

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The West Ada School District (District) enters into this Voluntary Resolution Agreement to resolve the allegations in a complaint (Reference No. 10231052) filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and its implementing regulations at 28 C.F.R. Part 35.

II. REMEDIAL PROVISIONS

A. Action Steps

In consultation with OCR, the District will take the actions listed below in order to address the exterior routes, play area surfaces, and playgrounds at XXXXXXXX that were at issue in OCR Reference No. 10231052 (hereinafter, “Facilities and Elements”).

1. **Exterior Routes:** By October 31, 2023, the District will repair and/or replace the blacktop areas such that there is a continuous accessible route to all accessible playgrounds and other accessible play components in compliance with the applicable 2010 ADA Standards for Accessible Design (2010 Standards).
2. **Play Area Surfaces:** By October 31, 2023, the District will ensure that all of the play surfaces in the playgrounds that are required to be accessible comply with the applicable 2010 Standards. The District will ensure that it provides or has provided an opportunity for interested persons, including families with students with mobility disabilities, to provide meaningful input into any renovation or replacement of the playground surfaces.
3. **Playground Equipment:** By October 31, 2023, the District will ensure that all of the playground equipment that is required to be accessible comply with the applicable Section 504 and Title II accessibility standards. Any renovations or replacement of the playground equipment will comply with the applicable 2010 Standards. The District will ensure that it provides or has provided an opportunity for interested persons, including families with students with mobility disabilities, to provide meaningful input into any renovation or replacement of the playground equipment.
4. **Maintenance of Accessible Features:** By October 31, 2023, the District will adopt a procedure at XXXXXXXX that will ensure that the District maintains in

operable working condition its accessible exterior routes, play area surfaces, and playground equipment.

5. **Accessibility Information:** By August 16, 2023, the District will adopt a procedure for the District, which is applicable at XXXXXXXX, to ensure that all interested persons can obtain information about the existence and location of its accessible services, activities, and facilities at the School. This will include identifying the employee who is responsible for responding to questions about accessibility, and the employee who is responsible for responding to requests for accessibility-related assistance or complaints about inaccessible services, activities, and facilities.

B. Reporting Steps

1. **Exterior Routes:** By October 31, 2023, the District will submit a report for OCR's review and approval demonstrating the District's completion of the action step at § II.A.1. The report will include photographs, measurements, and documentation of the repair work, such as work orders. If OCR determines that the District's repair, renovation, and/or replacement does not meet the applicable 2010 standards, the District will respond to OCR's concerns within thirty (30) calendar days of receiving notice of OCR's feedback and will submit a plan addressing OCR's concerns, including a revised date of completion. OCR and the District will continue this process until OCR approves a final report.

2. Play Area Surfaces and Playground Equipment

- a. Within thirty (30) days of the effective date of this Agreement, the District will submit for OCR's review and approval its proposed plans for completing the actions steps at §§ II.A.2 and II.A.3. The report will include a detailed explanation of the steps that the District will take to provide accessibility through its renovation and/or replacement of the Facilities and Elements, and that the District will take, or has already taken, to obtain meaningful input from interested persons. Any renovation or replacement will comply with the 2010 Standards. The plans will also include a timetable for completing all of the steps.

If OCR requires any changes to the plans, the District will make the changes within thirty (30) days of receiving notice from OCR and re-submit the plans. The District and OCR will continue this process until OCR approves the final plans.

- b. Once OCR approves the plans in writing, the District will provide a progress report for OCR's review and approval every ninety (90) days until OCR verifies that the plans have been fully implemented. Each

progress report will describe the steps that have been taken to date towards completing the plans and will include sufficient information for OCR to discern whether the District's changes have been made in accordance with the applicable accessibility standards and the Section 504 and Title II requirements, and if necessary, that the District has afforded interested persons the opportunity to provide meaningful input with respect to the District's plans.

The progress reports may include: documentation of when facilities were constructed and altered; checklists from audits and audit results; plans, construction documents, and as-built drawings; construction schedule; permits; invoices; descriptions of work performed; documentation of completed work (e.g., photographs, measurements, etc.); and documentation of the efforts to obtain input from interested persons.

If OCR has concerns regarding the District's progress reports, the District will respond to OCR's concerns within thirty (30) days of receiving notice of OCR's feedback and will re-submit the progress reports. OCR and the District will continue this process until OCR approves the final reports.

3. Maintenance of Accessible Features

- a. Within seventy-five (75) days of the effective date of this Agreement, the District will submit its proposed accessibility maintenance procedure for OCR's review and approval.
- b. Within thirty (30) days of OCR's approval of the procedure, the District will provide OCR with a report demonstrating that the approved procedure has been adopted at the District that is applicable to XXXXXXXXXXXXXXXXXXXX, including the inspection and maintenance of its accessible exterior routes and accessible play surfaces.

4. Accessibility Information

- a. Within seventy-five (75) days of the effective date of this Agreement, the District will submit its proposed accessibility information procedure for OCR's review and approval.
- b. Within thirty (30) days of OCR's approval of the procedure, the District will provide OCR with a report demonstrating that the approved procedure has been adopted at the District that is applicable

to XXXXXXXXXXXX, including a copy of any notices issued under the procedure.

III. GENERAL PROVISIONS

- A.** By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. During the monitoring of the Agreement, if necessary, OCR may visit the District, inspect facilities, 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 the Agreement.
- B.** The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statutes and regulations at issue in the case.
- C.** The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the U.S. Department of Justice for judicial proceedings in the event of breach. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) days to cure the alleged breach.

Signed:

_____/s/_____ Dr. Derek Bub Superintendent West Ada School District	____5/1/23_____ Date
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