



RESOLUTION AGREEMENT

Cherokee Independent School District
OCR Case Number: 06-17-1347

A. GENERAL TERMS & PRINCIPLES:

OCR and the Cherokee Independent School District (District) enter into this agreement to resolve the allegation in the above-referenced complaint. 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), 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.

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.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1

As of the date of this Agreement, the District will maintain a clear width of at least 36 inches for the aisles in the District's cafeteria (e.g., the aisles between tables and chairs), in conformity with the Department of Justice's 2010 ADA Standards for Accessible Design (2010 Standards).*

Reporting Requirements: Action Item 1

Within seven (7) calendar days of the date of this Agreement, the District will submit a report to OCR demonstrating its compliance with Action Item 1. This submission shall include documentation showing compliance with the 2010 Standards (e.g., measurements, photographs, etc.).

Action Item 2

- a. By **December 14, 2018**, the District will develop a plan to bring the threshold of the doorway between the District's cafeteria and the exterior of the building into compliance with the 2010 Standards, for OCR's review and approval.
- b. **Within one hundred eighty (180) calendar days of OCR's approval of the plan that Action Item 2(a) requires**, the District will complete the alterations and modifications set forth in the OCR-approved plan.

* The 2010 Standards are available online at https://www.ada.gov/2010ADASTandards_index.htm.

Reporting Requirements: Action Item 2

- a. By **December 21, 2018**, the District will submit its plan to bring the threshold of the doorway between the cafeteria and the exterior of the building into compliance with the 2010 Standards to OCR, for OCR’s review and approval. This submission shall include documentation showing compliance with the 2010 Standards (e.g., measurements, photographs, technical drawings, work orders, estimates/invoices, etc.).

- a. **Within one hundred ninety (190) calendar days of OCR’s approval of the plan that Action Item 2(a) requires**, the District will submit a report to OCR demonstrating its compliance with Action Item 2(b). This submission shall include documentation showing compliance with the 2010 Standards (e.g., measurements, photographs, technical drawings, work orders, estimates/invoices, etc.).

C. EXECUTION:

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 Section 504 and its implementing regulation at 34 C.F.R. § 104.21, and Title II implementing regulation at 28 C.F.R. § 35.149. 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.

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

Superintendent or Designee’s Name/Title

Superintendent or Designee’s Signature

Date