

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

Hood River County School District (District) enters into this Voluntary Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegations in a complaint, OCR Reference No. 10201149 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. 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.

Program accessibility standard is defined as 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 integrated setting appropriate.

Existing construction is defined as each facility or part of a facility constructed by, on behalf of, or for the use of the District, prior to June 3, 1977. 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.

Elements that are new or altered construction which commenced after January 26, 1992, and before September 15, 2010, must comply with the 1991 Americans with Disabilities Act Standards for Accessible Design (1991 Standards).

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 Uniform Federal Accessibility Standards (UFAS), or the 2010 Americans with Disabilities Act Standards for Accessible Design (ADAAG)¹ to the maximum extent feasible.

¹ The 2010 Standards consist of the 2004 ADAAG and the requirements of 28 CFR 35.151

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

III. RESOLUTION PROVISIONS

A. Assessment and Accessibility Plan

1. Action Item:

By July 17, 2020, the District will, in consultation with OCR, assess whether each alleged physical barrier below complies with the appropriate accessibility standard as described in Section II above:

- a. There is an alleged insufficient number of designated accessible parking spaces, including van accessible spaces, at Hood River Valley High School (high school), the District's administrative office facility, and the District's bus transportation facility.
- b. There is an alleged lack of signage at the designated accessible parking spaces at Westside Elementary School (ES), Mid Valley ES, Parkdale ES, Cascade Locks ES, Wy'east Middle School (WMS), the high school, and the District's administrative office facility.
- c. The slopes at the designated accessible parking spaces at Mid Valley ES, Parkdale ES, the high school, and the District's administrative office facility are alleged to be too steep.
- d. The designated accessible parking spaces at the WMS athletic fields are alleged to have no striping, no van accessible parking space; no access aisles; lack appropriate signage; and have obstacles including dumpsters and dirt mounds.
- e. The WMS football bleachers are alleged to be inaccessible because access is limited to stairs and there are no areas below the bleachers for spectator seating.
- f. The WMS football bleachers are alleged to have no accessible route to adjacent restrooms.

- g. The high school football west bleachers are alleged to be inaccessible because the ramp is too steep, does not have a level landing, and has no drop off rail on either side.
- h. The high school baseball bleachers are alleged to be inaccessible because there is no accessible route to the north or south ramps from the parking lot; the ramps are too steep; do not have a level landing; have rocks obstructing the surfaces; and the handrails are not long enough or free of sharp or abrasive elements.
- i. The District's softball bleachers are alleged to be inaccessible due to uneven, muddy terrain leading up to the concrete pad.
- j. The high school baseball indoor training facility is alleged to be inaccessible because (a) there are steps leading down from the parking lot on the north side; and (b) the route to the south side from the parking lot has loose rock and uneven dirt and grass surface.
- k. The high school gymnasium is alleged to be inaccessible because all entry doors do not meet applicable width requirements; the upper gym is accessible only by stairs; entrance doors to staff restrooms and two interior public restrooms do not meet applicable width requirements; and the boys restroom does not have an accessible toilet stall, mirror, towel dispenser, or insulated pipes under the sink.

2. Action Item:

By July 31, 2020, for all areas identified in the assessment which do not comply with the applicable accessibility standard as described in Section II, above, the District will develop a plan to determine what alterations are necessary to ensure compliance with the applicable accessibility standard.

3. Reporting Requirement:

By August 14, 2020, the District will submit to OCR for review and approval a copy of the assessment that was conducted under Resolution Provision III.A.1, above, and a copy of the plan developed to address the accessibility of all identified facilities and elements that do not comply with the applicable accessibility standard, as required by Resolution Provision III.A. 2, above. The assessment and plan will include sufficient information for OCR to identify what information and records were collected and analyzed; how the District reached its conclusion as to whether the facilities or elements complied with the applicable accessibility standards; and how the proposed modifications detailed in its plan will resolve the identified accessibility concern. If OCR requires any changes to

the assessment and/or accessibility plan, OCR will provide such feedback to the District and the District will submit a revised assessment and/or plan to OCR within 30 days of receiving OCR's feedback. The District and OCR will continue this process until OCR approves the District's assessment and accessibility plan.

4. Action Item:

Within 30 days of receiving OCR's written approval of its assessment and plan, the District will begin implementation of the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

5. Reporting Requirement:

Within 30 days of completing all actions under the approved plan, the District will submit to OCR a report confirming that all actions have been completed. The report should include, but need not be limited to, work orders, photographs, and diagrams documenting the modifications.

IV. GENERAL PROVISIONS

The District understands that by signing this Agreement, it agrees to provide to OCR 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 this Agreement, if necessary, 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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and the applicable statute and regulations. Before initiating such proceedings, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Signed:

_____/s/_____
Neely Kirwan
Chief Administrative Officer
Hood River County School District

Date

June 19, 2020