

## **RESOLUTION AGREEMENT**

### **Davis School District Case Number 08-21-1240**

Davis School District (District) enters into this Agreement to resolve allegations in the above-referenced case. The District assures the U.S. Department of Education, Office for Civil Rights (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; 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; and, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity operated by a recipient of federal financial assistance from the Department.

The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

### **PROVISION OF PRACTICE AND COMPETITIVE FACILITIES**

1. The District agrees to ensure that it provides equivalent treatment, benefits, and opportunities to female and male student athletes with respect to the provision of practice and competitive facilities. Specifically, the District agrees to the following, regarding the softball team at Viewmont High School and the playing fields located at Centerville Junior High School and Bountiful Junior High School.
  - A. The District will complete the following renovations to the softball field at Bountiful Junior High School:
    - a. installation of new infield dirt and grass;
    - b. installation a new backstop;
    - c. installation of covered dugouts;
    - d. fencing around the perimeter of the softball field;
    - e. installation of bleachers on concrete pads;
    - f. installation of a scoreboard;
    - g. addition of a storage shed (or designate another location to store any utility vehicles);
    - h. installation of a batting cage;
    - i. the addition of electricity to both dugouts and the scoreboard;
    - j. the addition of a public address system;
    - k. a revised irrigation system for the new skinned infield; and

1. new sod as required to patch and repair any and all existing dead grass or low spots as required in the infield and outfield.
- B. The District will take the following measures to address field condition concerns at the Centerville Junior High School soccer and lacrosse fields that include:
  - a. the removal of rodents and rodent mounds; and
  - b. the repair of holes in the field caused by rodents.
- C. The District will develop a plan for OCR's review and approval that ensures the water sprinkler systems at Bountiful and Centerville Junior High Schools function properly. The plan will also ensure that water sprinklers at Bountiful Junior High School are managed by District maintenance staff. The plan will also ensure that water sprinklers are not scheduled to operate when the softball field at Bountiful Junior High School is in use by the Viewmont High School softball team. The plan will also include a method of dissemination of the approved plan to appropriate District administrators that include the Director of field maintenance, School administrators and staff at Bountiful Junior High School that include principals and athletic directors, and softball coaches.
- D. The District will develop a plan for OCR's review and approval that ensures Viewmont High School softball coaches, athletes, and patrons have access to restroom facilities inside Bountiful Junior High School when the softball field is in use by the Viewmont High School softball team for practices and games. The plan will also include a method to disseminate notice of the approved plan to appropriate District administrators that include the Director of Custodial staff, School administrators and staff at Viewmont High School and Bountiful Junior High School that include principals and athletic directors, and softball coaches.
- E. The District will draft a memorandum for OCR's review and approval that ensures softball coaches at Viewmont High School are aware that signs can be placed along the side fences, the backstop, and the bleachers at the softball field located at Bountiful Junior High School. The plan will also include a method to disseminate notice of the approved memorandum the appropriate School administrators and staff at Viewmont High School and Bountiful Junior High School, that include school principals, athletic directors, and softball coaches.

**Reporting Requirement (1):** Within 60 calendar days of this Agreement being signed, the District will:

- A. Submit to OCR documentation (copies of work orders, purchase orders, and photographs) confirming that it has completed the renovations and measures described in Terms 1.A. and 1.B. of this Agreement. The District and School will promptly and fully address OCR's feedback, if any, until the District and School receive notice from OCR that no further reporting is required for Terms 1.A. and 1.B. OCR may determine that an on-site

visit is necessary to adequately review the District's remedial measures under this Agreement.

- B. Submit to OCR a draft of the plans required by Terms 1.C. and 1.D. The District and School will promptly and fully address OCR's feedback, if any, until the District and School receive notice from OCR that no further reporting is required for Reporting Requirement (1)B.
- C. Submit to OCR a draft of the memorandum required by Term 1.E. The District and School will promptly and fully address OCR's feedback, if any, until the District and School receive notice from OCR that no further reporting is required for Reporting Requirement (1)C.

**Reporting Requirement (2):** Within 30 calendar days of the District receiving OCR's approval of the plans and memorandum described in Terms 1.C., 1.D., and 1.E., the District will: (i) disseminate notice of the approved plans and memorandum as required by Term 1; and (ii) submit to OCR documentation demonstrating that the approved plans/notices and memorandum were disseminated as required by Term 1. (e.g., screenshots or print outs of emails showing recipients and attachments; etc.). The District will promptly and fully address OCR's feedback, if any, until the District receive notice from OCR that no further reporting is required for Reporting Requirement (2).

**Reporting Requirement (3):** Within 60 calendar days of the District receiving notice that no further reporting is required for Reporting Requirement 2, the District will provide OCR with documentation showing that it has fully implemented the plan described in Terms 1.C. and 1.D. (e.g., water sprinkler maintenance logs, restroom badges distributed to softball coaches, budget line items for custodial and security staff to monitor restrooms while the softball team uses the softball field at Bountiful Junior High School, or other demonstrative documentation. The District will promptly and fully address OCR's feedback, if any, until the District receive notice from OCR that no further reporting is required for Reporting Requirement (3) or Term 1 of this Agreement.

## **ACCESSIBILITY**

- 2. The District agrees to ensure that individuals with mobility disabilities have access to the services, programs, and activities at the softball field at Bountiful Junior High School, and that the alterations to ensure accessibility fully comply with the 2010 ADA Standards for Accessible Design (ADA Standards).<sup>1</sup>
  - A. The District will modify the approach from the designated accessible parking lot to ensure that persons with mobility disabilities can access the accessible route that leads to the designated accessible entrance to the softball field at Bountiful Junior High

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<sup>1</sup> The District informed OCR that it selected the 2010 ADA Standards for Accessible Design for the proposed alterations.

School, that, to the maximum extent feasible, coincides with the route for the general public. The accessible route must have<sup>2</sup>:

- a. a minimum clear width of 36 inches, or a minimum clear width of 42 inches if there is a 180-degree turn around an obstruction less than 48 inches wide;
- b. have passing spaces at least 60 inches by 60 inches at least every 200 feet;
- c. have a surface that is firm, stable, and slip resistant;
- d. have, in the absence of a ramp, no level changes in excess of ½ inch vertically; and
- e. have a running slope of less than 1:20 (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50.

If there is a curb ramp, the curb ramp must be<sup>3</sup>:

- a. at least 36 inches wide;
- b. have a maximum slope of 1:12;
- c. located so that it cannot be obstructed by parked vehicles;
- d. have a stable, firm, and slip-resistant surface; and
- e. a level landing at the top that is at least 36" long and at least as wide as the ramp.

**Reporting Requirement (1):** Within 30 calendar days of this Agreement being signed, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to Term 2. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, and invoices. If the accessible approach and the accessible route from the accessible parking lot to the designated accessible entrance to the softball field at Bountiful Junior High School do not comply with the 2010 ADA Standards that the District selected, the District will remove all identified barriers to access in a way that complies with the 2010 Standards.

## **IMPLEMENTATION AND ENFORCEMENT OF 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. Sections 100.9-10), or judicial proceedings to enforce this Agreement, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that by signing this Agreement, the entity agree to provide the foregoing 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 Schools (Bountiful and Centerville Junior High Schools),

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<sup>2</sup> 2010 Standards §§ 302.1, 302.3, 402, 403, 405.

<sup>3</sup> 2010 Standards §§ 402, 406.

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 Section 504, and its implementing regulation, at 34 C.F.R. Part 104, and Title II, and its implementing regulation, at 28 C.F.R. Part 35; and Title IX of the Education Amendments of 1972, and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR will close the case.

This agreement will become effective upon the signature(s) of the representative for the District.

/s/

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Superintendent, Davis School District

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Date