

Voluntary Resolution Agreement

North Kingstown Public Schools

Complaint 01-14-1232

To resolve the allegations raised to the U.S. Department of Education, Office for Civil Rights (OCR), North Kingstown Public Schools (District) agrees to implement this Agreement, drafted in accordance with OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504) and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II). The District does not admit any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement solely for purposes of amicably resolving this complaint.

- A. The District will develop, adopt and implement a procedure (Procedure) by which individuals may request that any of the District's programs, activities and services that are currently provided at the Davisville Middle School (Davisville) or in the Wickford Middle School ("Wickford") front office, and are inaccessible, be made accessible to persons with disabilities, including through relocation, as needed. At a minimum, the Procedures will:
1. Detail the process by which individuals may make such requests, including the District's internal process for handling such requests;
 2. Describe how programs currently provided at the Davisville will be relocated, including to the Wickford Middle School (Wickford), as needed to accommodate persons with disabilities;
 3. Describe how programs/activities located in the Wickford's Main Office will be relocated as needed for persons with disabilities;
 4. Identify the District, Davisville and Wickford staff who are involved in the process of making such accommodations, and describe their role; and
 5. Include timeframes for each step of the process and ensure that any such requests are processed timely; and
 6. Ensure that the District, Davisville and Wickford staff with responsibilities under the procedure are aware of, and trained on, these responsibilities.

Reporting:

- i. By **April 30, 2015**, the District will provide to OCR for review and approval, a draft proposal of the above Procedure. The District agrees to make such edits to the Procedure as OCR may require to comply with Section 504/Title II.
- ii. Upon OCR's approval of the Procedure, the District will place the Procedure on the very next North Kingstown School Committee ("Committee") agenda and commence the necessary public readings to approve the Procedure. Once the Procedure has been approved by the Committee the District shall, within 30 days:
 - a. Provide OCR with evidence that it disseminated the Procedure to staff in administration, as well as at the Davisville and Wickford, through a memorandum, email, etc.; and
 - b. Provide OCR with evidence that it trained staff consistent with the requirements of Paragraph A (5), for instance, as sign-in sheets (with staff names and titles) for such training.

- c. It is the goal and intent of both parties to complete (a) and (b) above prior to the commencement of the 2015-2016 school year.

B. The District will adopt and implement a Policy that ensures that applicants, participants, beneficiaries, and other interested persons can obtain information *as to the existence and location of accessible services and activities* at the Davisville and Wickford, as required by the Title II regulation at 28 C.F.R. Section 35.163(a), and can request relocation of inaccessible programs/activities as needed. At a minimum, the Policy will:

1. List the programs and activities that are only available at the Davisville;
2. List the programs and activities provided in the front office of the Wickford;
3. Describe the current level of accessibility for persons with disabilities at the Davisville school and at the Wickford; and
4. Describe the Procedure, developed pursuant to Paragraph (A), by which individuals may request relocation of inaccessible programs and activities when necessary, to make programs and activities accessible to persons with disabilities.

Reporting:

- i. By **April 30, 2015**, the District will provide to OCR for review and approval, a draft Policy proposal. The District agrees to make such edits to the Policy as OCR may require to comply with Section 504/Title II.
- iii. Upon OCR's approval of the Policy, the District will place the Policy on the very next North Kingstown School Committee ("Committee") agenda and commence the necessary public readings to approve the policy. Once the policy has been approved by the Committee the District shall, within 30 days:
 - a. Provide OCR with evidence that it posted the Policy to its District website, as well as to the Davisville website, for instance, by providing a link to the updated site; and
 - b. Provide OCR with evidence that it notified parents and students of the Policy, for instance, by including the new Policy in District emails, notices home, etc.
 - c. It is the goal and intent of both parties to complete (a) and (b) above prior to the commencement of the 2015-2016 school year.

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 C.F.R. Sections 104.22, and Title II, at 28 C.F.R. Sections 35.150 and 35.163, which were at issue in this case. 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 this 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 of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. Section 104.22, and Title II, at 28 C.F.R. Sections 35.150 and 35.163, which were at issue in this matter.

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.

Dr. Phil Auger, Ph.D
Superintendent

Date