

RESOLUTION AGREEMENT
Moore County Schools
OCR Complaint No. 11-17-1355

Moore County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1355. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) or Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR. The District expressed an interest in entering a voluntary resolution agreement early in the investigation and has committed to ensuring that its facilities meet all applicable legal requirements related to accessibility for persons with disabilities.¹

By entering this Agreement, the District commits to modifying the areas identified in this Agreement, as they pertain to the North Moore High School (the School) or providing documentation to demonstrate that such modifications have already been made, and reiterates its commitment to ensuring that the areas identified in this Agreement meet all applicable legal requirements regarding accessibility for individuals with disabilities under Section 504 and/or Title II. All new modifications, renovations, and/or additions to the areas identified in this Agreement will be made accessible in accordance with the U.S. Department of Justice (DOJ) 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards). The 2010 Standards became effective on March 15, 2011, and compliance with the 2010 Standards is required for new construction and alterations that are initiated on or after March 15, 2012.²

Action Item A: Accessible Parking

The District will provide accessible parking to serve the School's Auditorium/Gymnasium Building (Building 6) and athletic facilities in compliance with the 2010 Standards or provide documentation to demonstrate that these standards have already been met.

1. In providing accessible parking, the District will ensure that parking is located on the shortest accessible route to an accessible entrance to Building 6 and the athletic facilities (Section 208.3).
2. In designating accessible parking spaces at the School, the District will:
 - a. Ensure that parking spaces and adjacent access aisles are flat and level, with slopes not exceeding 1:48 (2.08%) in all directions and access aisles at the same level as the parking spaces they serve (Section 502.4); and

¹ During the course of this investigation, the District has taken several proactive steps to address potential accessibility concerns, and many of the action items described in this Agreement may already have been addressed. To the extent that any such action items have already been completed, the District need only submit appropriate documentation within the time frames set out below.

² In the U.S. Department of Education's *Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973*, 77 Fed. Reg. 14972 (March 14, 2012), the Department states, "For new construction and alterations commenced on or after March 15, 2012, the 2010 Title II ADA Standards will be used by Education in its enforcement of the Title II regulations." For the purposes of Title II compliance, a public entity must comply with the 2010 Title II ADA Standards as of March 15, 2012, even if the Uniform Federal Accessibility Standards (UFAS) remains an option under the Section 504 regulations for some period after this date.

- b. Maintain ground surfaces that are firm, stable, and slip resistant (Section 302.1).

Reporting Requirements:

1. By November 30, 2018, the District will submit to OCR, for review and approval, its proposal, including a prospective timeframe, to complete the work set forth in Action Item A above or, to the extent applicable, demonstrating that such work has already been completed. Within a reasonable time following receipt of the District's proposal, OCR will inform the District in writing whether this proposal, if implemented correctly, will ensure legal compliance.³
2. By June 30, 2019, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item A above, including photographs with slope or other measurements, work orders or invoices, and other documentation. OCR may schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District and coordination with the District as to the date(s) and time(s) of the visit.

Action Item B: Accessible Route to Accessible Parking

The District will provide an accessible route from the School's accessible parking spaces to the accessible entrance of Building 6 in compliance with the 2010 Standards or provide documentation to demonstrate that such an accessible route already exists. The District must ensure that the accessible route has:

1. A minimum clear width of 36 inches (Section 403.5);
2. A surface that is firm, stable, and slip resistant (Section 302; Section 403.2);
3. In the absence of a curb ramp, ramp, elevator, or platform lift, no level changes in excess of 1/4 inch vertically or 1/2 inch beveled (Section 303; Section 403.4); and
4. A running slope of less than 1:20 (5%) and a cross slope of less than 1:48 (2.08%) (Section 403.3).

Reporting Requirements:

1. By November 30, 2018, the District will submit to OCR, for review and approval, its proposal, including a prospective timeframe, to complete the work set forth in Action Item B above. Within a reasonable period of time following receipt of the District's proposal, OCR will inform the District in writing whether this proposal, if implemented correctly, will ensure legal compliance.⁴
2. By June 30, 2019, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item B above, including photographs with slope and other measurements, work orders or invoices, and other documentation. OCR may

³ The District will not be required to take any further action on this Action Item pending OCR's response.

⁴ The District will not be required to take any further action on this Action Item pending OCR's response.

schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District and coordination with the District as to the date(s) and time(s) of the visit.

Action Item C: Accessible Entrance

The District will provide at least one accessible entrance to Building 6 in compliance with the 2010 Standards or demonstrate that such an accessible entrance already exists.⁵ The District must ensure that the accessible entrance has signage denoting the International Symbol of Accessibility, as well as directional signs that indicate the location of the accessible entrance and the location of accessible auditorium seating for all other entrances that do not comply with the 2010 Standards (Section 216.6). The District also must ensure that the accessible entrance to Building 6 is available in the same manner as the main entrance door of the building, i.e. unlocked at similar hours.

Reporting Requirement:

By December 31, 2018, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item C above, including photographs with door or other measurements, work orders or invoices, and other documentation, as necessary. OCR may schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District and coordination with the District as to the date(s) and time(s) of the visit.

Action Item D: Accessibility Signage

The District will add appropriate signage directing individuals to accessible parking for Building 6, the Building 6 auditorium lift, and the accessible bathroom in Building 6, as well as ensure appropriate signage indicating the location of accessible entrances in Building 6, in compliance with the 2010 Standards (Section 404) or, to the extent applicable, provide documentation to demonstrate such signage already exists. Further, the District will ensure that signs provide direction to or information about interior spaces and facilities of the site, such as regarding access to the auditorium lift and to the accessible restroom. While not all entrances need to comply with Section 404, compliant entrances must be identified by the International Symbol of Accessibility complying with Section 703.7.2.1, and, where the entrance is not accessible, the District must provide directional signs complying with Section 703.5 that indicate the location of the nearest entrance complying with Section 404.

Reporting Requirements:

1. By November 30, 2018, the District will submit to OCR, for review and approval, its proposal, including a prospective timeframe, to complete the work set forth in Action Item D above or, to the extent applicable, provide documentation to demonstrate that such action items have already been completed. Within a reasonable period of time from the receipt of the District's proposal, OCR will inform the District in writing whether this proposal, if implemented correctly, will ensure legal compliance.⁶

⁵ The District will verify that the accessible entrances of Building 6 continue to meet requirements for clear width, maneuvering clearance, surface, level, closing speed, and hardware, in accordance with Sections 302, 403, 404, and other relevant sections of the 2010 Standards. The District may install automatic or power-assisted doors that comply with Section 404.3 of the 2010 Standards. As described in the 2010 Standards, full-powered automatic doors must comply with ANSI/BHMA A156.10, and power-assisted doors must comply with ANSI/BHMA A156.19.

⁶ The District will not be required to take any further action on this Action Item pending OCR's response.

2. By June 30, 2019, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item D above, including photographs with measurements, work orders or invoices, and other documentation. OCR may schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District and coordination with the District as to the date(s) and time(s) of the visit.

Action Item E: Vertical Platform Lift

The District will ensure that the vertical platform lift to accessible seating in the auditorium of Building 6, which is a component of the accessible route in an existing building, meets the requirements of the 2010 Standards (Section 410), requiring unassisted entry, exit, and operation of the lift, and also that it offers program access in accordance with Section 504, at 34 C.F.R. 104.21.

1. Specifically, the District will ensure that the vertical platform lift is unlocked during all events in the auditorium that are open to the public, whether District/School-sponsored or otherwise. Per District protocol, for any events that are not open to the public, such as un-ticketed rehearsals of musical or dramatic performances, the vertical platform lift will be left unlocked during the event in question if the School is on notice that any person in attendance requires access to the platform lift in order to access accessible bathrooms, seats, and entrances.⁷
2. For non-public events, if the School is unaware of an individual's need to access the platform lift, or in any unanticipated situation in which the platform lift is locked, the School will, at its option, either ensure that the vertical lift remains unlocked during the non-public event as described in subsection E.1, above, or that all of the following measures are implemented throughout the non-public event:
 - a. Signs near the lift direct individuals about how to obtain a key to use the lift if it is locked;
 - b. A key is stored in a box adjacent to the lift or can be obtained from a staff member who will be present during such events; and
 - c. A bell or two-way communication system is available by the lift to facilitate assistance in obtaining a key from the staff identified above for any occasions when the lift is locked and a staff member with immediate access to the key is not readily available.
3. Additionally, the District will ensure that the lift meets other requirements for floor surfaces, clear space, runway clearance, controls, and doors and gates according to Section 410 of the 2010 Standards.

Reporting Requirements:

⁷ For events that are not open to the public, such as un-ticketed rehearsals of musical or dramatic performances, individuals, regardless of disability, must first seek permission to attend the event using the School's established policy for visitors. The school principal or his/her designee, will review the request without regard to disability status following the School's established policy for visitors.

1. By November 30, 2018, the District will submit to OCR, for review and approval, its proposal, including a prospective timeframe, to complete the work set forth in Action Item E above or, to the extent applicable, demonstrating that such action items have already been completed. Within a reasonable period of time following receipt of the District's proposal, OCR will inform the District in writing whether this proposal, if implemented correctly, will ensure legal compliance.⁸
2. By June 30, 2019, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item above, including photographs with measurements, work orders or invoices, and other documentation. OCR may schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District and coordination with the District as to the date(s) and time(s) of the visit.

Action Item F: Accessible Bathroom and Accessible Route to the Bathroom

1. The District will verify that the designated accessible bathroom for Building 6 complies with the ADA standards applicable at the bathroom's installation in 2003. If the bathroom does not comply with the standards, then the District will modify those elements of the bathroom that are noncompliant in accordance with the 2010 Standards to ensure that the bathroom is accessible. Specifically, the District will ensure the bathroom complies with standards for elements of the bathroom, including but not limited to clearance for turning space and door swing (Section 603); water closets or toilets (Section 604.1-604.4); urinals (Section 605), lavatories or sinks (Section 606); mirrors (Section 603.3), grab bars (Section 604.5); flush controls (Section 604.6); and dispensers (Section 604.7).
2. The District will ensure that the accessible route to the accessible bathroom provides program access, in accordance with Section 504, at 34 C.F.R. 104.21, and Section 206 of the 2010 Standards, is readily available and open, and remains free from obstructions, including furniture and equipment, as well as the personal belongings of the coaches using the office through which the accessible single occupant bathroom is located.
3. Additionally, the District will ensure that the bathroom is readily accessible for staff, students, and authorized visitors at all times during school hours when Building 6 is open and during public events at Building 6, whether District/School-sponsored or otherwise, in accordance with 34 C.F.R. 104.21. Specifically, the District will ensure that:
 - a. The entrance to the gymnasium and the office in which the bathroom is located are both unlocked during all events in Building 6 that are open to the public, whether District/School-sponsored or otherwise. Per District protocol, for any events that are not open to the public, such as un-ticketed rehearsals of musical or dramatic performances, the gymnasium and office in which the bathroom is located will be unlocked during the event in question if the School is on notice that any person in attendance requires access to the accessible bathroom.⁹

⁸ The District will not be required to take any further action on this Action Item pending OCR's response.

⁹ For events that are not open to the public, such as un-ticketed rehearsals of musical or dramatic performances, individuals, regardless of disability, must first seek permission to attend the event using the School's established policy

- b. For non-public events, if the School is unaware of an individual's need to access the bathroom, or in any unanticipated situation in which the gymnasium and/or office is locked, the School will, at its option, either ensure that gymnasium and the office in which it is located are both unlocked or ensure that all of the following measures are implemented throughout the non-public event:
 - i. Signs near the gymnasium entrance and/or the office in which the accessible bathroom is located direct individuals about how to obtain a key to gain entrance to the gymnasium and/or the bathroom if the entrance to either is locked;
 - ii. A key is stored in a box adjacent to the office in which the accessible bathroom is located or can be obtained from a staff member who will be present during events; and
 - iii. A bell or two-way communication system is available by the entrance to the gymnasium and/or the office in which the accessible bathroom is located to facilitate assistance in obtaining a key from the staff identified above for any occasions when the entrance to the gymnasium and/or office containing the accessible bathroom is locked and a staff member with immediate access to the key is not readily available.

Reporting Requirements:

1. By November 30, 2018, the District will submit to OCR, for review and approval, its proposal, including a prospective timeframe, to complete the work set forth in Action Item F above or, to the extent applicable, demonstrating that such action items have already been completed. Within a reasonable period of time following receipt of the District's proposal, OCR will inform the District in writing whether this proposal, if implemented correctly, will ensure legal compliance.¹⁰
2. By June 30, 2019, the District will provide OCR with documentation verifying it has fulfilled the commitments in Action Item F above, including photographs with measurements, work orders or invoices, and other documentation. OCR may schedule an on-site visit to inspect the renovations, with reasonable prior notice to the District coordination with the District as to the date(s) and time(s) of the visit.

Action Item G: Maintenance

The District shall maintain in operable working condition those features of facilities and equipment that are required by law to be readily accessible to and usable by persons with disabilities. This includes ensuring accessible routes are clear of debris and other objects that impede or obstruct travel but does not prohibit isolated or temporary interruptions in service or access due to maintenance or repairs. 28 C.F.R. § 35.133.

for visitors. The school principal or his/her designee, will review the request without regard to disability status following the School's established policy for visitors.

¹⁰ The District will not be required to take any further action on this Action Item pending OCR's response.

Reporting Requirements:

1. By December 30, 2018, the District will submit to OCR, for review and approval, its proposed schedule and procedure for inspecting and maintaining facilities and equipment, including a prospective timeframe, to complete the inspection and maintenance or, to the extent applicable, will demonstrate that such a schedule and procedure already exists.
2. By June 30, 2019, the District will provide OCR with documentation verifying it has regularly checked facilities and equipment and implemented any necessary maintenance as a result, including the action taken and the date.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 and Title II, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close this case.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____ Date: _____
Dr. Robert P. Grimesey, Jr., Ed.D.
Superintendent
on behalf of the Moore County Board of Education