

**Black River Public School  
Resolution Agreement  
OCR Docket No. 15-16-1524**

Black River Public School (the School) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504), 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 regulations at 28 C.F.R Part 35 (Title II).

The School agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the School's facilities and programs. Modifications made pursuant to this agreement will be done in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

**A. Facility Modifications**

By **May 16, 2022**, the School will provide OCR with its written plan to make the following facility modifications and the corresponding timeframes for completing such modifications:

1. Modify the Main Building's Door D to create an accessible route from the campus parking lots and other site arrival points to the elevator.
2. Provide an accessible route to the Main Building's accessible entrance(s) from the campus parking lots and other site arrival points. Specifically, ensure that:
  - a. The parking lot on the west side of Columbia Avenue across from the Main Building has accessible parking spaces in compliance with the 2010 ADA Standards, including, but not limited to, §§ 208 (Parking Spaces), 216 (Signs), 402 (Accessible Route), and 502 (Parking Spaces). The spaces must be located in the area nearest to the accessible route to the Main Building's accessible entrance(s).
  - b. The accessible route from the Columbia Avenue parking lot to the Main Building's accessible entrance(s) is appropriately marked with signage directing persons to the accessible entrance(s), so that signage informs persons parking in the Columbia Avenue lot that the accessible entrances are at the rear of the Main Building (i.e., not at the inaccessible public entrance on Columbia Avenue). For the Main Building, all accessible entrances shall be identified by the International Symbol of Accessibility complying with § 703.7.2.1. Directional signs complying with § 703.5 that indicate the location of the nearest accessible entrance shall be provided at all inaccessible entrances.
  - c. The accessible route from the Columbia Avenue parking lot to the Main Building's accessible entrance(s) complies with §§ 302 (Floor or Ground

Surfaces), 303 (Changes in Level), 305 (Clear Floor or Ground Space), 402 (Accessible Route), 403 (Walking Surfaces), and 404 (Doors, Doorways, and Gates).

3. Install emergency exit only crash bars, alarms, and signage on the Lyceum's lower doors.
4. Modify the route from the Main Building to the Lyceum that the School has identified as accessible (i.e., the Long Path) to ensure that it is fully accessible. Currently, the slope along the Long Path exceeds the maximum allowable slope in several locations. Develop a plan to ensure that accessible routes remain stable, firm, and slip resistant during inclement weather. This may require the School to make structural changes such as, e.g., covering all or part of the Long Path
5. Ensure that the entire route from Door E through the basement of the Main Building to the elevator remains continuously clear of obstacles that might restrict the accessibility of the route.
6. Remove the designated accessible parking spaces in the alley between the Main Building and the Lyceum Building.
7. Relocate all programs or activities which require general or ongoing student or staff access currently conducted on all levels and in all spaces of the Main Building that are not served by the elevator, including, but not limited to, the rooms off the landing between the second and third floors. The School will only use these spaces for purposes that do not require them to be accessible or conduct activities in these spaces that can be easily and promptly relocated to allow participation by an individual with a mobility impairment. This includes relocating the college counselor's office to a location that is fully accessible, or having a plan that allows equal access to the college counselor by students and parents with mobility impairments, and ensuring that students, parents, and staff are notified of the plan.
8. Ensure that the Science Building's walking path at the west entrance, and the accessible route to the east entrance and/or the north entrance, comply with §§ 302 (Floor or Ground Surfaces), 303 (Changes in Level), 305 (Clear Floor or Ground Space), 402 (Accessible Route), 403 (Walking Surfaces), and 404 (Doors, Doorways, and Gates).

**REPORTING REQUIREMENTS:** By **May 31, 2022**, the School will provide OCR with its written plan to make the facility modifications identified in Item A of the Agreement. By **October 17, 2022, and continuing every 180 calendar days thereafter until completion**, the School will submit documentation to OCR verifying its progress on the implementation of the actions set forth in Item A of the Agreement. Documentation may include photographs, work orders, purchase orders, measurements, or other documentation. OCR may conduct an onsite visit of the School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

## **B. Notice**

1. By **August 29, 2022**, the School will provide notice to students, parents, and interested members of the public of the School's willingness to move programs and activities to an accessible location or make reasonable modifications to programs and activities. This notice will provide the name and contact information for requesting accommodations, and will appear regularly in School publications, including newsletters, event notifications and invitations, student, parent, and employee handbooks, job vacancy announcements, and the School's website.
2. By **May 31, 2022**, the School will provide notice to parents, students, faculty, and staff that it is undertaking the steps outlined in Agreement Item A for campus accessibility. The notice will invite comments concerning this matter and will also advise that any problems encountered in the interim may be directed to the School's Section 504 Coordinator, whose name and contact information will be included in the notice.

**REPORTING REQUIREMENT:** By **May 31, 2022**, the School will submit a copy of the notices issued pursuant to Item B, and documentation of their distribution, including where they were published and/or how they were sent, and to whom they were sent.

## **C. Emergency Evacuation Procedures and Plans**

1. By **September 26, 2022**, the School will, in consultation with local authorities, including the fire department, develop and implement emergency evacuation procedures for the Main Building 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.

2. By **September 26, 2022**, the School will notify all parents, students, teachers, and staff of the procedures. The School will also install signage as appropriate throughout the Main Building, 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 **October 17, 2022**, the School will submit to OCR its emergency evacuation procedures, including 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.



**GENERAL REQUIREMENTS**

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which were at issue in this complaint.

The School 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 School written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the School’s representative below.

/s/

04/14/2022

\_\_\_\_\_  
Principal or designee

\_\_\_\_\_  
Date