

Resolution Agreement

Laramie County School District #1 Case Number 08-13-1218

In order to resolve the allegations in Case Number 08-13-1218, filed against Laramie County School District #1 (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794 (Section 504) and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 104 and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Sections 12131-65, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance from the Department and by public entities respectively, the District agrees to implement the following Resolution Agreement (Agreement).

The Complainant alleged that the District at XXX (the School) denies students with disabilities access to School programs and activities by failing to provide wheelchair accessible routes, wheelchair accessible doors, wheelchair accessible classrooms, and wheelchair accessible restrooms.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

RESOLUTION ACTION

The District agrees to take the following actions:

1. The route from the front parking lot to the main entrance doors currently includes lips, which produce level changes in excess of ½ inch high vertically. Accessible routes must have no level change in excess of ½ inch vertically. 2010 Standards¹ §§ 403.4 and 303. Changes in level between ¼ inch high minimum and ½ inch high maximum shall be beveled with a slope not steeper than 1:2. 2010 Standards § 303.3. All changes in level on the route from the front parking lot to the main entrance doors will conform to the 2010 Standards.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation that the route from the front parking lot to the main entrance doors is in compliance as required by Term 1.

¹ *2010 Standards*, as used throughout this Agreement, means the 2010 ADA Standards for Accessible Design, which consist of the 2004 ADAAG and the requirements contained in 28 C.F.R. § 35.151. *2004 ADAAG* means the requirements set forth in appendices B and D to 36 C.F.R. part 1191 (2009).

2. The route around XXX includes level changes in excess of ½ inch high vertically and gravel overflow and grass and weeds overgrowth. Accessible routes must have no level change in excess of ½ inch vertically. 2010 Standards §§ 403.4 and 303. Changes in level between ¼ inch high minimum and ½ inch high maximum shall be beveled with a slope not steeper than 1:2. 2010 Standards § 303.3. Accessible routes must also consist of floor and ground surfaces that are stable, firm, and slip resistant. 2010 Standards §§ 403.2 and 302.1. All changes in level and surface characteristics of the route around the outdoor playground will conform to the 2010 Standards.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation that the route around XXX is in compliance as required by Term 2.

3. The designated parking spaces for persons with disabilities in the front parking lot are not accompanied by sufficiently wide access aisles. At each standard accessible space, the District should provide an access aisle at least 60 inches wide. 2010 Standards § 503.3.1. At each van accessible space, the District should provide an access aisle at least 96 inches wide. 2010 Standards § 502.2. Access aisles shall be at nearly the same level as the parking spaces they serve, and changes in level steeper than 1:48 are not permitted. 2010 Standards § 502.4. The current access aisles are not nearly level. Access aisles must be marked to discourage parking in the access aisles. 2010 Standards § 502.3.3. All designated parking spaces for persons with disabilities in the front parking lot will conform to the 2010 Standards

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation that the access aisles for the front parking lot designated parking spaces for persons with disabilities are in compliance as required by Term 3.

4. The accessibility signs in the front parking lot are too low. Vertical signs with the International Symbol of Accessibility should be 60 inches minimum above the ground surface measured from the bottom of the sign. 2010 Standards § 502.6. The accessibility signs in the front parking lot will conform to the 2010 Standards.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation that the front parking lot's vertical accessibility signs are in compliance as required by Term 4.

5. The School's interior doors require greater than five pounds of force to open. The maximum amount of force required to open interior doors should not exceed five pounds. 2010 Standards § 404.2.9. The force required to open all of the School's interior doors will conform to the 2010 Standards.

REPORTING REQUIREMENT: Within 60 days² from the date of this Agreement, the District will provide documentation that the School's interior doors are in compliance as required by Term 5.

² All timeframes are expressed as calendar days.

6. The School's main entrance consists of two sets of heavy doors in series, which are difficult for an adult in a wheelchair to open. The District will ensure that the main entrance is accessible to persons with mobility impairments.

REPORTING REQUIREMENT ONE: By April 1, 2014, the District will report to OCR proposed steps to ensure that the main entrance is accessible to persons with mobility impairments as required by Term 6.

REPORTING REQUIREMENT TWO: The District will address any feedback from OCR to the proposed steps until OCR approves the steps. Within 120 days of OCR's approval, the District will provide documentation demonstrating that the approved steps have been fully implemented.

7. The School's classrooms are not configured to allow for wheelchair access within the classrooms; the observed classroom configurations pose unnecessary barriers by making the use of a wheelchair in the classroom difficult. X - sentence redacted – X. The District shall instruct in writing all appropriate staff members that the classrooms to which students with mobility impairments are assigned must be configured and maintained to allow for access within the classrooms, including access to chalkboards and whiteboards.

REPORTING REQUIREMENT ONE: Within 60 days from the date of this Agreement, the District will provide copies of written instruction required by Term 7.

REPORTING REQUIREMENT TWO: Within 60 days from the date of this Agreement, the District will provide documentation demonstrating that any classroom to which a student with a mobility impairment is assigned, if any, is configured and maintained so that the student can access the classroom without any unnecessary barriers.

8. The District will alter restroom XXX to comply with the 2010 Standards at Sections 603 through 606.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation that restroom XXX is in compliance as required by Term 8.

9. The District may choose to alter restrooms XXX and XXX to make them accessible, consistent with the 2010 Standards at Sections 603 through 606, or to have all students use accessible group restrooms. If the District chooses not to alter restrooms XXX and XXX to make them accessible, these rooms will be continuously closed until they are made accessible, and the District will provide age-appropriate directional signage indicating the location of the nearest accessible restroom. 2010 Standards § 216.8. The District should also ensure that all appropriate School staff are advised each year that restrooms XXX and XXX will remain closed and unavailable until they are made accessible.

REPORTING REQUIREMENT: By August 1, 2014, the District will provide documentation demonstrating compliance with Term 9.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The District understands that by signing this Agreement, it agrees to provide documentation and other information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees, 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 and Title II, which were at issue in this case.

When OCR determines that the District has fulfilled all of the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, OCR will close Case Number 08-13-1218 and will send a letter to the District stating that Case Number 08-13-1218 is closed.

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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of 60 calendar days to cure the alleged breach.

The person signing for the District represents that he is authorized to bind the District to this Agreement. This Agreement becomes effective the date of the signature below.

For Laramie County School District #1:

_____/s/_____
Dr. Mark Stock
Superintendent of Schools

____12/20/2013_____
Date