

## VOLUNTARY RESOLUTION AGREEMENT

### I. INTRODUCTION

Dayton School District 8 (district) enters into this agreement to resolve the allegation in a complaint (Reference No. 10121184) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under section 504 of the Rehabilitation Act of 1973 (Section 504) and title II of the Americans with Disabilities Act of 1990 (Title II).

### II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10121184, and does not constitute an admission by the district of any violation of Section 504, Title II, or any other law.
- B. OCR agrees to discontinue its investigation of Reference No. 10121184 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this complaint.
- C. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement (34 CFR 100.9-100.10) or judicial proceedings to enforce this agreement, OCR will give the district written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.
- D. The district understands that by signing this agreement, it agrees to provide OCR data and 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 regulations implementing Section 504 at 34 CFR 104.22-23, and Title II at 28 CFR 35.150-151, which were at issue in this complaint.
- E. 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 at 34 CFR 104.22-23, and Title II at 28 CFR 35.150-151.

### III. DEFINITIONS

For purposes of this agreement, the term:

**1991 Standards** means the 1991 Americans with Disabilities Act Standards for Accessible Design

**2010 Standards** means the 2010 Americans with Disabilities Act Standards for Accessible Design, which consist of the 2004 Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG) and the requirements of 28 CFR 35.151.

**Alteration** means a change to a building or facility that affects or could affect the usability of the building or facility or part thereof.

**Altered construction** means each facility or part of a facility that is altered by, on behalf of, or for the use of the district, on or after June 3, 1977, where the alteration affects or could affect the usability of the facility or part of the facility.

**ANSI** means the American National Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped, A117.1-1961 (Reaffirmed 1971).

**Element** means an architectural or mechanical component of a building, facility, space, or site (e.g., curb ramp, parking space, ramp, etc).

**Existing construction** means: (a) each facility or part of a facility constructed by, on behalf of, or for the use of the district prior to June 3, 1977; or (b) each facility used by the district that was already constructed on any given date, except the facility was not constructed by, on behalf of, or for the use of the district.

**Facility** means all or any portion of buildings, structures, site improvements, walks, parking lots, or other real or personal property located on a site.

**New construction** means each facility or part of facility constructed by, on behalf of, or for the use of the district on or after June 3, 1977.

**Program accessibility standard** means the operation of each district program so that, when viewed in its entirety, the program is readily accessible to and usable by individuals with disabilities. Methods for providing accessibility may include the redesign or acquisition of equipment, reassignment of services to accessible buildings, delivery of services at alternate accessible sites, alteration of existing construction, construction of new facilities, or any other methods that result in making the district's programs readily accessible to and usable by individuals with disabilities. In choosing among methods, the district must give priority to those methods that offer its programs to individuals with disabilities in the most appropriate integrated settings.

**UFAS** means the Uniform Federal Accessibility Standards (UFAS).

### **Accessibility Standards**

Elements that are existing construction must comply with the program accessibility standard, unless the district can demonstrate that the required actions would result in a fundamental alteration in the nature of the program or in undue financial and administrative burdens.

Elements that are new or altered construction which commenced after January 26, 1992, and before September 15, 2010, must comply with the 1991 Standards or the UFAS to the maximum extent feasible.

Elements that are new or altered construction which commenced on or after September 15, 2010, and before March 15, 2012, must comply with the 1991 Standards, the UFAS, or the 2010 Standards to the maximum extent feasible.

Elements that are new or altered construction which commenced on or after March 15, 2012, must comply with the 2010 Standards to the maximum extent feasible.

Any new construction or alterations that the district commences under the provisions of this agreement must comply with the 2010 Standards.

**IV. RESOLUTION PROVISIONS**

**A. Determination of Applicable Accessibility Standards**

By February 15, 2014, in consultation with OCR, the district will (a) determine the accessibility standard that is applicable to each facility and element below; and (b) determine whether each facility and element currently complies with the applicable accessibility standard with respect to number of spaces, signage and whether there is a designated accessible route from these spaces to the nearest accessible entrance to the facilities. For each facility and element that does not currently comply with the applicable accessibility standard, the district will determine what alterations are necessary to ensure compliance with applicable accessibility standards.

Parking Lot	Location
Lot E	By new gym
8th Street Parallel Parking	On 8th St, by the Agriculture Building
Lot A	Off of 8th St, by Agriculture and Commons buildings
Lot B	Off of 8th St, by old high school gym building
Lot D	By softball field, district office, and board room

Ferry Street Angle Parking	On South East Ferry St
Lot C	Off of South East Ferry St, by junior high school
9th Street Perpendicular Parking	On 9th St
9th Street Perpendicular Parking	On 9th St, by football field, with gravel surface

**B. Accessibility Plan**

By February 15, 2014, based on its review of the results from its determination of applicable accessibility standards and reporting under section IV.A, the district will develop a plan for addressing any element that does not currently comply with the applicable accessibility standard. The plan will include, but need not be limited to, a description and timeline of all planned structural modifications.

**C. Accessibility Procedures and Notice**

1. By February 15, 2014, the district will review and revise its accessibility procedures to ensure that the district has designated at least one employee who will be responsible for providing information about the existence and location of accessible services, activities, and facilities at the district, respond to accessibility requests, and address accessibility complaints from interested persons.
2. By February 15, 2014, the district will develop and implement appropriate, continuing steps to notify students, parents, employees and members of the public about the district’s accessibility procedures and the availability of accessible services, activities, and facilities, including the name and/or title, address, and telephone number of the employee identified in section C.1 above. The methods of disseminating the district’s notice may include posting in prominent areas of district buildings, publication in the local newspaper, parent newsletter, and on the district’s website.

**V. REPORTING PROVISIONS**

**B. Accessibility Assessment and Plan**

1. By March 15, 2014, the district will provide a report to OCR regarding its determinations pursuant to section IV.A.

2. By March 15, 2014, the district will submit its proposed plan to OCR pursuant to section IV.B. The plan will provide an explanation of the district’s intended actions, to include descriptions, measurements, work orders, checklists and/or other forms the district used to develop the plan. OCR will then evaluate the district’s proposed plan and provide input, which the district will address.
3. By September 30, 2014, the district will provide OCR with a report demonstrating that it has completed its implementation of the plan pursuant to section IV.B. The report will include, but need not be limited to: an explanation of the district’s actions taken under the plan; descriptions, measurements, work orders, and photographs of all structural modifications; and descriptions and documentation of any reassignment of services to accessible facilities, delivery of services at alternate accessible sites, and/or other methods utilized by the district to provide accessibility.

**C. Accessibility Procedures and Notice**

1. By September 30, 2014, the district will provide OCR with a report demonstrating its completion of section IV.C.1. The report will include, but need not be limited to, a copy of the revised accessibility procedures.
2. By September 30, 2014, the district will provide OCR with a report demonstrating its completion of section IV.C.2. The report will include, but need not be limited to: (i) a copy of the notice; (ii) a description of how, when, and where the notice was distributed and published; and (iii) how, when, and where the notice will be distributed and published in the future.

**Signed:**

\_\_\_\_\_/ s / \_\_\_\_\_  
Janelle Beers  
Superintendent  
Dayton School District 8

\_\_\_11/13/2013\_\_\_\_\_  
Date