

**Resolution Agreement  
Marietta City Schools (Georgia)  
OCR Complaint # 04-19-1279**

The U.S. Department of Education, Office for Civil Rights (OCR) and Marietta City Schools (District) enter into this resolution agreement (Agreement) to resolve the allegations in the above-referenced complaint. 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. Section 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. Sections 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

All modifications necessary to provide access under this Agreement will be made consistent with the applicable standards in the 2010 ADA Standards for Accessible Design pursuant to 28 C.F.R. § 35.151(c) and the Appendix to 28 C.F.R. § 35.151(c) (hereinafter, 2010 ADA Standards for Accessible Design)<sup>1</sup> or any accessibility standard that provides equivalent or greater access to individuals with disabilities. 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 ensure compliance with Section 504 and Title II and resolve the issues in Complaint #04-19-1279, the District agrees to take the following actions:

**Action Item:**

1. By **January 15, 2020**, the District will remove the flags, banners and/or any other object that obstructs the lines of sight from the lower designated wheelchair accessible and companion seating areas in the soccer and track field (Field) at the District's Marietta High School.

**Reporting Requirements:**

By **February 15, 2020**, the District will provide OCR with a photo or photos of the current status of the bleacher seating area at the Field that depicts the designated wheelchair and companion seating areas referenced in Item 1.

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

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<sup>1</sup> Located at: <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAStandards.htm#c1>

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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.

This Agreement will become effective immediately upon signature below.

\_\_\_\_\_  
Superintendent or Designee's Signature  
Marietta City Schools

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title, if signed by Designee