

RESOLUTION AGREEMENT
Cherokee Independent School District
Complaint No. 06-14-1596

The Cherokee Independent School District (CISD) voluntarily agrees to take the following actions to resolve the above-referenced complaint as investigated by the U.S. Department of Education's Office for Civil Rights (OCR). OCR investigated this complaint pursuant to its jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and with Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II).

The CISD will ensure that any new facilities or part of a facility at XXX or XXX will be constructed in accordance with the U.S. Department of Justice (DOJ) guidelines, (DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards)), which became effective on March 15, 2011. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012.¹

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to the Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.² New and altered facilities (or the identified new or altered part) at XXX and XXX will be readily accessible to and usable by individuals with disabilities.

Action Step 1

By July 25, 2016, the CISD will designate which of its three current parking lots will be accessible, in compliance with section 502 of the 2010 Standards.

Reporting Requirement Action Step 1

By October 10, 2016, prior to any work conducted, the CISD will submit a report to OCR indicating which parking lot, the CISD chose to make accessible and the reason(s) why it was chosen. The CISD will also provide the manner in which the parking lot will be altered to comply with the 2010 Standards. This report shall include such documentation sufficient to show compliance with Section 504 regarding the above-referenced provisions of the Agreement (e.g., measurements, photographs, technical drawings, work orders, estimates/invoices, and reports).

Action Step 2

By November 2, 2016, the CISD will re-surface and re-stripe the parking lot(s) identified to OCR under Action Step (1) for those spaces which are to be designated accessible parking spaces, as well as an accessible route. Once the CISD has determined the exact number of parking spaces, as required by section 208.2 of the 2010 Standards, the CISD will designate and install the appropriate number of designated accessible parking spaces, in compliance with section 502 of the 2010 Standards. Depending on the number of designated accessible parking spaces located in this parking lot, a sufficient number of

¹ In the U.S. Department of Education's *Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973*, 77 Fed. Reg. 14972 (March 14, 2012), the Department states, "For new construction and alterations commenced on or after March 15, 2012, the 2010 Title II ADA Standards will be used by Education in its enforcement of the Title II regulations." For the purposes of Title II compliance, a public entity must comply with the 2010 Title II ADA Standards as of March 15, 2012, even if the Uniform Federal Accessibility Standards (UFAS) remains an option under the Section 504 regulations for some period after this date.

² The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandards_index.htm.

those spaces will be identified as van accessible, as required by sections 208.2.4, 502.2, 502.6 and 703.7.2.1 of the 2010 Standards.³ The designated spaces will be placed on an accessible route in an area located closest to accessible building entrances, as required by section 502.3. The accessible route will not require disabled individuals to travel behind parked cars other than their own.

Reporting Requirement Action Step 2

1. By November 16, 2016, the CISD will submit a final report to OCR demonstrating the completed modifications to the identified parking lot(s). This report shall include such documentation sufficient to show compliance with Section 504 regarding the above-referenced provisions of the Agreement. (e.g., measurements, photographs, technical drawings, work orders, invoices, and reports)

The CISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the CISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case. The CISD 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, the CISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the Cherokee facilities, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the CISD has fulfilled the terms of this Agreement and is in compliance with Section 504 and Title II.

The CISD 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 CISD written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement has been entered into voluntarily by the CISD and does not constitute an admission that it is not in compliance with Section 504 and Title II or their implementing regulations.

Date

Superintendent or Designee
Cherokee Independent School District

³ For every six or fraction of six designated accessible parking spaces at least one shall be a “van” accessible parking space.