

RESOLUTION AGREEMENT
Commerce Independent School District
OCR Complaint Number #06141522

The Commerce Independent School District (CISD) at Commerce, Texas, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the CISD 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. This Agreement does not constitute an admission by the CISD that it discriminated or otherwise engaged in any wrongdoing.

The CISD understands that OCR will not close the monitoring of this Agreement until OCR determines that the CISD 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 CISD 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 CISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the CISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the CISD 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 CISD 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 CISD written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

The CISD 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, 2012.¹

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 purposes of Title II compliance, public entities, including the CISD, 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 CISD hereby commits to the following:

Action ITEMS:

1. By October 23, 2015, the CISD will inspect all parking areas located at the Commerce Middle School (CMS) to determine whether they are in compliance with ADAAG § 4.1.2, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By November 20, 2015, the CISD will submit to OCR a report of its findings/determinations regarding the parking areas, along with a proposed plan to remedy any identified compliance concerns.

2. Based on the determination above, and in consultation with OCR, CISD will work with OCR to produce a proposed or modified plan regarding the identified parking areas approved by OCR within 60 calendar days after the submission of the original proposed plan. The CISD will, in accordance with the approved plan, make all changes necessary to ensure that the parking areas are compliant with the appropriate accessibility standard, such that the areas are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: By August 22, 2016, the CISD will submit to OCR a report of documenting the completion of action item #2. This report will include measurements, photograph, invoices, reports and such other documentation sufficient to show compliance with Section 504 and Title II, regarding the above reference provisions of the Agreement.

3. By October 23, 2015, the CISD will inspect all paths of travel leading from all of the accessible parking areas that service the CMS to the nearest accessible entrances to determine whether they are in compliance with ADAAG § 4.5, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: By November 20, 2015, the CISD will submit to OCR a report of its findings/determinations regarding the paths of travel in question, along with a proposed plan to remedy any identified compliance concerns.

4. Based on the determination above, and in consultation with OCR, CISD will work with OCR to produce a proposed or modified plan regarding the identified paths of travel in need of modification approved by OCR within 60 calendar days after the submission of the original proposed plan. Thee CISD will, in accordance with the approved plan, make all changes necessary to ensure that the paths of travel are compliant with the appropriate accessibility standard, such that the areas are readily accessible to and usable by individuals with disabilities.

Reporting Requirement: By August 22, 2016, the CISD will submit to OCR a report of documenting the completion of action item# 4. This report will include measurements, photograph, invoices, reports and such other documentation sufficient to show compliance with Section 504 and Title II, regarding the above reference provisions of the Agreement.

5. By November 20, 2015, the CISD will make all modifications to accessible signage in a manner that complies with ADAAG 4.1.2(7), 4.1.3(16), 4.30, together with all associated figures and other cross-referenced provisions. The CISD will take the following actions with regard to signage which provides directions to or information about functional location/s of accessible entrances to the walls adjacent to the latch side of the doors in the following buildings: A.C. Williams Elementary, Commerce Elementary, Commerce Middle school, and Commerce High school.

Reporting Requirement: By December 21, 2015, the CISD will submit to OCR a report of documenting the completion of action item 5. This report will include measurements, photograph, invoices, reports and such other documentation sufficient to show compliance with Section 504 and Title II, regarding the above reference provisions of the Agreement.

Mr. Blake Cooper, Superintendent
Commerce Independent School District

Date