

**RESOLUTION AGREEMENT**  
**George County School District**  
**Complaint Number 06-14-1435**

The George County School District (GCS D or District) enters into this agreement with the U.S. Department of Education (Department), Office for Civil Rights (OCR) 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 GCS D assures OCR that it will take the following actions, consistent with its obligation 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. § 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.

The GCS D will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) adopted accessibility guidelines. The DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards) became effective on March 15, 2012. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012. Prior to the 2010 Standards, the effective standards for new construction were the American National Standards Institute, effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 or ADAAG), effective January 26, 1992.

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to the Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.<sup>1</sup> New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues in 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.

**ACTION ITEMS**

All structural changes or modifications to facilities or parts of facilities indicated below will be made in accordance with the 2010 Standards.

**Agricola Elementary School**

**Accessible Parking**

1. By xxxxxxxxxxxxxxxxxxxx, the District will evaluate accessible parking at Agricola

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<sup>1</sup> The 2010 Standards can be accessed at this DOJ website: [www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

Elementary School to determine whether they comply with ANSI<sup>2</sup>, UFAS<sup>3</sup>, 1991 Standards<sup>4</sup> or the 2010 Standards for accessibility, and to determine whether modifications are required to comply with the accessibility standards. (See, ANSI §4.3; UFAS §4.6; 1991 Standards §4.6; 2010 Standards §§210, 501 and 502)

2. By xxxxxxxxxxxxxxxx, the District will provide the appropriate number of accessible parking spaces at Agricola Elementary School, including van-accessible parking spaces, located on the shortest accessible route of travel to an accessible entrance of a building(s) served by the parking area. Parking spaces shall be signed with the international symbol of accessibility with van-accessible spaces designated “van-accessible”. (See 2010 Standards, §§208 and 209, 502 and 503)

### Accessible Restrooms

3. By xxxxxxxxxxxxxxxx, the District will evaluate restrooms at the Agricola Elementary School, constructed after June 3, 1977, to determine whether they comply with the ANSI<sup>5</sup>, UFAS<sup>6</sup>, 1991 Standards<sup>7</sup> or the 2010 Standards for accessibility. Any restroom determined not to comply with the appropriate accessibility standard (based on date of construction or alteration) must be modified to meet the 2010 Standards. (See ANSI §5.6; UFAS §§4.16-19; 1991 Standards §§4.16-19; 2010 Standards §§ 213, 216, 403, 404, 603, 604, 609, and 703) Ultimately, the Agricola Elementary School must provide restrooms that are accessible to, and usable by, individuals with disabilities.
4. By xxxxxxxxxxxxxxxx, the District will provide the appropriate number of accessible restrooms at Agricola Elementary School that comply with the ANSI, UFAS, 1991 Standards or 2010 Standards when constructed, unless modified since. Any additions or modifications thereto will comply with the 2010 Standards. (See 2010 Standards §§ 213, 216, 403, 404, 603, 604, 609, and 703)
5. By xxxxxxxxxxxxxxxx, the District will develop and submit a plan to relocate programs and activities in the Old Gymnasium to an accessible area to accommodate any student with a disability or to accommodate persons with disabilities from the public when attending events at the Old Gymnasium.
6. By xxxxxxxxxxxxxxxx, the Agricola Elementary School will provide an accessible route to its playgrounds that meets the requirements of the 2010 Standards (§§206, 402 and 403).

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<sup>2</sup> American National Standards Institute (ANSI) Standards (A117.1-1961, reaffirmed 1971).

<sup>3</sup> Uniform Federal Accessibility Standards (UFAS), <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

<sup>4</sup> 1991 ADA Standards for Accessible Design (1991 Standards), [https://www.ada.gov/1991ADASTandards\\_index.htm](https://www.ada.gov/1991ADASTandards_index.htm).

<sup>5</sup> American National Standards Institute (ANSI) Standards (A117.1-1961, reaffirmed 1971).

<sup>6</sup> Uniform Federal Accessibility Standards (UFAS), <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

<sup>7</sup> 1991 ADA Standards for Accessible Design (1991 Standards), [https://www.ada.gov/1991ADASTandards\\_index.htm](https://www.ada.gov/1991ADASTandards_index.htm).



## **REPORTING REQUIREMENTS**

1. By xxxxxxxxxxxxxx, the District will provide OCR a summary of the IEP Committee's decision with respect to compensatory services for the Student. The District will submit to OCR documents supporting the group's decision. The documentation submitted shall include the identities and titles of participants in the meeting, an explanation of the decisions made, the information considered, and a description of and schedule for providing compensatory and/or remedial services (if any) to the Student. If compensatory or remedial services are determined appropriate, a description of the services to be provided and the service providers shall be submitted to OCR in accordance with Action Item 11 above.

Within 30 days of the completion of any compensatory and/or remedial services, the District will provide documentation to OCR of the compensatory and/or remedial services provided, a description of what was provided, and the names of the service provider(s), and dates.

2. By xxxxxxxxxxxxxx, the District will provide OCR a report documenting its assessment of accessible parking at Agricola Elementary School and George County Middle School completed in accordance with Action Items 1, 2, 7, and 8.
3. By xxxxxxxxxxxxxx, the District will provide OCR with evidence of its modifications to create accessible parking in accordance with Action Items 2 and 8, including photographs reflecting measurements of the accessible parking and any technical drawings reflecting that the parking spots are accessible under the 2010 Standards.
4. By xxxxxxxxxxxxxx, the District will provide OCR a report documenting its assessment of restrooms at Agricola Elementary School and George County Middle School in accordance with Action Items 3, 4, 9, and 10.
5. By xxxxxxxxxxxxxx, the District will provide OCR with evidence of its modifications to restrooms at Agricola Elementary School and George County Middle School in accordance with Action Items 4 and 10, including photographs reflecting measurements of the restrooms as modified and any technical drawings reflecting that the restrooms are accessible under the 2010 Standards.
6. By xxxxxxxxxxxxxx, the District will submit an accessibility plan (Plan), for OCR's review and approval, for relocating programs and activities at the Old Gymnasium to accommodate persons with disabilities in accordance with Action Item 5. Within 30 days of receipt of OCR's approval, GCSD will implement the Plan and provide OCR with evidence of how it notified the GCSD community of its relocated programs and activities in accordance with the approved Plan.
7. By August 30, 2018, the District will provide a report documenting the construction of an accessible route from the Agricola Elementary School to its playground(s) that meet(s) the 2010 Standards in accordance with Action Item 6. The report shall include

photographs reflecting measurements of the accessible playground(s) and any technical drawings reflecting that the playground(s) are accessible under the 2010 Standards.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District also 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 District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II. 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 proceeding 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.

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

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Superintendent, Pam Touchard  
George County School District

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Date