

Resolution Agreement

Case No. 02-13-1309 Hamilton Township School District

In order to resolve the compliance concerns identified in Case No. 02-13-1309, the Hamilton Township School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By February 28, 2014, the District will determine whether it will develop a plan to ensure that restroom facilities for the preschool programs conducted at Mercerville Elementary School (Mercerville), University Heights Elementary School (University Heights), Wilson Elementary School (Wilson), and Yardville Elementary School (Yardville) are accessible to the mobility impaired; or, choose to make structural changes to achieve accessibility. If the District chooses to make structural changes, or the District's alternate plan is to assign mobility impaired preschool students to University Heights or Wilson, then by June 30, 2014, the District will make all necessary structural changes, including the structural changes to the designated accessible bathroom for preschoolers as outlined in Appendices A and C.

Reporting Requirements:

- a) By February 28, 2014, the District will advise OCR whether it will develop an alternative plan to ensure accessibility pursuant to Action Item 1 above, or make structural changes. If the District chooses to develop an alternate plan to achieve accessibility, the District will provide a copy of that plan to OCR.
- b) By August 1, 2014, if the District chooses to make structural changes or the District's alternate plan involves assignment of mobility impaired preschool students to University Heights or Wilson, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with the applicable accessibility standards, in accordance with Appendices A and C.

Action Item 2:

By February 28, 2014, the District will determine whether it will develop a plan to ensure that entrances to Mercerville, Sunnybrae and Yardville and the route from the facility entrance to the preschool classroom at Mercerville is accessible to the mobility impaired; or, choose to make structural changes to achieve accessibility. If the District chooses to make structural changes or District's alternate plan is to assign mobility impaired students to University Heights, Wilson or Sunnybrae, then by June 30, 2014, the District will make all necessary structural changes,

including the structural changes to the entrances of University Heights, Wilson and Sunnybrae as outlined in Appendices A, B and C.

Reporting Requirements:

- a) By February 28, 2014, the District will advise OCR whether it will develop an alternative plan to ensure accessibility pursuant to Action Item 2 above, or make structural changes. If the District chooses to develop an alternate plan to achieve accessibility, the District will provide a copy of that plan to OCR.
- b) By August 1, 2014, if the District chooses to make structural changes or the District's alternate plan involves assignment of mobility impaired students to University Heights, Sunnybrae or Wilson, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with the applicable accessibility standards, in accordance with Appendices A, B and C.

The District has entered into this Resolution Agreement with OCR as a result of a collaborative effort to identify measures that will assist the District in its compliance efforts and its ongoing efforts to ensure a learning environment free of disability discrimination, as well as for purposes of resolving disputed claims regarding compliance concerns. By entering into this Agreement, the District does not admit liability and this Agreement is not to be construed as an admission of liability.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.22 (a) and (b) and 104.23; and the ADA, at 28 C.F.R. §35.150(a) and (b), which were at issue in this case. The District also 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, 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 and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §104.22 (a) and (b), and 104.23, and the ADA, at 28 C.F.R. §35.150(a) and (b), which were at issue in 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.

Date: February 10, 2014

Signed: /s/
James Parla, Ed.D.
Superintendent
Hamilton Township School District