

**RESOLUTION AGREEMENT**  
**Saint Paul Public Schools**  
**OCR Complaint No. 05-23-1138**

Saint Paul Public Schools (District) enters into this voluntary Resolution Agreement with the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions to ensure compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, with respect to the issues raised in this complaint.

The District agrees to take the actions listed below in order to provide individuals with disabilities with an accessible route to an accessible entrance into Groveland Park Elementary School (School) and access to the playgrounds used by students at the School. All modifications shall be made in conformance with the minimum accessibility requirements set forth in the 2010 ADA Standards for Accessible Design (2010 Standards), 28 C.F.R. Part 35, § 35.151.

**1. INDIVIDUAL REMEDY**

By September 5, 2023, the District will ensure that Student A's classroom is readily available and accessible to Student A, including ensuring that the entrance and the route from the site arrival point to the entrance are accessible to and usable by Student A.

By September 5, 2023, the District will ensure that Student A is provided access to a playground for use during the 2023-2024 school year that is accessible to and usable by Student A.

**REPORTING REQUIREMENT:**

1. By September 5, 2023, the District will provide OCR with documentation showing the District has provided Student A with a classroom that is readily accessible to Student A, including route and entrance to the classroom, and documenting how the District is providing Student A with access to a playground for the 2023-2024 school year.

**2. ROUTE**

By September 5, 2023, the District will develop a plan (Route Plan) to ensure that the accessible route is not blocked or otherwise obstructed when the School is open. This can include, but is not limited to, issuing a written directive to the District's internal fleet drivers and to all external vendors that the accessible route may not be blocked or otherwise obstructed when School is open and that deliveries will be scheduled either before or after school hours. The School may also designate alternative delivery and waste management locations within the Route Plan. The Route Plan will include the District's responsive actions should the accessible be route be blocked or otherwise obstructed.

By September 5, 2023, District will paint the currently designated accessible route.

By September 1, 2024, the District will make such modifications, repairs and/or alterations, as necessary to provide an accessible route from the site arrival points to an accessible entrance at the School and will ensure that the route is readily accessible to and usable by individuals with disabilities in conformance with the standards for new construction and alterations under the 2010 Standards for entrances and accessible routes.

### **REPORTING REQUIREMENTS:**

1. By September 5, 2023, the District will provide OCR with the Route Plan, and copies of any written directive(s) issued to District fleet vehicles including, if applicable, alternative delivery schedules to ensure delivery, waste management and other vehicles are not blocking or obstructing the accessible route or accessible parking spaces and/or alternate delivery and waste management locations.
2. By December 1, 2023, the District will provide OCR with design documentation for the planned parking lot and driveway repaving project for review and approval of conformance with applicable 2010 ADA Standards for Accessible Design (2010 Standards).
3. By September 1, 2024, the District will provide OCR with documentation showing it has completed the modifications, repairs, and alterations necessary to provide an accessible route from the site arrival points to an accessible entrance at the School, including a description of the modifications, repairs, and/or alterations and materials used, photographs, and measurements.

### **3. PLAYGROUNDS**

By September 1, 2023, the District will evaluate the accessibility of the playgrounds used by students at the School and develop a written plan (Playground Plan), for OCR's review and approval, that identifies the modifications that are necessary to ensure that the School's playground facilities are accessible to and usable by persons with mobility impairments in accordance with Section 504 and Title II and the 2010 Standards, where applicable (specifically, § 240 and § 1008 which apply to play areas). For playground facilities that were built and/or improved or altered prior to March 15, 2012, the District's Playground Plan should address how it will provide program access to students with mobility impairments who cannot access the portions of the School's playgrounds that are not subject to the 2010 Standards. The Playground Plan will include a timeframe for completion of all identified modifications with a time period not to exceed 90 days after OCR's approval of the Playground Plan. The Playground Plan will address, at a minimum, the following elements:

- a. An accessible route from the School to any playground used by District students, as well as accessible routes that connect and surround accessible activities within the playground settings;
- b. Ground surfaces along accessible routes, clear floor or ground spaces, and maneuvering spaces within play areas that are stable, firm and slip-resistant;
- c. Modification of existing playground equipment, or installation of additional equipment, as necessary, to ensure that a range of different types of play activities are

- accessible to children with mobility impairments, as required by 2010 Standard § 240.2.1.1, § 240.2.1.2, and § 240.2.2
- d. The specific ground level and elevated play activities which will be made accessible upon implementation;
  - e. Ground level play components accessed by children with mobility impairments that are dispersed throughout the play area and integrated with other play components; and
  - f. Regular and frequent ground surfaces inspection and maintenance to ensure continued compliance with applicable accessibility standards. Should the District choose to use loose fill engineered wood fiber as its surface, the Playground Plan must include a maintenance schedule that ensures the ground surface accessibility.

#### **REPORTING REQUIREMENTS:**

1. By September 5, 2023, the District will provide to OCR for review and approval a copy of the Playground Plan developed as a result of the District's evaluation of the playground facilities used by students at the Schools.
2. Within 90 days of OCR's approval of the Playground Plan, the District will provide OCR with documentation that it has completed the playground modifications identified in the Plan, including a description of the work performed, photographs, and dimensions, as applicable.

The District understands that by signing this Resolution Agreement, the District agrees to provide data and other information to OCR in a timely manner in accordance with the reporting requirements of this Resolution Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Resolution Agreement. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District is in compliance with the terms of the Agreement and is in compliance with Section 504 and Title II, and their implementing regulations, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach. 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.

The Agreement will become effective immediately upon the signature of the District's representative below.

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Dr. Joe Gothard  
Superintendent, Saint Paul Public Schools

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Date