

RESOLUTION AGREEMENT
McDowell County Schools
OCR Complaint No. 11-17-1602

McDowell County Schools (the District) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-17-1602. This Agreement does not constitute an admission by the District of a violation of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Provisions:

1. By June 15, 2018, the District will develop written procedures for ensuring that the handicapped accessible portion of the main gain is open during all District sponsored events and events in which the District allows its facilities to be used by outside parties. These procedures will include a backup plan in case the primary key for the gate cannot be located.

Reporting Requirement:

By July 1, 2018, the District will provide for OCR's review and approval draft procedures for ensuring that the main stadium gate is opened during all District sponsored events and events in which the District allows its facilities to be used by outside parties.

Within 30 calendar days of OCR's approval of the procedures described in item 1, the District will provide OCR with the name(s) and title(s) of the personnel responsible for implementing the procedures and documentation demonstrating that it has trained those individual regarding their responsibilities under the policies/procedures.

2. By August 15, 2018, the District will create, at minimum, nine accessible parking spaces in the stadium parking lot. These spaces will meet all of the 2010 ADA Standards for Accessible Design requirements, including with regard to size and signage. OCR may conduct an on-site visit to confirm that any structural changes were completed consistent with applicable accessibility standards.

Reporting Requirement:

By August 20, 2018, the District will provide for OCR documentation of this change, including but not limited to, pictures of parking spaces, measurements, or plans.

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 the 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: /s/ Date: 05/07/2018
 Mark R. Garrett, Superintendent
 McDowell County Schools