

**Bay City Public Schools
Resolution Agreement
OCR Docket #15-20-1078**

Bay City Public Schools (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, program access at the District's Western High School's football stadium (the Stadium).

1. Within 60 days of the execution of this Agreement, the District will complete a self-evaluation to determine, using the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards)¹ as a guide, program accessibility at the Stadium, under Section 504 and Title II, specifically with respect to the areas of seating and routes. Through the self-evaluation, the District will, at a minimum:
 - A. Identify all of the programs, activities, and services being operated at the Stadium.
 - B. Review all of the policies and/or practices that govern the administration of the programs, activities, and services identified under Action Step 1.A.
 - C. Determine, using the 2010 ADA Standards, what physical barriers to program access may exist, particularly with respect to the seating and routes provided at the Stadium. In making this assessment, the District will consider whether the Stadium provides sufficient numbers of wheelchair accessible seating and companion seats.
 - D. Identify what steps may need to be taken, using the 2010 ADA Standards, to provide program access at the Stadium with respect to the seating and routes. Any physical modifications identified under this action step will be completed in accordance with the 2010 ADA Standards.

Reporting Requirement: Within 70 days of the execution of this Agreement, the District will submit to OCR for review the results of the self-evaluation completed showing its implementation of Action Step 1.

2. Within 180 days of the execution of this Agreement, the District will use the results of its self-evaluation from Action Step 1 above to develop and submit to OCR for review and approval a transition plan setting forth in detail: the steps necessary to complete the changes

¹ The applicable sections may include, but are not limited to, Section 221 (Assembly Areas), 206 and 402 (Accessible Routes), 403 (Walking Surfaces), and 802 (Wheelchair Spaces, Companion Seats, and Designated Aisle Seats) of 2010 ADA Standards.

identified; the methods the District will use to provide program accessibility at the Stadium with respect to the seating and routes (e.g., structural changes, relocation/reassignment, redesign); the dates the District plans to make each modification; and the District official responsible for implementation of the plan. The plan must include a detailed, accurate diagram of the Stadium indicating the proposed location and number of wheelchair accessible seating and route(s) provided at the Stadium. In developing the transition plan, the District will provide an opportunity to interested persons, including individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. The District will make a copy of the transition plan available for public inspection. Within 210 days of OCR's approval of the District's transition plan, the District will complete the steps outlined in the transition plan.

Reporting Requirement: Within 190 days of the execution of this Agreement, the District will submit to OCR for review and approval the proposed transition plan developed in accordance with Action Step 2 and documentation verifying its attempts to obtain input from interested persons, including any input received. Within 240 days of OCR's approval of the District's transition plan, the District will submit to OCR documentation verifying its completion of the steps outlined in the transition plan.

3. Within 30 days of the execution of this Agreement, the District will develop and implement a detailed plan (the interim plan) for how it will make its programs and activities at the Stadium, when viewed in their entirety, accessible to and useable by persons with disabilities participating in the programs, services, and activities provided at the Stadium pending the completion of the self-evaluation and transition plan required by Action Steps 1 and 2 of the Agreement. The interim plan will comply with the Section 504 and Title II regulations and include any temporary, interim measures that will be employed to ensure ready access for persons with disabilities, as well as the anticipated duration of such measures. The District may comply with this provision by such means as reassignment of activities or other services to accessible locations, alteration of existing facilities, construction of new facilities, or other means that result in making the District's programs and activities accessible to individuals with disabilities. Alteration or construction of facilities, if necessary, will be done in such a manner as to comply with the 2010 ADA Standards. In choosing among the methods available to meet program access requirements for individuals with disabilities, the District will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate. The District understands that compliance of facilities with the 2010 ADA Standards may not be sufficient to provide program access to individuals with disabilities to each of the District's programs and services.

Reporting Requirement: Within 40 days of the execution of this Agreement, the District will submit to OCR for the interim plan it has developed in accordance with Action Step 3 of the Agreement, and documentation verifying its implementation.

4. Within 30 days of the execution of this Agreement, the District will adopt and implement procedures to ensure that interested persons, including persons with mobility impairments, can obtain information as to the existence and location of services and activities that are

accessible to and usable by persons with disabilities at the Stadium and how to request relocation of programs, services and activities that are not accessible, including an appropriate District contact person.

Reporting Requirement: Within 40 days of the execution of this Agreement, the District will submit to OCR a copy of the procedures it adopted pursuant to Action Step 4 of the Agreement, including a description of the means used to provide notice to students, parents, and guardians of the District's procedures and copies of any notices issued.

General Requirements

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 and obligations of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/

8-4-2020

Superintendent or Designee

Date