

RESOLUTION AGREEMENT
Southfield Public Schools
OCR Docket #15-16-1150

Southfield Public Schools (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, and 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 Kennedy Learning Center (the Center). 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. By **August 31, 2018**, the District will modify the building and parking elements at the Center set forth in the attached Appendix to ensure accessibility in compliance with the 2010 ADA Standards.

Reporting Requirements: By December 31, 2017, and August 31, 2018, the District will submit documentation to OCR verifying its progress on the implementation of the actions set forth in the Appendix. Documentation may include photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the Center to confirm full implementation of these items in accordance with the 2010 ADA Standards. The District's December 31, 2017, report will include documentation verifying which Center doors are fire doors and the minimum opening force allowable by the appropriate administrative authority (e.g., fire marshal).

II. Self-Evaluation and Transition Plan

- A. By **December 31, 2017**, the District will complete a self-evaluation to determine, using the 2010 ADA Standards as a guide, program accessibility at the Center, under Section 504 and Title II, including an examination of its parking spaces, routes, entrances, restrooms, classrooms, offices, and other facilities at the Center. Through the self-evaluation, the District will, at a minimum:
1. Identify all of the programs, activities, and services being operated at the Center.

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.
3. Determine, using the 2010 ADA Standards, what physical barriers to program access may exist, particularly with respect to the parking spaces, routes, entrances (including door opening force for exterior doors), and restrooms at the Center. In making this assessment, the District will consider whether the building includes sufficient numbers of accessible support facilities (e.g., restrooms, parking spaces, water fountains) that are reasonably convenient and appropriate to the use of the facility, as well as whether programs, services, or activities are appropriately located within the Center to ensure sufficient accessible support facilities are located near the sections of the building housing programs for students with disabilities.
4. Identify what steps may need to be taken, using the 2010 ADA Standards, to provide program access. Any physical modifications identified under this action step will be completed in accordance with the 2010 ADA Standards.

Reporting Requirement: By **December 31, 2017**, the District will submit to OCR for review the results of the self-evaluation completed in accordance with Action Step II.A.

- B. By **August 31, 2018**, 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 in detail: the steps necessary to complete the changes identified; the methods the District will use to provide program accessibility (e.g., structural changes, relocation/reassignment, redesign); the dates the District plans to make each modification; and the District official responsible for implementation of the plan. The plan will include a detailed, accurate diagram of the Center indicating the proposed location of each program, service, and activity and the locations of accessible support facilities. In developing the transition plan, 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 District will make a copy of the transition plan available for public inspection.

Reporting Requirements: By **April 16, 2018**, 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 **December 31, 2018**, the District will submit to OCR documentation verifying its completion of the steps outlined in the transition plan.

- C. By **December 1, 2017**, the District will develop and implement a detailed plan (the interim plan) for how it will make its programs and activities at the Center, when viewed in their entirety, accessible to and useable by persons with disabilities

participating in the programs, services, and activities housed at the Center pending the completion of the self-evaluation and transition plan required by Action Steps II.A and II.B of the Agreement. The interim plan will comply with the Section 504 and Title II regulations and include any temporary, interim measures that will be employed to ensure ready access for 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 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 to each of the District's programs and services.

Reporting Requirement: By **December 1, 2017**, the District will submit to OCR for the interim plan it has developed in accordance with Action Step II.C of the Agreement, and documentation verifying its implementation.

- D. By **December 1, 2017**, 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 Center and how to request relocation of programs, services and activities that are not accessible, including an appropriate District contact person.

Reporting Requirement: By **December 1, 2017**, the District will submit a copy of the procedures it adopted pursuant to Action Step II.D of the Agreement, including a 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. Emergency Evacuation Procedures and Plans

- A. By **December 15, 2017**, the District will, in consultation with local authorities, including the fire department, develop and implement emergency evacuation procedures for the Center that cover fire, tornadoes, lockdowns, and other emergencies, including drill procedures, to include specific notification and evacuation procedures for students with disabilities, including students with mobility impairments.

The procedures will comply with the Section 504 and Title II regulations and ensure that students with disabilities complete drill exercises to the same extent that others do to the maximum extent appropriate to their individual needs.

- B. By **January 12, 2018**, the District will notify all parents, students, teachers, and staff of the procedures. The District will also install signage as appropriate throughout the Center, complying with the 2010 ADA Standards, providing notice of and instructions in areas of refuge and directions to accessible means of egress.

Reporting Requirements: By **December 31, 2017**, the District will submit to OCR its draft emergency evacuation procedures of the Center. By **January 12, 2018**, the District will submit documentation verifying the implementation of the procedures; a copy of the notice of the new emergency procedures sent to parents, students, teachers, and staff; and documentation to show that it installed the necessary signage, and that it removed any misleading signage.

- C. By **January 12, 2018**, the District will develop and implement an individualized written emergency response plan for each student with disabilities attending the Center, to the extent appropriate to the student's individual needs. The District will notify all staff and substitute staff who work with the student and who may be responsible for ensuring implementation of the plan in the event of an emergency, of the safety provisions in the plan. The plan, at a minimum, will be as effective as the emergency response plan provided for other students and will provide an equal opportunity for each student with disabilities to benefit from the emergency response procedures afforded to others. The plan will differ from the emergency plan for other students only to the extent necessary to provide an effective service to each student with disabilities. 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 12, 2018**, the District will submit documentation to OCR verifying its implementation of Action Step III.C, including a copy of the written plan and verification that a copy of the plan was provided to all relevant staff and placed in each student's substitute folders for teachers and aides.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide the foregoing 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 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. Upon completion of the obligations under this Agreement, OCR will close this complaint.

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.

This Agreement will become effectively immediately upon the signature of the District's representative below.

/s/

11/09/2017

Southfield Public Schools
Interim Superintendent or Designee

Date

APPENDIX

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
<p>Parking Spots, Aisles, Ramps and Routes</p>	<p>The District will modify the designation of accessible spaces to ensure that accessible spaces provide the shortest accessible route of travel to the entrances in use at the Center in compliance with Section 208.3.1 of the 2010 ADA Standards.</p> <p>The District will designate at least one of every six or fraction of six designated accessible spaces in each parking lot as “van accessible” and identify all accessible spaces with appropriate signage in compliance with Sections 208.2.4 and 502.6 of the 2010 ADA Standards.</p> <p>The District will modify the accessible parking areas to ensure that all accessible spaces are in compliance with Section 502.2 of the 2010 ADA Standards.</p> <p>The District will repair any broken pavement and uneven surface connecting the designated accessible spaces, ramps and routes in the north parking lot to ensure that they have a firm, stable, slip-resistant surface in compliance with Section 302.1 of the 2010 ADA Standards.</p> <p>The District will modify the accessible ramps and routes that provide the shortest accessible route of travel to the accessible entrances to ensure that all the running slopes along the ramps and routes leading into the accessible entrances in compliance with Sections 403.3 (route) and 405.2 (ramp) of the 2010 ADA Standards.</p> <p>The District will modify the curb ramps located near the accessible aisles in the parking lots to comply with Section 405.2(slope) of the 2010 ADA Standards.</p> <p>The District will identify the location of the public entrances at the Center that require the International Symbol of Access signage consistent with the 2010 ADA Standards at 216.6 to identify the entrances as designated accessible entrances. Directional signs shall be provided at entrances that are not accessible in</p>	<p>208.2 208.3 216.6 302.1 402.2 403.3 405.2 406 502.2 502.6 703.5</p>

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
	compliance with Section 703.5 of the 2010 ADA Standards.	
Southwest Entrance	<p>The District will adjust the height of the outside door buzzer to comply with Sections 308.2.1 and/or 308.3.1 of the 2010 ADA Standards.</p> <p>The District will modify the exterior route to the buzzer to comply with Section 403.3 (slope) of the 2010 ADA Standards.</p>	308.2.1 308.3.1 403.3
Southeast Entrance - Playground	<p>The District will adjust the height of the outside door handles to comply with Section 404.2.7 of the 2010 ADA Standards.</p> <p>The District will adjust the height of the buzzer mounted on the outside wall to comply with Sections 308.2.1 and/or 308.3.1 of the 2010 ADA Standards.</p> <p>The District will modify the exterior ramp at the southeast entrance of the Center to ensure that none of the slopes along the route leading immediately into the entrance exceeds a slope incline ratio of 1:20 (equivalent to 2.86 degrees), or, alternatively, that the route is ramped and meets all of the standards for a ramp in the 2010 ADA Standards.</p>	302.1 308.2.1 308.3.1 403.3 404.2.7 405
All Emergency Exit Doors and Ramps Installed Outside the Classrooms or Offices	<p>The District will modify the exterior emergency exit ramps to ensure that all the running slopes of the ramps are in compliance with Section 405.2 of the 2010 ADA Standards.</p> <p>The District will modify the thresholds at the emergency exit doors to comply with 404.2.5 of the 2010 ADA Standards.</p> <p>The District will repair any broken pavement and uneven surface connecting the emergency exits to the accessible routes from the Center to ensure a firm, stable, slip-resistant surface in compliance with Section 302.1 of the 2010 ADA Standards.</p>	302.1 404.2.5 405.2
All interior hinged doors,	The District will adjust the opening force of all the interior hinged doors other than fire doors to comply	309 404.2.9

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
other than fire doors, in the Center	<p>with Section 404.2.9 of the 2010 ADA Standards.</p> <p>The District will equip each door with operable parts that comply with Section 309 of the 2010 ADA Standards, including being operable with one hand and not requiring tight grasping, pinching, or twisting of the wrist.</p>	
All fire doors in the Center	<p>If applicable, the District will adjust the opening force of all fire doors to have a minimum opening force allowable by the appropriate administrative authority.</p>	404.2.9
Kitchen	<p>The District will install operable parts in the storage cabinets and drawers to comply with Section 309.4 of the 2010 ADA Standards.</p> <p>The District will make at least 50 percent of shelf space in storage facilities comply with at least one of the reach ranges specified in 308 and 811.3 of the 2010 ADA Standards.</p> <p>The District will modify the height of the countertop surface on the west wall of the kitchen to comply with Section 804.3.2 of the 2010 ADA Standards.</p> <p>The District will adjust the height of the microwave control to comply with Section 308 of the 2010 ADA Standards, or, alternatively, the District will provide a microwave of which control height is within one of the reach ranges specified in Sections 308 and 804.6.2 of the 2010 ADA Standards.</p> <p>The District will adjust the height of the light switch located near the east hallway to comply with 308 of the 2010 ADA Standards.</p> <p>The District will provide a kitchen work space positioned for a forward approach and providing a clear floor space with knee and toe clearance as required by 2010 ADA Standards at 804.3 and 306.</p>	<p>306 308 309.4 804.3 804.3.2 804.5 811.3 811.4</p>
Gym	<p>The District will modify the ramp to the stage to comply with Section 405.2 (slope) of the 2010 ADA Standards.</p>	405.2
Men's	<p>The District will modify both paper towel dispensers to</p>	309.4

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
Restroom (across from Room 119)	<p>comply with Section 309.4 of the 2010 ADA Standards.</p> <p>The District will adjust the height of the urinal rim on the right side to comply with Section 605.2 of the 2010 ADA Standards.</p> <p>The District will adjust the height of the door handle in the toilet stall to comply with the Section 404.2.7 of the 2010 ADA Standards.</p> <p>The District will modify the length of the horizontal side-wall and rear-wall grab bars to comply with Sections 604.5.1 and 604.5.2 of the 2010 ADA Standards. The District will remove the vertical side-wall grab bar.</p> <p>The District will modify the seat height of the toilet to comply with Section 604.4 of the 2010 ADA Standards.</p> <p>The District will adjust the centerline of the toilet from the side wall to comply with Section 604.2(a) of the 2010 ADA Standards.</p> <p>The District will relocate and install the toilet paper dispenser to comply with Section 604.7 of the 2010 ADA Standards.</p>	<p>404.2.7 404.2.9 604.2(a) 604.4 604.5.1 604.5.2 604.7 605.2</p>
Women’s Restroom (across from Room 119)	<p>The District will modify the paper towel dispenser to comply with Section 309.4 of the 2010 ADA Standards.</p> <p>The District will make an appropriate modification to the far right sink to ensure the knee clearance from the end of the sink to the pipe is in compliance with Section 306.3 of the 2010 ADA Standards.</p> <p>The District will modify the lengths of the horizontal side-wall and rear-wall grab bars installed in the toilet stall designated as accessible to comply with Sections 604.5.1 and 604.5.2 of the 2010 ADA Standards. The District will remove the vertical side-wall grab bar.</p> <p>The District will modify the seat height of the toilet installed in the toilet stall designated as accessible to</p>	<p>306.3 309.4 604.4 604.7 604.5.1 604.5.2</p>

FACILITY	MODIFICATION(S)	APPLICABLE 2010 ADA STANDARDS
	<p>comply with Section 604.4 of the 2010 ADA Standards.</p> <p>The District will relocate and install the toilet paper dispenser installed in the toilet stall designated as accessible to comply with Section 604.7 of the 2010 ADA Standards.</p>	
Renovated Restroom in Room 127 (Physical Therapy and Occupational Therapy Room)	<p>The District will modify the operable parts installed on the restroom door in compliance with Sections 309.4 and 404.2.7 of the 2010 ADA Standards.</p> <p>The District will modify the lengths of the horizontal side-wall and rear-wall grab bars installed to comply with Sections 604.5.1 and 604.5.2 of the 2010 ADA Standards. The District will remove the vertical side-wall grab bar.</p> <p>The District will modify the floor surface near the restroom sink to ensure a level, unobstructed clear floor space for forward approach to the sink, in accordance with Sections 305 and 606.2 of the 2010 ADA Standards.</p>	<p>305 309.4 404.2.7 404.2.9 604.5.1 604.5.2 606.2</p>
All restrooms in the Center	<p>The District will identify all accessible restrooms with a sign including the International Symbol of Accessibility to comply with Section 216.8 of the 2010 ADA Standards.</p> <p>The District will provide all inaccessible restrooms with directional signs indicating the location of the nearest accessible restroom to comply with Section 216.8 of the 2010 ADA Standards.</p>	<p>216.8</p>