

RESOLUTION AGREEMENT

Alpine Elementary School District Case Number 08-17-1050

In order to resolve issues raised in Case Number 08-17-1050, filed against the Alpine Elementary School District (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 to Section 504 of the Rehabilitation Act of 1973 (Section 504), and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), and its implementing regulation at 28 C.F.R. Part 35.

The District will comply with the cited provisions of the 2010 ADA Standards for Accessible Design (Standards), 36 C.F.R part 1191, appendices B and D, when taking the actions required by this Agreement.

1. For at least one of the designated accessible parking spaces, the District will provide a vertical sign with the International Symbol of Accessibility located a minimum of 60 inches above the ground surface measured to the bottom of the sign with an additional “Van-Accessible” sign located below the International Symbol of Accessibility. Standards §§ 208.2.4, 502.6, 703.7.2.1

REPORTING REQUIREMENT 1: Within 90 days of the date of this Agreement, the District will submit a written report to OCR summarizing the actions the District has taken to implement term 1. The District’s report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, and invoices.

2. The District will provide at least one accessible route within the boundary of the site connecting the designated accessible parking spaces to the designated accessible entrance that, to the maximum extent feasible, coincides with the route for the general public. The accessible route must have a minimum clear width of 36 inches; have, in the absence of a curb ramp or ramp, no level changes in excess of ½ inch vertically; and have a running slope of less than 1:20 (5%) (or have been constructed as a fully accessible ramp) and a cross slope of less than 1:50 (2%). Standards §§ 206.2.1, 303, 402.2, 403.3, 403.4, 403.5.1, 405, 406.

REPORTING REQUIREMENT 2: Within 90 days of the date of this Agreement, the District will submit to OCR a detailed plan for the provision of an accessible route from the designated accessible parking spaces to the designated accessible entrance for OCR approval. The District’s plan will include, for example, architectural plans, and proof of efforts to secure funding/assistance for structural renovations or equipment where necessary.

3. Within 60 days of receiving OCR’s approval of the District’s plan to provide the accessible route under term 2, the District will implement its plan.

REPORTING REQUIREMENT 3: Within 60 days of the completion of the accessible route, the District will submit a written report to OCR summarizing the actions the District has taken to implement term 2. The District's report will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs showing the relevant measurements of any alterations or renovations, work orders, purchase orders, and invoices.

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 with respect to the following issues. 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 portion of the Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

4. The District will develop and implement policies and procedures to ensure that both of the designated accessible parking spaces, their access aisles and the accessible route from the parking spaces to the designated accessible entrance are kept clear of snow, debris or other obstacles (including vehicular traffic). The procedure will include provisions directing District staff to assist persons parked in the designated accessible parking spaces to exit those spaces when hindered from doing so by vehicular traffic.

REPORTING REQUIREMENT 4: Within 30 days of the date of this Agreement, the District will submit the policies and procedures developed pursuant to term 4 for OCR approval.

5. The District will develop policies and procedures regarding any communication or access restrictions for parents violating District policy to ensure that future restrictions are not implemented in retaliation for activities protected by Section 504 or Title II. The procedures will:
 - Provide criteria for determining whether a communication or access restriction is necessary and require written notification to the parent describing the reason for the restriction(s);
 - Set a time period for the application of the restriction;
 - Provide standards for reviewing and determining whether a parental restriction should be extended; and
 - Include a recordkeeping system on parental communication or access restrictions, including the names of parents, reason for the restrictions, and duration of the restrictions.

REPORTING REQUIREMENT 5: Within 30 days of the date of this Agreement, the District will submit the policies and procedures developed pursuant to term 5 for OCR approval.

6. Within 30 days of receiving OCR approval, the District will ensure that the OCR-approved policies and procedures developed pursuant to terms 4 and 5 are adopted, implemented and disseminated to all employees of the District and that all District employees receive training on the new policies and procedures.

REPORTING REQUIREMENT 6: Within 60 days of completing the actions required by term 6, the District will provide documentation supporting that the OCR-approved policies and procedures have been adopted, implemented and notice provided to District staff. The District will also submit to OCR proof that training was provided to District staff on the policies and procedures. Such documentation will include:

- The agenda and any handouts for the training;
 - The date and time the training was held; and
 - A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from the District that all required attendees were present during the training.
7. The District will provide training to its staff and administrators on the Section 504 regulation at 34 C.F.R. § 104.61, which incorporates the Title VI regulation at 34 C.F.R. § 100.7(e), and the Title II regulation at 28 C.F.R. § 35.134, which prohibit retaliation. In particular, the training shall inform participants of the prohibition against retaliation, including but not limited to the elements of a *prima facie* claim of retaliation, the type of acts that may be considered to constitute protected activity, adverse actions, legitimate non-retaliatory reasons for a school's action, and an explanation of pretext.

REPORTING REQUIREMENT 7: Within 60 days of completing the actions required by term 7, the District will submit to OCR proof that training was provided to District staff on the Section 504 and Title II prohibitions against retaliation. Such documentation will include:

- The agenda and any handouts for the training;
- The date and time the training was held; and
- A copy of the attendance sheet from the training, including the name and title of each participant, along with a written assurance from the District that all required attendees were present during the training.

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

The District 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 District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview District employees and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms

