

Resolution Agreement
Rescue Union School District
OCR Case No. 09-17-1616

In order to resolve the finding of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR) in the investigation of the above-referenced complaint under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), the Rescue Union School District (District) agrees to take the actions in this Resolution Agreement (Agreement).

I. Playground Surface

The District will develop and implement a Playground Surface Plan (Plan) to ensure that the surfaces of the kindergarten and main playgrounds at the School are physically accessible to mobility-impaired students.

If the District's Plan involves continued use an engineered wood fiber surface for the playgrounds, the Plan will include development and implementation of an effective process to regularly install, inspect, and maintain the engineered wood fiber surfacing on the playgrounds to ensure that there is an accessible route to the entry and exit points of all accessible playground equipment that is stable, firm, slip-resistant and level. The installation and maintenance process will provide for leveling and compacting the surface of the accessible route and the surface surrounding accessible equipment so that vertical changes in level do not exceed one-half inch, and will provide for the replenishing of displaced or settled material, as necessary, to maintain this level pathway surface and an acceptable distance between the surface and entry/exit points for accessible play equipment.

The Plan will include completion dates for each phase of the implementation process, with a status report to be provided to OCR at the completion of each phase.

II. Accessible Route - Kindergarten Playground

- A. The District will modify the entrance to the ramp into the play structure on the kindergarten playground so that the running slope is no more than 1:20, or no more than a 5% grade. The District will also ensure that where the ramp ends there will not be a change in level of more than one-half of an inch.
- B. The District will modify the kindergarten playground so that either: 1) the area containing the horizontal ladder has an entrance that is accessible to mobility-impaired individuals; or 2) there is other overhead climbing equipment in the kindergarten playground that is located on an accessible route.

III. Monitoring and Reporting

- A. By April 16, 2018, the District will provide OCR with a copy of its proposed Playground Surface Plan described in Section I, for OCR review and approval.
- B. By April 16, 2018, the District will provide its proposal, for OCR review and approval, for how the District proposes to take the actions required by Section II. After OCR's

approval, the District will provide OCR with a report by August 15, 2018, documenting that the planned modifications to the kindergarten playground described in Section II have been fully implemented.

IV. Conclusion

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 the Section 504, Title II, and their implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____

Cheryl Olson, Superintendent
Rescue Union School District

_____03/22/2018_____

Date