

RESOLUTION AGREEMENT
Newark Public Schools
OCR Case No. 02-13-1332

In order to resolve Case No. 02-13-1332, the Newark Public Schools (NPS) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions 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:

By April 15, 2014, NPS will determine whether it will develop an alternate plan to ensure that each program and activity conducted in the Jewish Renaissance Medical Center's Health Center (JRMC) located in Quitman Street Community School (the School), when viewed in its entirety, is readily accessible to individuals with disabilities; or, whether it will make structural changes to achieve accessibility. Any structural changes must conform to the 2010 ADA Standards for Accessible Design (see attached appendix), with a completion date for all structural changes not to exceed June 30, 2014.

Reporting Requirements:

- a) By April 15, 2014, NPS will notify OCR whether it will develop an alternate plan to ensure that each program and activity conducted in the JRMC, when viewed in its entirety, is readily accessible to individuals with disabilities; or, whether it will make structural changes to achieve accessibility. If NPS chooses to develop an alternate plan to achieve accessibility, NPS will provide a copy of that plan to OCR. OCR will review the documentation submitted to ensure that NPS' plan complies with applicable accessibility standards.
- b) If NPS chooses to make structural changes to achieve accessibility, then by April 15, 2014, NPS will provide to OCR a plan for ensuring that each program and activity conducted in the JRMC when viewed in its entirety, is readily accessible to individuals with disabilities until the completion of the structural changes; and, by June 30, 2014, NPS will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with applicable accessibility standards, in accordance with attached appendix. OCR may conduct an on-site visit to confirm that any alterations were completed consistent with applicable accessibility standards.

The NPS understands that OCR will not close the monitoring of this agreement until OCR determines that NPS has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.150 and 35.151, which were at issue in this case. NPS 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, NPS understands that during the monitoring of this agreement, if necessary, OCR may visit NPS, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether NPS has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.150 and 35.151, which were at issue in this case. NPS 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 proceeding to enforce this agreement, OCR shall give NPS written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

February 27, 2014

[Authorized Official]
State-Appointed Superintendent
Newark Public Schools

Date

Appendix¹
Quitman Street Community School

Building/Facility	Entrance 5 (Side Entrance)
Accessibility Issues:	<p><u>Entrance</u></p> <ul style="list-style-type: none"> • Accessible entrances shall be identified by the International Symbol of Accessibility complying with 703.7.2.1. Directional signs complying with 703.5 that indicate the location of the nearest accessible entrance shall be provided at entrances that are not accessible. Where a directional sign is required, it should be located to minimize backtracking. In some cases, this could mean locating a sign at the beginning of a route, not just at the inaccessible entrances to a building. [216.6] • Door threshold must be no more than ½” high. [404.2.5] • Interior door pressure on the entrance door leading to main hallway route from “Entrance 5” toward the JRMC should be no more than 5 pounds. [404.2.9] • The addition of a buzzer or other means of alert, to ensure that if the accessible entrance is locked, a mobility impaired person has a means to alert staff through a buzzer or similar means to gain entry.

Building/Facility	Jewish Renaissance Medical Center
Accessibility Issues:	<ul style="list-style-type: none"> • Items such as chairs and garbage pails should not block the accessible entrance to the office. [404.2.4]

¹ All citations refer to Americans with Disabilities Act Accessibility Guidelines 2010 (ADAAG 2010).