

Resolution Agreement
Case No. 03161068
School District of Philadelphia

In order to resolve the allegation in the above-referenced complaint filed with the United States Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (the ADA) and their implementing regulations, the School District of Philadelphia (the District) enters into this Resolution Agreement and commits to implement the provisions set forth in this Agreement.

The District agrees that all physical modifications made will comply with the accessibility requirements of Section 504 and Title II and their implementing regulations. To the extent the District alters or renovates existing facilities or parts of facilities, or constructs new facilities, such alterations, renovations and new construction will conform to the 2010 ADA Standards for Accessible Design (2010 ADA Standards).

Action Steps and Reporting Requirements

1. The District will ensure that all bathrooms (including all fixtures in the bathrooms), all stairway and exterior doors, and the Science Room at the William M. Meredith Elementary School (the School) are accessible under the 1991 ADA Standards for Accessible Design (1991 Standards) or Uniform Federal Accessibility Standards (UFAS). If any of these elements does not meet the applicable accessibility standard, the District will make any necessary alterations consistent with the 2010 ADA Standards.

Reporting Requirements:

- By September 1, 2016, the District will provide a report to OCR, along with photographs (including those showing dimensions) and other information to demonstrate that these elements meet the appropriate standard of accessibility. If any elements are found not to be accessible, the report will specifically identify these elements and the corrective action necessary.
- By March 1, 2017, the District will provide a report to OCR, along with photographs (including those showing dimensions) and other information to demonstrate that any elements identified in the District's September 1, 2016 report as not being accessible, meet the 2010 ADA Standards.

2. The District will conduct an assessment of the programs and activities conducted in the School to determine whether, when viewed in their entirety, they are readily accessible to individuals with mobility impairments. Based on this review, the District will develop a plan (the Plan) to address how program access will be provided. In choosing among available methods for providing program accessibility, the District shall give priority to those methods that serve persons with mobility impairments in the most integrated setting appropriate. The District recognizes that in some instances, structural modifications may be required where there is no other suitable alternative to provide program accessibility, particularly for programs and activities having specialized equipment and unique facilities. To the extent that structural modifications are necessary in order to provide program accessibility, such modifications will be made in accordance with the 2010 ADA Standards. The Plan will include projected completion dates for implementation and will also include an interim plan to provide accessibility at the School pending completion of any construction and renovation being done under the Plan. The Plan should include sufficient detail, including diagrams and measurements, as applicable. If the Plan, in whole or in part, involves the reassignment of programs and activities as a means of providing access, it will include information about how such requests can be made, including any advance notice that is required.

Reporting Requirements

- By September 1, 2016, the District will provide its assessment of the accessibility of the School and a copy of the Plan to address any deficiencies for OCR's review and approval.
- By March 1, 2017, the District will provide a link to the web address where the Plan is located.
- Beginning on March 1, 2017, and at six month intervals until the Plan has been fully implemented and any work to be done under the Plan has been completed, the District will provide OCR with progress reports including the completion of any renovations or modifications, include a description of the work performed, along with photographs (with dimensions, as applicable) and work orders. Upon completion of the Plan, OCR will conduct an onsite inspection of the School. The District agrees to complete implementation of this plan no later than January 1, 2019.

The District 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, 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, and the regulations implementing Title II, at 28 C.F.R. §§ 35.149, 35.150 and 35.151, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until it 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, 104.22, and 104.23, and the regulations implementing Title II of the ADA, at 28 C.F.R. §§ 35.149, 35.150 and 35.151, which were at issue in this complaint.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or designee
Philadelphia School District

____6/3/16_____
Date