

**VOLUNTARY RESOLUTION AGREEMENT**  
**Comal Independent School District**  
**Complaint Number 06151354**

Comal Independent School District (CISD) voluntarily submits this agreement to resolve the allegation in the above-referenced complaint. The CISD assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions, consistent with its obligation to comply with 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, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability.

The CISD will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) guidelines. Be advised, the 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 that were initiated on or after March 15, 2012.

Unless otherwise noted, all structural changes or modifications to existing facilities pursuant to the Agreement will be in accordance with the technical and scoping requirements of the 2010 Standards referenced above.<sup>1</sup> New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

The CISD is subject to Section 504 and Title II because it receives Federal financial assistance from the Department and is a public entity. In order to resolve OCR Complaint Number 06151354, the CISD has agreed to the terms of this Agreement as set forth below.

**ACTION ITEMS**

All structural changes or modifications to facilities or parts of facilities indicated below will be made in accordance with the 2010 Standards.

1. By April 30, 2017, the District will evaluate the outdoor play areas located at the CISD's elementary special education magnet schools (hereby collectively referred to as "SEMS Playgrounds")<sup>2</sup> to determine whether they are compliant with the 2010 Standards and to determine which of the SEMS Playgrounds, if any, require modification to make them complaint with the 2010 Standards in accordance with Action Items 2 and 3 of this Agreement.

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<sup>1</sup> The 2010 Standards can be accessed at this DOJ website: [www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

<sup>2</sup> The CISD elementary special education magnet schools are Freiheit Elementary School; Garden Ridge Elementary School; Oak Creek Elementary School; Johnson Ranch Elementary School; Mountain Valley Elementary School; Rahe Bulverde Elementary School; Specht Elementary School; and Timberwood Park Elementary School, which are referred to collectively in this Agreement as "SEMS." The term "SEMS Playgrounds" in this Agreement refers to the playgrounds at each of these eight schools.

2. By August 15, 2017, the CISD will ensure that at least one playground at each of the SEMS fully meets the requirements of the 2010 Standards. In addition, all playgrounds at Mountain Valley Elementary School and Johnson Ranch Elementary School must fully meet the requirements of the 2010 Standards.
3. By August 15, 2017, the CISD will ensure that all alterations that were made to the SEMS playgrounds after March 15, 2012, including ramp and ground surface alterations made in 2015, meet the requirements of the 2010 Standards, including Section 405 (ramps) and section 1008.2.6 (ground surfaces).
4. By August 15, 2017, the CISD will develop and implement a plan to inspect and maintain the ground surfaces of the SEMS Playgrounds on a regular basis to ensure continued compliance with the ASTM F 1951 as required by the 2010 Standards.

### **REPORTING REQUIREMENTS**

1. By May 15, 2017, the District will provide OCR a report documenting its analysis of the SEMS Playgrounds completed in accordance with Action Item 1.
2. By August 31, 2017, the CISD will submit a report to OCR demonstrating all modifications to the SEMS Playgrounds made in accordance with Action Items 2 and 3. This report 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.
3. By August 31, 2017, the District will submit to OCR a copy of its ground surface maintenance plan developed in connection with action item 4.

### **IMPLEMENTATION AND ENFORCEMENT OF THIS AGREEMENT**

The CISD 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 at 34 C.F.R. § 104.21 and Title II at 28 C.F.R. § 35.149, which were the alleged compliance issues in this case. The CISD 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 and Title II as identified above.

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 sixty (60) calendar days to cure the alleged breach.

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Mr. Andrew Kim  
Superintendent

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Date