

**Resolution Agreement**  
**Flagstaff Unified School District**  
**Complaint Number 08-18-1132**

In order to resolve the physical accessibility allegations in Case Number 08-18-1132 filed against Flagstaff Unified School District (District), the District agrees to implement the following Resolution Agreement. These complaint allegations were 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. § 794 (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), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

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.

1. The District will evaluate the accessibility of and identify any barriers to access for people with disabilities at DeMiguel Elementary School and Sinagua Middle School related to interior signs identifying permanent rooms and spaces.

The regulations implementing Section 504 and Title II contain two standards for determining whether the District’s programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities, the other covers new construction and alterations. Which standard applies depends upon the date of construction or alteration of the facility. In conducting its evaluation, the District will apply the appropriate accessibility requirement(s) to its facilities:

Program Access Elements. For those District facilities constructed or altered prior to the effective date of Section 504 and Title II, the District will ensure that its programs, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150. In choosing among available methods for achieving program access, the District will give priority to those methods that serve people with disabilities in the most integrated setting appropriate.

New Construction Elements. For those District facilities constructed or altered after the effective date of Section 504 and Title II, the District will ensure that its facilities are readily accessible to and usable by persons with disabilities. C.F.R. § 104.23; 28 C.F.R. § 35.151. Depending on the date of construction, the District will evaluate whether its facilities comply with the applicable new construction/alteration standard:

- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971);
- Uniform Federal Accessibility Standards (UFAS);
- 1991 ADA Standards for Accessible Design (1991 ADA Standards); or
- 2010 ADA Standards for Accessible Design (2010 ADA Standards).

After completing its evaluation, the District will develop a written remediation plan addressing each barrier to access identified through its evaluation and submit it for OCR approval. For each barrier, the District may: (1) remove it in a way that complies with the 2010 ADA Standards, (2) propose a timeframe for barrier removal for OCR's consideration, or (3) propose a timeframe for alternate means of providing equivalent facilitation (for new construction or alterations) or program access (for existing facilities).

**REPORTING REQUIREMENT 1:** By **June 29, 2018**, the District will provide OCR with the results of the District's accessibility evaluation including copies of all checklists and detailed photographs showing the measurements taken which were used by the District during its evaluation. The District will also provide OCR with a copy of its remediation plan identifying each barrier to access found through the evaluation, describing how it will address each barrier to access and the date by which each barrier to access will be removed.

2. Within 30 days of receiving OCR's written approval of its remediation plan, the District will implement the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

**REPORTING REQUIREMENT 2:** The District will submit written reports to OCR every six months after the date of OCR's approval of the District's remediation plan summarizing the actions the District has taken pursuant to this Agreement. Reports will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

3. The District will develop a procedure to routinely remind parents and guardians of students attending DeMiguel Elementary School that they are not to park in the School's designated accessible parking spaces without a state-issued disabled parking placard or plate. School staff will continue to monitor the parking lots to prevent improper parking and respond to concerns about improper parking.

**REPORTING REQUIREMENT 3:** The District will submit the above-described procedure to OCR for approval by **June 29, 2018**.

4. The District will develop a procedure to ensure that interior restroom doors at DeMiguel

Elementary School require no more than 5 pounds of force to open.

**REPORTING REQUIREMENT 4:** The District will submit the above-described procedure to OCR for approval by **June 29, 2018**.

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 of this Agreement and is in compliance with the regulation implementing Section 504 of the Rehabilitation Act of 1973 at 34 C.F.R. §§ 104.4, 104.21 and Title II of the Americans with Disabilities Act of 1990 at 28 C.F.R. §§ 35.130, 35.149, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 Flagstaff Unified School District:

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3/19/18

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Name

Date

Title