

RESOLUTION AGREEMENT
Northwest Local School District
OCR Docket #15-15-1099

Northwest Local School District Board of Education (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, and 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. This agreement does not constitute an admission of wrongdoing by the District.

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 District's Northwest Elementary School (the School). Modifications made pursuant to this agreement will be done in accordance with the applicable requirements of the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

The District affirms that it will administer services, programs, and activities in the most integrated setting appropriate to the needs of qualified individuals with disabilities.

Action Steps

I. Facility Modifications

- A. By June 1, 2016**, the District will provide OCR with photographs and documentation confirming that it has constructed a curb ramp(s) to provide access from the School's large front parking lot designated for staff and buses (Lot 2) to the school's main entrance doors in compliance with 303.4 and 406 of the 2010 ADA Standards.
- B. By June 1, 2016**, the District will provide photographs and measurements demonstrating that it has created an accessible route from the parking lot adjacent to the Southwest side of the School building (Lot 1) to the School's main entrance that meets the requirements of the 2010 ADA Standards, including the cross slope requirement found at Standard 403.3.
- C. By August 1, 2016**, the District will surface the School's playgrounds with accessible material, in compliance with Standard 1008.2.6 of the 2010 ADA Standards. The District will periodically inspect the surface to determine if repairs are needed. Records of repairs will be maintained by the District for at least three years.
- D. By August 1, 2016**, the District will modify the School playground areas to ensure that there are accessible routes to and throughout the play areas, in compliance with Standard 1008.2 of the 2010 ADA Standards. The District will assign maintenance staff to clear the accessible surface of debris on a regular basis.
- E. By June 1, 2016**, the District will provide photographs and other documentation, as needed, demonstrating that the District has made at least one of the six accessible spaces in Lot 1 a designated van accessible space in compliance with Standards 208.2.4 and 502 of the 2010 ADA Standards.
- F. By October 1, 2016**, the District will make the following modifications to Lot 2:

1. The District will modify the accessible spaces in Lot 2 so that at least two parking spaces are designated as accessible and the spaces are served by clearly demarcated access aisles, in compliance with Standards 208.2 and 502.3.3 of the 2010 ADA Standards. Each access aisle must be at least 60 inches wide and must extend the full length of the parking space(s) it serves, in compliance with Standards 502.3.1 and 502.3.2 of the ADA Standards. Two parking spaces are permitted to share a common access aisle.
2. The District will provide photographs confirming that the parking lot has been reground and resurfaced and that the ground surface provided for both accessible parking spaces is stable, firm, slip resistant, and level, in compliance with Standards 502.4 and 302 of the 2010 ADA Standards.
3. The District will modify the accessible parking area so that it has the appropriate signage, in compliance with Standard 502.6 of the 2010 ADA Standards.
4. The District will modify the accessible spaces in Lot 2 so that at least one of the accessible parking spaces is designated as a van space, in compliance with Standards 208.2.4 and 502 of the 2010 ADA Standards.

REPORTING REQUIREMENTS

By **June 1, 2016**, the District will submit documentation to OCR, including but not limited to photographs and purchase orders verifying implementation of Action Steps I.A and I.B.

By **August 1, 2016**, the District will submit documentation to OCR verifying its implementation of Action Steps I.C and I.D of the Agreement. Documentation will include copies of repair records, photographs, purchase orders, and a statement from the contractor regarding work done.

By **October 1, 2016**, the District will submit documentation, including photographs, purchase orders, and measurements, demonstrating its implementation of Action Steps I.E and I.F of the Agreement.

The District agrees that 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 June 1, 2016**, the District will complete a self-evaluation of Section 504 and Title II program accessibility of the School's playgrounds, in compliance with Standards 1008 and 240 of the 2010 ADA Standards. 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 playgrounds.
 2. Determine what physical barriers to access to both playgrounds exist.

3. Identify steps that need to be taken to enable the playgrounds to be made accessible when viewed in their entirety. This will include, but not be limited to, structural changes as necessary to provide sufficient numbers, in type and range, of accessible play activities at both playgrounds, including: accessible ground-level components and, as appropriate, accessible elevated ground components; maneuvering space around the points where accessible play components are used; "parking spaces" for an assistive device so a child can leave a wheelchair or walker to use or mount a play component; and age-appropriate reach ranges for children seated in wheelchairs where play components with manipulative or interactive features are placed.
- B. By **July 1, 2016**, 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 any physical obstacles to the School's playgrounds that limit the accessibility to individuals with disabilities.
 2. Describe in detail the methods the District will use to make the School's playgrounds accessible.
 3. Specify the schedule for taking the steps necessary to provide program accessibility to the playgrounds, to be completed by **August 31, 2018**.
 4. Indicate the District official responsible for implementation of the plan.
- C. Within **fifteen calendar days** of completing the self-evaluation, the District will develop a detailed plan (the interim plan) for how it will make the School's playgrounds, when viewed in their 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 II. 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, 2016**, the District will submit to OCR for review and approval the proposed interim plan it has developed in accordance with Action Step II.C and the results of the self-evaluation completed in accordance with Action Step II.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, 2016**, 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. 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, 2016, August 31, 2017, and August 31, 2018**, as applicable, the District will submit documentation verifying its completion of the steps outlined in the interim and transition plans.

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. §§ 104.21 and 104.23, and Title II and its implementing regulation at 28 C.F.R. §§ 35.149 and 35.151, 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. §§ 104.21 and 104.23, and Title II and its implementing regulation at 28 C.F.R. §§ 35.149 and 35.151.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Northwest Local School District
Board of Education
By: xxxxxxxxxxxx xxxxxxxx xxxxxxxxxxxx

_____/5/3/16_____
Date