

**RESOLUTION AGREEMENT**  
**Warwick Valley Central School District**  
**OCR Case No. 02-14-1155**

In order to resolve Case No. 02-14-1155, the Warwick Valley Central 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:**

The District will revise all relevant policies, procedures, and publications to include the name, office address, and telephone number of the person(s) designated to coordinate its efforts to comply with Section 504 and the ADA. In addition, the District will ensure that the contact information for each such individual is consistent and complete in all such materials. The notification should indicate that the designated employee(s) is responsible for coordination of compliance with all aspects of Section 504 and the ADA.

**Reporting Requirements:**

- a) By December 1, 2014, the District will submit a draft of the revised statement concerning the Section 504 and ADA Coordinator(s) to OCR for its review and approval.
- b) By December 15, 2014, OCR will review the draft of the revised statement concerning the Section 504 and ADA Coordinator(s).
- c) By February 15, 2015, the District will publish the revised statement in all relevant publications.
- d) By March 1, 2015, the District will provide OCR with copies of any published materials that provide the revised information concerning the Section 504 and ADA Coordinator(s), as described in Action Item 1, above.

**Action Item 2:**

The District will ensure that its website is made accessible to individuals with disabilities, including but not limited to, addressing the following concerns regarding the accessibility of its website:

- a) Images are missing alternative text. Some of the images that do have alternative text have alternative text that is not complete or informative.

- b) While sampled multimedia files have captions, the captions are automatically generated and inaccurate.
- c) There are a number of data tables on the websites that are not correctly coded to allow use by assistive technology users.
- d) Frames (found on each website page) lack proper names and titles.
- e) Main and side drop down menus are inaccessible since unable to view lists of links from those menu options, and lists of links are not available to keyboard users.
- f) Form fields lack proper structure (including the “Profile” and “Family Connection” webpages, as well as the webpage used to add money to student meal accounts).
- g) Documents are not properly structured for use by assistive technology (e.g., the “Registration Form”, “Bus Stop Request Form”, and the Student Handbook).
- h) There are areas where color contrast is low and does not meet contrast ratio tests.

**Reporting Requirements:**

- a) By February 15, 2015, the District will provide a summary to OCR regarding the progress made towards correcting the compliance concerns identified in Action Item 2, above.
- b) By April 30, 2015, the District will correct the above-referenced compliance concerns, and notify OCR. Thereafter, OCR will review the District’s website to ensure that it is accessible to individuals with disabilities.

**Action Item 3:**

By September 8, 2015, the District will make structural changes to resolve the compliance concerns noted in Appendix A.

**Reporting Requirements:**

- a) By January 1, 2015, the District will provide to OCR, for its review and approval, an alternate plan to achieve accessibility for each of the areas identified in Appendix A, before the completion of the above-referenced structural changes on September 8, 2015.
- b) By September 30, 2015, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs, etc.) confirming completion of all structural changes made to resolve the compliance concerns noted in Appendix A. OCR will then schedule an on-site visit to inspect the renovations in order to determine compliance.

The District has disputed the complaint underlying this Resolution Agreement, but it has determined that it is in its interest to agree to an amicable resolution by entering into this Resolution Agreement. By agreeing to this Resolution Agreement, neither the District nor any of its officials, officers, employees, agents or representatives admit to any liability or wrongdoing, and nothing herein shall be construed as an admission of liability or wrongdoing. The signing of this Agreement is not intended, and shall not be construed, as any admission that the District violated any federal, state or local law, ordinance, or regulation; violated any of its policies or procedures; or committed any wrongdoing or wrongful act against the complainant or any other person.

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. §§ 104.4, 104.8(a), 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.107(a), 35.130, 35.149, 35.150, 35.151, 35.160 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. §§ 104.4, 104.8(a), 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.107(a), 35.130, 35.149, 35.150, 35.151, 35.160, 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.

11/13/2014

/s/

\_\_\_\_\_  
Date

\_\_\_\_\_  
[Authorized Official]  
Warwick Valley Central School District

## Appendix A<sup>1</sup>

### Park Avenue Elementary School

<b>Building Component</b>	<b>Exterior route to Playground Next to Parking Lot</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"><li>• The portion of the pavement between the cross walk and the path to the parking lot (which led to the playground) is cracked and bumpy. Also, there is approximately 70' of grass from the paved area to the playground equipment. [Floor and ground surfaces shall be stable, firm, and slip resistant. ADA 2010 Standards 302.1]</li></ul>

<b>Building Component</b>	<b>Exterior Route to Playground Next to School</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"><li>• Playground located at the top of a hill, with a route slope ranging from 10.6% to 16.6%. [Slope of walking surfaces shall not be steeper than 1:20 (8.3%). ADA 2010 Standards 403.3]</li></ul>

### Sandfordville Elementary School

<b>Building Component</b>	<b>Exterior Route to Athletic Field</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"><li>• Route to athletic field includes stairs. [At least one accessible route shall connect accessible buildings, accessible facilities, accessible elements, and accessible spaces that are on the same site. 2010 ADA Standards 206.2.2]</li></ul>

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

**Warwick High School**

<b>Building Component</b>	<b>Accessible Parking Spaces in Front of the Building</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• There are two parking spaces for individuals with disabilities. The first parking space has a slope of 9.3%, and the second parking space has a slope of 9.0%. [Slope of parking spaces and access aisles shall not be steeper than 1:48 (2.0%). ADA 2010 Standards 502.4]</li> <li>• The access aisle in between the two parking spaces has a slope of 8.6%. [Slope of parking spaces and access aisles shall not be steeper than 1:48 (2.0%). ADA 2010 Standards 502.4]</li> <li>• Neither of the two parking spaces have a sign designating them as accessible parking spaces, although they both have ground markings indicating that they are the accessible parking spaces. [Parking space identification signs shall include the International Symbol of Accessibility complying with ADA 2010 Standards 703.7.2.1. Signs shall be 60” minimum above the ground measured from the bottom of the sign. ADA 2010 Standards 502.6]</li> </ul>

<b>Building Component</b>	<b>Exterior Route to Stadium</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• No designated accessible parking spaces in front of stadium.<sup>2</sup> [Accessible parking spaces shall comply with 2010 ADA Standards 502.]</li> </ul>

<b>Building Component</b>	<b>Ramp to Stadium Bleachers</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Accessible ramp to stadium bleachers lacks appropriate signage. [Exterior signs identifying permanent rooms and spaces, such as restrooms, room numbers, and room names, shall be provided. Tactile text descriptors are required for pictograms that are provided to label or identify a permanent room or space. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided. Raised characters shall also be duplicated in braille. Tactile characters on signs shall be located 48” minimum above ground, measured from the baseline of the lowest tactile character and 60” maximum above the ground, measured from the baseline of the highest tactile character. ADA 2010 Standards 216.2; 703.1; 703.2; 703.3; 703.4, and 703.5]</li> </ul>

<sup>2</sup> OCR also determined that there were no designated parking spaces in front of the stadium.

<b>Building Component</b>	<b>Signage Identifying Accessible Exit from Basketball Gym</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Accessible exit from basketball gym lacks appropriate signage. [Interior signs identifying permanent rooms and spaces, such as restrooms, room numbers, and room names, shall be provided. Tactile text descriptors are required for pictograms that are provided to label or identify a permanent room or space. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided. Raised characters shall also be duplicated in braille. Tactile characters on signs shall be located 48” minimum above ground, measured from the baseline of the lowest tactile character and 60” maximum above the ground, measured from the baseline of the highest tactile character. ADA 2010 Standards 216.2; 703.1; 703.2; 703.3; 703.4, and 703.5]</li> </ul>

<b>Building Component</b>	<b>Route to Junior Varsity/Freshmen Baseball Field</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• The route to the junior varsity and freshman baseball field is a grass route that is approximately 300’ long. [Floor and ground surfaces shall be stable, firm, and slip resistant. ADA 2010 Standards 302.1]</li> </ul>

<b>Building Component</b>	<b>Seating at Junior Varsity/Freshman Baseball Field</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• The ground under the seating area is covered in grass. [Floor and ground surfaces shall be stable, firm, and slip resistant. ADA 2010 Standards 302.1]</li> </ul>