

## **RESOLUTION AGREEMENT**

### **Dripping Springs Independent School District OCR Complaint No. 06-18-1091**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Dripping Springs Independent School District (DSISD or District) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, 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. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

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.

### **ACCESSIBILITY ASSESMENT(S)<sup>1</sup>**

#### **Standards**

Accessibility will be measured during the assessment(s) identified within **Action Items, 1, 2, 3, and 4** as conformance and compliance with the requirements of Section 504 and Title II. The date of construction and the respective dates of all alterations to each component shall be identified during the assessment(s). For components constructed, or for which construction was commenced, prior to June 3, 1977, the assessment(s) shall determine if the service, activity, or program as a whole is accessible. For components constructed or altered after June 3, 1977, but prior to January 18, 1991, the assessment(s) will determine compliance with the American National Standards Institute (ANSI) Standards (A117.1-1961, re-issued 1971). For components constructed or altered after January 17, 1991, the assessment(s) will determine compliance with the requirements of the Uniform Federal Accessibility Standards (UFAS). For components constructed or altered after January 26, 1992 and prior to September 15, 2010, the assessment(s) shall determine compliance with UFAS and/or the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 Standards)<sup>2</sup>. For components where construction or alterations commenced on or after September 15, 2010, and before March 15, 2012, the assessment(s) will determine compliance with UFAS, ADAAG, and/or the 2010 ADA Standards for Accessible

---

<sup>1</sup> The DSISD may utilize and provide OCR with any accessibility assessments completed prior to the effective date of this agreement. Previously completed accessibility assessments will be sufficient to meet the requirements of this section, if they comply with the elements outlines within this section.

<sup>2</sup> Under the Title II regulation, districts had a choice of adopting either UFAS or the 1991 Americans with Disabilities Act Accessibility Guidelines (ADAAG) for facilities constructed or altered after January 26, 1992 and prior to September 15, 2010.

Design (2010 Standards).<sup>3</sup> For components where construction or alterations commenced on or after March 15, 2012, the assessment(s) will determine compliance with the 2010 Standards.

Title II regulations<sup>4</sup> indicate that elements that have not been altered in existing facilities on or after March 15, 2012, and that comply with the corresponding technical and scoping specifications for those elements in either the 1991 Standards or UFAS, are not required to be modified in order to comply with the requirements set forth in the 2010 Standards; this is called a safe harbor. However, the safe harbor provision does not apply to those elements in existing facilities that were not subject to supplemental requirements, which includes play areas or play grounds.<sup>5</sup> Thus, play areas built before March 15, 2012, must also comply with the 2010 Standards.

The Title II and Section 504 regulations do not provide complete standards for external doors. External doors should be able to be opened with a reasonable amount of force and/or there should be alternative means to ensure that external doors are readily accessible and openable by individuals with disabilities.

**XXXX XXXX XXXX XXXX XXXX**

#### **Action Item 1**

By **June 30, 2018**, the DSISD will conduct or complete an assessment of the accessibility issues identified within this complaint concerning the XXXX. Specifically, the DSISD will complete an assessment concerning the accessibility of the following components, as indicated within the aforementioned Accessibility Standards paragraph:

- (a) External building doors;
- (b) Playground, including quantity and type of play structures, and surface; and
- (c) Quantity of designated handicap parking spaces within the pick-up, drop-off parking lot.

#### **Reporting Requirement**

By **July 31, 2018**, the DSISD will provide OCR with a copy of the results and determinations of the assessment identified within Action Item 1. The results and/or supplemental information provided to OCR, shall include the assessment and identification of the requirements identified within the aforementioned Accessibility Standards paragraph.

---

<sup>3</sup> The Title II regulation provides that districts had a choice of complying with one of the following: UFAS, ADAAG, or the 2010 Standards. The 2010 ADA Standards for Accessible Design consist of 28 C.F.R. § 35.151 and the 2004 ADAAG at 36 C.F.R. Part 1191, appendices B and D.

<sup>4</sup> See 28 C.F.R. § 35.150(b)(2)(i).

<sup>5</sup> See 28 C.F.R. §35.150(b)(2)(ii).

**XXXX XXXX XXXX XXXX XXXX**

**Action Item 2**

By **June 30, 2018**, the DSISD will conduct or complete an assessment of the accessibility issues identified within this complaint concerning the XXXX. Specifically, the DSISD will complete an assessment concerning the accessibility of the following components, as indicated within the aforementioned Accessibility Standards paragraph:

- (a) External building doors;
- (b) Internal building areas with step access and no ramp or alternative access method, including at the main entry of the campus; and
- (c) Route(s) to the football field(s).

**Reporting Requirement**

By **July 31, 2018**, the DSISD will provide OCR with a copy of the results and determinations of the assessment identified within Action Item 2. The results and/or supplemental information provided to OCR, shall include the assessment and identification of the requirements identified within the aforementioned Accessibility Standards paragraph.

**XXXX XXXX XXXX XXXX XXXX**

**Action Item 3**

By **June 30, 2018**, the DSISD will conduct or complete an assessment of the accessibility issues identified within this complaint concerning the XXXX. Specifically, the DSISD will complete an assessment concerning the accessibility of the following component, as indicated within the aforementioned Accessibility Standards paragraph:

- (a) Playground, including surface.

**Reporting Requirement**

By **July 31, 2018**, the DSISD will provide OCR with a copy of the results and determinations of the assessment identified within Action Item 3. The results and/or supplemental information provided to OCR, shall include the assessment and identification of the requirements identified within the aforementioned Accessibility Standards paragraph.

**XXXX XXXX XXXX XXXX XXXX**

**Action Item 4**

By **June 30, 2018**, the DSISD will conduct or complete an assessment of the accessibility issues identified within this complaint concerning the XXXX. Specifically, the DSISD will complete an assessment concerning the accessibility of the following components, as indicated within the aforementioned Accessibility Standards paragraph:

- (d) External building doors;

- (e) Internal doors to and from the cafeteria; and
- (f) Internal ramps throughout the building.

#### Reporting Requirement

By **July 31, 2018**, the DSISD will provide OCR with a copy of the results and determinations of the assessment identified within Action Item 4. The results and/or supplemental information provided to OCR, shall include the assessment and identification of the requirements identified within the aforementioned Accessibility Standards paragraph.

### **CORRECTIVE ACTION PLAN(S)**

#### **Action Item 5**

By **October 1, 2018**, the DSISD will develop written corrective action plan(s) identifying the modifications, if any, that are necessary to ensure accessibility compliance, pursuant to Section 504 and Title II, of the components identified within this complaint, as identified within Action Items 1, 2, 3, and 4 at the XXXX XXXX XXXX and XXXX. As part of this process, the DSISD will consult with appropriate professionals<sup>6</sup> knowledgeable about the aforementioned Accessibility Standards, to assist it in compliance as necessary. The plan(s) will include a timetable for completion of all identified modifications.

#### Reporting Requirement

By **October 1, 2018**, the DSISD will submit to OCR, for review and approval, the written corrective action plans identified within Action Item 5.

#### **Action Item 6**

**Within 30 calendar days of receiving OCR's approval of the proposed written corrective action plan**, the DSISD will officially adopt and begin implementing the corrective action plan(s).

#### Reporting Requirements

- i. **Within 60 calendar days of receiving OCR's approval of the proposed written corrective action plan**, the DSISD will submit to OCR documentation establishing that the approved corrective action plan is being implemented according to the approved timetable for completion. Reports will be due every **180 calendar days** thereafter until the corrective actions and/or modifications have been completed.
- ii. **Within 60 calendar days of completion of modifications and/or alterations identified pursuant to the approved timeline in the written corrective action plan**, the DSISD

---

<sup>6</sup> The appropriate professionals may be employees, contractors, or other representatives of the DSISD, or outside individuals or entities.

will submit documentation demonstrating that all actions indicated in the written corrective action plan(s) have been completed.

## **TRAINING**

### **Action Item 7**

By **August 31, 2018**, the DSISD will provide training regarding its obligation under Section 504 and Title II to ensure that no qualified individual with a disability shall, because the DSISD's facilities are inaccessible to or unusable by disabled individuals, be excluded from participation in, or denied the benefits of services, programs or activities; or otherwise be subject to discrimination by the DSISD. The training will be conducted by an individual who is knowledgeable about the laws and issues pertaining to accessibility. The training shall be provided to District Section 504 and Title II Coordinators, and XXXX, XXXX, XXXX, and XXXX campus administrators, Title 504 Coordinators, and Title II Coordinators.

### **Reporting Requirement**

By **September 14, 2018**, the DSISD will provide documentation to OCR evidencing that the training required by Action Item 7 has been completed, including the identity of the individual conducting the training and the individual's qualifications, along with a copy of the materials or a summary of the material covered in such training and sign-in sheet(s) or other documentation showing who attended the training.

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 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.21-104.23; and Title II, at 28 C.F.R. §§ 35.149-35.151. 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.

---

**Dr. Bruce Gearing, Superintendent**  
**Dripping Springs Independent School District**

---

**Date**