

**RESOLUTION AGREEMENT**  
**Moore Public Schools**  
**OCR Case Number 07-19-1147**

The Moore Public Schools (District), Moore, Oklahoma, submit this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR Case No. 07-19-1147 and ensure the District's compliance with: Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, and its implementing regulation at 28 C.F.R. Part 35. The District voluntarily agreed to resolve this complaint prior to the conclusion of OCR's investigation. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

The District agrees to take the following actions:

**ACCESSIBILITY OF WESTMOORE HIGH SCHOOL FACILITIES**

1. By October 30, 2019, the District will post a notice on the District's webpage for Westmoore High School (WHS) and at each accessible entrance to the WHS gymnasium commonly referred to the "new WHS gym,"<sup>1</sup> stating that the District is committed to ensuring access to its facilities, programs, services, and activities for individuals with disabilities, including individuals with a mobility impairment. The notice will also identify by name or title and telephone number who individuals may contact to request assistance with accessing the new WHS gym or to obtain information about the accessibility of the new WHS gym.

**REPORTING REQUIREMENT:** By November 15, 2019, the District will provide OCR a copy of the notice it posted to satisfy item 1 of this Agreement.

2. By November 29, 2019, the District will post signage inside the two main entrances used by spectators attending athletic events in the new WHS gym regarding the availability and location of the platform lift inside the new WHS gym to transport individuals with a mobility impairment, including individuals in a wheelchair, to and from the upper level seating area in the gym. The signage will include the International Symbol of Accessibility.

**REPORTING REQUIREMENT:** By December 13, 2019, the District will provide OCR photographs of the signage it posted to satisfy item 2 of this Agreement and a description of where specifically the signage is located. The photographs may be submitted electronically to OCR.

3. By November 29, 2019, the District will post directional signs showing the accessible route(s) individuals with a mobility impairment may take to get to the platform lift inside the new WHS gym from the lobby adjacent to the gym. The signs will include the International Symbol of Accessibility.

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<sup>1</sup> The term "new WHS gym" as used in this Agreement refers to the WHS competition gymnasium constructed in 2010-2011.

**REPORTING REQUIREMENT:** By December 13, 2019, the District will provide OCR photographs of the signs it posted to satisfy item 3 of this Agreement and a description of where each sign is located. The photographs may be submitted electronically to OCR.

4. By November 29, 2019, the District will post prominent signage on or near the platform lift inside the new WHS gym identifying it as a platform lift or wheelchair lift. The signage will include the International Symbol of Accessibility.

**REPORTING REQUIREMENT:** By December 13, 2019, the District will provide OCR photographs of the signage it posted to satisfy item 4 of the Agreement and a description of where specifically it is located. The photographs may be submitted electronically to OCR.

5. The District will develop a plan,<sup>2</sup> with a proposed timeline, for ensuring that spectators with a disability attending athletic and other events in the new WHS gym who are unable to traverse stairs (including but not limited to individuals in a wheelchair) may enter, operate, and exit the platform lift in the gym without assistance as required by Section 4.11.3 of the ADA Accessibility Guidelines for Buildings and Facilities (ADAAG).<sup>3</sup>

**REPORTING REQUIREMENT:** By November 29, 2019, the District will submit the plan it developed to comply with item 5 of the Agreement to OCR.

**REPORTING REQUIREMENT:** By December 20, 2019, the District will adopt and begin implementing the plan it developed to comply with item 5 of the Agreement.

### **TRAINING FOR WHS PERSONNEL**

6. By January 15, 2020, the District will provide training for all individuals responsible for operating the platform lift located in the new WHS gym regarding the operation of the platform lift and the need for it to be accessible. At a minimum, the training will address:
  - a) who at WHS has keys to unlock and operate the platform lift, and the process for obtaining or accessing the keys;
  - b) how to safely operate the platform lift;
  - c) the District’s plan for facilitating unassisted use of the platform lift by individuals with mobility impairments; and

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<sup>2</sup> OCR is available to provide technical assistance to the District upon request.

<sup>3</sup> ADAAG Section 4.11.3 specifies that when platform lifts are used, they must “facilitate unassisted entry, operation, and exit from the lift.” This requirement is consistent with Section 410 of the 2010 ADA Standards for Accessible Design, which states that platform lifts “shall not be attendant-operated and shall provide unassisted entry and exit from the lift.”

- d) who in the District they should contact if they receive a complaint made by or on behalf of an individual with a disability regarding the accessibility or operation of the platform lift.

**REPORTING REQUIREMENT:** By January 31, 2020, the District will submit documentation to OCR showing it has completed the training required by item 6 of this Agreement. The documentation will include the name and title of the individual(s) who conducted the training, the name and job title of each individual who received the training, and the date and location of the training.

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

The District 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 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 regulation implementing Section 504 at 34 C.F.R. §§ 104.21 through 104.23, and 104.33, and the regulation implementing Title II at 28 C.F.R. §§ 35.149 through 35.151, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

/s/ Robert Romines  
Dr. Robert Romines, Superintendent  
Moore Public Schools

9-25-19  
Date