

RESOLUTION AGREEMENT

Silsbee Independent School District
OCR Docket Number: 06-14-1515

The Silsbee Independent School District (SISD or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The SISD commits to the actions contained in this Agreement to resolve the compliance issues identified in the above-listed complaint and ensure that the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794 (amended 1992), and its implementing regulation at 34 C.F.R. Part 104, as well as Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, are met. By entering into this Agreement, the District makes no admission of any violations of Section 504 or Title II.

The SISD assures OCR that it will implement the action items listed below:

Action Item #1: Accessibility Policy

1. By **August 31, 2015**, the District will develop an accessibility policy (Accessibility Policy) that is posted prominently on its website and informs students, employees, parents, guests, and visitors with disabilities (particularly those with visual, hearing, or manual impairments or who otherwise require the use of assistive technology to access information concerning the District's educational programs) that if they have difficulty accessing information on the website, they should contact the District's designee at (Dawn Helton; 409-980-7817; dawn.helton@silsbeesd.org) and that the designee will make appropriate accommodations to ensure prompt access to any website content.

Reporting Requirement for Action Item #1

2. By **September 30, 2015**, the District will provide OCR with a draft of the SISD's Accessibility Policy for OCR's review and approval. The SISD will also provide OCR with the name and contact information (office phone number and office e-mail address) for the District staff member designated to arrange accommodations for any individual who uses assistive technology and has difficulty accessing information on the SISD's website;
3. Within thirty (30) calendar days of the date OCR notifies the SISD that the Accessibility Policy has been approved, the SISD will post the Accessibility Policy on its website, post the Accessibility Policy in the SISD's main administration building and provide OCR with a copy of the final version of the Accessibility Policy;

Action Item #2: Training on website accessibility

4. Within sixty (60) calendar days of the date OCR notifies the SISD that the Accessibility Policy has been approved, the District will develop training material for all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation. The training will cover, at a minimum, the Accessibility Policy and the roles and responsibilities of the District staff to ensure that web design, documents, lessons and multimedia videos or content are accessible;
5. Within sixty (60) calendar days of the date OCR notifies the SISD that its training material has been approved, the SISD will use the material to train all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation;

Reporting Requirement for Action Item #2

6. Within sixty (60) calendar days of the date OCR notifies the SISD that the Accessibility Policy has been approved, the District will provide for OCR's review and approval a copy of the training material developed by the District under paragraph 4 above for all staff involved in web design and implementation, including teachers who develop content for online instruction, on how to ensure accessibility in web design and implementation;
7. Within thirty (30) calendar days of the date the SISD provides the training described under paragraph 5 above, the District will provide OCR with documentation of the training provided pursuant to this Agreement, including the name(s) and credentials of the individual(s) who provided the training, a list of the individuals (name and job title) who attended the training, and a summary of the topics covered in the training;

Action Item #3: Website Accessibility

8. By **August 31, 2015**, the District will conduct an assessment of its website to determine the specific portions of its website that are not accessible. For the purpose of this RA, the accessibility of online content and functionality will be measured according to the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA standards, available at <http://www.w3.org/TR/WCAG20>. Adherence to the WCAG 2.0 Level AA standards is one way to ensure compliance with the SISD's obligation to make sure individuals who use assistive technology have the same access to the District's website as their non-disabled peers;¹

¹ Possible websites to assist the SISD in conducting its website accessibility analysis include: wave.webaim.org and achecker.ca/checker/index.php. Other useful websites are: www.w3.org which discusses the Web Content Accessibility Guidelines (WCAG) and www.Section508.gov which provides information on Section 508 of the Rehabilitation Act of 1973.

9. By **September 30, 2015**, the SISD will correct all portions of its website that the District, through its assessment, determines are not accessible to individuals who use assistive technology including, but not limited to, the items identified in the attached printouts;

Reporting Requirement for Action Item #3

10. Within thirty (30) days of the date the District finishes addressing all issues identified in its assessment of the accessibility of the SISD's website, the District will provide OCR with documentation identifying:
 - a. All portions of the SISD's website that the District determined were not accessible;
 - b. The steps taken by the SISD to correct each of the problems listed above and;
 - c. Any documents verifying the accessibility problems identified by the District have been resolved;

Action Item #4: Physical Accessibility

11. By **January 29, 2016**, the SISD will conduct an assessment of the accessibility issues under investigation and provide OCR with the following information:
 - a. Kirby Elementary School (allegation regarding the accessible route from the school to the play areas and the ground surface within the play areas)
 - i. The date the route from the school to the play areas was constructed (the year is sufficient);
 - ii. A list of any alterations made to the route from the school to the play areas and the date of each alteration (the year is sufficient);
 - iii. The accessibility standard the SISD determines is appropriate for the route from the school to the play areas at issue (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
 - iv. The SISD's assessment of whether the route from the school to the play areas is accessible;
 - If the SISD believes the route from the school to the play areas is accessible, please provide the information supporting that assessment (e.g., measurements taken, blueprints, etc.);

- If the SISD does not think the route from the school to the play areas is accessible, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- b. Laura Reeves Elementary School (allegation regarding the location of the accessible parking spaces and the amount of force required to open the main door to this building)
 - i. The date of construction for this school (the year is sufficient);
 - ii. The date of construction for each parking lot serving this school (the year is sufficient);
 - iii. A list of any alterations made to the school and the date of each alteration (the year is sufficient);
 - iv. A list of any alterations made to any parking lot serving this school and the date of each alteration (the year is sufficient);
 - v. The accessibility standard the SISD determines is appropriate for the school (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
 - vi. The accessibility standard the SISD determines is appropriate for each parking lot serving this school (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
 - vii. The SISD's assessment of whether the accessible parking spaces are located on the shortest accessible route to the nearest accessible entrance to this school;
 - If the SISD believes the accessible parking spaces are located on the shortest accessible route to the nearest accessible entrance to this school, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think the accessible parking spaces are located on the shortest accessible route to the nearest accessible entrance to this school, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;

- viii. The SISD's assessment of whether the amount of force required to open the main door to this building is too heavy for a person who is mobility-impaired;
 - If the SISD believes the amount of force required to open the main door to this building is not too heavy for a person who is mobility-impaired, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does think the amount of force required to open the main door to this building is too heavy for a person who is mobility-impaired, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- c. Reed Turrentine Elementary School (allegation regarding the number of accessible parking spaces, the route from the school to the play area, and the ground surface of the play area)
 - i. The date of construction for each parking lot serving this school (the year is sufficient);
 - ii. The total number of parking spaces, accessible parking spaces and van accessible parking spaces in each parking lot serving this building;
 - iii. A list of any alterations made to any parking lot serving this school and the date of each alteration (the year is sufficient);
 - iv. The date of construction for the play area (the year is sufficient) and a description of the ground surface in this play area (*e.g.*, pea gravel, wood chips, etc.);
 - v. A list of any alterations made to the play area and the date of each alteration (the year is sufficient);
 - vi. The accessibility standard the SISD determines is appropriate for each parking lot serving this school (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
 - vii. The accessibility standard the SISD determines is appropriate for the play area (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
 - viii. The SISD's assessment of whether it has provided the required number of accessible parking spaces for this school;

- If the SISD believes it has provided the correct number of accessible parking spaces, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think it has provided the correct number of accessible parking spaces, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
 - ix. The SISD's assessment of whether the route from the school to the play area is accessible;
 - If the SISD believes the route from the school to the play area is accessible, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think the route from the school to the play area is accessible, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
 - x. The SISD's assessment of whether the ground surface within the play area is accessible;
 - If the SISD believes the ground surface within the play area is accessible, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think the ground surface within the play area is accessible, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- d. Silsbee Middle School (allegation regarding the number and location of wheelchair spaces in the gymnasium, the route from the gymnasium to the hall where health and sex education classes are held, the route from the school to the band hall/workshop area, and the amount of force to open the main door to this building)
 - i. The date of construction of this building and the gymnasium (the year is sufficient);
 - ii. The date of construction of the route from the gymnasium to the hall where health and sex education classes are held (the year is sufficient),

- iii. The date of construction of the route from the school to the band hall/workshop area (the year is sufficient);
- iv. A list of any alterations made to the building or gymnasium and the date of each alteration (the year is sufficient);
- v. A list of any alterations made to the route from the gymnasium to the hall where health and sex education classes are held and the date of each alteration (the year is sufficient);
- vi. A list of any alterations made to the route from the school to the band hall/workshop area and the date of each alteration (the year is sufficient);
- vii. The accessibility standard the SISD determines is appropriate for the gymnasium (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
- viii. The accessibility standard the SISD determines is appropriate for the route from the gymnasium to the hall where health and sex education classes are held (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
- ix. The accessibility standard the SISD determines is appropriate for the route from the school to the band hall/workshop area (for example, the Uniform Federal Accessibility Standards/UFAS, the Texas Accessibility Standards/TAS, etc.);
- x. The SISD's assessment of whether it has provided the required number and location of wheelchair spaces in the gymnasium;
 - If the SISD believes it has provided the correct number and location of wheelchair spaces in the gymnasium, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think it has provided the correct number and/or location of wheelchair spaces, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- xi. The SISD's assessment of whether the route from the gymnasium to the hall where health and sex education classes are held is accessible;
 - If the SISD believes the route from the route from the gymnasium to the hall where health and sex education classes are held is accessible, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);

- If the SISD does not think the route from the route from the gymnasium to the hall where health and sex education classes are held is accessible, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- xii. The SISD's assessment of whether the route from the school to the band hall/workshop area is accessible;
 - If the SISD believes the route from the school to the band hall/workshop area is accessible, please provide the information supporting that assessment (*e.g.*, measurements taken, blueprints, etc.);
 - If the SISD does not think the route from the school to the band hall/workshop area is accessible, please identify the steps the District will take to address the accessibility problem and the date by which the District will complete those steps;
- 12. Once OCR reviews and approves the SISD's plan to address any accessibility compliance concerns, it will provide the District with written notice of the approval and engage in further discussions with the District to reach a mutually agreeable date by which the SISD will address any accessibility problems noted in its assessment;
- 13. Within sixty (60) days of the date the District finishes addressing all issues identified in its assessment of the facilities under investigation, the District will provide OCR with documentation demonstrating the completion of the accessibility repairs listed above. This report will include measurements, photographs, technical drawings, work orders, invoices, reports, etc. sufficient to show the accessibility repairs have been completed;

Miscellaneous items

- 14. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms 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;
- 15. The District 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;
- 16. Further, the District understands that during the monitoring of this agreement, if necessary, OCR may visit the District or any of its schools, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Section 504, Title II, and the relevant regulations;
- 17. The District 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. Sections 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Mr. Richard C. Bain, Superintendent
Silsbee Independent School District

_____, 2015
Date