

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Bethel School District 52 (District) enters into this voluntary resolution agreement to resolve the allegation in a complaint (Reference No. 10151226), which was 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 allegation in OCR Reference No. 10151226 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 OCR Reference No. 10151226 based upon the District's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegation in this complaint.
- C. The District understands and acknowledges that if it does not fully implement this agreement, then 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 or judicial proceedings to enforce this agreement (34 CFR 100.9-100.10 and 28 CFR 35.174), OCR shall give the District written notice of the alleged breach and 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 other information in a timely manner. Further, the District understands that during the monitoring of this agreement, OCR may visit the District's schools, including Willamette High School (HS), interview employees, 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 104.4 and 104.21-23; and Title II at 28 CFR 35.130 and 35.149-35.151, 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 104.4 and 104.21-23; and Title II at 28 CFR 35.130 and 35.149-35.151, which were at issue in this complaint.

III. REMEDIAL PROVISIONS

A. Accessibility Standards

By January 15, 2016, in consultation with OCR, the District will determine what accessibility standards the Willamette HS gymnasium facilities (hereinafter, “gym facilities”) are required to comply with under Section 504 and Title II at 34 CFR 104.22-23 and 28 CFR 35.150-35.151, respectively.

B. Accessibility Assessment

By February 1, 2016, the District will assess whether the gym facilities comply with the accessibility standards, which were identified under section III.A.

C. Accessibility Plan

1. By April 1, 2016, in consultation with OCR, the District will develop a plan to address any elements of the gym facilities that do not comply with the applicable accessibility standards. If the District determines structural modifications are necessary, the District will make such modifications in compliance with the applicable accessibility standards. The plan will include, but is not limited to: identifying the District’s chosen method for addressing the inaccessible element; a description and schedule of the actions that the District will take to provide accessibility; and a description of all planned structural modifications.
2. By September 1, 2016, the District will complete its implementation of its plan.

D. Policies and Procedures

By September 1, 2016, in consultation with OCR, the District will revise, develop, and adopt, as necessary, policies and procedures which will be designed to ensure: (1) any athletic events and activities, including those sponsored by third-parties or school-affiliated organizations, held at Willamette HS are scheduled in accessible facilities; (2) accessibility concerns raised by visitors who may experience accessibility barriers at events or activities held in District facilities are promptly resolved; and (3) interested persons can obtain accurate accessibility information about District facilities.

E. Notice

By September 1, 2016, and at least annually thereafter, the District will provide written notice to students; parents; employees; organizations which lease, rent, or use District facilities; and other interested individuals of the District's commitment to provide accessible programs, services, and facilities in compliance with Section 504 and Title II. The notice will include an explanation of: (1) the District's specific procedures for scheduling events and activities in accessible District facilities, including athletic events in the gym facilities; (2) the procedures for obtaining information about the District's accessible programs and facilities, and requesting accessibility assistance; and (3) the name and contact information of the employee who will be responsible for responding to accessibility-related questions and concerns (hereinafter, "designated employee").

F. Training

By December 1, 2016, the District will provide training to the designated employee and the Americans with Disabilities Act coordinator, if different; coaches; and any other employees who are significantly involved in scheduling, coordinating, or arranging events or activities in District facilities (including third-party athletic events in the gym facilities), regarding the relevant changes that the District has made pursuant to sections III.C and III.D.

G. Individual Relief

1. By January 15, 2016, the District will provide the complainant with a letter which: (1) describes the actions that the District has taken under this agreement through the date of the letter and plans to take under the agreement, and reassures the complainant of its commitment to provide accessible programs, services, and facilities in compliance with Section 504 and Title II; (2) includes a list of upcoming athletic events at the gym facilities and an invitation for the complainant to attend an event of her choice at no cost; and (3) provides her with the name and contact information of the designated employee who will address any future accessibility concerns.
2. By September 1, 2016, the District will provide the complainant with a letter summarizing the actions that the District has completed under the agreement.

IV. REPORTING PROVISIONS

A. Accessibility Standards

By January 15, 2016, pursuant to section III.A, the District will submit a report regarding its determination of the specific accessibility standards that apply to the gym facilities, which OCR will review and approve. The report will include photographs, and drawings and/or maps depicting the gym facilities (including the routes of travel, entrances, and accessible elements, and their condition); and information identifying the dates of the gym facilities' original construction and any subsequent alterations.

B. Accessibility Assessment

By February 1, 2016, pursuant to section III.B, the District will submit a report regarding its accessibility assessment of the gym facilities, which OCR will review and approve. The report will provide sufficient information and detail to demonstrate that the District has accurately assessed the gym facilities' compliance with the applicable accessibility standards.

C. Accessibility Plan

1. By May 1, 2016, pursuant to section III.C, the District will submit its proposed accessibility plan to OCR for review and approval.
2. Within 120 days after receiving OCR's approval of the accessibility plan, the District will provide OCR with a report demonstrating its completion of the accessibility plan. The report will include sufficient information and detail to demonstrate that the District has fully satisfied the accessibility plan, and the Section 504 and Title II accessibility requirements.

D. Policies and Procedures

1. By April 1, 2016, pursuant to section III.D, the District will submit its proposed policies and procedures, which OCR will review and approve.
2. Within 90 days of receiving OCR's approval of the proposed policies and procedures, the District will provide OCR with a report demonstrating its adoption of them.

E. Notice

1. By April 1, 2016, pursuant to section III.E, the District will provide OCR with its proposed notice, which OCR will review and approve.
2. By September 1, 2016, the District will provide a report regarding its dissemination of the notice, including copies of the notice; the names of the individuals and/or organizations that received the notice, if known; and a description of how and when the notice was distributed.

F. Training

By December 1, 2016, pursuant to section III.F, the District will provide OCR with a report regarding its training actions. The report will include: the date of the training; a copy of the training agenda and any training materials; the name and title of the presenter; and the names and position titles of the employees who attended the training.

G. Individual Relief

1. By January 15, 2016, pursuant to section III.G.1, the District will provide OCR with a copy of its letter to the complainant, and a description of how and when the letter was provided to her.
2. By September 1, 2016, pursuant to section III.G.2, the District will provide OCR with a copy of its letter to the complainant, and a description of how and when the letter was provided to her.

Signed:

_____/X/_____
Dr. Colt Gill
Superintendent
Bethel School District 52

_____December 14, 2015_____
Date