____
Date