

**Resolution Agreement
Bartow County School System (GA)
OCR Complaint # 04-15-1431**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Bartow County School System (District), enter into this agreement to resolve the allegations in the above-referenced complaints. 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 comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, 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. All modifications necessary to provide such access will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design¹ (2010 ADA Standards) or any accessibility standard that provides equivalent or greater access to individuals with disabilities. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Assessment of the Services and Activities at STARS

1. By **December 1, 2017**, the District will conduct a self-assessment of all activities and services (including, but not limited to, the media center) at the STARS Building to determine whether the services and activities at STARS are in fact comparable to the schools where Pre-K students without disabilities are housed.
2. By **March 1, 2018**, if the District determines, based on the self-assessment conducted, that the activities and services at the STARS Building are not comparable to those at schools that house Pre-K students without disabilities, the District will develop, and submit to OCR for approval, an action plan that identifies specific steps to be taken to address the comparability concerns that are identified as a result of the District's assessment.

Assessment of the Facilities

3. By **December 1, 2017**, the District will conduct a self-assessment (accessibility survey) of the STARS Building to ensure that the STARS Building is in compliance with the 2010 ADA Standards pursuant to 28 C.F.R. § 35.151(c) and the Appendix to 28 C.F.R. § 35.151(c).
4. If the District determines, based on the self-assessment conducted, that the facilities at the STARS Building are not in compliance with the 2010 ADA Standards, by **March 1,**

¹ Located at: https://www.ada.gov/2010ADASTandards_index.htm.

2018, the District will develop, and submit to OCR for approval, an action plan that identifies specific steps to be taken to address the compliance concerns that are identified as a result of the District's assessment.

At a **minimum**, the plan should include renovation/modification of the following compliance concerns OCR identified during its onsite at the **STARS Building**:

- a. Restrooms: Update/renovate the two restrooms used by the preschoolers to bring them into compliance with Section 504, Title II, and the 2010 ADA Standards. *See* 2010 ADA Standards §§ 601-606.
- b. Sensory Room: Address the maintenance issues in the sensory room, e.g., missing ceiling tiles and removal of the paint from the windows.
- c. Playground:
 - i. Repair the broken accessible swing and the gaps between the rubber pavers on the playground.
 - ii. Provide an accessible route from the STARS Building to the Play Area, as well as accessible routes that connect and surround accessible activities within the playground settings. *See* 2010 ADA Standards §§ 240, 402, 403, and 1008.
 - iii. Provide for ground surfaces along accessible routes; clear floor or ground spaces as well as maneuvering spaces within play areas that are firm, stable, and slip-resistant that meet the American Society for Testing and Materials F 1951-99 Standard (ASTM F 1951-99) for accessibility within play areas. *See* 2010 ADA Standards § 1008.
 - iv. Modification of existing playground equipment, or installation of additional equipment, as necessary, to ensure that an equivalent range of different types of play activities are accessible to children with mobility disabilities. *See* 2010 ADA Standards § 240.

REPORTING REQUIREMENTS:

- A. By **December 1, 2017**, the District will provide a report to OCR on its assessment of facilities, pursuant to Items #1 & #3, above. The report should detail the assessment that the District conducted, and the issues that it found, if any.
- B. By **March 1, 2018**, the District will provide to OCR a draft of its action plan developed pursuant to Items #2 and #4, above, which details the corrective steps the District will take to remedy the issues it found during its self-assessments.
- C. By **August 1, 2018**, the District will provide a report to OCR describing the specific steps and actions completed under its action plan, including photographs.

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, 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 this Agreement and is in compliance with the Section 504 implementing regulation at 34 C.F.R. § 104.34(a)-(c); and, the Title II implementing regulation at 28 C.F.R. § 35.130. 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.

Superintendent or Designee

Date