

## **Resolution Agreement**

Santa Maria Joint Unified High School District  
U.S. Department of Education, Office for Civil Rights  
Office for Civil Rights Docket Number 09-16-1180

### Background

Without admitting to any violation of law, the Santa Maria Joint Union High School District (District) agrees to take the following actions in order to resolve the above referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990, as amended (Title II) and their implementing regulations.

### Complainant Program Access

- I. The District will ensure the Complainant has physical access to the District's programs that he participates in at the Santa Maria High School and Ernest Righetti High School stadiums. By August 31, 2016, the District will assign a District level administrator knowledgeable about barrier removal and program accessibility and the requirements of Title II and Section 504 who will engage the Complainant in a dialogue about what programs and activities the Complainant engages in, and the most effective ways in which the Complainant can access those programs and activities.
- II. By September 30, 2016, the District will submit the above plan to OCR for review and approval. The District agrees that it will not adopt any approach to program access that isolates, separates, or diminishes the Complainant's opportunity to participate fully in the District's programs or activities at the Santa Maria High School and Ernest Righetti High School stadiums. The District will immediately implement the plan upon OCR approval, unless otherwise specified by OCR.

### Ernest Righetti High School Stadium Physical Access

- III. By December 31, 2016, the District will assess all accessible pathways at Ernest Righetti High School (ERHS) from each accessible parking area to the front entrance of the stadium and develop an accessibility plan, as needed, to ensure compliance with the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards).
  - a. By August 31, 2016, the District will provide OCR with the name and credentials of the assessor assigned. At a minimum, the assessor chosen by the District will be knowledgeable in applying the 2010 Standards to assess compliance and create an accessibility barrier report that identifies all of the steps that the District must take to ensure that the pathways from ERHS to the front entrance of the stadium are accessible and fully compliant.

- b. By October 31, 2016, the assessor chosen by the District will create and provide the District with an accessibility report (accessibility report) for paths of travel from accessible parking to the football stadium front entrance, which will include any barriers found and the steps the District must take to ensure compliance with the 2010 Standards and program accessibility requirements.
- c. Within 60 days of receiving the accessibility report from the assessor, the District will provide OCR, for review and approval, an accessibility plan to achieve compliance and remove any barriers found, which will include projected dates of completion. Within 30 days of receiving the District's accessibility plan, OCR will review the report and notify the District of any remaining concerns. The District and OCR will collaborate on the completion of any and all modifications within the timelines in the accessibility plan, taking into consideration any construction that would result in a fundamental alteration in the nature of its program or activity or in undue financial and administrative burdens.
- d. Within 30 days of completion of all items in the accessibility plan, the District will provide OCR with documentation showing that such items have been completed.

Monitoring

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the University has fulfilled the terms of this Agreement.

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 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 Section 504, Title II and their implementing regulations, which were at issue in this case.

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 will give the District written notice of the alleged breach and sixty (60) days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent Mark Richardson or Designee

Date: 7/29/2016