

**Resolution Agreement**  
**Paragould School District**  
**OCR Complaint #06-18-1694**

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Paragould School District (the District) enter into this resolution agreement (Agreement) to voluntarily resolve the allegations in the above-referenced complaint. 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.

The District ensures 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 voluntarily resolve all issues in the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

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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).

### **Action Item #1 – Accessible Parking Self-Evaluation**

The District will conduct a self-evaluation of all parking lots on the Paragould High School (the School) campus to determine whether they comply with the governing accessibility standard (i.e., 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.

The District's self-evaluation shall include, but not be limited to, the following areas of concern:

- 1) All ramps on sidewalks or leading into doors of School campus buildings (e.g., the main entrance of the School, the gymnasium, the School football fieldhouse) of an improper length and/or an unsafe gradient;
- 2) Any ramps lacking non-slip material for safe usage;
- 3) Accessible parking spaces with improperly placed and/or missing signage (e.g., signs posted in the ground at least 60 inches in height, placed in an area visible to motorists parking their vehicles and without obstruction to accessible passageways);
- 4) Accessible parking spaces with unsafe passageways, due to obstructions (whether permanent or temporary) or debris (e.g., sediment and water pooling), from the space to the nearest entrance into a School campus building; and
- 5) School campus buildings without any available accessible parking spaces to access the building (i.e., campus buildings with an adjacent gravel parking lot lacking accessible spaces and without accessible pathways to other parking lots with accessible spaces).

### **Reporting Requirement #1**

- a) **Within 120 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, a detailed report documenting its self-evaluation of each School parking lot its proposed Action Plan for correcting any compliance problems found during the self-evaluation.
  - i. The governing standard for the parking lot at the time the self-evaluation is initiated,<sup>5</sup> including the specific date and year when the parking lot was last modified;
  - ii. The number of accessible spots presently;
  - iii. The number of van accessible spots presently;

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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> If modifications to a parking lot are made as a result of this Agreement, the governing standard for the alterations will be the 2010 Standards.

- iv. If the parking lot does not meet the governing accessibility standard, the number of accessible spots, including van accessible spots, necessary for compliance with the 2010 Standards;
  - v. A description of the necessary modifications for ramps, accessible lanes, and other renovations besides accessible spots to ensure compliance; and
  - vi. An estimated date to begin the project.
  - vii. An estimated date to complete the project, subject to Reporting Requirement 1(c).
- b) **Within 180 days** of OCR’s approval of the Action Plan in Reporting Requirement 1(a), the District will submit a written report to OCR summarizing the actions the District has taken thus far pursuant to this Agreement. The report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.
- c) **Within 365 days** of OCR’s approval of the Action Plan in Reporting Requirement 1(a), the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices, proof of efforts to secure funding/assistance for structural renovations or equipment, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

### **Action Item #2 – Accessible Restroom Self-Evaluation**

The District will conduct a self-evaluation of the School campus to determine whether the School campus complies with the governing accessibility standard (i.e., ANSI<sup>6</sup>, UFAS<sup>7</sup>, 1991 Standards<sup>8</sup> or the 2010 Standards for accessibility) pertaining to accessible restrooms, and to determine whether modifications are required to comply with the accessibility standards.

The District’s self-evaluation shall include, but not be limited to, the following areas of concern:

- 1) Missing safety rails in accessible restrooms or existing safety rails in accessible restroom stalls of improper length, height, and/or placement;

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<sup>6</sup> American National Standards Institute (ANSI) Standards (A117.1-1961, reaffirmed 1971).

<sup>7</sup> Uniform Federal Accessibility Standards (UFAS), <https://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-aba-standards/ufas>.

<sup>8</sup> 1991 ADA Standards for Accessible Design (1991 Standards), [https://www.ada.gov/1991ADASTandards\\_index.htm](https://www.ada.gov/1991ADASTandards_index.htm).

- 2) Doors to accessible restrooms, without automated entrance features, that require too much physical force (measured in pounds of force), in excess of the governing accessibility standard, to operate and open;
- 3) Restrooms without proper Braille signage next to the door;
- 4) Accessible restroom stalls with broken, malfunctioning, or missing doors; and
- 5) Sinks, towel dispensers, and/or soap dispensers positioned at improper heights in restrooms.

## Reporting Requirement #2

- a) **Within 120 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, a detailed report documenting its self-evaluation of the School campus and its proposed Action Plan for correcting any compliance problems found during the self-evaluation. The report shall include an evaluation of the requirements for accessible restrooms on the School campus and a separate evaluation for each restroom on the School campus that the School claims is accessible and counts towards satisfying the requirements of the 2010 Standards on the School campus and shall include, but not be limited to, the following:
  - i. The governing standard for the School campus at the time the self-evaluation is initiated<sup>9</sup>;
  - ii. The number of accessible restrooms presently;
  - iii. If a restroom does not meet the governing accessibility standard, a description of the necessary modifications to ensure compliance with the 2010 Standards;
  - iv. A description of the necessary modifications to ensure compliance.
  - v. An estimated date to begin the project; and
  - vi. An estimated date to complete the project, subject to Reporting Requirement 2(c).
- b) **Within 180 days** of OCR's approval of the Action Plan in Reporting Requirement 2(a), the District will submit a written report to OCR summarizing the actions the District has taken thus far pursuant to this Agreement. The report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.
- c) **Within 365 days** of OCR's approval of the Action Plan in Reporting Requirement 2(a), the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or

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<sup>9</sup> If modifications to a parking lot are made as a result of this Agreement, the governing standard for the alterations will be the 2010 Standards.

renovations, architectural plans, work orders, purchase orders, invoices, proof of efforts to secure funding/assistance for structural renovations or equipment, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

### **Action Item #3 – Training**

The District will provide training regarding prohibitions of discrimination under Title and Section 504. The training should be provided to all relevant personnel at the School, including, but not limited to, District administrators, and all faculty, and staff members at the School. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to disability discrimination.

The training session(s) shall address the following topics and subtopics:

- 1) The District 's obligation to implement services deemed necessary to provide a FAPE to qualified individuals with disabilities, pursuant to Section 504 and Title II and their implementing regulations, at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130;
- 2) The District's obligation to ensure aides assigned to assist students with mobility impairments have the physical capability to provide necessary assistance or will request the assistance of persons with the capability of providing necessary assistance;
- 3) The District's policies prohibiting the differential treatment of students on the basis of their disabilities, in accordance with Section 504, at 34 C.F.R. § 104.4, and Title II, at 28 C.F.R. § 35.130; and
- 4) The District's policies prohibiting harassment of students on the basis of disability by faculty, staff, administrators, or other students, in accordance with Section 504 and Title II, at 34 C.F.R. § 104.4, and 28 C.F.R. § 35.130, respectively.

### **Reporting Requirement #3**

- a) **Within 120 days** of the signing of this Agreement, the District will submit to OCR for review and approval, its proposal for complying with Action Item 3, above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 3(a), the District will provide the training listed in Action Item 3.
- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 3(b), the District will provide OCR with documentation demonstrating

that it has timely completed Action Item 3 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 3, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

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 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 necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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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Ms. Debbie Smith, Superintendent  
Paragould School District

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Date