

**Southgate Community School District
Resolution Agreement
OCR Docket #15-22-1549**

Southgate Community School District (the District) voluntarily submits this Resolution Agreement (the Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring 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.

The District agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with vision and mobility impairments, access to the District's playground facilities at the District's Allen Elementary School and Shelters Elementary School (the Schools). The District agrees that modifications the District makes pursuant to this agreement will be in accordance with the applicable requirements of the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards).

Action Steps

I. Self-Evaluation and Transition Plan

- A. **By October 31, 2023**, the District will complete a self-evaluation of the Section 504 and Title II program accessibility of the Schools' playgrounds, using the 2010 ADA Standards, including Standards 1008 and 240. The District's self-evaluation will, at a minimum, include:
1. A review of the policies and practices that govern the administration of the programs, activities, and services at the School's playgrounds.
 2. A determination of all physical barriers to access that exist at each playground.
 3. 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 the playgrounds, including: accessible ground-level play components and, as appropriate, accessible elevated play 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; age-appropriate reach ranges for children seated in wheelchairs where play components with manipulative or interactive features are placed; an accessible surface; and, in compliance with Standard 1008.2 of the 2010 ADA Standards, an accessible route throughout the play areas.

Reporting Requirement: By **October 31, 2023**, the District will submit to OCR the results of the self-evaluation completed in accordance with Action Step I.A.

- B. By **December 31, 2023**, the District will develop a detailed plan (the interim plan) for how it will make the Schools' playgrounds accessible, as specified in the 2010 ADA Standards, while the District is developing and implementing the OCR-approved transition plan pursuant to Action Step I.C below. The plan will include any temporary, interim measures necessary, which will be done in such a manner as to comply with the 2010 ADA Standards. 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 interim plan by submitting comments.
- C. By **January 31, 2023**, the District will use the results of its self-evaluation from Action Step I.A 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 on the routes within each of the Schools' playgrounds and the playgrounds themselves that limit the ability of individuals with disabilities to access the playgrounds.
 2. Describe in detail the methods the District will use to make the routes within the playgrounds accessible.
 3. Specify the schedule for making the playgrounds accessible, as specified in the 2010 ADA Standards, to be completed by **January 31, 2025**.
 4. Indicate the District official responsible for implementation of the plan.

Reporting Requirements:

- By **December 31, 2023**, the District will submit to OCR for review and approval the proposed interim plan it has developed in accordance with Action Step I.B and documentation verifying its attempts to obtain input from interested persons, including any input received.
- By **January 31, 2023**, the District will submit to OCR for review and approval the proposed transition plan developed in accordance with Action Step I.C and any documentation received since the December 31, 2023 report regarding input from interested persons.

- By **January 31, 2023, and January 31, 2025**, the District will submit documentation verifying its completion of the steps outlined in the interim and transition plans.

General Requirements

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or Section 504 and Title II and their implementing regulations, 34 C.F.R. Part 104 and 28 C.F.R. Part 35. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and Title II and their implementing regulations, which were at issue in this complaint.

The Agreement will become effective immediately upon the signature of the District's representative below.

/s/

09/28/2023

Southgate Community School District
Superintendent or Designee

Date