

Voluntary Resolution Agreement
Lee County Public Schools
OCR Complaint No. 11-15-1233

Lee County Public Schools (the Division) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-15-1233. This Agreement does not constitute an admission by the Division of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II) or any other law enforced by OCR. Further, OCR has made no final determination that the Division has violated Section 504, Title II, or any other law enforced by OCR, and full implementation of this Agreement by the Division resolves the allegations in OCR Complaint No. 11-15-1233.

1. The Division will develop a plan for assessing the accessibility of XXXX School (the School)¹ to persons with mobility impairments, consulting with an accessibility consultant. The assessment will be conducted by someone who is knowledgeable about/has expertise in building accessibility. At a minimum, the following factors must be included in the assessment (See Appendix A) and to be reflected in the plan are:
 - An accessible entrance;
 - An accessible route throughout the School, including an accessible route from the accessible parking spaces to the accessible building or facility entrance they serve;
 - Accessible restrooms; and
 - Accessible parking, including signage

Reporting Requirements:

- a. By March 15, 2016, the Division will notify OCR of the identity, qualifications, and contact information of the party/parties who will be conducting the accessibility assessment.
 - b. By April 15, 2016, the Division will provide its School accessibility assessment plan to OCR for review and approval. The plan will include a description of the accessibility standards that the Division is using for accessibility compliance for persons with mobility impairments at the School. The components of the School that are being assessed will be assessed based on the accessibility standards relevant for the time period when the components were last constructed or altered. If any component needs to be altered, the alterations will be done subject to 2010 ADA standards. Where any state or local accessibility standards may be required, the Division will demonstrate how the Division's compliance with those standards meet or exceed applicable federal standards.
 - c. Within 45 calendar days of OCR's approval of the final plan, the Division will proceed with the assessment and will provide OCR with a final report of the assessment results and an explanation of any proposed actions the Division intends to take or took with respect to the assessment results. The final report will include timeframes for completion of each proposed action.
2. To the extent that the accessibility assessment plan identifies any factors as noncompliant

¹ "The School" refers to the entire XXXX campus including but not limited to the main school building, the parking lot(s), and all structures and facilities on the XXXX property.

with applicable accessibility standards, the Division will make necessary modifications to the School. Any modifications made in accordance with the accessibility assessment plan will be done in accordance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.

Reporting Requirement: By September 1, 2016, and at least every 90 days thereafter until the approved accessibility action plan is fully implemented, the Division will submit a report to OCR verifying the completion of the items listed in the accessibility assessment plan and its compliance with the 2010 ADA Standards, including photographs, plans, work orders, invoices, and any other relevant documentation. OCR anticipates that the accessibility action plan will be fully implemented by January 1, 2017, but to the extent that this is not possible, OCR and the Division will negotiate reasonable extensions as needed.

3. Before the beginning of the 2016-17 school year, the Division will include information regarding the location of the School's accessible parking, accessible entrance(s), accessible route throughout the School and from the accessible parking spaces to the accessible building or facility entrance they serve, and accessible restroom stalls in any School-specific employee, student and/or parent handbooks and on the School's website. To the extent that the assessment described in Paragraph 1 requires the Division to modify existing fixtures, and those modifications are not completed by the start of the 2016-2017 school year, then the description will also note plans for the forthcoming improvements. In addition, conspicuous signage about accessible parking, accessible entrance(s), accessible path(s) of travel between floors, and accessible restrooms must be posted at the School.

Reporting Requirement: By September 15, 2016, the Division will submit verification to OCR that the information listed in the paragraph immediately above was included in any School-specific handbooks and on the School website.

The Division understands that, consistent with Case Processing Manual Section 504, OCR will close the monitoring of this Agreement when OCR determines that the Division has fulfilled its terms and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The Division also 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 Division understands that during the monitoring of this agreement, if necessary, and with reasonable notice OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The Division 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 Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Superintendent
Lee County Public Schools

____3/4/16_____
Date

APPENDIX

<u>Modification</u>	<u>Relevant 2010 ADA Standards²</u>
1. The Division will ensure that the School has a readily accessible entrance and that each accessible entrance is identified by the international symbol of accessibility and that all inaccessible entrances have signs indicating the location of the nearest accessible entrance.	Sections 216, 404, 405 and 703
2. The Division will ensure that the School has at least one accessible means of vertical access (an accessible elevator, ramp, or lift) if any program, service or activity offered is located above or below the accessible entry level.	Section 410
3. The Division will provide safe accessible routes throughout the School.	Section 206 and Chapter 4 (Sections 401-406 and 410)
4. The Division will ensure that the School has accessible restrooms that can be accessed from each level.	Section 213 and Chapter 6 (Sections 601-606)
5. The Division will ensure that each accessible restroom is identified by the international symbol of accessibility and that all inaccessible restrooms have signs indicating the location of the nearest accessible restroom.	Sections 216 and 703
6. The Division will provide the appropriate number of accessible parking spaces, including appropriate number of van accessible spaces, at the School. The spaces shall be located in the area nearest to the accessible route(s) to the School. The spaces will be conspicuously marked with signs that conform to the applicable standards when in use as accessible parking, including identification of van spaces. The slopes and cross slopes of the spaces must not exceed the maximum permissible pursuant to the applicable standards. The Division will provide an accessible route of travel from the accessible parking spaces to the accessible School entrance or the facility entrance it serves.	Sections 206, 208, 216, 502, and 703
7. The Division will provide marked crossings from the designated accessible parking spaces to the School to ensure safe passage.	Section 502.3
To the extent that the Division must modify or alter components of the School's facilities, the Division will timely provide appropriate interim options pending completion of any structural changes in order to ensure that individuals with disabilities in the School community are not subject to discrimination under the School's services, programs or activities.	

² Additional 2010 ADA Standards, or other applicable standards, may be relevant as determined by the accessibility consultant.