

**Resolution Agreement  
Orange County Library  
Complaint #04-15-4024**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Orange County Library (Library), pursuant to Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. As a public entity, the Library is subject to the provisions of Title II.

This Resolution Agreement has been entered into voluntarily by the Library and does not constitute an admission by the Library that it is not in compliance with Title II and/or its implementing regulation.

In order to resolve the compliance concerns OCR identified through its investigation, the Library voluntarily agrees to take the following actions:

**Individual Remedies**

1. **Effective immediately but no later than October 13, 2015**, the Library shall submit to OCR a copy of a certified letter to the Complainant stating that the Library has rescinded its decision prohibiting the Complainant's service dog from entering the Library facilities. The Complainant's service dog shall be allowed at the Library facilities unless the dog is out of control and effective action cannot be taken to control it or the dog is not housebroken.

**REPORTING REQUIREMENT: Within 10 days of sending the certified letter to the Complainant**, the Library will provide OCR with a copy of the letter and the certified mail receipt.

**Procedural Requirements**

2. **Effective immediately but no later than October 13, 2015**, the Library shall provide to OCR for review and approval, a written assurance that will be posted around the Library facilities stating that the Library permits the use of a service animal by an individual with a disability, and the Library will not engage in any act or practice that has the purpose or effect of discriminating against an individual with a disability in the use of a service animal in accordance with Title II.

**REPORTING REQUIREMENT: Within 10 days of receiving OCR's approval**, the Library will submit to OCR pictures of the posted assurance at conspicuous locations around the Library's facilities.

3. **By October 29, 2015**, the Library will provide a copy of its policies, practices, and procedures for service animals, which includes the following.
  - a. Service Animal Inquiries. When an individual with a disability seeks to use a service animal in its programs or activities pursuant to Title II, the Library may

only make two inquiries to determine whether an animal qualifies as a service animal: (1) is the dog required because of a disability; and (2) what work or task has the dog been trained to perform. The Library shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

- b. Access to Facilities. Individuals with disabilities shall 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 service animal's handler to remove the service animal from Library property if (1) the dog is out of control and effective action cannot be taken to control it; or (2) the dog is not housebroken.
- c. Reasonable Modifications. The Library must 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 show 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.
- d. Prohibition against Surcharges. The Library shall not require a surcharge for the use of a service animal on Library property.

**REPORTING REQUIREMENT: By November 30, 2015,** the Library will provide a copy of its service animal policies and procedures for OCR's review and approval.

**After receiving the OCR's approval of the procedures,** the Library will present the OCR approved procedures to the Library's Board of Trustees at the Board's next regularly scheduled monthly meeting for the Board's approval.

**Within 15 days of the Library's Board of Trustees' approval of the procedures,** the Library will publish the OCR approved procedures in all written publications and online.

**Within 10 days of publishing the procedures,** the Library will provide OCR with copies of the written publications that include the procedures and web links for accessing the procedures online.

4. **By October 29, 2015,** the Library shall ensure that its Equal Employment Opportunity Policy and Prohibited Harassment Policy, includes the name, title, full address and telephone contact information for the Library official designated to oversee compliance with Title II.

**REPORTING REQUIREMENT: By November 30, 2015,** the Library will provide a copy of its policies and procedures in Item Four for OCR's review and approval.

**Within 15 days of receiving OCR's approval of the procedures,** the Library will publish the OCR approved procedures in all written publications and online.

**Within 10 days of publishing the procedures,** the Library will provide OCR with copies of the written publications that include the procedures and web links for accessing the procedures online.

5. **By October 29, 2015,** the Library shall provide copies of its grievance procedures that provide a prompt and equitable response to complaints of discrimination based on disability, that include the following necessary elements of information:

- a) notice to patrons and employees of the grievance procedures, including where complaints may be filed;
- b) application of the grievance procedures to complaints alleging discrimination/harassment carried out by employees, other patrons, or third parties;
- c) provision for adequate, reliable and impartial investigation of complaints, including the opportunity present witnesses and other evidence;
- d) designated and reasonably prompt time frames for the major stages of the complaint process;
- e) written notice to the parties of the outcome of the complaint; and
- f) assurance that the Library will take steps to prevent recurrence of any disability-based discrimination or harassment and remedy discriminatory effects on the complainant and others, if appropriate.

**REPORTING REQUIREMENT: By November 30, 2015,** the Library will provide OCR with the grievance procedures for review and approval.

**Within 30 days of receiving OCR's approval of the grievance procedures,** the Library will publish the OCR approved procedures in all relevant written publications and online.

**Within 10 days of publishing the procedures,** the Library will provide OCR with copies of the written publications that include the procedures and web links for accessing the procedures online.

## **Training**

6. **Within 60 days after the adoption of the policies, practices, and procedures required by Items 3-5 of this Agreement**, the Library shall provide training to all Library administrators and staff whose duties include serving the public patrons of the library regarding: a) the Library's obligations under Title II, including obligations with respect to service animals, and b) the Library's nondiscrimination statement and grievance procedures.

**REPORTING REQUIREMENT: Within thirty (30) days after the date of the training**, the Library will provide documentation to OCR demonstrating that the Library has conducted the training pursuant to Item 6 above, including (a) the date(s) of the training sessions; (b) a list of names and titles of the Library employees who participated in the training session(s); (c) a description of the presenter's background and qualifications with respect to knowledge about the Title II regulations pertaining to service animals; and (d) a copy of the agenda and training materials disseminated.

The Library 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, 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 regulations implementing Title II implementing regulation at 28 C.F.R. § 35.136 (a), (b), (f) and (g), which were at issue in this case.

The Library understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title II implementing regulation at 28 C.F.R. § 35.136 (a), (b),(f) and (g), which were at issue in 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.

/s/ \_\_\_\_\_  
Library Director/CEO or Designee

September 29, 2015  
Date