

**RESOLUTION AGREEMENT**  
**Bloomington Grove Independent School District**  
**Complaint Number 06-16-1743**

OCR and the Bloomington Grove Independent School District (BGISD, the District) enter into this agreement to resolve the allegation in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, (amended 1992), and its implementing regulation at 34 C.F.R. Part 104 (2011) 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 (2011) which prohibit discrimination on the basis of disability.

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 resolve the issues of this investigation, the District agrees to take the following actions.

The BGISD will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) guidelines. Be advised, the DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards) became effective on March 15, 2011. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012.<sup>1</sup>

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>2</sup> New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

**SECTION 1: BATHROOM ACCESSIBILITY**

**Action Item 1: By December 15, 2018**, the District will assess the toilet compartments at the BGHS baseball and softball fields to determine whether they are in compliance with the 2010 Standards, Chapter 2, Section 213, together with all associated figures and other cross-referenced provisions.

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<sup>1</sup> In the U.S. Department of Education's *Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973*, 77 Fed. Reg. 14972 (March 14, 2012), the Department states, "For new construction and alterations commenced on or after March 15, 2012, the 2010 Title II ADA Standards will be used by Education in its enforcement of the Title II regulations." For the purposes of Title II compliance, a public entity must comply with the 2010 Title II ADA Standards as of March 15, 2012, even if the Uniform Federal Accessibility Standards (UFAS) remains an option under the Section 504 regulations for some period after this date.

<sup>2</sup> As of the date of this Agreement, the 2010 Standards can be accessed at this DOJ website:  
[www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

**Reporting Requirement 1.1:** **By February 15, 2019,** the District will submit for OCR’s review and approval, a report of its findings/determinations regarding Action Item 1, along with a proposed plan to remedy any identified compliance concerns. This submission shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Action Item 1.

**Reporting Requirement 1.2:** **Within 270 calendar days after OCR’s approval** of the District’s report and proposed plan, the District will submit documentation to OCR demonstrating that, in accordance with the approved plan, if applicable, the District has made all changes necessary to ensure that the toilet compartments are compliant with the appropriate accessibility standard, such that they are readily accessible to and usable by individuals with disabilities. This report shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show implementation of the approved plan in compliance with Section 504 and Title II and the relevant provisions of this Agreement.

## **SECTION 2: ACCESSIBLE ROUTES TO BATHROOMS AND CONCESSION STAND**

**Action Item 2:** **By December 15, 2018,** the District will assess the paths of travel from the concession stand and bathrooms to the bleachers for the BGHS baseball and softball fields, to determine whether they are in compliance with the 2010 Standards, Chapter 2, Section 206, and Chapter 4, together with all associated figures and other cross-referenced provisions.

**Reporting Requirement 2.1:** **By February 15, 2019,** the District will submit for OCR’s review and approval, a report of its findings/determinations regarding Action Item 2, along with a proposed plan to remedy any identified compliance concerns. This submission shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Action Item 2.

**Reporting Requirement 2.2:** **Within 270 calendar days after OCR’s approval** of the District’s report and proposed plan, the District will submit documentation to OCR demonstrating that, in accordance with the approved plan, if applicable, the District has made all changes necessary to ensure that the paths of travel to the bathrooms and concession stands at the BGHS baseball fields are compliant with the appropriate accessibility standard, such that the concession stands are readily accessible to and usable by individuals with disabilities. This submission shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show implementation of the approved plan in compliance with Section 504 and Title II and the relevant provisions of this Agreement.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Title II and its implementing regulation at 28 C.F.R. Part 35, and Section 504 and its implementing regulation at 34 C.F.R. Part 104. Upon completion of the obligations under this Agreement, OCR will 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. §§ 100.8-100.10, incorporated by reference at 34 C.F.R. § 104.61), or judicial proceedings to enforce this Agreement, 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 the signature of the District's representative below.

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Superintendent

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Date