

Resolution Agreement
Catalina Foothills Unified School District
OCR Case Number 08-22-1043

The U.S. Department of Education, Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint against Catalina Foothills Hills Unified School District (District) pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

During the course of OCR's investigation, before OCR had made any findings on two of the allegations, 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 (CPM)*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, an agreement is appropriate, and the remedies align with the allegations. OCR states that a resolution agreement is appropriate in this instance. While entering into this Agreement, the District makes no admission of a violation of Federal law.

Agreement Items

Maintenance of Accessible Feature (Elevator #2)

Item 1

By **August 8, 2022**, the District shall make repairs to, or replace, the existing elevator used to access the second floor "5th grade wing" as identified in the complaint. The District will ensure that the repaired or replaced elevator meets the accessibility requirements under the 2010 Standards for Accessible Design (2010 Standards).

Reporting Item 1

By **August 15, 2022**, the District shall provide OCR with written verification that the elevator is working and meets the 2010 Standards. Verification may include, completed work orders or contracts, pictures, written assurances from the District's contractor, and video of the elevator in workable condition and meeting the 2010 Standards.

Accessible Route to the Lower Field Area

Item 2

By **April 1, 2022**, For OCR's review and approval, the District shall create a plan that will detail the interim measures (e.g. change of venue, use of mobility assistance such as use of a golf cart, etc.) it will take to ensure program accessibility for students with disabilities (so that students are not separated from peers or barred from involvement), and reasonable accommodations for

parents, and the public with disabilities to access any programs and activities being held on any part of the lower field.

Reporting Item 2

By **April 1, 2022**, the District shall provide OCR with its plan to detail the interim measures (e.g. change of venue, use of mobility assistance such as use of a golf cart, etc.) it will take to ensure program accessibility for students with disabilities (so that students are not separated from peers or barred from involvement), and reasonable accommodations for parents, and the public with disabilities to access any programs and activities being held on any part of the lower field. The District shall implement the plan immediately upon OCR's approval.

Item 3

By **August 8, 2022**, the District will create an accessible route to the lower playground and adjacent facilities (e.g. basketball courts, ramada), that complies with the accessibility requirements under Section 504, Title II, and the 2010 Standards for Accessible Design (2010 Standards) including slope, stability, firmness and slip-resistance.

Reporting Requirement 3

By **August 15, 2022**, the District shall provide OCR with written verification that it has created an accessible route to the School's lower playground and adjacent facilities that complies with the accessibility requirements under Section 504, Title II and the 2010 Standards for Accessible Design (2010 Standards) including width, slope, stability, firmness and slip-resistance.

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 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 Agreement and is in compliance with the regulations implementing Section 504 and the ADA which were at issue in this case.

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.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the 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.

For the Catalina Foothills Unified School District:

/S/
Mary M. Kamerzall, Ph.D.
Superintendent

3/14/22
Date