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 XXXXXX restrooms at Boone County XXXXXXXXXXXXXX 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:

<u>Program Access Elements</u>. 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.

<u>New Construction Elements</u>. 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

• 2010 ADA Standards for Accessible Design (2010 ADA Standards).

After completing its evaluation, the District will develop a written remediation plan addressing each barrier to access identified through its evaluation and submit it for OCR approval. For each barrier, the District may: (1) remove it in a way that complies with the 2010 ADA Standards, (2) propose a timeframe for barrier removal for OCR's consideration, or (3) propose a timeframe for alternate means of providing equivalent facilitation (for new construction or alterations) or access to services (for existing facilities).

REPORTING REQUIREMENT: By May 31, 2020, the District will provide OCR with the results of the District's accessibility evaluation including copies of all checklists and detailed photographs showing the measurements taken which were used by the District during its evaluation. The District will also provide OCR with a copy of its remediation plan identifying each barrier to access found through the evaluation, describing how it will address each barrier to access and the date by which each barrier to access will be removed.

2. Within 30 days of receiving OCR's written approval of its remediation plan, the District will begin implementing the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

REPORTING REQUIREMENT: The District will submit written reports to OCR every six months after the date of OCR's approval of the District's remediation plan summarizing the actions the District has taken pursuant to this Agreement. Reports will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent or Designee

<u>3/9/20</u> Date