



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

1999 BRYAN ST., SUITE 1620
DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

RESOLUTION AGREEMENT

Calcasieu Parish School Board OCR Reference No. 06-15-1423

A. GENERAL TERMS & PRINCIPLES:

Calcasieu Parish School Board (CPSB, District, or Recipient) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. CPSB 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 its implementing regulations at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 et seq., and its implementing regulations at 28 C.F.R. Part 35, to resolve the compliance concerns raised by the Complainant's allegations. Prior to the completion of OCR's investigation, the Recipient agreed to resolve the allegations at issue pursuant to Section 302 of OCR's *Case Processing Manual* (CPM).

Non-Admission. This resolution has been entered into voluntarily between the parties and does not constitute an admission that the Recipient is not in compliance with Section 504, Title II, and/or their implementing regulations, or that it discriminated or otherwise engaged in any wrongdoing. Accordingly, to ensure compliance with Section 504 and Title II and their implementing regulations and to resolve the issues of this investigation, the Recipient voluntarily agrees to take the actions set forth below.

Assurances of Nondiscrimination. CPSB hereby reaffirms its commitment to ensure that people with disabilities have an opportunity equal to that of their nondisabled peers to participate in the recipient's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration.

Additional Data, Interviews, and Visits. The Recipient 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 Recipient understands that during the monitoring of this Agreement, if necessary, OCR may visit the recipient, interview staff, and request such additional reports or data, including simulated website accounts and passwords, as are necessary for OCR to determine whether the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations which were at issue in this case.

Undue Burden and Fundamental Alteration. For any requirement in this Agreement for which the recipient asserts an undue burden or fundamental alteration defense, such assertion may only be made by the Superintendent of or by an individual designated by the Superintendent who has budgetary authority after considering all resources available for use in the funding and operation

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of the service, program, or activity, and must be accompanied by a written statement of the reasons for reaching that conclusion, including the cost of meeting the requirement and the available funding and other resources. The written statement will be certified by the determining official. If such a determination is made, the certifying official will describe in the written statement how it will provide equally effective alternate access, i.e., other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with disabilities receive the same benefits or services provided by the recipient as their nondisabled peers.

Administrative Enforcement, Breach, and Cure. CPSB understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give CPSB written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Existing Facilities. An existing facility is defined as any facility, the construction or alteration of which was commenced before June 3, 1977.¹ For such existing facilities, each element of a facility need not be readily accessible and usable to individuals with disabilities. Instead, each program or activity is to be operated so that the program or activity, when viewed in its entirety, is readily accessible and usable. Federal facility accessibility standards may be used as a guide to understanding whether persons with disabilities can participate in the program, activity or service. If the CPSB chooses to make alterations or construct new facilities in order to make the program or activity readily accessible or usable, such alterations or new construction will be made in compliance with the 2010 Standards.²

New Facilities. Per 28 C.F.R. 35.151(c) (Accessibility standards and compliance date):

- (1) If physical construction or alterations commence after July 26, 1992, but prior to the September 15, 2010, then new construction and alterations subject to this section must comply with either the Uniform Federal Accessibility Standards (UFAS) or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.
- (2) If physical construction or alterations commence on or after September 15, 2010, and before March 15, 2012, then new construction and alterations subject to this section may comply with one of the following: the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities (ADAAG), 28 C.F.R. Part 36, Appendix A (2010 Standards)³,

¹ 34 C.F.R. § 104.22.

² The 2010 Standards refers to the 2010 ADA Standards for Accessible Design, defined as the requirements set forth in appendices B and D to 36 C.F.R. Part 1191 and the requirements contained in 28 C.F.R. § 35.151.

³ 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 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.

UFAS, or the 1991 Standards except that the elevator exemption contained at section 4.1.3(5) and section 4.1.6(1)(k) of the 1991 Standards shall not apply. Departures from particular requirements of either standard by the use of other methods shall be permitted when it is clearly evident that equivalent access to the facility or part of the facility is thereby provided.

- (3) If physical construction or alterations commence on or after March 15, 2012, then new construction and alterations subject to this section shall comply with the 2010 Standards.

Closure. CPSB understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that CPSB has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

CPSB hereby voluntarily commits to taking the following steps for each of the **Action Items (1-3)** below.

By **November 30, 2018**, CPSB will conduct a self-assessment of each of the following buildings to determine whether they are readily accessible to and useable by persons with disabilities. The self-assessment will include, but not be limited to, the following items:

- (1) Career & Technical Education Building (600 South Shattuck Street):
 - A. Sidewalks and Ramp leading to front entrance (accessible path);
 - i. Accessible entrance signage;
 - B. Front doors (accessible entrance);
 - C. Men’s Restrooms;
 - D. Lobby area within building (no ramp available);
 - E. Front offices within building (accessible entrances);
 - F. No access to second floor activities;
 - G. Drinking fountains.
- (2) Reynaud Middle School (“Rise Connection”) Building (745 South Shattuck Street):
 - A. Front doors (accessible entrance);
 - B. Men’s Restrooms;
 - C. Entrances to dressing room within gymnasium attached to Rise Building (accessible entrance);
 - D. Restrooms within gymnasium.
- (3) CPSB Administration Building (3310 Board Street):
 - A. Accessible entrance to building.

Reporting Requirements for Action Items (1-3):

- A. Initial Report. By **November 30, 2018**, CPSB will submit to OCR for review and approval an Initial Report of its findings/determinations from its self-assessment of the items in Action Items (1-3). The Initial Report will provide relevant information for each item, including, but not limited to, the following:

