

RESOLUTION AGREEMENT

La Joya Independent School District OCR Case Number: 06131514

The La Joya Independent School District (LJISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the LJISD commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and their respective implementing regulations, to resolve the compliance concerns raised by the above-referenced complaint. The LJISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the LJISD 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 Title II, at 28 C.F.R. § 35.149. The LJISD 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 LJISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the LJISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the LJISD 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 Title II, at 28 C.F.R. § 35.149, which were at issue in this case. The LJISD 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 LJISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach. This Agreement does not constitute an admission by the LJISD that it discriminated or otherwise engaged in any wrongdoing.

The LJISD will ensure that any new facilities or part of a facility will be constructed in accordance with U.S. Department of Justice (DOJ) guidelines. Be advised, DOJ's 2010 ADA Standards for Accessible Design, 28 C.F.R. Part 36, Appendix A (2010 Standards), 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 this 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(s)) will be readily accessible to and usable by individuals with disabilities.

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) remain 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.

The LJISD hereby voluntarily commits to the following:

ACTION ITEM

By **December 31, 2013**, the LJISD will ensure that the route from the accessible parking spaces located in the parking lot on the far right side of Juarez Lincoln High School (JLHS) to the JLHS gymnasium complies with all applicable provisions of the 2010 Standards. Specifically, in accordance with all applicable provisions of Chapters 2 (“Scoping Requirements”), 3 (“Building Blocks”), and 4 (“Accessible Routes”) of the 2010 Standards, along with all associated figures and other cross-referenced provisions, the LJISD shall:

- a. Ensure that the accessible parking spaces are located on the shortest accessible route from the parking area to an accessible entrance to the gymnasium;
- b. Ensure that the accessible route complies with all applicable width, passing space, head room, surface texture, and slope requirements;
- c. Ensure that the accessible route complies with all requirements regarding changes in level; and
- d. Ensure that the accessible route complies with all other relevant accessibility requirements.

REPORTING REQUIREMENT

By **January 31, 2014**, the LJISD will submit a report to OCR documenting its compliance with the above-listed provisions as set forth in this Agreement. The report shall include, without limitation, measurements, photographs, technical drawings, and any other such documentation sufficient to evidence compliance with the above action item.

/s/

Dr. Alda T. Benavides
Superintendent
La Joya Independent School District

Date