

Resolution Agreement
Jamestown Public School District #1
OCR # 05-15-1272

The Jamestown Public School District #1 (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the compliance concerns identified by OCR in its investigation (05-15-1272). The District 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. § 12132, and its implementing regulation at 28 C.F.R. Part 35.

The District agrees that all physical modifications made will comply with the accessibility requirements of Section 504 and Title II and their implementing regulations. To the extent the District alters or renovates existing facilities or parts of facilities, or constructs new facilities, such alterations, renovations and new construction will conform to the 2010 ADA Standards for Accessible Design (ADA Standards).

A. Existing Facilities/Program Accessibility:

- 1) By August 1, 2016, the District will operate programs and activities offered in "existing facilities," Gussner Elementary School, Lincoln Elementary, Jamestown Middle School, Roosevelt Elementary, and Washington Elementary so that, when viewed in their entirety, they are readily accessible to persons with disabilities. The District may comply with this requirement, called "program access," through the redesign of equipment, reassignment of classes or other services to accessible buildings, alteration of existing facilities and construction of new facilities, or any other method that results in making each of its programs and activities accessible to persons with disabilities. The District is not required to make structural changes in existing facilities where other methods are effective in achieving compliance. In choosing among available methods for meeting the requirements of the statutes, the District must give priority to methods that offer programs, activities and services to disabled persons in the most integrated setting appropriate.

If the District elects to provide the programs, activities and services in the present School facilities, it will post the International Symbol of Accessibility sign at the designated accessible exterior door at each existing facility and provide an accessible route to the Roosevelt, Washington, and Gussner Elementary Schools, specifically, that the maximum height of the threshold at the designated accessible exterior door to each of those buildings does not exceed ½ inch.

REPORTING REQUIREMENT: By August 15, 2016, the District will provide documentation to OCR that it operates programs and activities offered in "existing facilities," Gussner Elementary School, Lincoln Elementary, Jamestown Middle School, Roosevelt Elementary, and Washington Elementary so that, when viewed in their entirety, they are readily accessible to persons with disabilities.

B. New Construction/Facility Accessibility:

- 2) By August 1, 2016, the District will make physical modifications to its new construction facilities, Career and Technology Center, Louis L'Amour Elementary School, Jamestown North, and Jamestown High School, to ensure that such facilities are readily accessible to and usable by individuals with disabilities.
 - a) By March 1, 2016 the District will post the International Symbol of Accessibility sign at the designated accessible exterior door at each new construction District school building.

REPORTING REQUIREMENT: By March 1, 2016, the District will provide documentation to OCR that it has posted the International Symbol of Accessibility sign at the designated accessible exterior door at each District school building as required by item #2 (a) of the Agreement.

- b) By August 1, 2016, the District will provide an accessible route to Louis L'Amour Elementary School, specifically, that the maximum height of the threshold at the designated accessible exterior door to this building does not exceed ½ inch.

REPORTING REQUIREMENT: By August 15, 2016, the District will provide documentation to OCR that it has implemented item #2 (b) of the Agreement, including documentation demonstrating that it has completed the facilities modifications pursuant to this Agreement along with specifications, prints, drawings, and photographs with sufficient detail to demonstrate that the modifications were made consistent with ADA Standards.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, 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 the regulations implementing Section 504, at 34 C.F.R. § 104.22, and 34 C.F.R. § 104.23, and the Title II regulation at 28 C.F.R. § 35.150 and Title II, at 28 C.F.R. § 35.151, which were at issue in this case.

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.

On Behalf of the Jamestown Public School District #1
Jamestown, North Dakota

Name, Title and Date