

RESOLUTION AGREEMENT

Merchantville School District OCR Case No. 02-20-1068

In order to resolve Case No. 02-20-1068, the Merchantville School District (the District) assures the U.S. Department of Education, 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, 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item I: Accessibility

By September 30, 2020, the District will determine whether it will make each program and activity conducted in the District's Building, when viewed in its entirety, readily accessible to individuals with disabilities; or whether it will make structural changes/alterations to ensure that the Building is readily accessible to and usable by individuals with disabilities.

- If the District chooses to make each program and activity conducted in the District's Building, when viewed in its entirety, readily accessible to individuals with disabilities, the District will provide a detailed written plan to OCR demonstrating how it will accomplish this task.
- If the District chooses to make structural changes/alterations to ensure that the Building is readily accessible to and usable by individuals with disabilities, the District will provide a detailed written plan to OCR outlining the structural changes/alterations it will make, with anticipated dates of completion. Any structural changes/alterations must comply with the 2010 Americans with Disabilities Act Standards for Accessible Design.

Reporting Requirements:

- a) By September 30, 2020, the District will advise OCR as to whether it will make each program and activity conducted in the District's Building, when viewed in its entirety, readily accessible to individuals with disabilities; or whether it will make structural changes/alterations to ensure that the Building is readily accessible to and usable by individuals with disabilities.
- b) By September 30, 2020, if the District chooses to make each program and activity conducted in the District's Building, when viewed in its entirety, readily accessible to individuals with disabilities, the District will provide to OCR a list of each program and activity conducted in the Building, and where the program or activity is located within the Building; and a detailed written plan demonstrating how it will make each program and activity conducted in the District's Building, when viewed in its entirety, readily accessible to individuals with disabilities.

- c) By September 30, 2020, if the District chooses to make structural changes/alterations to ensure that the Building is readily accessible to and usable by individuals with disabilities, the District will provide a detailed written plan to OCR outlining the structural changes/alterations it will make, with anticipated dates of completion, and how such changes/alterations will make the Building accessible to and usable by individuals with disabilities.
- d) By September 30, 2021, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs, etc.) confirming completion of each structural change/alteration identified in the plan referenced in Reporting Requirement (c), above. OCR will then schedule an on-site visit to inspect the changes/alterations.

Action Item II: Individual Plan for the Student

By September 30, 2020, the District will create a plan for addressing how they will accommodate the Student if she has mobility issues in the future that prevent her from navigating stairs, to ensure that each program and activity on inaccessible floors, when viewed in its entirety, is readily accessible to her. The District will ensure that it implements this plan with respect to the Student if she has mobility issues in the future that prevent her from navigating stairs.

Reporting Requirements:

- a) By September 30, 2020, the District will provide to OCR a copy of its plan for addressing how they will accommodate the Student if she has mobility issues in the future that prevent her from navigating stairs, to ensure that each program and activity on inaccessible floors, when viewed in its entirety, is readily accessible to her.
- b) During school year 2020-2021, the District will:
 - a. Notify OCR within one week of learning that the Student has a mobility impairment that prevents her from navigating stairs.
 - b. Within one week of implementing the plan, provide documentation to OCR demonstrating that it implemented this plan.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the resolution agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District 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 District representative below.

May 26, 2020

Date

/s/

Authorized Representative
Merchantville School District