

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

West Valley School District (district) voluntarily enters into this agreement to resolve the allegation in a complaint (Reference No. 10191112) filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title II of the Americans with Disabilities Act of 1990 (Title II) and Section 504 of the Rehabilitation Act of 1973 (Section 504).

II. RESOLUTION PROVISIONS

A. Play Area

1. By **September 4, 2019**, the district will ensure that the accessible routes to and within the play area and the play area components at the Millwood Kindergarten Center comply with the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards).
2. Reporting Requirement: By **September 4, 2019**, the district will submit to OCR for review and approval a report demonstrating it has completed structural modifications necessary to comply with section II.A.1. of this agreement. The report will include, but is not limited to, the specific provisions of the 2010 standards applicable to the accessible routes to and within the play area and the play area components at the Millwood Kindergarten Center; a description of completed structural modifications to and within the play area and the play area components; and an explanation of how the accessible routes to and within the play area and the play area components at the Millwood Kindergarten Center meet the 2010 standards. The report will also include, but not be limited to: measurements, work orders, architectural and engineering plans utilized in construction of the play area elements, and photographs of all play area elements.

If OCR finds that the accessible routes to and within the play area and the play area components at the Millwood Kindergarten Center Standards fail to meet the applicable 2010 standards, within 90 days of such notification by OCR, the district will submit to OCR for review and approval a report describing the further structural modifications it is

taking to ensure the accessible routes to and within the play area and the play area components at the Millwood Kindergarten Center comply with the 2010 Standards. The report(s) will include, but are not limited to: descriptions and timelines for completion of necessary structural modifications; explanation of how the pending structural modifications will meet the 2010 standards; measurements, work orders, check lists, architectural and engineering plans proposed or utilized, photographs of completed structural modifications, and documentation regarding reassignment of district programs to alternative accessible sites, and/or other methods utilized by the district to provide accessibility to district programs during completion of structural modifications pursuant to this agreement.

B. Notice

1. The district will post a notice at the play area for the Millwood Kindergarten Center with the contact information for the individual whom individuals with disabilities may contact regarding accessibility concerns with the play area.
2. Reporting Requirement: Within 10 days of the date this Agreement is signed, the district will submit its proposed notice to OCR. If OCR requires changes to the proposed notice, the district will re-submit the proposed notice to OCR for review and approval within 10 days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's proposed notice.
3. Reporting Requirement: Within 10 days of receiving OCR's approval of the proposed notice, the district will provide OCR with a report demonstrating the location and date of the posting of the notice.

III. GENERAL PROVISIONS

- A. The district understands by signing the agreement it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of the resolution agreement, if necessary, OCR may visit the district, interview staff and students, and request such additional data and

reports as are necessary for OCR to determine whether the district has fulfilled the terms and obligations of the agreement.

- B. Upon the district's satisfaction of the commitments made under the agreement, OCR will close the case.
- C. The district understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the district written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
Gene Sementi
District Superintendent
West Valley School District

_____August 13, 2019_____
Date