

VOLUNTARY RESOLUTION AGREEMENT
Prince George's County Public Schools
OCR Complaint #03-17-1391

The U.S. Department of Education, Office for Civil Rights (OCR) and the Prince George's County Public Schools (the District) enter into this Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability or non-compliance by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104 and Title II of the Americans with Disabilities Act (Title II) and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Accessibility Standards

The regulations implementing Section 504 and Title II contain two standards for determining whether the District'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, the District will ensure that its programs, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150. In choosing among available methods for achieving program access, 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, the District will ensure that its facilities are readily accessible to and usable by persons with disabilities. 34 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).

Action Steps

General

1. The District certifies to OCR that it will ensure compliance with the Section 504 regulation at 34 C.F.R. § 104.21 and the Title II regulation at 28 C.F.R. § 35.149, providing that no qualified person with a disability shall, because a recipient’s facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity operated by the recipient.

Playground Accessibility

2. Within 90 days of signing this Agreement, the District will evaluate the accessibility of and identify any barriers to access for students with mobility impairments at XXXXXX (the School) related to routes leading to and through playgrounds, play components, and playground surface(s) under play components at the School. 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 program access (for existing facilities).

Reporting Requirement: By February 28, 2019, the District will provide OCR with the results of the School’s playground 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.

3. Within 120 days of receiving OCR’s written approval of its remediation plan, the District will implement the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

Reporting requirement: Upon completion of Action Step 3, the District will submit a written report to OCR documenting the District's implementation of the remediation plan.. The report 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 of the School’s play areas, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

Accessible Entrance

4. By February 28, 2019, the District will ensure that an accessible entrance to the School exists that provides the same level and degree of access as is accorded to persons without disabilities at the main entrance and that meets the applicable accessibility standard. The entrance will be on an accessible path of travel, and the District will ensure that if the entrance has an automatic door, that the automatic door meets the applicable accessibility standard. The District will also ensure that the accessible entrance is properly marked with the international symbol of accessibility and that all inaccessible entrances have signs indicating the location of the nearest accessible entrance.

Reporting Requirement: By March 15, 2019, the District will provide OCR with verification that the School has an accessible entrance and documentation of any structural changes that have been completed. Verification will include photographs and documentation from the individuals or corporations that performed the changes.

Stage Accessibility

5. By February 28, 2019, the District shall develop a written procedure for relocating classes, events, performances, and any other educational program or activity, including extracurricular activities, scheduled at the School’s stage in the event that the program or activity is inaccessible to individuals with mobility impairments.

Reporting Requirement: By March 15, 2019, the District will provide OCR with a copy of its draft written procedure, as described above, for OCR’s approval.

6. Within 30 days of OCR’s approval of the written procedure, the District will provide OCR with documentation that it published the notification. The District will ensure that the procedure is posted on the School’s website, and that notification is sent to parents/guardians, students, and all School personnel of the procedure. In addition, the District will ensure that a copy of the procedure is prominently in the School office and/or near the accessible entrance to the School.

Reporting Requirement: Within 45 days from receiving approval from OCR to publish the procedure, the District will provide documentation to OCR demonstrating that it is posted on its website and that the School community was informed.

Fire Alarm Systems

7. By February 28, 2019, the District will ensure that the fire alarm systems at the School have permanently installed audible and visual alarms, and that they operate properly, in accordance with Sections 215 and 702 of the 2010 Standards.

Reporting Requirement: By March 15, 2019, the District will provide OCR with verification that its fire alarm system at the School meets the requirements of Sections 215 and 702 of the 2010 Standards. Verification will include photographs and documentation from the individuals or corporations that inspected the fire alarms and/or performed necessary changes.

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, 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. §§ 104.21- 104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent and/or Designee
Prince George’s County Public Schools

11/30/18

Date