

RESOLUTION AGREEMENT
Jonathan Alder Local Schools
OCR Docket #15-16-1470

Jonathan Alder Local 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 programs using the baseball diamond at the District's Jonathan Alder Junior High School (the junior high 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. **By February 28, 2017**, the District will complete a self-evaluation to determine, using the 2010 ADA Standards as a guide, program accessibility at the junior high school baseball diamond, under Section 504 and Title II, including an examination of its parking spaces, routes, entrances, and seating at the junior high school baseball diamond. Through the self-evaluation, the District will, at a minimum:
 - A. Identify all of the District's programs, activities, and services being operated at the junior high school baseball diamond.
 - B. Review all of the policies and/or practices that govern the administration of the programs, activities, and services identified under Action Step I.A.
 - C. Determine, using the 2010 ADA Standards, what physical barriers to program access may exist, specifically with respect to the parking spaces, routes, entrances, and seating at the junior high school baseball diamond.
 - D. 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 February 28, 2017, the District will submit to OCR for review the results of the self-evaluation completed in accordance with Action Step I.

- II. **By March 31, 2017**, the District will use the results of its self-evaluation from Action Step I 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:

- A. Identify, using the 2010 ADA Standards, the physical obstacles on the route to the junior high school's baseball diamond that limit accessibility to individuals with disabilities of the programs and activities there.
- B. Describe in detail the methods the District will use to make the route to the junior high school baseball diamond accessible.
- C. Specify the schedule for any modifications or steps necessary to provide program access, with the modifications or steps to be completed no later than **August 1, 2017**.
- D. Indicate the District official responsible for implementation of the plan.

REPORTING REQUIREMENT: By **March 31, 2017**, the District will submit to OCR for review and approval the proposed transition plan it has developed in accordance with Action Step II. By **August 1, 2017**, the District will submit to OCR documentation verifying its completion of the steps outlined in the transition plan.

- III. By **February 28, 2017**, the District will develop an interim plan, to the extent such a plan is necessary, for how it will make its programs and activities at the junior high school baseball diamond, 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 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 activities 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 individuals 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 28, 2017**, the District will submit to OCR for review and approval the proposed interim plan it has developed in accordance with Action Step III. Should the District determine that an interim plan is not necessary, it will provide OCR with documentation for review and approval demonstrating that it has made its programs and activities accessible at the junior high school baseball diamond or has determined that no such District programs and activities will take place at the baseball diamond.

- IV. By **March 31, 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 junior high school baseball diamond 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, 2017, the District will submit a copy of the procedures it adopted pursuant to Action Step IV 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.

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

/s/

02/13/2017

Jonathan Alder Local Schools
Superintendent or designee

Date