

RESOLUTION AGREEMENT
DeSoto County Public Schools
Complaint Number 06-23-1377

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the DeSoto County Public Schools (DCPS) enter into this agreement (agreement) to resolve 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. § 794, and its implementing regulations, 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 regulations, at 28 C.F.R. Part 35.

The DCPS will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice's (DOJ) adopted accessibility guidelines. The DOJ's 2010 ADA Standards for Accessible Design (2010 Standards), 28 C.F.R. Part 36, Appendix A, 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 (ANSI), effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (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.¹ New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

A. ACTION ITEMS & REPORTING REQUIREMENTS

Action Item 1

By July 31, 2024, the DCPS will provide playground facilities (playground) at [redacted content] (School) that are accessible to and usable by persons with mobility impairments in accordance with Section 504; Title II; and the 2010 Standards, specifically, sections 240 and 1008, which apply to play areas. In particular, with respect to the playground, the DCPS will, at a minimum:

- a. Provide 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. Provide for ground surfaces along accessible routes, clear floor or ground spaces, and maneuvering spaces within play areas that are stable, firm, and slip-resistant;

¹ The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandardsindex.htm.

- c. Provide playground equipment, or installation of additional equipment as necessary, to ensure that an equivalent range of different types of play activities are accessible to children with mobility impairments;
- d. Ensure that students with mobility impairments can access at least one type of each play experience available to students without disabilities (e.g., climbing, sliding, swinging, and crawling);
- e. Ensure that ground level play activities are set at a height useable by children with various disabilities, including those who use wheelchairs.
- f. Ensure that elevated play activities are connected to the playground surface through an appropriate ramp or transfer system;
- g. Ensure that ground level play components are dispersed throughout the play area and integrated with other play components; and
- h. Regularly maintain playground ground surfaces to ensure continued compliance with applicable accessibility standards.

Reporting Requirement for Action Item 1

By September 30, 2024, the DCPS will provide OCR with a report documenting that it has completed Action Item 1. The report shall include a description of the work performed and photographs (with dimensions, as applicable) and technical drawings demonstrating that the playground meets the requirements of the 2010 Standards.

B. GENERAL PROVISIONS

The DCPS 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 DCPS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the DCPS has fulfilled the terms and obligations of this agreement.

The DCPS also understands that OCR will not close the monitoring of this agreement until such time as OCR determines that the DCPS is in compliance with the terms of this agreement and the statutes and regulations at issue in this case.

The DCPS understands that OCR may initiate administrative enforcement proceedings or refer the case to the DOJ for judicial proceedings to enforce the specific terms of the agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the DCPS written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION

This agreement will become effective immediately upon the signature of the DCPS's representative below.

Cory Uselton, Superintendent
DeSoto County Public Schools

Date