

RESOLUTION AGREEMENT
Ringwood School District
OCR Case No. 02-14-1025

In order to resolve Case No. 02-14-1025, the Ringwood School District (District) 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 1:

By June 30, 2014, the District will determine whether it will develop an alternate plan to ensure that each program and activity conducted at the Robert Erskine School (the School), when viewed in its entirety, is readily accessible to individuals with disabilities; or, whether it will make structural changes to resolve the compliance concerns noted in Appendix A. Any structural changes must conform to the 2010 ADA Standards for Accessible Design, with a completion date for all structural changes to be made by October 1, 2014.

Reporting Requirements:

- a) By June 30, 2014, the District will notify OCR whether it will develop an alternate plan to ensure that each program and activity conducted at the School, when viewed in its entirety, is readily accessible to individuals with disabilities; or, whether it will make structural changes to achieve accessibility. If the District chooses to develop an alternate plan to achieve accessibility, the District will provide a copy of that plan to OCR. OCR will review the documentation submitted to ensure that the District plan complies with applicable accessibility standards.
- b) If the District chooses to make structural changes to achieve accessibility, then by June 30, 2014, the District will provide to OCR a plan for making structural changes, with a completion date for all structural changes to be made by October 1, 2014. Additionally, by June 30, 2014, the District will provide to OCR a plan for ensuring that each program and activity conducted in the School when viewed in its entirety, is readily accessible to individuals with disabilities until the completion of the structural changes. Further, by October 1, 2014, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with applicable accessibility standards. OCR may conduct an on-site visit to confirm that any alterations were completed consistent with applicable accessibility standards.

Action Item 2:

By August 15, 2014, the District will make structural changes to resolve the compliance concerns noted in Appendix B.

Reporting Requirement: By September 15, 2014, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs) confirming completion of all structural changes made to resolve the compliance concerns noted in Appendix B.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the Ringwood School 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, 104.22 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. The District 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, 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 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. 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 proceeding 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.

May 29, 2014

/s/

Date

[Authorized Official]
Ringwood School District

Appendix A¹
Existing Facility
Robert Erskine Elementary School

Building/Facility	Robert Erskine Elementary School
Date of Construction	1960
Accessibility Issues:	<p><u>Interior Route from lower to upper levels:</u></p> <ul style="list-style-type: none"> ▪ The interior route between the lower level (nurse’s office, administration office, multipurpose room) and upper level (classrooms, special education classroom) features a staircase; and the District does not have policies or procedures to ensure that each program and activity conducted in the School, when viewed in its entirety, is readily accessible to individuals with disabilities [2010 Standards 201.2.4 – At least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path unless exempted by 206.2.3 Exceptions 1 through 7.] <p><u>Interior Doors on Interior Route</u></p> <ul style="list-style-type: none"> • A range from 12 to 16 pounds of force is required to open the doors on the interior route to the upper and lower levels. [2010 Standards 404.2.9 - The force for pushing or pulling open a door or gate other than fire doors shall be as follows: 1. Interior hinged doors and gates: 5 pounds maximum]

¹ Because any alterations would need to be made consistent with current accessibility standards, all citations refer to the 2010 ADA Standards for Accessible Design.

**Appendix B
New Construction**

Building/Facility	Playground
Date of Construction	2002 and 2003
Accessibility Issues:	<p><u>Accessible Route from School to Playground:</u></p> <p><u>Surface</u></p> <ul style="list-style-type: none"> • Surface of exterior route from the upper level entrance of the School to the playground was cracked and uneven in sections. Surface shall be firm stable and slip resistant. [2010 Standards 206.2.17; 1008.2] <p><u>Slope</u></p> <ul style="list-style-type: none"> • Running slope of exterior route to playground exceeded maximum permissible slope [12.5%, 11.25% and 12.3%] [2010 Standards 206.4; 1008.2.6 - Running slope of walking surfaces shall not be steeper than 1:20] <p><u>Playground Area:</u></p> <ul style="list-style-type: none"> • The ground surface surrounding the new play equipment was sloped, uneven, and exhibited changes in level exceeding the allowable range. [2010 Standards 1008.2.6]