



RESOLUTION AGREEMENT

Prosper Independent School District

OCR Case Number: 06-17-1850

OCR and Prosper Independent School District (The District) enter into this agreement to resolve the allegation in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U. S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply 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

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

The District 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.

Action Item 1

By March 15, 2018, the District will inspect all interior and exterior doors at Folsom Elementary School to determine whether they are in compliance with the 2010 Standards Chapter 4 Section 404, together with all associated figures and other cross-referenced provisions.

Reporting Requirement Action Item 1

1. **By March 30, 2018**, the District will submit for OCR's review and approval, a report of its findings/determinations regarding the interior and exterior doors, along with a proposed plan to remedy any identified compliance concerns.
2. **Within 60 calendar days after OCR's approval** of the District's proposed plan, the District will submit documentation to OCR demonstrating that, in accordance with the approved plan, the District has made all changes necessary to ensure that the interior and exterior doors are

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 District, 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.

compliant with the appropriate accessibility standard referenced above, such that the doors are readily accessible to and usable by individuals with disabilities.

Action Item 2

By March 15, 2018, the District will assess all play areas at Folsom Elementary School to determine whether they are in compliance with the 2010 Standards Chapter 10 Section 1008, together with all associated figures and other cross-referenced provisions.

Reporting Requirement: Action Item 2

1. **By March 30, 2018**, the District will submit for OCR’s review and approval, a report of its findings/determinations regarding the play areas, along with a proposed plan to remedy any identified compliance concerns.
2. **Within 120 calendar days after OCR’s approval** of the District’s proposed plan, the District will submit documentation to OCR demonstrating that, in accordance with the approved plan, the District has made all changes necessary to ensure that the play areas are compliant with the appropriate accessibility standard, such that the play areas are readily accessible to and usable by individuals with disabilities.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, 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 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative below.

Title & Name of Prosper ISD Authorized Official (Print)

Signature

Date