

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

Idaho Falls School District 91 (the district) enters into this agreement to resolve the allegations in a complaint (Reference No. 10141002) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in this complaint, OCR Reference No. 10141002, and does not constitute an admission by the district of any violation of Section 504 or Title II or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10141002 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. The district understands and acknowledges that if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. Further, the district understands that during the monitoring of this agreement, OCR may visit the district's administrative building, interview staff, 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 CFR 104.21, 104.22, and 104.23 and the regulations implementing Title II at 28 CFR 35.149, 35.150, and 35.151, which were at issue in this case.

- E. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 CFR 104.21, 104.22, and 104.23 and the regulations implementing Title II at 28 CFR 35.149, 35.150, and 35.151.

### **III. RESOLUTION PROVISIONS**

#### **A. Accessibility Standards**

1. By [date] May 30, 2014, in consultation with OCR, the district will determine which accessibility standard the following elements at the district's administration building are subject to:
  - (a) The restrooms on the main floor of the administration building;  
and
  - (b) The route to the basement (lower level) of the administration building.
2. The district agrees to use the following accessibility standards when determining which standard applies to each element listed above:
  - (a) Elements that are existing construction must comply with the applicable program accessibility standard, unless the district can demonstrate that the required actions would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens.
  - (b) Elements that are new construction which commenced after January 26, 1992, and before September 15, 2010, must comply with the 1991 Standards or the UFAS, unless the district can demonstrate that it is structurally impracticable to meet them.
  - (c) Elements that are altered construction which commenced after January 26, 1992, and before September 15, 2010, must comply with the 1991 Standards or the UFAS to the maximum extent feasible.

- (d) Elements that are new construction which commenced on or after September 15, 2010, and before March 15, 2012, must comply with the 1991 Standards, the UFAS, or the 2010 Standards, unless the district can demonstrate that it is structurally impracticable to meet them.
- (e) Elements that are altered construction which commenced on or after September 15, 2010, and before March 15, 2012, must comply with the 1991 Standards, the UFAS, or the 2010 Standards to the maximum extent feasible.
- (f) Elements that are new construction which commenced on or after March 15, 2012, must comply with the 2010 Standards, unless the District can demonstrate that it is structurally impracticable to do so.
- (g) Elements that are altered construction which commenced on or after March 15, 2012, must comply with the 2010 Standards, to the maximum extent feasible.

**B. Accessibility Assessment**

By [date] July 31, 2014, in consultation with OCR, the district will assess whether the elements listed in section III.A comply with the applicable accessibility standard, including any path of travel requirements.

**C. Accessibility Plan**

1. By [date] October 31, 2014, in consultation with OCR, in consultation with OCR, the district will develop a plan to address any elements listed in III.A that do not comply with the applicable accessibility standards. The plan will include, but is not limited to:
  - (a) a description of the district's chosen method for addressing the inaccessible element;
  - (b) a description and schedule of the actions that the district will take to provide accessibility; and
  - (c) a description of all planned structural modifications.

If the district determines that structural modifications are necessary, the district will make such modifications in compliance with the applicable accessibility standards. Departures from these standards are permitted when the departures provide equivalent or greater access.

2. By [date] March 31, 2015, the district will complete the implementation of its plan.

#### **IV. REPORTING PROVISIONS**

##### **A. Accessibility Standards**

By [date] May 30, 2014, the district will provide a report to OCR reflecting its determination of the applicable accessibility standards pursuant to section III.A. The report will include at a minimum:

1. a statement and explanation regarding its determination;
2. pertinent records or documents reflecting the date(s) of the district administration building's original construction, and any subsequent alterations;
3. drawings, plans, or photographs depicting the elements, facility, and site; and
4. an accessibility drawing, plan, or map of the site.

The district need not provide information or materials previously provided to OCR.

##### **B. Accessibility Assessment**

By [date] July 31, 2014, the district will provide a report to OCR regarding its accessibility assessment pursuant to section III.B. The report will include at a minimum:

1. the results of the accessibility assessment;
2. the accessibility checklists or other forms that the district used to conduct its assessment;

3. copies of the measurements and other data gathered from the accessibility assessment; and
4. as requested by OCR, other information documenting the district's assessment.

**C. Accessibility Plan**

1. By [date] October 31, 2014, pursuant to section III.C.1, the district will submit its proposed plan to address the elements that it identified as inaccessible under its accessibility assessment.
2. OCR will review the proposed plan and will determine whether the plan will bring the district into compliance with the applicable accessibility standards. Within [30] days of receiving OCR's determination, the district will address any input and provide OCR with a revised plan.
3. By [date] March 31, 2015, pursuant to section III.C.2, the district will provide OCR with a report demonstrating that it has completed its implementation of the approved plan. The report will include at a minimum:
  - (a) an explanation of the district's actions taken under the plan;
  - (b) descriptions, measurements, work orders, and photographs of any structural modifications;
  - (c) descriptions and documentation of any reassignment of services to accessible facilities, delivery of services at alternate accessible sites, or other methods utilized by the district to provide accessibility; and
  - (d) as requested by OCR, other information documenting the district's implementation of the approved plan.

Signed:

\_\_\_\_\_/ s / \_\_\_\_\_  
George Boland  
Superintendent  
Idaho Falls School District 91

\_\_04/15/2014\_\_\_\_\_  
Date