

**Resolution Agreement**  
**Case No. 03221359**  
**Daviess County Public Schools**

In order to resolve the allegation in the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) and their implementing regulations, the Daviess County Public Schools (the District) enters into this Resolution Agreement and commits to implement the provisions set forth in this Agreement. This Agreement does not constitute an admission by the District of a violation of Section 504, Title II, or any other law enforced by OCR.

**Action Steps and Reporting Requirements**

1. The District will develop a written plan (the Plan) to provide an accessible route to the Daviess County High School Softball Field (Field) that meets the technical provisions of §206 of the 2010 ADA Standards for Accessible Design (2010 ADA Standards). The Plan should include a projected timetable for completion and sufficient detail, including diagrams and measurements, as applicable. OCR recognizes that the District cannot control or guarantee completion dates, due to third parties' schedules, supply delays and other issues, over which the District has no control. The Plan will include interim steps to provide access to the Field during the period before renovations are completed, including, how requests can be made.
2. Once the Plan is reviewed and approved by OCR, the District will ensure that it implements the Plan and provides an accessible route to the Field in compliance with the 2010 ADA Standards. OCR recognizes that the plan will also be subject to local and state building requirements, regulations and codes.

**Reporting Requirements**

- A. By November 30, 2022, the District will submit to OCR for its review and approval the Plan described in Action Step 1.
- B. By March 31, 2023, the District will submit a report to OCR describing the status of the accessible route to the Field. Thereafter, the District will provide status reports on the 30<sup>th</sup> of each month, until the route to the field is completed, at which time the District will provide OCR a final report, including a description of the work performed, photographs (with dimensions, as applicable), and work orders. Upon completion of the Plan, OCR will conduct an onsite inspection of the route.

By signing the resolution agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. 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 of the resolution agreement. The District understands that OCR will not close the monitoring of the agreement until such time as OCR determines that the District is in compliance with the terms of the agreement and is in compliance with Section 504, Title II, and their implementing regulations, which were at issue in the case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach

This Agreement will become effective immediately upon the signature of the District's representative below.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or designee  
Daviess County Public Schools

\_\_\_\_11/7/2022\_\_\_\_\_  
Date