

**RESOLUTION AGREEMENT**  
**Tarleton State University**  
**OCR #06142083**

Tarleton State University (TSU) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, TSU 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. TSU understands that OCR will not close the monitoring of this Agreement until OCR determines that TSU 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. TSU 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, TSU understands that during the monitoring of this Agreement, if necessary, OCR may visit TSU, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether TSU 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. TSU 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 TSU 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 TSU that it discriminated or otherwise engaged in any wrongdoing.

TSU acknowledges that all of the facilities at issue in this Agreement are governed by the U.S. Department of Justice's (DOJ) 1991 ADA Standards for Accessible Design (1991 Standards),<sup>1</sup> or alternative standards that result in substantially equivalent or greater accessibility and usability, including the Texas Accessibility Standards (TAS).<sup>2</sup> TSU 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),<sup>3</sup> became effective on March 15, 2011. Compliance with the 2010 Standards, or with alternative standards that result in substantially equivalent or greater accessibility and usability, is required for new construction and alterations initiated on or after

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<sup>1</sup> The 1991 Standards can be accessed at this website: <http://www.access-board.gov/guidelines-and-standards/buildings-and-sites/about-the-ada-standards/background/adaag>.

<sup>2</sup> The Department of Justice has certified as equivalent to the 1991 ADA Standards for Accessible Design, the Washington State Regulations for Barrier-Free Facilities, the Texas Accessibility Standards, the Maine Human Rights Act, as implemented by the Maine Accessibility Regulations, the Florida Accessibility Code for Building Construction, the Maryland Accessibility Code and the North Carolina Accessibility Code. Currently Texas, Maine, Florida, Maryland and North Carolina have in place ADA-certified accessibility requirements.

<sup>3</sup> The 2010 Standards can be accessed at this website: [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

March 15, 2012.<sup>4</sup> TSU officials informed OCR that TSU designs all projects and renovations to meet the Texas Accessibility Standards (TAS). TSU may continue to do so, provided that compliance with TAS in fact results in substantially equivalent or greater accessibility and usability in all instances.

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 or substantially equivalent accessibility standards (i.e., TAS). New and altered facilities (or the identified new or altered part(s)) will be readily accessible to and usable by individuals with disabilities.

TSU hereby voluntarily commits to the following:

1. By February 28, 2015, TSU will inspect all parking areas located at the Stadium to determine whether they are in compliance with 1991 Standards § 4.1.2 and § 4.6, together with all associated figures and other cross-referenced provisions.

**Reporting Requirement:** By March 31, 2015, TSU 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, within 60 calendar days after OCR's approval of TSU's proposed or modified plan regarding the identified parking areas, TSU will 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:** Within 14 calendar days after its completion of all changes, if any, to the parking areas in question, TSU will submit a report to OCR with documentation substantiating its compliance with Action Item 2.

3. By February 28, 2015, TSU will inspect all paths of travel leading from all of the accessible parking areas that service the Stadium to the nearest accessible entrances to determine whether they are in compliance with 1991 Standards § 4.5, together with all associated figures and other cross-referenced provisions.

**Reporting Requirement:** By March 31, 2015, TSU 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.

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<sup>4</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 TSU, 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.

4. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of TSU’s proposed or modified plan regarding all paths of travel leading from all of the accessible parking areas that service the Stadium to the nearest accessible entrances in need of modification, TSU will make all changes necessary to ensure that the paths of travel are compliant with the appropriate accessibility standard, such that the paths of travel 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 paths of travel in question, TSU will submit a report to OCR with documentation substantiating its compliance with Action Item 4.

5. By February 28, 2015, TSU will inspect all ticket counters at the Stadium to determine whether they are in compliance with 1991 Standards § 7.2, together with all associated figures and other cross-referenced provisions.

**Reporting Requirement:** By March 31, 2015, TSU will submit to OCR a report of its findings/determinations regarding the ticket counters, along with a proposed plan to remedy any identified compliance concerns.

6. Based on the determination above, and in consultation with OCR, within 60 calendar days after OCR’s approval of TSU’s proposed or modified plan regarding the ticket counters at the Stadium, TSU will make all changes necessary to ensure that the ticket counters are compliant with the appropriate accessibility standard, such that the ticket counters 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 ticket counters in question, TSU will submit a report to OCR with documentation substantiating its compliance with Action Item 6.

/s/  
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Dr. F. Dominic Dottavio, President  
Tarleton State University

12/10/14  
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Date