

**RESOLUTION AGREEMENT**  
**Olathe U.S.D. #233**  
**OCR Complaint No. 07221269**

To resolve OCR Complaint No. 07221269, Olathe U.S.D. #233 (District) Olathe, Kansas, assures the U.S. Department of Education, Office for Civil Rights (OCR), it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the following actions:

1. By December 1, 2022, the District will, with the assistance of a qualified person or entity familiar with the requirements of the ADA, evaluate its current play area at Walnut Grove Elementary (School) and develop a plan (Plan) to provide an accessible play area at the School, in conformity with the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards).
  - a. The Plan shall include, at a minimum:
    - i. A resume or description of the qualifications of the person or entity assisting with the development of the Plan,
    - ii. A diagram with description of the School's existing play area,
    - iii. A specific description of all proposed alterations or additions to the School's play area to bring the play area into compliance with the 2010 Standards, and
    - iv. The expected start and completion dates of construction.

**Reporting Requirement 1:** By December 15, 2022, the District will provide OCR a copy of the Plan developed in accordance with paragraph 1 of this Agreement.

**Reporting Requirement 2:** By July 1, 2023, the District will provide OCR with documentation and photos showing that implementation of the Plan is complete and that the School's play area conforms to the 2010 Standards.

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 and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval. 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 regulations implementing

Section 504 and Title II, which were at issue in this case. OCR will close this case upon completion of the obligations under this Agreement.

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,  
Olathe U.S.D. #233

\_\_\_\_\_  
Date