

RESOLUTION AGREEMENT
Detroit Public School District
OCR Docket # 15-14-1018

Detroit Public Schools (the District) submits this Resolution Agreement (the Agreement) to the U.S. Department of Education's 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 access to the playground and auditorium stage at the District's Noble Elementary-Middle School (the School). Modifications made pursuant to this agreement will be done in accordance with the applicable requirements of Section 504 and Title II.

Action Steps

I. Cafetorium

By June 1, 2015, the District in accordance with its chosen accessibility standard will provide an accessible route to the chair lift providing access to the back stage area of the Cafetorium.

Reporting Requirements

By June 5, 2015, the District will provide OCR with documentation showing implementation of Action Step I above, such as photographs, invoices, work orders, and similar documentation. Additionally, OCR may make an onsite visit to confirm implementation of the agreed upon actions.

II. Playground

A. By June 1, 2015, the District will complete a self-evaluation of Section 504 and Title II program accessibility of the School's playground. Through the self-evaluation, the District will, at a minimum:

1. Review all of the policies and practices that govern the administration of the programs, activities, and services at the School's playground.
2. Determine what physical barriers to access exist.
3. Identify steps that need to be taken to enable the playground to be made accessible when viewed in its entirety. This will include structural changes as necessary to provide sufficient numbers of accessible play activities.

- B. By July 1, 2015, the District will use the results of its self-evaluation from Action Step II. A above to develop a transition plan setting forth the steps necessary to complete the changes identified. The District will provide an opportunity to interested persons, including 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 physical obstacles to the School’s playground that limit the accessibility to individuals with disabilities.
 2. Describe in detail the methods the District will use to make the School’s playground accessible.
 3. Specify the schedule for taking the steps necessary to provide program accessibility to the playground, to be completed by August 31, 2015.
 4. Indicate the District official responsible for implementation of the plan.
- C. Within 15 days of completing the self-evaluation, the District will develop a detailed plan (the interim plan) for how it will make the School’s playground, when viewed in its entirety, accessible to and useable by persons with disabilities while the District is developing and implementing the approved OCR transition plan pursuant to Action Step I. B above. The plan will include any temporary, interim measures that, if necessary, will be done in such a manner as to comply with the 2010 ADA Standards.

REPORTING REQUIREMENTS

By June 15, 2015, the District will submit to OCR for review and approval the proposed interim plan it has developed in accordance with Action Step I. C and the results of the self-evaluation completed in accordance with Action Step I. A. This review and approval process is meant to ensure compliance with Section 504 and Title II before any unnecessary expenditure of funds by the District.

By July 15, 2015, the District will submit to OCR for review and approval the proposed transition plan developed in accordance with Action Step I. B and documentation verifying its attempts to obtain input from interested persons, including any input received. This review and approval process is meant to ensure compliance with Section 504 and Title II before any unnecessary expenditure of funds by the District.

By August 31, 2015, August 31, 2016, and August 31, 2017, the District will submit documentation verifying its completion of the steps outlined in the transition plan.

- D. By June 1, 2015, the District will adopt and implement procedures to ensure that interested persons, including persons with mobility impairments, can obtain information as to the existence and location of a playground that is accessible to and

usable by persons with disabilities at the School and how to request relocation of programs, services and activities that are not accessible, including an appropriate District contact person.

REPORTING REQUIREMENT

By June 5, 2015, the District will submit a copy of the procedures it adopted pursuant to Action Step I.D of the Agreement, including description of the means used to provide notice to students, parents, and guardians of the District’s procedures and copies of any notices issued.

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 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, 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 has 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/

6/5/15

Detroit Public Schools
Superintendent or Designee

Date