

## **RESOLUTION AGREEMENT**

### **Arlington Independent School District OCR Case Number: 06141026**

The Arlington Independent School District (AISD 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 AISD 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 allegations raised in the above-referenced complaint. The AISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the AISD 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 AISD 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 AISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the AISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the AISD 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 AISD 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 AISD 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 AISD that it discriminated or otherwise engaged in any wrongdoing.

The AISD 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 initiated on or after March 15, 2012.<sup>1</sup>

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.<sup>2</sup> New and altered facilities (or the identified new or altered part(s)) will be readily accessible to and usable by individuals with disabilities.

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<sup>1</sup> 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 purposes of Title II compliance, public entities, including the AISD, 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.

<sup>2</sup> The 2010 Standards can be accessed at this DOJ website: [www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

The AISD hereby voluntarily commits to the following:

1. By 15 June 2014, the AISD will inspect the ticketing booth at Craven Field, and determine which accessibility standard is applicable based on the year of construction and any alterations thereof. After said determination, the AISD will assess whether the ticketing booth is compliant with the appropriate accessibility standard.

**Reporting Requirement:** By 15 July 2014, the AISD will submit to OCR a report of its findings/determinations regarding the ticketing booth, along with a proposed plan to remedy any identified compliance concerns.

2. Based on the determination above, and consultation with OCR, within 60 calendar days after OCR's approval of the AISD's proposed or modified plan regarding the ticketing booth, the AISD will make all changes necessary to ensure that the ticketing booth is compliant with the appropriate accessibility standard, such that the ticketing booth and/or the programs and activities conducted there are readily accessible to and usable by individuals with disabilities.

**Reporting Requirement:** Within 14 calendar days after its completion of all changes, if any, to the ticketing booth, the AISD will submit a report to OCR with documentation substantiating its compliance with Action Item 2.

3. By 1 December 2014, the AISD will inspect all parking areas at each school within the District, and determine which accessibility standard is applicable based on the year of construction and any alterations thereof. After said determination, the AISD will assess whether each parking area is compliant with the appropriate accessibility standard.

**Reporting Requirement:** By 1 March 2015, the AISD will submit a report of its findings/determinations to OCR, to include specific information (including photographs, site plans, and/or diagrams/charts) on each parking area, including the number and dimensions of the available parking spaces, the number and dimensions of the designated accessible and van accessible parking spaces, the locations and dimensions of all designated accessible routes (including access aisles), striping of spaces and access aisles, locations, dimensions, and slopes of all ramps/curb cuts, general surface texture and slopes, and signage. Along with its findings/determinations, the AISD will provide to OCR a proposed plan to remedy any identified compliance concerns.

4. Based on the determination above, and consultation with OCR, within 365 calendar days of OCR's approval of the AISD's proposed or modified plan regarding its parking areas, the AISD will make all changes necessary to ensure that all parking areas at each District school are compliant with the appropriate accessibility standard, such that the parking facilities at the respective schools are readily accessible to and usable by individuals with disabilities. Specifically, the AISD will: (a) designate the appropriate number of accessible parking spaces and van accessible spaces based on the total number of parking spaces contained in the parking area in question; (b) ensure that all designated accessible parking spaces and van accessible spaces comply with all width, length, signage, access-

aisle width and location, head room, surface texture, and slope requirements; (c) ensure that all designated accessible parking spaces and van accessible spaces comply with all requirements regarding changes in level, including with respect to ramps/curb cuts; and (d) ensure that all designated accessible parking spaces and van accessible spaces comply with all other relevant accessibility requirements.

**Reporting Requirement:** Within 14 calendar days after its completion of all changes, if any, to the AISD parking areas at issue, the AISD will submit a report to OCR with documentation substantiating its compliance with Action Item 4. The AISD will submit photographs, site plans, and/or diagrams/charts identifying each designated accessible parking space and van accessible space, access isle, and accessible route to each accessible entrance.

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Dr. Marcelo Cavazos  
Superintendent  
Arlington Independent School District

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Date