

RESOLUTION AGREEMENT

Florence A. Williams Public Library Case Number 02-18-4014

In order to resolve Case No. 02-18-4014, Florence A. Williams Public Library (the Library) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of 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: Individual Remedies for the Complainant

By June 1, 2018, the Library will draft a letter to the complainant advising the complainant that he is permitted to have access to the Library with his service animal, with the following limited inquiry regarding the complainant's animal pursuant to the regulation implementing the ADA, at 28 C.F.R. § 35.136(f):

- whether the animal is required because of a disability, and
- what work or task the animal has been trained to perform.

The Library will forward the letter by electronic mail (email) to OCR staff,¹ who will forward the letter to the complainant.

Reporting Requirement: By June 1, 2018, the Library will submit to OCR a letter addressed to the complainant pursuant to Action Item 1.

Action Item 2: Policies and Procedures

By June 15, 2018, the Library will update or draft written policies and procedures for service animals (hereinafter, Service Animal Policy), which will include the following:

Service Animal Inquiries. When an individual with a disability seeks to use a service animal in its programs or activities pursuant to the ADA, the Library may make only two inquiries to determine whether an animal qualifies as a service animal: (1) is the animal required because of a disability; and (2) what work or task has the animal been trained to perform. The Library will not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

Access to Facilities. Individuals with disabilities will be permitted to be accompanied by their service animals in all areas of the Library's facilities where members of the public, participants in services, programs, or activities, or invitees, as relevant, are allowed to go. The handler may be the individual with a disability or a third party who has been appropriately trained to handle the service animal. The Library may require a

¹ Emailed to the OCR case team at sandeep.randhawa@ed.gov and aditi.shah@ed.gov.

service animal's handler to remove the service animal from Library property if (1) the animal is out of control and effective action cannot be taken to control it; or (2) the animal is not housebroken.

Reasonable Modifications. The Library will make reasonable modifications to its policies, practices, and procedures, where necessary to avoid discrimination against a person with a disability who uses a service animal unless the Library can demonstrate that making the modifications would fundamentally alter the nature of the service, program, or activity. Reasonable modifications in this context include, but are not limited to, providing assistance to a patron with a disability in tethering or untethering the service animal, or escorting a patron with a disability throughout the Library as he or she is accompanied by a service animal.

Prohibition against Surcharges. The Library will not require a surcharge for the use of a service animal on Library property.

Reporting Requirements:

- a) By June 30, 2018, the Library will provide to OCR a copy of its Service Animal Policy consistent with Action Item 2 for OCR's review and approval.
- b) Within thirty (30) days of receiving OCR's approval of its Service Animal Policy pursuant to Action Item 2, the Library will adopt and implement the policy by: (1) providing to all staff written notice regarding the new Service Animal Policy by mail or email, and (2) publishing the Service Animal Policy on the Library's website and in any regularly issued newsletters (in print or online) published in 2018. Within fifteen (15) days of providing written notice to all staff regarding the Service Animal Policy and publishing the Service Animal Policy on the Library's website and in any regularly issued newsletters, the Library will provide to OCR copies of the written notices to staff and a description of the how the notices were distributed; and, copies of or a website link to updated or revised publications that include the new Service Animal Policy.

Action Item 3: Training

Within sixty (60) days of receiving OCR's approval of its Service Animal Policy pursuant to Action Item 2, the Library will provide training to all Library staff whose duties include serving the public patrons of the library. The training will address, at a minimum, the Library's general obligations under the ADA to grant access to service animals; guidelines and examples explaining the bases for excluding a service animal; and, clarification that there is no requirement that the visitor provide evidence of his or her disability or evidence of the animal's certification.

Reporting Requirement: By July 15, 2018, the Library will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 above, including (a) the date(s) of the training sessions; (b) a list of names and titles of the

Library staff who participated in the training session(s); (c) the name(s), title(s), and credentials of the individual(s) who conducted the training; and, (d) a copy of the agenda and training materials disseminated.

The Library understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the Library understands that during the monitoring of this Agreement, if necessary, OCR may visit the Library, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the Library has fulfilled the terms of this Agreement and is in compliance with the regulation implementing the ADA, at 28 C.F.R. §§ 35.130(a), 35.130(b)(7), 35.136(f), and 35.136 (g). Upon completion of the obligations under this Agreement, OCR will close this case.

The Library 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 Library written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the Library’s representative below.

May 23, 2018

/s/

Date

Arlene L. Pinney-Benjamin
Acting Territorial Director
Division of Libraries, Archives, and Museums
Department of Planning and Natural Resources