

RESOLUTION AGREEMENT
Boone County Public Schools (03-17-1363)

In order to resolve Case Number 03-17-1363 filed against the Boone County Public Schools (the District), the District agrees to implement the following Resolution Agreement. The complaint was opened for investigation by the U. S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §794 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II).

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The District will evaluate the accessibility of and identify any barriers to access for individuals with mobility impairments with respect to the XXXXXXXX restrooms at Boone County XXXXXXXXXXXXX School).

The regulations implementing Section 504 and Title II contain two standards for determining whether a recipient's programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities, the other covers new construction and alterations. Which standard applies depends upon the date of construction or alteration of the facility. In conducting its evaluation, the District will apply the appropriate accessibility requirement(s) to its facilities:

Program Access Elements. For those District facilities constructed or altered prior to the effective date of Section 504 (June 4, 1977), the District will ensure that its services, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22. In choosing among available methods for achieving access to services, the District will give priority to those methods that serve people with disabilities in the most integrated setting appropriate.

New Construction Elements. For those District facilities constructed or altered after the effective date of Section 504 and Title II (January 27, 1992), the District will ensure that its facilities are readily accessible to and usable by persons with disabilities. C.F.R. § 104.23; 28 C.F.R. § 35.151. Depending on the date of construction, the District will evaluate whether its facilities comply with the applicable new construction/alteration standard:

- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971);
- Uniform Federal Accessibility Standards (UFAS);
- 1991 ADA Standards for Accessible Design (1991 ADA Standards); or

