

Garden Grove Unified School District
Resolution Agreement
OCR No. 09-08-1030

The Garden Grove Unified School District (District) agrees, without admitting to any violation of law, to implement the following Resolution Agreement (Agreement) to resolve the issues investigated by the U.S. Department of Education, Office for Civil Rights (OCR), under Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) in the above-referenced OCR case number.

I. POLICIES AND PROCEDURES REGARDING SECTION 504 AND TITLE II

A. Notice of General Provisions

By March 1, 2016, the District will review and, as necessary, revise and submit to OCR for approval policies and procedures that provide for: the issuance of notice that disability discrimination is prohibited;¹ the adoption and publication of grievance procedures providing for the prompt and equitable resolution of complaints of disability discrimination;² and the designation of at least one employee to coordinate compliance with the regulations, including coordination of investigations of complaints alleging noncompliance.³

- i. Following OCR's approval of the draft policies and procedures, the District will present the draft policies and procedures to its Board of Education (Board) for approval at the next available Board meeting.
- ii. The District will provide OCR with a finalized copy within ten (10) calendar days following the Board's approval.
- iii. Within thirty (30) calendar days of the Board approving the policies and procedures, the District will publish and effectively disseminate them to students, parents, guardians, staff, and employees. The District will translate the policies and procedures and any related notices to students, parents, and other interested persons into the primary home languages of students with limited English proficiency enrolled in the District.

iv. Reporting Requirement

Within ten (10) calendar days of the policies and procedures being published and disseminated, the District will provide written confirmation to OCR that it has published and disseminated the policies and procedures along with a list showing: the publications or places in which they have been published and disseminated; and the home languages into which the policies, procedures, and notices have been translated.

¹34 C.F.R. §104.8 and 28 C.F.R. §35.106.

²34 C.F.R. §104.7(b) and 28 C.F.R. §35.107(b).

³34 C.F.R. §104.7(a) and 28 C.F.R. §35.107(a).

B. Policies Relating to Accessibility

By March 1, 2016, the District will provide to OCR for its review and approval, a draft policy stating that the District makes all of its programs, services and activities and all renovations and new construction in its school district readily accessible to and usable by persons with disabilities.⁴ The District may comply with the requirements of 34 C.F.R. §104.22 and 28 C.F.R. §35.150 relating to existing facilities through such means as redesign of equipment, reassignment of classes or other services to accessible buildings, alteration of existing facilities, construction of new facilities, or any other methods that result in making its program or activity accessible to persons with disabilities. The District is not required to make structural changes in existing facilities where other methods are effective in providing program access. In choosing among available methods for providing program access, the District is required to give priority to the methods that offer programs, services and activities in the most integrated setting appropriate. Where programs or activities cannot or will not be made accessible using alternative methods, structural changes may be required in order for recipients to comply. If the District chooses to make alterations or construct new facilities in order to make the program, service or activity readily accessible and usable, such alterations or new construction will be made in compliance with the 2010 ADA Standards for Accessible Design (2010 Standards).⁵

- i. Following OCR's approval of the draft policies and procedures, the District will present the draft policies and procedures to its Board for approval at the next available Board meeting.
- ii. The District will provide OCR with a finalized copy within ten (10) calendar days following the Board's approval.
- iii. Within thirty (30) calendar days of the Board approving the policy, the District will publish and effectively disseminate it to students, parents, guardians, staff, and employees. The District will translate the policies and procedures and any related notices to students, parents, and other interested persons into the primary home languages of students with limited English proficiency enrolled in the District.

iv. Reporting Requirement

Within ten (10) calendar days of the policies and procedures being published and disseminated, the District will provide written confirmation to OCR that it has published and disseminated the policies and procedures along with a list showing: the publications or places in which they have been published and disseminated; and the home languages into which the policies, procedures, and notices have been translated.

⁴34 C.F.R. §§104.22-104.23; and 28 C.F.R. §§35.150-35.151.

⁵The 2010 Standards refers to the 2010 ADA Standards for Accessible Design, defined as the requirements set forth in appendices B and D to 36 C.F.R. part 1191 and the requirements contained in 28 C.F.R. §35.151.

II. ACCESSIBILITY OF PROGRAMS, SERVICES, ACTIVITIES AND FACILITIES

A. Program Accessibility at Existing Facilities

Pacifica High School,⁶ Bolsa Grande Stadium,⁷ Garden Grove Stadium,⁸ and Don Wash Auditorium⁹ are existing facilities with the exception of the following elements listed in section II.B below. Effective immediately and consistent with the policy described at item I.B.1., the District will operate each program, service or activity at these facilities so that, when viewed in its entirety, each program, service, or activity is readily accessible and usable by individuals with disabilities as required by 34 C.F.R. §104.22 and 28 C.F.R. §35.150.

B. Altered Facilities

The parking lots,¹⁰ boys' restroom in Building C,¹¹ and gymnasium bleachers¹² at Pacifica High School, and, the east¹³ and west¹⁴ parking lots at Garden Grove Stadium/Don Wash Auditorium have been altered since January 26, 1992.¹⁵ By June 1, 2017, the District will make the necessary alterations to each of these facilities to meet the requirements of the 2010 Standards.

C. Notice of Potential Inaccessibility and Right to Access

1. Within ten (10) calendar days of the date that this Agreement is executed by the District, the District will prominently post and maintain the following notice on its website and at each entrance to, whether accessible or inaccessible, Garden Grove Stadium, Bolsa Grande Stadium, Don Wash Auditorium, and building B, C, and D, the gymnasium, and any offices at Pacifica High School where parents, visitors and others check in:

The Garden Grove Unified School District is committed to ensuring access to its program, services, and activities by individuals with disabilities. To obtain information as to the existence and location of services, activities, and facilities that are accessible to and usable by persons with disabilities, or if you need assistance in accessing a program, service or activity, please contact:

⁶Constructed in 1964.

⁷Constructed in 1962 with the exception of the restrooms that were constructed in 1964.

⁸Constructed in 1950.

⁹Constructed in 1955.

¹⁰Altered in 2007 to add accessible parking for disabled individuals.

¹¹Altered in 1997.

¹²Altered in early 2000s.

¹³Altered in 2001.

¹⁴Altered in 2002.

¹⁵28 C.F.R. §35.151.

*Sal Sanchez, Director of Business Services,
Garden Grove Unified School District
10331 Stanford Avenue, Garden Grove, CA 92840
714-663-6133*

2. Reporting Requirement

Within fifteen (15) calendar days of the posting of the notice as described in paragraph II.C above, the District will provide written confirmation to OCR demonstrating that it has completed this requirement, including the website address and the list of the places where the notices have been posted accompanied by a photograph showing appropriate placement of the notice.

III. PACIFICA HIGH SCHOOL

A. Interim Measures

1. The District is currently making significant alterations to Pacifica High School, including alterations to comply with the requirements described in subsection III.B and C below.
2. Pending the completion of such modifications and consistent with items I.B.1 and II.A, the District will develop written interim measures to ensure that all programs, services, and activities, including those usually attended by parents and others, are made readily accessible to and usable by any person with a physical disability requiring access to the facilities. The written interim measures will include, among other things, provisions to ensure the prompt reassignment of any program, service, or activity that is located in an existing inaccessible facility to an accessible facility as necessary upon the enrollment of a mobility-impaired student to ensure that, when viewed in its entirety, the program, service, or activity is readily accessible to the mobility-impaired student.
3. By June 1, 2016, the District will provide OCR with a draft written interim measures plan with respect to the general areas described in subsection III.B and C below for its review and approval.

4. Reporting Requirement

Within ten (10) calendar days of OCR's review and approval of the written interim measures plan, the District will provide to OCR a finalized copy of the interim measures plan and will provide written confirmation that the interim measures plan has been provided to appropriate District and school personnel. Such confirmation will include a list of the District and school personnel who received a copy of the interim measures plan.

B. Existing Facilities

1. By July 1, 2016, the District will ensure that each accessible entrance and each accessible restroom is identified by the international symbol of accessibility, and that for any entrances and restrooms which are inaccessible, signs indicating the location of the nearest accessible entrance or restroom are posted.
2. By July 1, 2016, the District will install accessible doors with the appropriate entrance widths, appropriate thresholds, and appropriate door handles to the front entrance of the school's administration office.
3. By March 1, 2018, the District will install accessible doors with appropriate entrance widths, appropriate thresholds, and appropriate door handles to the gymnasium and the boys' and girls' locker rooms, to building B, building C, the cafeteria, the library, and the theatre.
4. By July 1, 2016 the District will modify at least one restroom for each sex in buildings B & D, the gymnasium, and the boys' and girls' locker rooms and the girls' restroom in building C so that it is accessible.
5. By July 1, 2016, the District will modify both genders' restrooms in the administration building so that they are accessible.
6. By July 1, 2018, the District will ensure that all of the school's sporting fields, venues, stadiums, and parks, including those for the school's varsity and junior varsity baseball and softball teams, soccer teams, and track and field teams, have accessible routes from the main school campus and from the student parking lot.
7. By July 1, 2016, the District will add at least one accessible shower in the shower room in the boys' and in the girls' locker room.
8. By July 1, 2018 the District will add the required number of accessible seats, including companion seating, for the junior varsity and varsity baseball and softball fields with spectator seating and the theatre or provide a method which ensures that the programs, services, and activities at the stadiums and theaters are accessible.
9. By July 1, 2016, the District will add foodservice counters to the school's cafeteria that are of the appropriate dimensions. In the alternative, the District may add accessible tables to the cafeteria and provide necessary service to those tables.
10. By July 1, 2016, the District will modify the counter to the school's outdoor cafeteria/snack bar so that it is accessible. The modification to the counter will be made at the sixth food service line that has a clear width of 58 inches.
11. By July 1, 2016, the District will provide an accessible route to the stage area located in the theatre and the stage area located in the outdoor assembly area through means

such as ramps or platform lifts, or provide a method which ensures that the programs, services, and activities located in the theater and the stage area are accessible.

12. By July 1, 2016, the District will ensure that an appropriate number of accessible seats and tables exist in the outdoor assembly area (the open space located between all the school's buildings) and in at least one room in building B and building C.
13. By September 1, 2016, the District will ensure that the reading and study areas, stacks, reference rooms, reserve areas, special facilities or collections, check-out counter(s), card catalogs, and magazine displays in the school's library are accessible, including the provision of accessible routes, adequate knee and toe clearance, adequate clear ground space, and comply with accessible reach ranges and operable parts, or the District may provide methods to ensure that the programs, services, and activities in the library are accessible.
14. By July 1, 2016, the District will post signage at the school's pool informing individuals that an accessible pool is located at Garden Grove High School (GGHS) and of a process by which individuals can make immediate arrangements with the District to obtain access to the pool at GGHS.
15. By July 1, 2016, the District will create sufficient accessible passenger loading zone(s) at the school.
16. By July 1, 2016, the District will ensure that all accessible parking spaces in the lots and the passenger loading zone(s) have safe accessible routes to accessible building entrances.
17. By July 1, 2016, the District will ensure that the woodshop, choral music, and NJROTC programs are readily accessible to and usable by any person with a disability,¹⁶ including the provision of accessible routes, adequate knee and toe clearance, adequate clear ground space, and comply with accessible reach ranges and operable parts, or the District may provide another method to ensure that the programs, services, and activities are accessible.

C. Altered construction

1. *Staff Parking Lot:* By April 1, 2016, the District will provide designated accessible parking spaces connected to accessible routes consistent with sections 206 and 208 of the 2010 Standards.

¹⁶ These programs are currently located in Building D.

2. *Student (Senior) Parking Lot:* By April 1, 2016 the District will provide designated accessible parking spaces connected to accessible routes consistent with sections 206 and 208 of the 2010 Standards.
3. *West Student (Junior) Parking Lot:* By April 1, 2016, the District will provide compliant access aisles and access routes for the existing three accessible parking spaces in the west parking lot by relocating the existing four accessible parking spaces in the west student parking lot to the opposite side of the parking lot (so that the spaces are closer to the school's administration building). In the alternative, if the District desires to retain the current location of the spaces, it will create a new accessible route from the spaces to the nearest accessible building. The accessible route will not have sign posts within its boundaries, will not intersect and end at a non-disabled drop off zone, and will have an entrance to the school campus that remains open during regular school hours or has a reasonable means of requesting the entrance be opened.
4. By April 1, 2016, the District will modify the boys' restroom in Building C so that it is accessible to all persons with disabilities.
5. By June 1, 2016, the District will provide accessible gymnasium seating that comports with the requirements of sections 221, 801, and 802 of the 2010 Standards.

D. Reporting Requirements

1. By July 1, 2016, the District will report to OCR on the structural changes completed pursuant to paragraphs III.C.1, 2, 3, and 4. The verification will include photographs and documentation from the individuals or corporations who performed the changes.
2. By September 1, 2016, the District will report to OCR the actions it has taken to ensure that the programs, services, and activities at Pacifica High School are accessible to and readily usable by individuals with disabilities pursuant to paragraphs III.B.1, 2, 4, 5, 7, 9, 10, 11, 12, 14, 15, 16 and 17. If structural changes were made to provide program access, the verification will include photographs and documentation from the individuals or corporations who performed the changes.
3. By August 1, 2016, the District will report to OCR on the structural changes completed pursuant to paragraph III.C.5. The verification will include photographs and documentation from the individuals or corporations who performed the changes.
4. By October 1, 2016 the District will report to OCR the actions it has taken to ensure that the programs, services, and activities at Pacifica High School are accessible to and readily usable by individuals with disabilities pursuant to paragraph III.B.13. If structural changes were made to provide program access, the verification will include photographs and documentation from the individuals or corporations who performed the changes.

5. By August 1, 2018, the District will report to OCR the actions it has taken to ensure that the programs, services, and activities at Pacifica High School are accessible to and readily usable by individuals with disabilities pursuant to paragraphs III.B.3, 6, and 8. If structural changes were made to provide program access, the verification will include photographs and documentation from the individuals or corporations who performed the changes.

IV. BOLSA GRANDE AND GARDEN GROVE STADIUMS

A. Interim Measures

1. The District has represented to OCR that it will modernize Bolsa Grande and Garden Grove Stadiums that, when completed, will be fully compliant with the 2010 ADA standards and, thus, accessible to individuals with disabilities. The District has begun the development of plans and the timeline for submission of the plans to the Division of State Architect is late 2016. The District will continue to use Bolsa Grande and Garden Grove Stadium as an assembly area for several of its programs, services, and activities until modernization of the existing stadiums is completed and it is opened for use.
2. Within thirty (60) calendar days of executing this Agreement, the District will retain an Independent Licensed Architect (“ILA”) knowledgeable about the architectural accessibility requirements of the ADA, who will be paid by the District without regard to outcome, to assist in the development and review of the District’s interim measures designed to provide access to the programs, services, and activities occurring at the current stadiums.
3. Within ninety (90) calendar days of OCR’s approval of the ILA selected by the District, the District will provide to OCR for review and approval its proposed interim measures plan that is designed to provide access to its programs, services, and activities offered at the current stadium.
4. The interim measures plan for the stadiums will address the following elements:
 - i. inaccessible seating in the home and visitor bleachers;
 - a. if as part of the interim measure to address this issue at Bolsa Grande Stadium, the District continues to use a portable lift, it shall ensure the interim measures include adequate procedures to address the proper maintenance of the lift and alternatives designed to immediately provide continued access to the seating in the event the lift does not operate correctly, including the option of renting a lift from a third party temporarily until its lift is repaired.
 - ii. lack of accessible parking;

- iii. lack of an accessible route from any accessible parking to an accessible entrance;
 - iv. lack of an accessible route from the entrance to the home and visitor seating; and,
 - v. lack of an accessible route from any accessible seating to the field, concession stands, and restrooms.
5. Within ten (10) calendar days of OCR's approval of the interim measures plan, the District will formally implement the measures and provide notice of them to students, parents, employees, and the general public by publication in appropriate documents and media that are designed to reach and do reach students, parents, employees, and the general public and by the prominent inclusion of the notice on the District's website. The District will translate the notices to students, parents, and other interested persons into the primary home languages of students with limited English proficiency enrolled in the District.

6. Reporting Requirement

Within ten (10) calendar days of implementing the interim measures plan and providing notice of it, the District will provide to OCR written verification of the implementation and its publication of notice of them including a copy of each document or media in which the notice appears and a printout along with URL of the page from the District's website on which the notice appears; and the home languages into which the policies, procedures, and notices have been translated.

B. Required Modifications

1. As discussed above, the District has committed to modernization of the existing stadiums. Any new construction shall meet the 2010 ADA Standards.
2. The following previously altered and new elements shall meet the 2010 ADA Standards as specified below:
 - i. By January 1, 2017, the District will provide compliant access aisles and access routes at Garden Grove for the existing three accessible parking spaces in the west parking lot.
 - ii. By January 1, 2017, the District will provide access routes for the accessible parking in the east parking lot at Garden Grove.
 - iii. By January 1, 2017, the District will create six accessible spaces to the north parking lot at Garden Grove. The spaces, including access aisles and access routes, will comply with the requirements of the standards.

C. Reporting Requirements

By October 1, 2017 and each year thereafter until modernization of the existing stadiums has been completed, the District will report to OCR on progress toward modernizing the stadiums and any structural changes completed pursuant to subsection IV.B, including information demonstrating compliance with the 2010 ADA Standards. The verification will include photographs and documentation from the individuals or corporations who performed the changes.

V. DON WASH AUDITORIUM

A. Interim Measures

1. The District has developed alteration plans for Don Wash Auditorium and these plans have been approved by the California Division of the State Architect. Upon completion of the plans, the Auditorium shall be in compliance with the requirements specified in VI.B.
2. If the Auditorium is used for programs, services, or activities by the District during the alterations, the District will develop interim measures to provide access to such programs, services, and activities pending completion of the alterations as follows:
 - i. Within thirty (60) calendar days of executing this Agreement, the District will retain an Independent Licensed Architect (“ILA”) knowledgeable about the architectural accessibility requirements of the ADA, who will be paid by the District without regard to outcome, to assist in the development and review of the District’s interim measures designed to provide access to the programs, services, and activities occurring at the current auditorium.
 - ii. Within ninety (90) calendar days of OCR’s approval of the ILA selected by the District, the District will provide to OCR for review and approval its proposed interim measures plan that is designed to provide access to its programs, services, and activities offered at the current auditorium.
 - iii. The interim measures plan for Don Wash Auditorium will address the following elements:
 - a. inaccessible seating;
 - b. lack of accessible parking;
 - c. lack of an accessible route from any accessible parking to an accessible entrance;
 - d. lack of an accessible route from the entrance to seating;

- e. lack of an accessible route from any accessible seating to the concessions and restrooms;
 - f. lack of an accessible stage and route to stage;
 - g. lack of accessible restrooms;
 - h. lack of an accessible entrance.
3. Within ten (10) calendar days of OCR's approval of the interim measures plan, the District will formally implement the measures and provide notice of them to students, parents, employees, and the general public by publication in appropriate documents and media that are designed to reach and do reach students, parents, employees, and the general public and by the prominent inclusion of the notice on the District's website. The District will translate the notices to students, parents, and other interested persons into the primary home languages of students with limited English proficiency enrolled in the District.

4. Reporting Requirement

Within ten (10) calendar days of implementing the interim measures plan and providing notice of it, the District will provide to OCR written verification of the implementation and its publication of notice of them including a copy of each document or media in which the notice appears and a printout along with URL of the page from the District's website on which the notice appears; and the home languages into which the policies, procedures, and notices have been translated.

B. Standards for New Construction and/or Alterations to Auditorium

1. Requirements for Existing Elements

By August 1, 2017, the District will ensure that Don Walsh Auditorium has the following accessible features, meeting the applicable technical provisions of the 2010 Standards:

- a. Accessible parking (where parking facilities are otherwise provided by the District);
- b. Accessible passenger loading zones (where passenger loading zones are otherwise provided by the District);
- c. Accessible safe approaches from adjacent parking areas, passenger loading zones, walkways, and public transportation stops, if any, to the extent within the District's control and not in the public right-of-way;
- d. An accessible entrance to the venue, and into those rooms or spaces open to the public where such programs, services, or activities are provided, including

any concession stands or areas;

- e. An accessible water fountain (if a water fountain is provided) on an accessible level;
- f. Accessible men's and women's toilet rooms, on an accessible level, including a standard stall or one unisex accessible toilet room;
- g. An accessible public telephone (if public telephones are offered), on an accessible level;
- h. Signage identifying permanent rooms and spaces with raised and Braille characters, as well as directional signage;
- i. At least one accessible means of vertical access (an accessible elevator, ramp, or lift) if any program, service or activity offered is located above or below the accessible entry level connecting the entry level and all levels on which the program, service, or activity is offered; and
- j. One safe accessible route from the accessible entrance to each accessible space consistent with the 2010 Standards.

2. Seating

- i. By August 1, 2017, the District will provide wheelchair spaces and companion seating at Don Wash Auditorium consistent with sections 221, 801, and 802 of the 2010 Standards.
- ii. The wheelchair spaces and companion seating will be an integral part of the seating plan, and afford lines of sight that cannot be obstructed by standing or walking spectators.
- iii. The District will provide the required number of wheelchair spaces and companion seats pursuant to sections 221.2 and 221.3 of the 2010 Standards.
- iv. Wheelchair spaces in groups of two will measure a minimum of 66 inches wide and 48 inches deep for a front or rear approach, with one companion seat adjacent at the shoulder to each wheelchair space. Single wheelchair spaces will measure a minimum of 36 inches wide and 48 inches deep for a front or rear approach, or 60 inches minimum for a side approach, with a companion seat adjacent at the shoulder.
- v. Companion seats shall be equivalent in size, quality, comfort, and amenities to the seating in the immediate area and may be moveable.

- vi. If seating in the immediate area has armrests, the District will provide designated aisle seats that are identified by a sign or marker, and have folding or retractable armrests.
- vii. All wheelchair and companion seating will adjoin an accessible route measuring a minimum of 36 inches wide. Circulation paths (including accessible routes) may not overlap the wheelchair spaces except that if the circulation path is required by applicable building or life safety codes to be wider than the required aisle width, the wheelchair space may intrude into that portion of the circulation path that is provided in excess of the required aisle width.

3. Requirements for Altered/New Elements

- i. By August 1, 2017, the District will provide compliant access aisles and access routes for the existing three accessible parking spaces in the west parking lot at Don Wash.
- ii. By August 1, 2017, the District will provide access routes for the accessible parking in the east parking lot at Don Wash.
- iii. By August 1, 2017, the District will create six accessible spaces to the north parking lot. The spaces, including access aisles and access routes, will comply with the requirements of the standards at Don Wash.

C. Reporting Requirements

By September 1, 2018, the District will report to OCR on the structural changes completed pursuant to subsection V.B. The verification will include photographs and documentation from the individuals or corporations who performed the changes.

VI. ANNUAL REPORTING TO OCR

During the effective dates of this Agreement, on or before October 1 of each year, the District will provide OCR with an annual report that lists every new construction or alteration project that has commenced or completed, or for which plans have been developed, during the preceding fiscal year. In addition, the District will maintain the written evaluations and reports required by this Agreement for the duration of this Agreement, and upon request, shall provide copies of any report(s) to OCR within 30 days of a request.

VII. MONITORING

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 the regulations implementing Section 504, Title II, and their respective implementing regulations.

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 Title II and the relevant implementing regulations, which were at issue in this matter.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

By: _____/s/_____
Governing Board of the
Garden Grove Unified School
District

Date: 02/16/2016