

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Polson School District No. 23 (District) enters into this agreement to resolve the allegation in a complaint (Reference No. 10151031) 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 of the Americans with Disabilities Act of 1990 (Title II).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegation in OCR Reference No. 10151031 and does not constitute an admission by the District of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of OCR Reference No. 10151031 based upon the District's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation in this complaint.
- C. The District understands 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 CFR 100.9-100.10), or judicial proceedings (28 CFR 35.174) 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 with data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may visit District schools, including Cherry Valley Elementary School (ES), 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 34 CFR 104.21-104.23, and 28 CFR 35.149-35.151 and 35.151(i), which were the Section 504 and Title II regulations at issue in this complaint.
- 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 34 CFR 104.21-104.23, and 28 CFR 35.149-35.151 and 35.151(i), which were the Section 504 and Title II regulations at issue in this complaint.

III. REMEDIAL PROVISIONS

A. Accessibility Plan

By March 1, 2015, in consultation with OCR, the District will develop, or have developed, an accessibility plan to address the need for curb ramps in the public sidewalk at Cherry Valley Elementary School. The accessibility plan will include: (1) current information about the sidewalks at the school site (e.g., photographs, locations, condition, inclusion of any transitions or other sidewalk features, proximity to streets and crosswalks, and description of what facilities the sidewalks connect to and serve.); (2) a description of the locations where the District will add accessible curb ramps in the school sidewalk; and (3) a copy of the designs of the planned sidewalk alterations and the project schedule, to include detailed drawings of the new curb ramps.

B. Policies and Procedures

By March 1, 2015, the District will revise its applicable facility and/or disability policies and procedures to ensure that any newly constructed or altered sidewalks will be designed and constructed in compliance with the Section 504 and Title II regulations.

C. Notice

By July 1, 2015, the District will provide effective notice to the students, parents, employees, and the other members of the Cherry Valley Elementary School community of the physical alterations to be made under this agreement. This will be accomplished by providing notice through the school newsletter, and by postings on the District's website, and/or bulletin boards at Cherry Valley Elementary School.

D. Training

By June 1, 2015, the District will provide training to its Title II coordinator and designee regarding the Title II curb ramp requirements and the District's revised policies and procedures.

IV. REPORTING PROVISIONS

A. Accessibility Plan

1. By March 1, 2015, pursuant to section III.A, the District will submit its proposed accessibility plan, to OCR for review and approval.
2. Assuming timely approval of the Accessibility Plan by OCR, by July 1, 2015, pursuant to section III.A, the District will provide OCR with a report demonstrating its completion of the accessibility plan. The report will include photographs of the completed alterations, and as-built measurements of the alterations, including slope measurements.

B. Policies and Procedures

1. By March 1, 2015, pursuant to section III.B, the District will submit its proposed revisions to its policies and procedures, which OCR will review and approve.
2. Within 90 days of receiving OCR's approval of the proposed policies and procedures, the District will provide OCR with a report demonstrating its adoption of them. The report will include a copy of the final revised policies and procedures and documentation showing their adoption (e.g., school board minutes, notice of adoption, etc.).

C. Notice

1. By March 1, 2015, pursuant to section III.C, the District will provide OCR with its proposed notice(s), which OCR will review and approve.
2. By July 1, 2015, the District will provide a report regarding its dissemination of the final notice, including copies of the final notice(s), and a description of how and when the notice was distributed.

D. Training

By August 1, 2015, pursuant to section III.D, the District will provide OCR with a report regarding its training actions. The report will include: the date(s) of the training; a copy of the training agenda and any training materials; the name and title of the presenter; and the names and titles of the individuals who attended the training.

Signed:

| _____
/s/

Dr. Linda Reksten
Superintendent
Polson School District 23

01/13/2015

Date