

**RESOLUTION AGREEMENT**  
**East Clinton Local School District**  
**OCR Docket # 15-13-1002**

East Clinton Local School District (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the District's compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, as well as with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the District's facilities and programs at Sabina Elementary School (the School). Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards). The District states that this Agreement is not an admission of liability, nor of unconstitutional or illegal conduct by, or on the part of, the District or any of its current, future, or past representatives or employees.

**Action Steps**

**I. Facility Modifications**

- A. By **January 31, 2015**, the District will develop and implement a plan to maintain the ground surface of the School's playground on a regular basis so that: the wood chip fiber surface has an appropriate depth and smoothness; the blacktop surface is clear of obstructions; and the playground surface is stable, firm, and slip resistant in compliance with 2010 ADA Standards. The District will keep a maintenance log for the playground surface.
  
- B. By **September 1, 2015**, the District will modify the playground area to ensure that there is an accessible route to and throughout the play area, and that the accessible route(s) provided is/are in compliance with the 2010 ADA Standards.

**REPORTING REQUIREMENTS:** By **January 31, 2015**, the District will submit documentation to OCR verifying its implementation of Action Step I.A of the Agreement. By **September 1, 2015**, the District will submit documentation to OCR verifying its implementation of Action Step I.B. of the Agreement. By **September 1, 2016**, the District will submit documentation to OCR verifying its continued maintenance of the accessible routes to and throughout the playground area. Documentation should include copies of the playground maintenance log and may include other materials such as photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit to the School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

C. By **June 30, 2015**, the District will make the following modifications with respect to the School's Parking Lot A, which is situated on the northeast portion of the School property, in compliance with the 2010 ADA Standards:

1. The District will modify the designated accessible spaces 1 and 2 to have appropriate signage.
2. The District will modify the designated accessible spaces 1 and 2 to repair any broken pavement to ensure that it provides a stable, firm, and slip resistant ground surface as required for parking spaces.
3. The District will modify the designated accessible space 2 to remove the drainage grate at the top right corner in order to provide a stable, firm, and slip resistant ground surface.
4. The District will modify the accessible parking area, which is comprised of the designated accessible parking spaces and access aisles, so that the slope does not exceed a ratio of 1:48 (2.07% or 1.19 degrees).
5. The District will modify the designated accessible spaces to ensure that all accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60 inches wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.

D. By **June 30, 2015**, the District will make the following modifications with respect to the School's Parking Lot B, which is situated on the northwest portion of the School property, in compliance with the 2010 ADA Standards:

1. The District will modify the accessible spaces in Parking Lot B so that at least three parking spaces are designated as accessible and that all three accessible spaces are served by clearly demarcated access aisles. Each access aisle must be at least 60 inches wide and must extend the full length of the parking space(s) it serves. Two parking spaces are permitted to share a common access aisle.
2. The District will ensure that all three accessible spaces are free of broken pavement or other surface obstructions so that the ground surface provided is stable, firm, and slip resistant.
3. The District will modify the accessible parking area, including parking spaces and access aisles, so that the slope does not exceed a ratio of 1:48 (2.07% or 1.119 degrees).
4. The District will modify the accessible parking area so that it has the appropriate signage.

**REPORTING REQUIREMENT:** By **June 30, 2015**, the District will submit documentation, including photographs, work orders, purchase orders, and measures, demonstrating its implementation of Action Steps I.C and I.D of the Agreement. OCR may conduct an onsite visit to the School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

- E. By **September 1, 2015**, the District will make the following modifications to the School's main entrance, in compliance with the 2010 ADA Standards:
1. The District will modify the exterior ramps 1, 2, and 4 to the designated accessible entrance to the building so that curb ramp flares are not more than 1:10 and so that the ramp runs do not have a running slope steeper than 1:12. The modifications will ensure the provision of an accessible route from Parking Lot A to the main entrance and will comply with all applicable aspects of the 2010 ADA Standards, including, but not limited to, Chapter 3 and Chapter 4.
  2. The District will modify the exterior doors at the front entrance to provide a clear width for each of at least 32 inches. The modifications will comply with all applicable aspects of the 2010 ADA Standards, including, but not limited to, Chapter 3 and Chapter 4.
  3. The District will remove any bench that is obstructing the clear space in front of and to the side of the call button at the front entrance outside the exterior doors.
  4. The District will modify the ground surface at the front entrance so that the slope at the exterior doors does not exceed a ratio of 1:20.
- F. By **September 1, 2015**, the District will make the following modifications to the School's side entrance doors and the back entrance door to the playground, in compliance with the 2010 ADA Standards:
1. The District will modify the back entrance door to the playground to provide a clear width of at least 32 inches and to ensure that the running slope on the ground surface at this door does not exceed 1:20.
  2. The District will modify its side entrance doors to provide a clear width of at least 32 inches for each.

**REPORTING REQUIREMENT:** By **September 1, 2015**, the District will submit documentation, including photographs, work orders, purchase orders, and measures, demonstrating its progress in implementing and completing Action Steps I.E and I.F of the Agreement. OCR may conduct an onsite visit to the School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

## **II. Self-Evaluation and Transition Plan**

- A. By **April 30, 2015**, the District will complete a self-evaluation to determine whether the School facilities comply with the 1991 ADA Standards, and to determine, in light of the 2010 ADA Standards, program accessibility at the School under Section 504 and Title II. Through the self-evaluation, the District will, at a minimum:
1. Identify School facilities that do not comply with the 1991 ADA Standards.
  2. Identify the District's programs, activities, and services being administered at the School. These include, but are not limited to, operation of the preschool program, the K-5 school programs, volunteer programs and services, community programs and services, parent programs and services, employee programs and services, and the playground.
  3. Review all of the policies and/or practices that govern the administration of the programs, activities, and services identified under Action Step II.A.2 of the Agreement.
  4. In addition to any areas identified under Action Step II.A.1 of the Agreement, determine, in light of the 2010 ADA Standards, what physical barriers to program access may exist at the School.
  5. Identify any modifications that need to be made to retrofit School facilities that do not comply with the 1991 ADA Standards, and identify what steps may need to be taken, in light of the 2010 ADA Standards, to provide program access at the School. Any physical modifications identified under Action Step II.A. of the Agreement must be completed in accordance with the 2010 ADA Standards.
- B. By **June 30, 2015**, the District will develop and submit to OCR for review and approval a transition plan setting forth any modifications or steps necessary to complete any changes identified during the self-evaluation performed in accordance with Action Step II.A of the Agreement. The District will provide an opportunity to interested persons, including the Student's parent and individuals with disabilities or organizations representing individuals with disabilities, to participate in the development of the transition plan by submitting comments. The transition plan will, at a minimum:
1. Identify the School facilities determined not to comply with the applicable 1991 ADA Standards.
  2. Identify, in light of the 2010 ADA Standards, any additional physical obstacles in the School's facilities that limit the accessibility to individuals with disabilities of the programs and activities held there.

3. Describe in detail the methods the District will use to make the School's facilities, including the playground, accessible.
  4. Specify the schedule for any modifications or steps necessary to provide program access at the School, with the modifications or steps to be completed by **September 1, 2016**.
  5. Indicate the District official responsible for implementation of the transition plan.
- C. By **February 28, 2015**, the District, while developing and implementing the transition plan required by Action Step II.B of the Agreement, will develop a detailed plan (the interim plan) for how it will make its programs and activities at the School, when viewed in their entirety, accessible to and useable by the Student and by other persons with disabilities, within 30 calendar days after such other persons provide the District notice of such a need. The interim plan will include any temporary, interim measures that will be employed to ensure ready access for the Student and other persons with disabilities, as well as the anticipated duration of such measures. The District may comply with this provision by such means as reassignment of activities or other services to accessible locations, alteration of existing facilities, construction of new facilities, or other means that result in making the District's programs and activities accessible to students with disabilities. Alteration or construction of facilities, if necessary, will be done in such a manner as to comply with the 2010 ADA Standards. In choosing among the methods available to meet program access requirements for the Student and other individuals with disabilities, the District will give priority to those methods that serve persons with disabilities in the most integrated setting appropriate. The District understands that compliance of facilities with the 2010 ADA Standards may not be sufficient to provide program access to individuals with disabilities, including the Student, to each of the District's programs and services.

**REPORTING REQUIREMENTS:** By **February 28, 2015**, the District will submit to OCR for review and approval the proposed interim plan it has developed in accordance with Action Step II.C of the Agreement. By **April 30, 2015**, the District will submit to OCR the results of the self-evaluation completed in accordance with Action Step II.A. By **June 30, 2015**, the District will submit to OCR for review and approval the proposed transition plan developed in accordance with Action Step II.B and documentation verifying its attempts to obtain input from interested persons, including any input received. By **September 1, 2015**, and **September 1, 2016**, the District will submit documentation verifying its completion of the steps outlined in the transition plan.

X---paragraph redacted---X

The plan will include provisions ensuring the District's compliance with all relevant aspects of Section 504 and Title II, including 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130.

**REPORTING REQUIREMENT:** By **January 31, 2015**, the District will submit documentation to OCR verifying its implementation of Action Step III, including a copy of the written plan and verification that a copy of the plan was provided to all relevant staff and that it is placed in the Student's substitute folders for teachers and aides.

### **General Requirements**

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 in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4(a), 104.21, and 104.22, and Title II and its implementing regulation at 28 C.F.R. § 35.130(a), 35.149, and 35.150, which were at issue in this case.

The District understands that, by signing this agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this 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 fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.4(a), 104.21 and 104.22, and Title II and its implementing regulation at 28 C.F.R. § 35.130(a), 35.149, and 35.150.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

01/06/2015

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East Clinton Public Schools  
Superintendent or Designee

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Date