

Resolution Agreement
Case No. 02-14-1248
Hamilton Township School District

In order to resolve the compliance concerns identified in Case No. 02-14-1248, the Hamilton Township School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below 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:

By April 1, 2015, the District will construct a playground at the University Heights Elementary School (the School) and a route from the School to the playground that is readily accessible to individuals with mobility impairments and conforms to the 2010 ADA Standards for Accessible Design.

Reporting Requirements:

- a) By November 14, 2014, the District will provide documentation to OCR demonstrating various options for creating a playground that is readily accessible to individuals with mobility impairments and conforms to the 2010 ADA Standards for Accessible Design, as recommended by the District's architect.
- b) By December 15, 2014, the District will provide documentation to OCR indicating the option(s) the District selected for creating a playground that is readily accessible to individuals with mobility impairments and conforms to the 2010 ADA Standards for Accessible Design.
- c) By April 1, 2015, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs, measurements, summaries, etc.), confirming completion of construction of a playground at the School and a route from the School to the playground that is readily accessible to individuals with mobility impairments and conforms to the 2010 ADA Standards for Accessible Design. OCR will then schedule an on-site visit to confirm that the alterations were completed consistent with applicable accessibility standards.

The District has entered into this Resolution Agreement with OCR as a result of a collaborative effort to identify measures that will assist the District in its compliance efforts and its ongoing efforts to ensure a learning environment free of disability discrimination, as well as for purposes of resolving any disputed claims that may arise regarding compliance concerns. By entering into this Agreement, the District does not admit liability and this Agreement is not to be construed as an admission of liability.

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 and 104.23, and the ADA, at 28 C.F.R. §§ 35.149 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. 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.21 and 104.23, and the ADA, at 28 C.F.R. §§ 35.149 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 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.

Date: _____

Signed: _____

James Parla, Ed.D.
Superintendent
Hamilton Township School District