

**Voluntary Resolution Agreement  
Millcreek Township School District  
OCR Case Number 03231014**

The Millcreek Township School District (the District) agrees to resolve the above-referenced complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education's Office for Civil Rights (OCR). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to ensure compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35 which prohibit discrimination on the basis of disability by recipients of federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues raised in this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues under investigation, the District agrees to take the actions outlined below.

**I. Memoranda Concerning Snow Removal and Student's Access to Curriculum**

Within 30 days of the execution of this Agreement, the District will develop and disseminate:

1. A memorandum to the Director of Facilities, and the administrators and custodial staff at both McDowell Intermediate High School (MIHS) and McDowell High School (MHS) concerning snow removal. The memorandum will outline the importance of removing snow at accessible entrances and along accessible walkways in a timely manner, especially at general student arrival and departure times, to ensure that the Student and other students with mobility impairments are able to access the schools with minimal effort.
2. A memorandum to school guidance counselors and other relevant staff involved in assisting students with course selection and class scheduling at MIHS and MHS. The memorandum will inform them that the District is obligated to ensure that no student is prohibited or otherwise dissuaded from selecting courses and scheduling classes on the basis of disability, nor due to a mobility impairment.

**Reporting Requirement:**

Within seven (7) days of the dissemination of the memoranda required by Actions Steps 1 and 2 above, the District will provide OCR copies of the memoranda and documentary evidence that they were disseminated to the required recipients.

**II. Designated Accessible First Floor Restroom - McDowell Intermediate High School (MIHS)**

3. As of the date of signing, the District has evaluated the accessibility of, and identified that barriers exist for individuals with mobility impairments access to the first floor

restroom at MIHS. As a result, the District has determined to construct a new first floor restroom at MIHS.

4. 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. The District has determined the first floor restroom of MIHS will be constructed based upon the following standard:

- Uniform Construction Code – 2018 International Building Code ICC A117.1;
- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971); or
- 2010 ADA Standards for Accessible Design (2010 ADA Standards).

The District will develop a written remediation plan providing a new first floor restroom that complies with the above standard and submit it for OCR approval. The District's plan will: (1) comply with the 2010 ADA Standards, and (2) propose a timeframe for construction of the new first floor restroom.

#### **Reporting Requirement:**

By April 15, 2023, the District will provide OCR with a copy of its remediation plan.

5. By May 1, 2023, OCR will provide written approval of its remediation plan.
6. By June 15, 2023, 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 a written report to OCR by October 30, 2023, summarizing the implementation of the remediation plan. The report will include documentation satisfactory to OCR showing that those actions have been taken. 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 and is in compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, that were at issue in this case. Upon the District's satisfaction of the terms and obligations of the resolution agreement and is in compliance with Section 504 and its implementing regulation, 34 C.F.R. Part 104, and Title II and its implementing regulation, 28 C.F.R. Part 35 that were at issue in this case, 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 statutes and regulations. 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/

4/10/2023

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Superintendent or Designee

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Date