

RESOLUTION AGREEMENT
Middletown City Schools
OCR Docket #15-14-1313

Middletown City 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, in particular those with mobility impairments, access to the District's facilities and programs at the District's Middletown High School and Middletown Middle School. Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

ACTION STEPS

I. Facility Modifications

A. Middletown High School

By **April 30, 2015**, the District will, at the high school:

1. Modify the thresholds leading to the main entrance to ensure compliance with the 2010 ADA Standards at 404.2.5.
2. Modify the exterior doors and lobby doors at the main entrance to provide a clear width for each door 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. Install automatic doors at the main entrance or otherwise create a plan to ensure program access for individual with mobility impairments who are being assisted by aides through this entrance.
4. Develop an interim plan to ensure program access at the main entrance for students with mobility impairments while construction is taking place pursuant to I.A. 1-3 above.

REPORTING REQUIREMENT: By **April 30, 2015**, the District will submit documentation to OCR, including but not limited to photographs, work orders, purchase orders, project plans, and, if necessary, interim plans verifying implementation of Action Step I.A. OCR may conduct an onsite visit to the

school to confirm full implementation of these items in accordance with the 2010 ADA Standards.

B. Middletown Middle School

By **April 30, 2015**, the District will, at the middle school:

1. Provide signage at its main entrance consistent with the 2010 ADA Standards at 216.6, identifying the location of the middle school's designated accessible entrance, including any necessary contact information individuals may need to gain access to the middle school through this entrance.
2. Modify the route leading to the middle school's designated accessible entrance to ensure that it complies with the 2010 ADA Standards.
3. Ensure that the middle school's designated accessible entrance complies with the 2010 ADA Standards, including, but not limited to, Chapter 3 and Chapter 4, or otherwise create a plan to ensure program access for individuals with mobility impairments.
4. If necessary, develop an interim plan to ensure program access for mobility impaired students at the designated accessible middle school entrance while construction is taking place pursuant to Action Steps I.B.1-3, above.

REPORTING REQUIREMENT: By **April 30, 2015**, the District will submit documentation to OCR, including but not limited to photographs, work orders, purchase orders, project plans, and, if necessary, any interim plan created verifying implementation of Action Step I.B. 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 **March 31, 2015**, the District will complete a self-evaluation to determine, in light of the 2010 ADA Standards, program accessibility at the District's middle school's auditorium, under Section 504 and Title II. Through the self-evaluation, the District will, at a minimum:

1. Identify all of the District's programs, activities, and services being operated in the middle school auditorium.
2. Review all of the policies and/or practices that govern the administration of the programs, activities, and services identified under Action Step II.A.1 of the Agreement.

3. Determine, in light of the 2010 ADA Standards, what physical barriers to program access may exist.
4. Identify what steps may need to be taken, in light of the 2010 ADA Standards, to provide program access. Any physical modifications identified under Action Step II.A of the Agreement must be completed in accordance with the 2010 ADA Standards.

REPORTING REQUIREMENT: By **March 31, 2015**, the District will submit to OCR for review the results of the self-evaluation completed in accordance with II.A.

B. By **June 1, 2015**, the District will use the results of its self-evaluation from Action Step II.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 and the dates the District plans to make the modifications. The transition plan will, at a minimum:

1. Identify, in light of the 2010 ADA Standards, the physical obstacles on the route to the middle school's auditorium and inside the middle school's auditorium that limit accessibility to individuals with disabilities of the programs and activities held there.
2. Describe in detail the methods the District will use to make the middle school auditorium accessible.
3. Specify the schedule for any modifications or steps necessary to provide program access, with the modifications or steps to be completed by **September 1, 2015**.
4. Indicate the District official responsible for implementation of the plan.

REPORTING REQUIREMENT: By **June 1, 2015**, the District will submit to OCR for review and approval the proposed transition plan it has developed in accordance with II.B. By **September 1, 2015**, the District will submit to OCR documentation verifying its completion of the steps outlined in the transition plan.

C. By **March 31, 2015**, the District will develop an interim plan for how it will make its programs and activities in the middle school auditorium, 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 II.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 **March 31, 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.

- D.** By **March 31, 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 middle school auditorium and how to request relocation of programs, services and activities that are not accessible, including an appropriate District contact person.

REPORTING REQUIREMENT: By **March 31, 2015**, the District will submit a copy of the procedures it adopted pursuant to Action Step II.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.

III. Individual Remedy

By **March 31, 2015**, the District will, pursuant to its Section 504/Title II grievance procedure, investigate and notify the xxxxxxxx xxxxxxxx in writing, of the outcome of its investigation of xxx complaints about the accessibility of the high school. The District's written notification to the xxxxxxxx xxxxxxxx will include: a statement explaining the allegation(s) of disability discrimination investigated by the District; a statement of the legal standard the District applied in analyzing the evidence obtained; explanation of the District's findings following its investigation; and, if applicable, any remedies provided to the Student or other actions taken by the District.

REPORTING REQUIREMENT: By **March 31, 2015**, the District will provide OCR with a copy of the written notification issued to the xxxxxxxx xxxxxxxxxx

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/

03/23/2015

Middletown City Schools
Superintendent or Designee

Date