

RESOLUTION AGREEMENT
Fairport Harbor Exempted Village School District
OCR Docket # 15-14-1122

Fairport Harbor Exempted Village School District (the District) submits this Resolution Agreement (the 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 programs at the Harding Junior/Senior High School (High School) and the McKinley Elementary School (Elementary School) (collectively, the Schools). Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

I. Action Steps

- A. By **February 27, 2015**, the District will complete a self-evaluation of Section 504 and Title II program accessibility at the Schools. Through the self-evaluation, the District will, at a minimum:
- a. Identify all of the District's programs, activities, and services being operated in the buildings housing the Schools. These include, but are not limited to, operations of educational programs, volunteer programs and services, community programs and services, parent programs and services, employee programs and services, the playground, and programs and services provided by the District's administrative offices.
 - b. Review all of the policies and practices that govern the administration of the programs, activities, and services at the Schools.
 - c. Determine what physical barriers to access exist.
 - d. Identify steps that need to be taken to enable these programs to be made accessible when viewed in their entirety. This will include structural changes as necessary to provide sufficient numbers of reasonably convenient support facilities, including restrooms, telephones, water fountains, and parking spaces, appropriate to the use of the facility.
- B. By **May 29, 2015**, the District will use the results of its self-evaluation from Action Step A above to develop and submit to OCR for review and approval 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:

- a. Identify the physical obstacles in the facilities that limit the accessibility to individuals with disabilities of the programs and activities held there.
 - b. Describe in detail the methods the District will use to make the facilities, including playgrounds, accessible.
 - c. Specify the schedule for taking the steps necessary to provide program accessibility, to be completed by **August 31, 2015**.
 - d. Indicate the District official responsible for implementation of the plan.
- C. By **February 27, 2015**, the District will develop a detailed plan (the interim plan) for how it will make its programs and activities at the Schools, when viewed in their entirety, accessible to and useable by persons with disabilities within 30 calendar days after being notified of such a need 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 may have to be employed to ensure ready access, as well as the anticipated duration of such measures. The District may comply with this provision by such means as reassignment of classes or other services, including public performances, 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.

REPORTING REQUIREMENT: By **February 27, 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. By **May 29, 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. By **August 31, 2015**, the District will submit documentation verifying its completion of the steps outlined in the transition plan.

- D. By **February 27, 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 services and activities that are accessible to and usable by persons with disabilities at the Schools and how to request relocation of programs, services and activities that are not accessible, including an appropriate District contact person. If the District's plan, in whole or in part, involves the reassignment of programs and activities as a means of providing access, this notification should include information about how such requests can be made, including any advance notice that is required, as well as the proposed location for such programs and activities.

REPORTING REQUIREMENT: By **February 27, 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/

12/19/14

Fairport Harbor Exempted Village School District
Superintendent or Designee

Date