



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

Renaissance Tower
1201 Elm Street, Suite 1000
Dallas, TX 75270

REGION VI
LOUISIANA
MISSISSIPPI
TEXAS

February 27, 2023

RESOLUTION AGREEMENT
Simpson County School District
OCR Complaint No. 06-22-1974

The U.S. Department of Education, Office for Civil Rights (OCR) and the Simpson County School District (District) enter into this Agreement to resolve the issue 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) 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/or public entities.

Prior to the completion of OCR's investigation, the District requested to resolve this complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this complaint, the District agrees to take the following actions.

Action Item

1. By **March 30, 2023**, the District will complete a self-evaluation under Section 504 and Title II of the playground facilities at the following schools:
 - a. Mendenhall Elementary School
 - b. Magee Elementary School
2. Following the self-evaluation, the District will develop a written plan (Plan) by **April 30, 2023**, identifying the modifications, if any, that are necessary to ensure that the playground facilities are accessible to and usable by persons with mobility impairments in accordance with Section 504 and Title II and the 2010 ADA Standards for Accessible Design (2010 ADA Standards); specifically, provisions 240 and 1008 which apply to play areas. As part of this process, the District will consult with appropriate professionals knowledgeable about accessible playground settings to assist it in complying with the relevant provisions under the 2010 ADA Standards. The Plan will include a timetable for completion of all identified modifications with a time period not to exceed **September 1, 2023**. The Plan will be subject to OCR's review and approval and will address, at a minimum, the following elements:

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- a. Provides an accessible route from the School to the playground settings, as well as accessible routes that connect and surround accessible activities within the playground settings;
- b. Provides for ground surfaces along accessible routes, clear floor or ground spaces, and maneuvering spaces within play areas that are stable, firm and slip-resistant;
- c. Modification of existing playground equipment, or installation of additional equipment, as necessary, to ensure that a range of different types of play activities are accessible to children with mobility impairments, as required by 2010 ADA Standard 240.2.1.1, 240.2.1.2, and 240.2.2
- d. Explains the specific ground level and elevated play activities which will be made accessible upon implementation;
- e. Ensures that ground level play components accessed by children with mobility impairments are dispersed throughout the play area and integrated with other play components; and
- f. Provides that ground surfaces shall be inspected and maintained regularly and frequently to ensure continued compliance with applicable accessibility standards.

Reporting Requirements:

1. By **May 2, 2023**, the District will provide OCR with a copy of the Plan developed as a result of its review of playground facilities for the schools listed in the Action Item above, for OCR's review and approval.
2. Following OCR's approval of the Plan, the District will provide OCR with progress reports, beginning three months after OCR's approval of the Plan, and every two months thereafter. The progress reports will address the completion of any renovations or modifications, as applicable. The report will include a description of the work performed, along with photographs (with dimensions, as applicable). The District will continue to provide OCR with progress reports until the Agreement has been fully implemented and any work to be done under the Agreement has been completed.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 the regulations implementing Section 504 at 34 C.F.R. §§ 104.21- 104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21- 104.23, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint.

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.

Superintendent and/or Designee
Simpson County School District

Date