

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Kuna Joint School District 3 (District) enters into this Voluntary Resolution Agreement (agreement) to resolve the allegations in a complaint (Reference No. 10161166) 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. 10161066 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. 10161066 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, 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 (34 CFR 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.
- 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 facilities, consult with staff, and request such additional reports or data related to the complaint 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 104.21-23; and the regulations implementing Title II at 28 CFR 35.149-151, which were at issue in the 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 104.21-23; and the regulations implementing Title II at 28 CFR 35.149-151, which were at issue in the complaint.

III. REMEDIAL AND REPORTING PROVISIONS

A. Accessibility Plan

1. In consultation with OCR, the District will develop an accessibility plan to ensure that the following facilities and elements located at the District office (hereinafter, facilities in question) comply with the applicable Section 504 and Title II accessibility requirements:

- The signage and access aisles for the accessible parking spaces;
- The pedestrian routes from the accessible parking spaces to the main entrance; and
- The door and threshold at the main entrance, and the maneuvering space outside of the door.

The plan will include but is not limited to the following components:

- (a) The District will determine the specific accessibility standards that apply to the facilities in question.

Reporting Step: By October 7, 2016, pursuant to section III.A.1(a), the District will submit a report identifying the specific accessibility standards that apply to the facilities in question under Section 504 and Title II, which OCR will review and approve. The report will include sufficient documentation and other information to support its determinations.

- (b) The District will conduct an accessibility evaluation of the facilities in question. The evaluation will be designed to accurately assess whether the facilities in question comply with the applicable accessibility standards.

Reporting Step: By November 1, 2016, pursuant to section III.A.1(b), the District will submit a report regarding its accessibility evaluation for OCR's review and approval. The report will include but is not limited to: copies of checklists used as part of the assessment, measurements, photographs, and explanations of its determinations and analyses.

- (c) Based on the results of the accessibility evaluation, the District will develop an action plan to address any facilities in question that do 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 in question; identifying the District employee(s) who will be responsible for implementing the

District's action plan; a description and schedule of any planned structural changes and/or other non-structural methods of meeting the accessibility requirements, if permitted; and a description of the interim steps that the District will take to ensure that the District office is accessible pending completion of the structural changes.

Reporting Step: By December 19, 2016, the District will submit its proposed action plan, which it developed pursuant to section III.A.1(c), which OCR will review and approve.

2. The District will complete its implementation of the accessibility plan.

Reporting Step: By June 30, 2017, pursuant to section III.A.2, the District will provide OCR with a report demonstrating its completion of its accessibility plan. The report will provide sufficient information for OCR to determine whether the District has adhered to the plan and that the District's actions comply with the Section 504 and Title II accessibility standards and requirements. The report may include but is not limited to: an explanation of the actions taken under the accessibility plan; plans and drawings; descriptions, measurements, work orders, photographs, and as-built drawings; funding allocations and invoices; and permitting documentation.

B. Policies and Procedures

The District will review and revise its policies and procedures to ensure that interested individuals with disabilities can obtain current and accurate information about the existence and location of accessible programs, services, and facilities at the District, including those at the District office. This will include but shall be not limited to: (a) designating at least one person who will be responsible for collecting and disseminating current information about the existence and location of accessible programs, services, and facilities at the District, and who will be responsible for addressing requests and questions about accessibility (hereinafter, designated person); and (b) in accordance with section III.C, issuing annual notice about accessibility.

Reporting Step 1: By October 7, 2016, the District will provide OCR a copy of its proposed policies and procedures, which it will develop pursuant to section III.B, for OCR's review and approval.

Reporting Step 2: By March 3, 2017, the District will provide OCR with a report demonstrating its adoption of them. The report will include but is not limited to: a copy of the final policies and procedures, and documentation showing the District's adoption of the policies and procedures, and its appointment of the designated person.

C. Notice

By April 7, 2017, and at least annually thereafter, the District will provide written assurance to students, parents, employees, 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 assurance will include an explanation of the District's procedures for obtaining information about its accessible programs and facilities and requesting accessibility assistance, and the name and contact information of the District's designated person.

Reporting Step 1: By March 3, 2017, pursuant to section III.C, the District will submit its proposed annual notice of accessibility, which OCR will review and approve.

Reporting Step 2: By April 7, 2017, the District will submit a report showing its dissemination of the notice. The report will include but shall not be limited to: a copy of the final notice, and a description of how and when the notices were disseminated and will be disseminated in the future.

D. Training

The District will provide training to the District's designated person. The training will include but shall not be limited to a review of: the accessibility requirements of Section 504 and Title II; the major changes made to the District's accessibility policies and procedures, including his/her duties under the policies and procedures; and an explanation of the steps that the District plans to take under its accessibility plan.

Reporting Step: By May 5, 2017, the District will provide OCR a report regarding its training actions under section III.D. The report will include but is not limited to: the date of the training; a copy of the training agenda and any training materials; the name and position title of the presenter; and the name and position title of the employee(s) who attended the training.

E. Individual Relief

1. The District will provide the parent with a letter stating: (a) its ongoing commitment to provide accessible programs, services, and facilities to parents with disabilities; (b) the actions that the District is taking under the agreement to improve accessibility at the District office, including the location of alternative accessible facilities that the parent may use to meet with District administrators pending completion of any structural changes at the District office; (c) the name and contact information of the District's designated person, who will be responsible for responding to any accessibility questions and requests from the parent in a timely manner; and (d) upon the parent's request, the District's willingness to meet with the

parent at an accessible District facility to review the parent’s accessibility concerns.

Reporting Step 1: By November 1, 2016, pursuant to section III.E.1, the District will submit its proposed letter for OCR’s review and approval.

Reporting Step 2: Within 15 days of OCR’s approval of the letter to the parent, the District will provide OCR with a copy of the letter and documentation of the parent’s receipt of the letter.

2. Within 15 days of completing the District’s accessibility plan pursuant to section III.A.2, the District will notify the parent of its completion.

Reporting Step: Pursuant to section III.E.2, within 15 days of completing its implementation of the accessibility plan, the District will provide OCR with a copy of the notice sent to the parent.

Signed:

_____/s/_____
Ms. Wendy Johnson
Superintendent
Kuna Joint School District 3

September 14, 2016
Date