

RESOLUTION AGREEMENT
Puerto Rico Department of Education
Case No. 02-14-1010

In order to resolve Case No. 02-14-1010, the Puerto Rico Department of Education assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item:

By October 30, 2015, the Puerto Rico Department of Education will make the structural changes to the designated accessible bathrooms located on the first floor of the Judith A. Vivas School in Utuado, Puerto Rico as set forth in the attached Appendix.

Reporting Requirement: By November 1, 2015, the Puerto Rico Department of Education will provide OCR with documentation (e.g., copies of paid invoices, photographs, etc.) confirming that structural changes have been made to address each of the compliance concerns listed in the Appendix. OCR may conduct an on-site visit to inspect the renovations.

The Puerto Rico Department of Education understands that OCR will not close the monitoring of this agreement until OCR determines that the Puerto Rico Department of Education has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. The Puerto Rico Department of Education 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 Puerto Rico Department of Education understands that during the monitoring of this agreement, if necessary, OCR may visit the School interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Puerto Rico Department of Education has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. The Puerto Rico Department of Education 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 Puerto Rico Department of Education written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date

Rafael Roman Melendez
Secretary of Education

**Judith A. Vivas School
APPENDIX**

Building Component	Boys' First Floor Restroom
Accessibility Issues	<p><i>Signage</i></p> <ul style="list-style-type: none"> • Restroom lacks appropriate signage. [Interior signs identifying permanent rooms and spaces, such as restrooms, room numbers, and room names, shall be provided. Tactile text descriptors are required for pictograms that are provided to label or identify a permanent room or space. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided. Raised characters shall also be duplicated in braille. 2010 ADA 216.2; 703.1; 703.2; 703.3; and 703.5] <p><i>Accessible Stall</i></p> <ul style="list-style-type: none"> • Toilet seat height = 20". [Height shall be 17" – 19". 2010 ADA Section 604.4] • Toilet paper dispenser to front centerline of toilet is 16". [Toilet paper dispenser shall be 7 to 9" from front of the toilet to the centerline of the dispenser. The outlet of the dispenser shall be 15" minimum and 48" maximum above the finish floor and shall not be located behind grab bars. 2010 ADA 604.7] • Toilet centerline = 14" from wall. [Centerline required to be 17" min. to 19" max. from side wall or partition in wheelchair accessible ambulatory stall. 2010 ADA Section 604.2] • Flush control for toilet was inoperable. • Flush control is located on the wall side, not on the open side. [Flush controls shall be hand operated or automatic. 2010 ADA Section 604.6. Hand operated flush controls shall comply with 309. Flush controls shall be located on the open side of the water closet except in ambulatory accessible compartments complying with 604.8.2.] <p><i>Light Switch</i></p> <ul style="list-style-type: none"> • Light Switch = 52" from floor. [Where a forward reach is unobstructed, the high forward reach shall be 48" maximum and the low forward reach shall be 15" minimum above the finish floor or ground; where a clear floor or ground space allows a parallel approach to an element and the side reach is unobstructed, the high side reach shall be 48" maximum and the low side reach shall be 15" minimum above the finish floor or ground. 2010 ADA 308.2 and 308.3]

Building Component	Boys' First Floor Restroom
Accessibility Issues	<p><i>Sinks</i></p> <ul style="list-style-type: none"> • Pipe is not insulated. [Drain pipes under lavatories and sinks shall be insulated. 2010 ADA Section 606.5] • Sinks = 36” from floor. [Lavatories and sinks shall be installed with the front of the higher of the rim or counter surface 34” maximum above the finish floor or ground. 2010 ADA 606.3; 306.3]

Building Component	Girls' First Floor Restroom
Accessibility Issues	<p><i>Signage</i></p> <ul style="list-style-type: none"> • Restroom lacks appropriate signage. [Interior signs identifying permanent rooms and spaces, such as restrooms, room numbers, and room names, shall be provided. Tactile text descriptors are required for pictograms that are provided to label or identify a permanent room or space. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided. Raised characters shall also be duplicated in braille. 2010 ADA 216.2; 703.1; 703.2; 703.3; and 703.5] <p><i>Accessible Stall</i></p> <ul style="list-style-type: none"> • Toilet paper dispenser = 64” from floor. [Toilet paper dispenser shall be 7” to 9” from front of the toilet to the centerline of the dispenser. The outlet of the dispenser shall be 15” minimum and 48” maximum above the finish floor and shall not be located behind grab bars. 2010 ADA 604.7] • 2 side wall grab bars each 32” in length. [A side wall grab bar of 42” minimum length is required spaced a maximum of 12” from the back wall and extending a minimum of 54” from the back wall at a height between 33 and 36”; a rear wall grab bar of 36” minimum is required at a height between 33” and 36” and must extend a minimum of 12” beyond center of water closet toward the side wall and a minimum of 24” toward open side. [2010 ADA 604.5.1] • Flush control is located on the wall side, not on the open side. [Flush controls shall be hand operated or automatic. 2010 ADA Section 604.6 – Hand operated flush controls shall comply with 309. Flush controls shall be located on the open side of the water closet except in ambulatory accessible compartments complying with 604.8.2.]

Building Component	Girls' First Floor Restroom
Accessibility Issues	<p data-bbox="500 235 665 268"><i>Light Switch</i></p> <ul data-bbox="548 277 1425 562" style="list-style-type: none"> • Light Switch = 52” from floor. [Where a forward reach is unobstructed, the high forward reach shall be 48” maximum and the low forward reach shall be 15” minimum above the finish floor or ground; where a clear floor or ground <i>space</i> allows a parallel approach to an <i>element</i> and the side reach is unobstructed, the high side reach shall be 48” maximum and the low side reach shall be 15” minimum above the finish floor or ground. 2010 ADA 308.2 and 308.3] <p data-bbox="500 604 571 638"><i>Sinks</i></p> <ul data-bbox="548 646 1442 886" style="list-style-type: none"> • Pipe is not insulated. [Drain pipes under lavatories and sinks shall be insulated. 2010 ADA Section 606.5] • Sinks = 36” from floor. [Lavatories and sinks shall be installed with the front of the higher of the rim or counter surface 34” maximum above the finish floor or ground. 2010 ADA 606.3; 306.3]