

## **VOLUNTARY RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

The Bend-La Pine School District 1 (District) enters into this agreement to resolve the allegations in two (2) complaints (Reference Nos. 10141312 and 10141357) 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 of the Americans with Disabilities Act of 1990 (Title II).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves the allegations in Reference Nos. 10141312 and 10141357 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 Nos. 10141312 and 10141357 based upon the District's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in these complaints.
- C. The District understands that if it does 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; 28 CFR 35.174), or judicial proceedings to enforce this 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.
- D. The District agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District schools, including Sky View Middle School (MS) and Ponderosa Elementary School (ES), consult with staff, and request such additional reports or data related to the complaints 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 and Title II regulations which were at issue in these complaints.

- E. OCR will not close the monitoring of the implementation of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the Section 504 and Title II regulations which were at issue in these complaints.

### **III. REMEDIAL PROVISIONS**

#### **A. Accessibility Plan**

1. To ensure that Sky View MS and Ponderosa ES continue to comply with the applicable Section 504 and Title II accessibility standards and requirements, the District will develop an accessibility plan to evaluate and address, if necessary, each of the of the accessibility concerns listed in Appendices 1 and 2. The plan will include:
  - (a) By March 2, 2015, in consultation with OCR, the District will determine the specific accessibility standards that apply to each of the accessibility concerns listed in Appendices 1 and 2.
  - (b) By June 30, 2015, in consultation with OCR, the District will conduct an accessibility evaluation of the facilities and elements identified in Appendices 1 and 2. The evaluation will be designed to accurately assess its compliance with the applicable accessibility standards.
  - (c) By August 31, 2015, based on its review of the results from its accessibility evaluation, the District will develop an action plan to address any facilities and elements that did not comply with the applicable accessibility standards. The plan will include, but is not limited to: identifying the District's chosen method for addressing the inaccessible facilities or elements; a description and schedule of all planned structural modifications; and a description of the interim steps that the District will take in order to provide accessibility at the schools pending completion of any structural modifications.

2. By September 30, 2016, the District will complete its implementation of the accessibility plan items that do not require funding from a new Bond Measure. These items consist of alterations that do not require significant expense or construction.
3. By September 30, 2019, the District will complete its implementation of the accessibility plan items that require funding from a new Bond Measure. These items consist of major alterations that require significant expense or construction, such as demolishing walls, removing and re-pouring large portions of concrete surfaces, etc.
4. The District agrees to implement all interim steps identified pursuant to section III.A.1(c) of this agreement in order to provide accessibility at the schools pending completion of any structural modifications.

**B. Maintenance Procedures**

By June 30, 2015, in consultation with OCR, the District will review and revise as necessary the District's facility maintenance policies and procedures, implemented at Sky View MS and Ponderosa ES, to ensure that the District maintains in operable working condition its accessible facilities and equipment.

**C. Designated Employee**

By January 15, 2015, the District will designate at least one employee for the District who will ensure the following responsibilities are regularly completed at Sky View MS and Ponderosa ES: providing information about the existence and location of accessible services, activities, and facilities; timely disseminating information about temporary modifications and interruptions due to the District's accessibility plan; responding to accessibility requests from students and their families; and addressing accessibility complaints.

**D. Notice and/or Training**

By October 15, 2015, the District will provide effective notice and/or training to the Sky View MS and Ponderosa ES employees who are responsible for coordinating and carrying out the District's compliance with Section 504 and Title II, regarding the accessibility requirements of Section 504 and Title II, the District's accessibility policies and procedures, and any substantive revisions

made to the District's facility maintenance policies and procedures pursuant to section III.B.

#### **IV. REPORTING PROVISIONS**

##### **A. Accessibility Plan**

1. By March 2, 2015, pursuant to section III.A.1(a), the District will submit a report regarding its assessment of the specific accessibility standards that apply, which OCR will review and approve.
2. By June 30, 2015, pursuant to section III.A.1(b), the District will submit a report regarding its accessibility evaluation, which OCR will review and approve.
3. By August 31, 2015, pursuant to section III.A.1(c), the District will submit its proposed action plan, which OCR will review and approve.
4. Within 60 days of receiving OCR's approval of the proposed action plan, and every 180 days thereafter until completion, the District will provide OCR with a report showing its progress to date towards implementing the action plan that has been approved by OCR. Each report will provide sufficient information and detail for OCR to determine that the District is adhering to the plan, and the District's actions fully comply with the Section 504 and Title II accessibility standards and requirements.

##### **B. Maintenance Procedures**

1. By June 30, 2015, pursuant to section III.B, the District will submit its proposed revisions to its policies and procedures, which OCR will review and approve.
2. Within 90 days of receiving OCR's approval of the proposed accessibility procedures, the District will provide OCR with a report demonstrating its adoption and implementation of the revised policies and procedures, including at Sky View MS and Ponderosa ES. The report will include a copy of the adopted policies and procedures

**C. Designated Employee**

By January 15, 2015, the District will provide OCR a report showing that it has the designated employee(s) pursuant to section III.C.

**D. Notice and/or Training**

By October 15, 2015, the District will provide OCR a report regarding its notice and/or training actions under section III.D. The report will include:

1. With respect to any trainings, the date(s) of the trainings; a copy of the training agenda and any training materials; the name and title of the presenter; and the names and titles of employees who attended the training; and
2. With respect to any notices, a description of when and how the notices were distributed; the names and titles of employees who received the notice; and a copy of the distributed notifications.

**Signed:**

\_\_\_\_\_/s/\_\_\_\_\_  
Ron Wilkinson  
Superintendent  
Bend-La Pine School District 1

\_\_\_\_12/19/2014\_\_\_\_\_  
Date

**Appendix 1**  
**For Voluntary Resolution Agreement**  
Bend-La Pine School District 1  
OCR Reference No. 10141312

**List of Accessibility Concerns at Skyview Elementary School**

1. The flag pole is not on an accessible route.
2. The accessible parking spaces in the parking lot at the front of the building are not located closest to the main entrance.
3. The curb ramps serving the access aisles in the front of the building are too steep.
4. The curb ramp at the drop-off loading zone at the front of the building is too steep, and has a deteriorating surface, which does not provide a stable and firm surface.
5. The surface of the basketball courts has large cracks with changes in level and elongated openings.
6. The pedestrian route connecting the outdoor courtyard with the basketball court is too steep.
7. The outdoor courtyard surface is not maintained and is deteriorating, and does not provide a stable and firm surface.
8. The pedestrian path connecting the accessible parking at the back of the building with the outdoor sports fields is too steep and does not comply with the accessible curb ramp requirements (e.g., no landing or flared sides, etc.).
9. The exterior doors at the rear, front, and side entrances are too heavy to open.
10. The doors to the regular education classrooms, the life skills rooms, the art room, and the shop room are too heavy to open.
11. In all regular education classrooms and the life skills restroom, the sinks have insufficient knee and toe clearance; the pipes under the sinks lack insulation; and the sink faucet controls are out of reach for wheelchair users and require twisting and turning.
12. In all regular education classrooms and the life skills restroom, the paper towel and soap dispensers are out of reach for wheelchair users.
13. The sink in the art room is too high.

14. The shower room controls in the life skills classroom are too high.
15. The pencil sharpeners in the life skills rooms, the art room, and the shop room are outside of reach range for wheelchair users.
16. The appliances and built-in cabinetry in the life skills kitchen are out of reach range and do not provide sufficient clear floor space and knee clearance for wheelchair users.
17. The library's two catalog counters are too high.
18. The drinking fountain by the elevator does not provide a water flow of at least 4 inches high.
19. The eyewash station installed in the sink in the shop room is too high.
20. The display racks and counter in the counseling office are too high.
21. The coat hooks in the nurse's office are too high.
22. The cafeteria food line counter and tray line are too high.
23. The lunch tables with attached seating in the cafeteria do not provide sufficient clear floor space for wheelchair users.

## **Appendix 2**

### **For Voluntary Resolution Agreement Bend-La Pine School District 1 OCR Reference No. 10141357**

#### **List of Accessibility Concerns at Ponderosa Elementary School**

1. The swing set play areas have changes in level at entrances; have unstable and loose bark chips for surfaces; and have wells under the swings.
2. Two play structure areas have changes in level at entrances, and have unstable loose bark chips for surfaces.
3. Outdoor tables do not provide sufficient knee clearance for wheelchair users.
4. The greenhouse is not on an accessible route connecting it to the school campus; has a steep slope and change in level at the door; and has tables which are too high.
5. Classroom and common “pod” area sinks do not provide sufficient knee clearance for wheelchairs users.
6. The paper towel dispensers and soap dispensers in classrooms and common “pod” areas are out of reach for wheelchair users.
7. The drinking fountains in classrooms and common “pod” areas are too high and do not provide sufficient knee clearance for wheelchair users.
8. The main entrance doors in front of the building are too heavy to open; open and close too quickly; and do not always open when the actuator is pressed.
9. Individuals with disabilities have been unable to use the actuator to the main entrance of the building because it has been blocked by a sign during school events.
10. The doors to the lunch room and the multipurpose room, where the stage is located, are too heavy to open.
11. Individuals with disabilities have been unable to access the stage during school events because public displays, such as silent auction items, have blocked the entrances to the ramp, which provides access the stage.