

Resolution Agreement #05-15-1078 Joint Educational Services in Special Education

Joint Educational Services in Special Education (JESSE) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve OCR complaint # 05-15-1078. JESSE submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. §§ 12131-12134, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation of an inaccessible restroom raised in this complaint.

1. JESSE agrees that by the beginning of the 2015-2016 school year, it will ensure that its current restroom for the SAVE Program, which is located at 45 W. Lake Street, Knox, Indiana, complies with the 2010 ADA Standards for Accessible Design (2010 ADA Standards). In particular, JESSE will, by September 1, 2015:
 - a. provide an accessible route to the restroom facility;
 - b. provide appropriate signage indicating that the restroom facility is accessible to individuals with disabilities;
 - c. provide an accessible door handle;
 - d. place the mirror at an accessible height;
 - e. place the coat hook at an accessible height;
 - f. provide a sink with clear floor space so that a person using a wheelchair can get close enough to reach the faucet; and
 - g. provide grab bars on the back or side of the toilet.

REPORTING REQUIREMENT: By September 15, 2015, JESSE will provide documentation to OCR that it has implemented Item #1 of the Agreement. This documentation will include photographic evidence of the steps outlined in items #1(a) through #1(g).

JESSE understands that OCR will not close the monitoring of this Agreement until OCR determines that JESSE has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.22, and Title II, at 28 C.F.R. § 35.150, which were at issue in this case.

JESSE also 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, JESSE understands that during the monitoring of this Agreement, if necessary, OCR may visit JESSE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether JESSE has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.22, and Title II, at 28 C.F.R. § 35.150, which were at issue in this case.

JESSE 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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give JESSE written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

FOR: Joint Educational Services in Special Education

Date