

RESOLUTION AGREEMENT
Rio Rancho Public School District
Case Number 08-15-1310

In order to resolve an allegation in case number 08-15-1310, filed against the Rio Rancho Public School District (the District) and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR), the District agrees to implement this Resolution Agreement. This case was initiated pursuant Section 504 of the Rehabilitation Act of 1973 and its implementing regulation, which prohibit discrimination on the basis of disability in programs and activities funded by the U.S. Department of Education; and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation, which prohibit discrimination on the basis of disability by public entities.

This Agreement addresses OCR's finding that the District discriminated against persons on the basis of disability by failing to ensure that during events open to the public at the Rio Rancho High School gymnasium and the V. Sue Cleveland High School gymnasium, lines of sight at accessible seating locations or in accessible seating areas are not unnecessarily impeded by temporary banners, permanent signs, or other spectators. To address this compliance concern, the District will implement the following terms.

1. The District will draft a plan to ensure that where and when seating is offered for spectators at an event located in one of the gymnasiums, either as an event hosted by the District or hosted by a third party, the District will take steps to ensure that:
 - a. accessible seating or designated accessible seating areas are provided for spectators with mobility impairments;
 - b. promotional materials for each event in one of the gymnasiums indicate that accessible seating is available with guidance on how more information about accessible seating may be obtained;
 - c. lines of sight consistent with UFAS § 4.33.3 or 1991 Standards § 4.33.3 are always provided with designated accessible seating or in designated accessible seating areas;
 - d. real-time enforcement of the plan will be enacted; and
 - e. third-party hosts of events are informed of and consent to the plan.

REPORTING REQUIREMENT: Within 45 days after this Agreement is signed, the District will submit to OCR for review and approval a draft plan as specified.

2. The District will consider and respond to any feedback from OCR with respect to the draft plan. After obtaining OCR's approval, the District will distribute the plan digitally or in print¹ to:

¹ Among other possibilities, this commitment may be satisfied by publication of the plan on the District's website, coupled with correspondence or notice effectively directing required parties to the plan. In order to ensure compliance with Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100, which were not at issue in this case, it may be necessary to translate the plan into a language other than English.

- a. all District-level and high-school-level administrators, athletics personnel or volunteers, and personnel responsible for management or maintenance of the gymnasiums;
- b. all third-party entities (other than individuals) that have hosted events at either gymnasium during the current and previous fiscal year; and
- c. members of the public.

REPORTING REQUIREMENT: Within 45 days of obtaining OCR's approval of the plan, the District will submit to OCR documentation demonstrating completion of this item.

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 and 23, Title II at 28 C.F.R. §§ 35.149 and 151, and by reference the Uniform Federal Accessibility Standards (UFAS) § 4.33.3 and the 1991 Standards for Accessible Design (1991 Standards) § 4.33.3, which were at issue in this complaint.

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 at 34 C.F.R. §§ 104.21 and 23, Title II at 28 C.F.R. §§ 35.149 and 151, and by reference the UFAS § 4.33.3 and the 1991 Standards § 4.33.3, 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.

For Rio Rancho Public School District:

/s/

9-3-16

V. Sue Cleveland, Ed.D.
Interim Superintendent

Date