

**VOLUNTARY RESOLUTION AGREEMENT**  
**Spring Branch Independent School District**  
**Complaint Number 06181648**

The U. S. Department of Education, Office for Civil Rights, (OCR) and the Spring Branch Independent School District (SBISD) enter into this voluntary Resolution Agreement (“Agreement” or “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 SBISD. The SBISD assures 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 (2011) 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 (2011) 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 SBISD agreed to resolve the issue of this investigation pursuant to Section 302 of OCR’ s Case Processing Manual. Accordingly, to resolve the issues of this investigation, the SBISD agrees to take the following actions.

The SBISD will ensure that any new facilities or part of a facility at the Memorial Middle School Sports Complex (“Sports Complex”) 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, 2012. Compliance with the 2010 Standards is required for new construction and alterations that were initiated on or after March 15, 2012.<sup>1</sup>

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>2</sup> New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

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<sup>1</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 the purposes of Title II compliance, a public entity must comply with the 2010 Title II ADA Standards as of March 15, 2012, even if the Uniform Federal Accessibility Standards (UFAS) remains an option under the Section 504 regulations for some period after this date.

<sup>2</sup> The 2010 Standards can be accessed at this DOJ website: [www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

## **Remedial Action Required**

### **Action Item 1**

By **April 5, 2019**, the SBISD will inspect the parking area(s) at the Sports Complex using the 1991 Standard and will assess whether the parking area is compliant with the 1991 Standard.

**Reporting Requirement:** By **May 5, 2019**, the SBISD will submit a report to OCR indicating its findings regarding Action Item 1, and if necessary, the manner in which the facility listed in Action Item 1 will be altered to comply with the 2010 Standards. 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.

### **Action Item 2**

Based on the determination above, and in consultation with OCR, by **July 31, 2019**, the SBISD will make all changes necessary to ensure that parking area(s) at the Sports Complex is compliant with the 2010 Standard, such that the programs and activities at the Sports Complex are accessible to individuals with disabilities. Where parking spaces are provided; parking spaces shall be provided in accordance with the 2010 Standards. The number of parking spaces shall comply with the appropriate section of the regulation. Where more than one parking facility is provided on a site, the number of accessible spaces provided on the site shall be calculated according to the number of spaces required for each parking facility. This should also include, but not necessarily be limited to, ensuring that the designated accessible parking spaces have an access aisle as required, and that the spaces are on the shortest accessible route of travel from adjacent parking to an accessible entrance in a manner that complies with the 2010 Standard, and all associated references.

**Reporting Requirement:** By **August 31, 2019**, the SBISD will submit a final report to OCR demonstrating the completed modifications to the facility listed in Action Item 1. 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.

### **Action Item 3**

By **April 5, 2019**, the SBISD will inspect the accessible routes to the restroom facilities at the Sports Complex using the 1991 ADA Standards for Accessible Design ("1991 Standards")<sup>3</sup>, the SBISD will assess whether the routes leading to the restroom facility is compliant with the 1991 Standards.

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<sup>3</sup> The 1991 Standards can be accessed at this DOJ website: <https://www.ada.gov/1991standards/1991standards-archive.html>.

**Reporting Requirement:** By May 5, 2019, the SBISD will submit a report to OCR indicating its findings regarding Action Item 3, and if necessary, the manner in which the facilities listed in Action Item 3 will be altered to comply with the 2010 Standard. 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.

#### **Action Item 4**

Based on the determination above, and in consultation with OCR, by July 31, 2019, the SBISD will make all changes necessary to ensure that the restroom facilities at the Sports Complex are compliant with the 2010 Standards, such that the programs and activities at the restroom are accessible to individuals with disabilities. The accessible route should be on the shortest accessible route of travel that complies with the 2010 Standard, and all associated references.

**Reporting Requirement:** By August 31, 2019, the SBISD will submit a final report to OCR demonstrating the completed modifications to the facility listed in Action Item 4. 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.

#### **Action Item 5**

By April 5, 2019, the SBISD will inspect the accessible routes to each of the sports fields located at the Sports Complex using the 1991 Standards will assess whether the routes leading to each sports field are compliant with the 1991 Standards.

**Reporting Requirement:** By May 5, 2019, the SBISD will submit a report to OCR indicating its findings regarding Action Item 5, and if necessary, the manner in which the facilities listed in Action Item 5 will be altered to comply with the 2010 Standards. 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.

#### **Action Item 6**

Based on the determination above, and in consultation with OCR, by July 31, 2019, the SBISD will make all changes necessary to ensure that the sports fields at the Sports Complex are compliant with 2010 Standards, such that the programs and activities at the sports fields are accessible to individuals with disabilities. The accessible route should be on the shortest accessible route of travel that complies with the 2010 Standards, and all associated references.

**Reporting Requirement:** By **August 31, 2019**, the SBISD will submit a final report to OCR demonstrating the completed modifications to the facility listed in Action Item 6. 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.

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

The SBISD 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 SBISD understands that during the monitoring of this agreement, if necessary, OCR may visit the SBISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the SBISD has fulfilled the terms of this agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. §§ 104.21-104.23, and Title II implementing regulations at 28 C.F.R. §§ 35.149-151. Upon completion of the obligations under this agreement, OCR shall close and dismiss this case.

The SBISD 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 SBISD 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 SBISD's representative below.

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Dr. Scott Muri, Superintendent  
Spring Branch ISD

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Date