

Resolution Agreement
Manchester Essex Regional School District
OCR Case No. 01-16-1003
Complainant: XXXXXXXX XXXXXXXX

In order to resolve OCR Case No. 01-16-1003, Manchester Essex Regional School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR) that pursuant to the applicable requirements of Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R Part 35 (Title II), it will take the actions listed below.

1. The District will develop a plan for and construct the following, in order to ensure the programs and activities at the District XXXXXXXXXX, located within XXXXXXXXXX XXXXXXXXXX School, are accessible to individuals with mobility impairments:
 - i. Accessible parking space(s) in the parking lot closest to the XXXXXXXXXX entrance.
 - ii. An accessible route from the accessible parking space(s) to the entrance of the XXXXXXXXXX.

Construction of accessible parking space(s) and routes, shall fully comply with all applicable requirements of the American with Disabilities Act 2010 Standards for Accessible Design (2010 Standards), which incorporate the 2004 ADA Standards for Accessible Design (ADAAG; 36 CFR Part 1191), or comparable accessible standards identified by the District. For example, construction must satisfy requirements pertaining to: number of accessible spaces and (ADAAG Section 208.2); location (Section 208.3); and dimension, surface, clearance, marking, identification, and access aisle (ADAAG Section 502). Additionally, accessible routes must comply with applicable location, slope and surface requirements (Sections 402 and 403).

Reporting Requirements for Item 1:

- A. By **June 1, 2016**, the District will submit for OCR review and approval a copy of the plan developed in accordance with Item 1 above, along with site plans, a specific timeline for completion of construction, and a description of accessibility of the resulting parking area and how it complies with the ADA 2010 or comparable accessibility standards.
- B. By **November 1, 2016**, the District will complete construction of the accessible parking space(s) and accessible route identified in Item 1, accounting for any changes or needed modifications based on OCR's review of the District's plan. A written report describing the District's completion of the construction shall be submitted to OCR by **November 30, 2016** and shall include supporting documentation (e.g., work orders, photographs, an assessment by accessibility specialist) demonstrating compliance of the parking area and accessible route with applicable accessibility standards.

2. The District will contact the Complainant and propose meeting by **June 1, 2016** (or a later date as agreed to by the Complainant), to discuss the District's plan for constructing additional accessible parking (and related accessible routes) at the XXXXXXXXXX, the status and timing of construction, interim options for assisting the Student in accessing the XXXXXXXXXX entrance as readily and effectively as other students, and any remaining concerns of the Complainant's regarding parking area accessibility at the XXXXXXXXXX XXXXXXXXXX School.

Reporting Requirement for Item 2:

- A. By **June 15, 2016**, the District will provide documentation to OCR demonstrating its compliance with Item 2. Documentation should include any written requests to meet with the Complainant, and notes from meeting or a description of what was covered in the meeting.
3. The District will develop and adopt grievance procedures that incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any form of discrimination on the basis of disability. The procedures will incorporate:
 - i. Notice to students and employees of the procedures, including where complaints may be filed;
 - ii. Application of the procedures to complaints alleging discrimination by employees, students, or third parties;
 - iii. Prompt, adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence;
 - iv. Designated and prompt timeframes for the complaint resolution process;
 - v. An assurance that complainants are protected from retaliation for reporting allegations of discrimination and participating in an investigation, and that recipient officials will take steps to prevent retaliation and take strong responsive action should retaliation occur;
 - vi. Notice to the complainant and the accused, when applicable, in writing of the outcome of the complaint;
 - vii. An assurance that the recipient will take steps that are reasonably calculated to end discrimination that has been found; prevent recurrence of any discrimination, and correct its discriminatory effects on the complainant and others, if appropriate;
 - viii. Notice to the person raising alleged violations within a reasonable period of time following conclusion of the investigation to assess whether there has been on-going discrimination or retaliation, and to determine whether additional supportive measures are needed; and
 - ix. Should the recipient decide to afford the parties with a right to appeal, the option to appeal will be provided to both the complainant and the accused.

Reporting Requirement for Item 3:

- A. By **June 1, 2016**, the District will submit its grievance procedures in accordance with Item 3 to OCR for review.

- B. Within 30 days after submission of the procedures to OCR, the School will publish and broadly disseminate such procedure to parents, students and employees, incorporating any revisions provided by OCR; the District will provide documentation to OCR verifying dissemination of the policy.

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 to 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. §§104.21 - 104.23, and the regulation implementing Title II, at 28 C.F.R. §§ 35.149 - 35.151, which were at issue in this case.

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. §§104.21 - 104.23, and the regulation implementing Title II, at 28 C.F.R. §§ 35.149 - 35.151, 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.

By: _____/s/_____
Superintendent or designee
Manchester Essex Regional School District

4/25/2016
Date