

RESOLUTION AGREEMENT
Clarendon County School District III
OCR Complaint No. 11-15-1116

Clarendon County School District III (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1116. 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 Item 1, 2 and 3 – Policies and Procedures

1. By October 31, 2016, the District will ensure all internal doors require force 5 pounds or less at XXXX School (the School), including but not limited to the doors leading to the cafeteria.
2. By October 31, 2016, the District will develop a policy or procedure to monitor the force required to open all internal doors and ensure that the force is 5 pounds or less at the School. This will not be finalized until approved by OCR.
3. By October 31, 2016, the District will develop a policy, procedure or action plan to ensure that, for all programs, activities, or services located in the portable facilities at the School, including those in classrooms and offices, there is program accessibility. This will include, but is not limited to, ensuring the programs can be relocated if an accessible location is required or renovating the portable to ensure it meets current physical accessibility standard requirements. Meeting the physical accessibility standard requirements includes, but is not limited to, ensuring that the ramps to access the portable door are firm and slip resistant, the ramp's slope meets the current standard, the bathroom meets current code requirements, and doors have thresholds that meet current code requirements at the time of use.

Reporting Requirements Action Items 1, 2 and 3:

- a. By November 15, 2016, the District will provide OCR a list of doors which have been adjusted under Item 1.
- b. By November 15, 2016, the District will provide for OCR's review and approval draft policies and reports as described above in items 2 and 3.
- c. Within 30 calendar days of OCR's approval of the policies/procedures described in items 2 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.

Action Item 4 – Classroom Relocation

4. For the 2016-2017 school year the District will relocate the special education classroom, that was located in the portable at the School for the 2015-2016 school year, into the main school building. As part of this the District will construct/renovate a restroom to meet the 2010 Standards in close proximity to the relocated special education classroom.

Reporting Requirements Action Item 4:

- a. By November 15, 2016 the District will provide for OCR documentation of this change, including but not limited to pictures of the new restroom and moved classroom.

Actions Items 5 and 6 – Parking Lots

5. By October 31, 2016, the District will create two van accessible parking spaces in the front of the School which meet all 2010 Standards requirements, including but not limited to, size, signage, and access aisle. The access aisle will be located in front of the sidewalk to the main entrance to school.

6. By October 31, 2016, the District will create five accessible parking spaces in the rear parking lot of the school. These spaces will meet all of the 2010 Standards requirements, specifically with regard to size and signage, and will include at least one van accessible space with accompanying access aisle. Additionally, the District will ensure there is an accessible route at least 36 inches in width adjacent to the curb ramp. This accessible route will need to meet the 2010 Standards.

Reporting Requirements Action Items 5 and 6:

- a. By November 15, 2016, the District will provide for OCR documentation of this change, including but not limited to, pictures of parking spaces and the walkway.

Actions Items 7 – Playgrounds - Generally

7. By November 15, 2016, the District will develop a plan to ensure access to the play experiences provided on the playgrounds for students regardless of their disability. This plan will consider multiple options and will be developed in such a way so the District is prepared to implement the plan within 10 business days of notification that a student with a disability requires access to the playground or is enrolling in the school. Determinations for the modifications to the playgrounds will be made on an individualized basis, considering the needs of the student with a disability. Options for consideration will include, but are not limited to: (1) sending the student to a proximate district where there are accessible play areas meeting the 2010 Standards, including ground surface and the transfer seat requirements; (2) purchasing equipment and/or retrofitting current equipment to provide students with disabilities with integrated program access to the play area, including making specific changes needed to ensure access for the particular student or students with disabilities attending the school this may

include but us not limited to acquiring a slide, water table, sand table, ball pit, standalone swing, outdoor music equipment such as an outdoor drum, or activity station; or (3) provide other methods for the student to have an experience similar to other students who are able to access the play area, including methods that enhance peer interaction and integration as appropriate. The District will prominently post a Notice that it will accommodate students with disabilities for whom the current playground equipment and surface are inaccessible, with appropriate contact information for making such a request.

Reporting Requirements Action Items 7:

- a. By November 15, 2016, the District will provide for OCR's review and approval draft policies, reports, and the Notice as described above in item 7.
- b. Within 30 calendar days of OCR's approval of the policies/procedures and Notice described in item 7, 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.

Actions Items 8 and 9– Jenn Swing

8. By October 31, 2016, the District will ensure the Jenn Swing is located on a ground surface that meets the requirements of the 2010 Standards § 1008.2.6.
9. By October 31, 2016, the District will ensure there are accessible routes to the Jenn Swing consistent with the 2010 Standards including § 206.2.2.

Reporting Requirements Action Items 9 and 10:

- a. By November 15, 2016, the District will provide for OCR documentation, such as receipts, of this change, including but not limited to pictures of ground surface, the Jenn Swing, and the accessible routes.

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/_____
Connie Dennis
Superintendent

Date _____9/21/16_____