

COMMITMENT TO RESOLVE
Parma City School District
OCR Docket #15-07-1225

The Parma City School District (the District) submits this Commitment to Resolve to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve compliance issues identified during OCR's investigation of complaint #15-07-1225 and to ensure the District's 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, as well as 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 submits this Commitment to Resolve based on OCR's representation that it will close its monitoring of the District under Docket #15-07-1225 after the District completes the actions and reporting requirements stated below. Nothing in this Commitment to Resolve prevents OCR from initiating a new investigation of the District if, in the course of monitoring the District under this Commitment to Resolve, OCR obtains new information that suggests the District may be in violation of the aforementioned laws and regulations. Accordingly, the District agrees to take the following actions:

I. Web Access

- A. By October 30, 2012, the District will hire a qualified individual or company, knowledgeable in Section 508 and W3C standards and the use of assistive technology, to conduct a detailed accessibility audit on the District's website. The District may arrange for the audit as part of a contract to provide a modified website and/or website hosting, and the audit requirement may be satisfied by obtaining a report of the tests that were completed to demonstrate that the website is accessible to persons with disabilities. The accessibility audit will be completed by November 30, 2012.
- B. If the audit described in Paragraph I.A. demonstrates that the District's website is not accessible to persons with disabilities, by December 10, 2012, the District will either make modifications to its website that will render it accessible to persons with disabilities, including persons who use assistive technology such as screen readers and persons who are only able to use a keyboard for navigation, or will take steps to ensure that the programs, services, or activities being delivered via the website are available to persons with disabilities through other means, considering for example, whether persons with disabilities have the same ease of use, completeness of information and functionality, and timeliness of response.
- C. As an interim measure, until the actions in item I.B are complete, the District will, by November 30, 2012, notify parents and students who to contact if they are unable to use the District website because of accessibility issues, to ensure that they have equal access to the programs, activities and services being sought.

REPORTING REQUIREMENTS: To demonstrate its compliance with Section I of this Agreement, by December 10, 2012, the District will submit to OCR the name and qualifications of the individual or company the District hired to conduct the evaluation of the accessibility of the District's website; a copy of the notice sent to parents and students pursuant to item I.C; and a copy of the detailed accessibility audit completed of the website. If the accessibility audit demonstrates that the District's website was not accessible to persons with disabilities, by December 10, 2012, the District will also submit to OCR documentation of the steps the District has taken to either make modifications to its website to render it accessible to persons with disabilities, or the steps taken to ensure that the programs, services, or activities being delivered via the website are available to persons with disabilities through other equivalent means.

II. Emergency Procedures for Pleasant Valley Elementary School

- A. By November 30, 2012, the District will install signage complying with the 2010 ADA Standards at Section 216.4.2 (Areas of Refuge) and Section 703 (Signs), designating the area of refuge on the second floor of Pleasant Valley Elementary School and any other emergency egress routes for persons with disabilities. In addition, the District will install a two-way communication device with access to an outside phone line in the area of refuge at Pleasant Valley Elementary School.
- B. By November 30, 2012, the District will, in consultation with local authorities including the fire department, revise the emergency procedures for Pleasant Valley Elementary School covering fire, tornados, lockdowns, and other emergencies, including drill procedures, to include specific procedures for students with disabilities and provide for safety and evacuation measures for students with disabilities equivalent to those provided for others. In addition, the District will develop a procedure to, at the beginning of each school year, identify Pleasant Valley Elementary School students with disabilities who may need evacuation assistance in an emergency. In addition, this procedure will include steps to ensure that there is a School staff person(s) designated to maintain this list of students and a process for getting the information to the authorities in the event of an emergency.
- C. Within 60 calendar days of receipt of the OCR-approved revised emergency procedures and identification procedure, the District will notify all Pleasant Valley Elementary School parents, students, teachers, and staff of the procedures and will adopt and implement them.

REPORTING REQUIREMENTS: To demonstrate its compliance with Section II of this Agreement, by December 10, 2012, the District will submit to OCR documentation verifying that the District has installed signage designating the area of refuge on the second floor and any other emergency egress routes for persons with disabilities, and installed a two-way communication device as required in item II.A above, and drafts of Pleasant Valley's revised emergency procedures and procedure for identifying students

needing evacuation assistance as required in item II.B. Within 60 calendar days of receipt of the OCR-approved procedures, the District will submit a copy of the notice of the new emergency procedures sent to parents, students, teachers, and staff.

III. Accessibility

- A. The District agrees to make modifications to the District's facilities as outlined in the attached Appendix A. The District will make these modifications in accordance with the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards). By November 30, 2012, the District will prioritize the items listed in Appendix A, establish a schedule of dates for the completion of the work for each listed item, and submit the schedule to OCR.
- B. The District will take interim measures at Byer's Field to provide program access to both home and visitor team spectators with mobility impairments by no later than the beginning of the 2013-2014 fall sports season. The program access must be meaningful and must provide a sufficient number of wheelchair and companion spaces with comparable views provided to the general public.
- C. By December 10, 2012, the District will provide date of construction and any renovation documentation to OCR to establish that the Byer's Field locker rooms are either existing facilities or new construction/alterations under Section 504.
- D. If the locker rooms are existing facilities, the District will establish a plan to provide program access to locker room facilities at Byer's Field that are readily accessible to and usable by individuals with disabilities. In choosing among available methods for meeting program access requirement for existing facilities, the District is required to give priority to those methods that offer services, programs, and activities to qualified individuals with disabilities in the most integrated setting appropriate. If the locker rooms are new construction/alterations, the District will establish a plan for the completion of an accessible entrance and route into the Byer's Field locker rooms to comply with the 2010 ADA Standards requirements for entrances and routes unless the District can demonstrate that it is technically infeasible within the meaning of the 2010 ADA Standards.

REPORTING REQUIREMENTS: To demonstrate its compliance with Section III of this Agreement, by December 10, 2012, the District will submit to OCR a copy of the District's prioritized list with scheduled completion dates for each item under item III.A, a copy of the District's detailed plan for providing meaningful program access to spectators at Byer's Field pursuant to item III.B, and documentation pursuant to item III.C. If the locker rooms are existing facilities, the District will submit to OCR within 30 days of OCR's determination that the locker rooms are existing facilities, the District's plan to provide program access to locker room facilities at Byer's Field that are readily accessible to and usable by individuals with disabilities. If the locker rooms are new construction/alterations, the District will submit to OCR within 30 days of OCR's

Appendix A

<u>Modifications</u>	<u>Relevant 2010 ADA Standards</u>
<p>Byer's Field: Determine the total number of parking spaces available at Byer's Field and install the minimum required number of accessible parking spaces and van accessible parking spaces with appropriate access aisles and signage. In addition, pave the designated accessible parking spaces to provide a firm, stable, slip resistant surface.</p> <p>Add proper signage identifying the location(s) of the designated disability parking area(s) and entrance(s).</p> <p>Provide an accessible height ticket counter at the Day Drive gate. In addition, provide accessible height concession stand counters as needed for program access at at least one home and one visitor Byer's Field concession stands.</p> <p>Add 46 wheelchair and companion spaces at the grandstand and 30 wheelchair and companion spaces at the visitors seating sections, or otherwise provide such wheelchair and companion spaces as an integral part of the Byer's Field seating plan by placing such spaces within the footprint of Byer's field seating areas.</p> <p>Provide an accessible route to the visitor-side bleachers unless the District can demonstrate to OCR that it is structurally impracticable within the meaning of the applicable regulations, in which case the District shall provide an alternate program access plan.</p>	<p>208 - Parking Spaces Scoping 216.5 – Parking Signs Scoping 502 - Parking Spaces 302 – Floor or Ground Surfaces</p> <p>216.6 – Entrances Signs Scoping 703.5 – Signs</p> <p>227.3 - Service Counters Scoping 904.4 – Sales and Service</p> <p>221 – Assembly Areas Scoping 802 – Wheelchair Spaces and Companion Seats</p> <p>206 – Accessible Routes Scoping 402 – Accessible Route 403 – Walking Surfaces 28 C.F.R. § 35.151</p>

<u>Modifications</u>	<u>Relevant 2010 ADA Standards</u>
<p>Byer’s Field (continued) Provide a program access plan if the locker rooms are existing facilities, or an accessible entrance and route into the locker rooms if the locker rooms are new construction/alterations and the District has demonstrated to OCR that it is not technically infeasible within the meaning of the 2010 ADA Standards to do so.</p>	<p>34 C.F.R. § 104.22(a) and (b) and 28 C.F.R. § 35.150(a) and (b) or 206.4 – Entrances Scoping 402 – Accessible Routes</p>
<p>Administration Building: Maintain the automatic door opener at the main entrance in working condition.</p> <p>Adjust the pounds of force to open the interior set of doors on the right side of the lobby to comply with maximum opening force.</p>	<p>404.3 - Automatic and Power-Assisted Doors and Gates</p> <p>404.2.9 - Door and Gate Opening Force</p>
<p>Thoreau Park Elementary: In the W 51st Street parking lot add one additional accessible parking space, access aisle, and proper signage for a total of five spaces for the two lots.</p> <p>Repair the asphalt to provide an accessible route from the parking to the accessible entrance.</p>	<p>208 - Parking Spaces Scoping 216.5 – Parking Signs Scoping 502 - Parking Spaces</p> <p>206 – Accessible Routes Scoping 402 – Accessible Routes 302 – Floor or Ground Surfaces 303 – Changes in Level</p>
<p>Dentzler Elementary:</p> <p>Provide an accessible route to the fixed tables adjacent to the playground area, and expand the knee and toe clearance under at least one of the tables.</p> <p>Provide an accessible route that leads to the edges of the baseball fields.</p>	<p>206 – Accessible Routes Scoping 402- Accessible Routes 302 – Floor or Ground Surfaces 306 – Knee and Toe Clearance</p> <p>206 – Accessible Routes Scoping 402 – Accessible Routes 302 – Floor or Ground Surfaces</p>

<u>Modifications</u>	<u>Relevant 2010 ADA Standards</u>
<p>Green Valley Elementary: Provide an accessible route to the Project Peace Garden, including to the gazebo.</p>	<p>206 – Accessible Routes Scoping 402 – Accessible Routes 302 – Floor or Ground Surfaces 303- Changes in Level</p>
<p>Normandy High School:</p> <p>Provide a total of 14 designated accessible parking spaces that includes at least 2 van accessible spaces that are on an accessible route to an accessible entrance. All accessible parking spaces shall include proper access aisles and signage.</p> <p>Provide an accessible route from the accessible parking to the school’s accessible entrance(s).</p> <p>Provide an accessible route to the boundary of the athletic fields and track, or draft a policy and plan to move programs and activities from the fields to an accessible location as necessary.</p>	<p>208 - Parking Spaces Scoping 216.5 – Parking Signs Scoping 502 - Parking Spaces 206 – Accessible Routes Scoping 402 – Accessible Routes</p> <p>206 – Accessible Routes Scoping 402 – Accessible Routes 303 – Changes in Level</p> <p>206.2.2 – Accessible Routes Within a Site 402 – Accessible Routes 303 – Changes in Level</p>
<p>Valley Forge High School:</p> <p>Provide an accessible route to the boundary of the athletic field.</p>	<p>206.2.2 – Accessible Routes Within a Site 402 – Accessible Routes 302 – Floor or Ground Surfaces</p>