

**Eloy Elementary School District  
Resolution Agreement  
OCR Docket #08-22-1352**

In order to resolve the allegations in Case No. 08-22-1352, filed against Eloy Elementary School District (District), the District voluntarily agrees to implement this Resolution Agreement (Agreement). This case was initiated pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), 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. §§ 12131-12134, 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 and public entities, respectively.

During the course of OCR's investigation of the complaint, 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 (CPM), 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 wrongdoing as to the allegations of discrimination in this complaint, nor shall it be construed as such.

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

**RESOLUTION ACTIONS**

**At Eloy Intermediate School:**

- 1. Van Accessible Parking Signage.** The District will provide, for the one designated accessible parking space (the accessible space on the right as facing the School entrance) that already meets the size and slope requirements to be a van accessible space, an identification sign that designates it as van accessible. *See* 2010 Standards § 502.6.
- 2. Accessible Parking Signage.** The District will provide, in each designated accessible parking space, identification signs mounted so that the bottom of each sign is 60 inches above the finished ground surface. *See* 2010 Standards § 502.6.
- 3. Access Aisles for Accessible Parking Spaces.** The District will provide a ground surface where the access aisle for each designated accessible parking space joins the adjacent accessible route to the main entrance to the School that complies with the 2010 Standards. *See* 2010 Standards §§ 502.3, 502.4, and 302.
- 4. Restroom Doorways.** For each outdoor restroom doorway, the District will provide a threshold that complies with the 2010 Standards. *See* 2010 Standards §§ 404.2.5, 302, 303, and 405.

5. **Lavatory Pipes.** For each restroom lavatory in the outdoor boys' and girls' restrooms, the Hallway A boys' restroom, and the Hallway B girls' restroom, where pipes are not insulated or otherwise configured to protect against contact, the District will provide insulation or reconfigure the pipes to protect against contact. *See* 2010 Standards § 606.5.
6. **Outdoor Girls' Restroom Accessible Stall Door.** The District will ensure that the door of the single standard accessible stall is self-closing and complies with the 2010 Standards. *See* 2010 Standards §§ 604.8.2.2 and 309.4

*REPORTING REQUIREMENTS for Items #1 through #6:* By **November 30, 2022**, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to this term. The District's report 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 or proof of efforts to secure funding/assistance for structural renovations or equipment.

**At Curiel Primary School:**

1. **Accessible Restroom Signage.** The District will relocate the room identification signage containing tactile characters at the West girls' restroom, the Hallway A girls' restroom, and the Hallway B boys' restroom so that the signage is positioned alongside the latch side of restroom door and located so that a clear floor space of 18 inches minimum by 18 inches minimum is provided beyond the arc of any door swing between the closed position and 45-degree open position. *See* 2010 Standards § 703.4.2.
2. **Toilet Paper Dispensers.** The District will provide in the West girls' and boys' restrooms, a toilet paper dispenser in the accessible stall that complies with the 2010 Standards. *See* 2010 Standards §§ 304.8 and 604.7.
3. **Lavatory Pipes.** For each restroom lavatory in the West girls' restroom, the Hallway A girls' restroom, and the Corridor 2 boys' restroom, where pipes are not insulated or otherwise configured to protect against contact, the District will provide insulation or reconfigure the pipes to protect against contact. *See* 2010 Standards § 606.5.
4. **Restroom Doorways.** For each restroom doorway in the Corridor 2 boys' and girls' restrooms, the District will provide a threshold that complies with the 2010 Standards. *See* 2010 Standards §§ 404.2.5, 302, and 303.
5. **Corridor 2 Boys' Restroom.**
  - a. **Accessible Route.** The District will provide a stable ground surface on the accessible route from Corridor 2 to the doorway of the restroom. *See* 2010 Standards § 302.

- b. Urinal.** The restroom is currently equipped with two urinals. The District will provide at least one urinal that complies with the 2010 Standards' minimum requirements for height and depth, clear floor space, and flush controls. with a minimum of 30 inches by 48 inches of clear floor space positioned for forward approach. *See* 2010 Standards §§ 605.3, 305, and 309.

*REPORTING REQUIREMENTS for Items #1 through #5:* By **November 30, 2022**, the District will submit a written report to OCR summarizing the actions the District has taken pursuant to this term. The District's report 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 or proof of efforts to secure funding/assistance for structural renovations or equipment.

### **GENERAL REQUIREMENTS**

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 the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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 and obligations of the Agreement.

The District also understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 of the Rehabilitation Act of 1973, 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), and its implementing regulation at 28 C.F.R. Part 35, which were at issue in this review. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

**For the District:**

/S/

August 29, 2022

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Superintendent of District or Superintendent's Designee

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Date