

RESOLUTION AGREEMENT
Sweetwater Independent School District
OCR Complaint Number 06131612

The Sweetwater Independent School District (SISD), Sweetwater, Texas voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The SISD commits to taking the following actions to ensure that the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, are met with regard to the allegation presented in the above-referenced complaint. This Agreement is entered into in good faith and in no way constitutes an admission by the SISD that it discriminated or otherwise committed any error, omission, or wrongdoing with respect to the alleged violations in the subject complaint.

STANDARDS

Existing Facilities:

For the purposes of this Agreement, an existing facility is defined as any facility, the construction or alteration of which was commenced before June 3, 1977.¹ For such existing facilities, each element of a facility need not be readily accessible and usable to individuals with disabilities. Instead, each program or activity is to be operated so that the program or activity, when viewed in its entirety, is readily accessible and usable. Federal facility accessibility standards may be used as a guide to understanding whether persons with disabilities can participate in the program, activity or service. If the SISD chooses to make alterations or construct new facilities in order to make the program or activity readily accessible or usable, such alterations or new construction will be made in compliance with the 2010 Standards.²

New Facilities:

For the purposes of this Agreement, a new facility is defined as any facility, the construction or alteration of which was commenced on or after June 3, 1977. If an element of a new facility does not comply with the applicable architectural standard in effect at the time of the construction or alteration, it must be made accessible in accordance with the 2010 Standards. Facilities constructed or altered on or after March 15, 2012, are required to meet the 2010 Standards.

¹ 34 C.F.R. § 104.22.

² The 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. The 2010 Standards may be located at: <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>.

ACTION ITEMS:

NEW OR ALTERED FACILITIES

(Sweetwater High School Accessible Lift, Accessible Route(s) and Accessible Parking)

Sweetwater High School Accessible Lift

1. By April 1, 2014, the SISD will ensure to the extent that the accessible chair lift is locked during normal business/school hours and after-hour events conducted at the high school and/or in the auditorium, the SISD will implement a policy/protocol that ensures that persons requiring assistance when the gate(s) is/are locked are helped immediately. This will include a posted notice (i.e., a sign), at said gate(s) informing of the means by which a person in need of entrance may obtain assistance (i.e., the name, address, and telephone number of the person to contact regarding use of the lift).
2. By May 1, 2014, the SISD will provide notice of the policy/protocol to the general public and to all students, staff, and parents of Sweetwater High School students. The notice will include a description of the location and operation of the lift, and the name, address, and telephone number of the person to contact regarding use of the lift.

REPORTING REQUIREMENT:

- By May 1, 2014, the SISD shall provide documentation to OCR evidencing that Action Item 1 has been completed. This documentation shall include:
 - A copy of said policy/protocol; and
 - A copy of the above-quoted and posted notice/sign, including evidence of the location of said posting. If physical modifications/alterations are made in posting said notice - measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Section 504 and Title II regarding the above-referenced provisions of the Agreement.
- By June 1, 2014, the SISD shall provide documentation to OCR evidencing that Action Item 2 has been completed. This shall include documentation evidencing how the policy/protocol was published and notice given to persons identified in Action Item #2.

Sweetwater High School Accessible Route(s)

3. By May 1, 2014, the SISD will ensure that the accessible route(s) from the SHS auditorium to the football stadium, and from the accessible parking to the auditorium, are accessible to or usable by persons with disabilities, in accordance with the 2010 Standards. The SISD will, at a minimum, repair and/or replace the designated accessible route from the SHS auditorium to the football stadium, and from the accessible parking serving the SHS auditorium to an accessible entrance of the SHS. In repairing/or replacing the accessible routes, the SISD will take into consideration, but not limit its consideration to, the change in level, surface texture, and slope of the route as required by Sections 206 and 402 of the 2010 Standards.

REPORTING REQUIREMENT:

- By June 1, 2014, the SISD shall provide documentation to OCR evidencing that Action Item 3 has been completed. This documentation shall include, if physical modifications/alterations are made - measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Section 504 and Title II regarding the above-referenced provisions of the Agreement.

EXISTING FACILITY
(Sweetwater High School Auditorium)

Sweetwater High School Auditorium

4. By January 31, 2014, the SISD will advise OCR whether it will choose Option #1 or Option #2 below in order to ensure that the programs, activities, and services offered in the SHS auditorium are, when viewed in their entirety, accessible to and usable by individuals with disabilities, both during normal business/school hours and for after-hour events conducted at the auditorium:

Option #1: The SISD will make accessible the programs, activities, and services (PAS) that would normally be offered in the SHS auditorium (in particular, with regard to the provision of accessible restroom facilities) by relocating the PAS to an accessible location or site (by means other than structural modifications). The SISD will also develop and implement the plan or process by which such PAS, when viewed in their entirety, are made accessible to and usable by individuals with disabilities, by February 15, 2014. The plan will include a method for disseminating to interested persons information about how to access the applicable program and/or activity. The plan will also provide for the contingency that a program or activity may need to be relocated to an accessible location or site in order to ensure that the program or activity is accessible to and usable by individuals with disabilities.

Option #2: The SISD will provide program accessibility, make the PAS offered in the SHS auditorium accessible, by determining and so designating the nearest male and female accessible restrooms to the SHS auditorium that may act to serve and be used by patrons of the auditorium. The SISD will ensure that these accessible restrooms are appropriately identified by signage as being accessible. And for the presently-inaccessible male and female restrooms that are closest to the auditorium, the SISD will affix directional signs indicating the location of the nearest accessible restrooms within the SHS. These modifications are to take place, and be completed, by February 15, 2014, in accordance with Sections 216.8 and 703 of the 2010 Standards.

Option #3: The SISD the SISD will renovate or otherwise modify the existing, non-accessible male and female restrooms that are nearest the auditorium, to make them accessible to and useable by individuals with disabilities attending and/or participating in its programs held at the SHS auditorium. In making the renovations/alterations the SISD will take into consideration, but not limit its

consideration to, the accessibility of the entrance doors, the toilets, handrails, urinals, sinks, counter tops, dispensers and mirrors, and the placement of signage identifying said restrooms as accessible. These renovations/alterations will take place and be completed by May 1, 2014, in accordance with the applicable provisions of the 2010 Standards (e.g., Sections 213, 216, 703, and Chapter 6).

REPORTING REQUIREMENT:

- By February 15, 2014, the SISD will submit to OCR information regarding which option above it selected to ensure that the programs, activities, and services offered on the SHS auditorium are made accessible to and usable by individuals with disabilities.

Option #1

- By February 15, 2014, if Option #1 is selected, the SISD will submit to OCR copies of the publications in which the notice of the plan or process by which such programs, activities and services, when viewed in their entirety, are made accessible to and usable by individuals with disabilities as required in Action Item 4 were disseminated to students, staff, the general public, and persons or entities with whom the SISD may contract, lease, or rent out use of the auditorium.

Option #2

- By February 15, 2014, if Option #2 is selected, the SISD will submit a report to OCR indicating the proposed completion date (not to exceed April 1, 2014) of the installation of signage at the locations of the accessible and inaccessible restrooms required to satisfy Action Item 4.
- Within 15 calendar days of the completion of the installation of the signage under Option #2, the SISD will provide OCR a report that shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Section 504 and Title II regarding the above-referenced provisions of the Agreement.

Option #3

- By February 15, 2014, if Option #3 is selected, the SISD will develop and provide OCR an “interim plan” (Plan) to provide interested persons (i.e., complainant, students, parents, employees and other persons with disabilities) access to the programs and activities currently conducted in the SHS auditorium until the structural changes to the restrooms are complete. The Plan will include a method for disseminating to interested persons information about how to access the applicable programs and/or activities. The Plan will also provide for the contingency that a program or activity may need to be relocated to an accessible location or site in order to ensure that the program or activity is accessible to and usable by individuals with disabilities.
- By February 15, 2014, if Option #3 is selected, the SISD will submit a report to OCR indicating the proposed completion date (not to exceed June 1, 2014) of the

renovations/alterations of the auditorium restrooms required to satisfy Action Item 4.

- Within 15 calendar days of the completion of the renovations/alterations of the auditorium's restroom under Option #3, the SISD will provide OCR a report that shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with Section 504 and Title II regarding the above-referenced provisions of the Agreement.

The SISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient 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 SISD 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 SISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the SISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the SISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The SISD finally 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 SISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent or District Representative

Date

Printed Name and Title: _____