

VOLUNTARY RESOLUTION AGREEMENT

Deer Park Independent School District **Complaint Number 06-20-1151**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and the Deer Park Independent School District (District) enter into this agreement to resolve the allegations and compliance concerns identified 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, consistent with its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794 *et seq.*, 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. §§ 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.

The District will ensure that any new facilities or part of a facility will be constructed in accordance with the U.S. Department of Justice (DOJ) adopted accessibility guidelines. The DOJ's 2010 ADA Standards for Accessible Design (2010 Standards), 28 C.F.R. Part 36, Appendix A, 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. Prior to the 2010 Standards, the effective standards for new construction were the American National Standards Institute (ANSI), effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (ADAAG), effective January 26, 1992.

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.¹ New and altered facilities (or the identified new or altered part) will be readily accessible to and usable by individuals with disabilities.

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

A. ACTION ITEMS & REPORTING REQUIREMENTS

Action Item 1

By March 31, 2023, the District will provide (an) accessible route(s) to the location of accessible seating at the District's Deepwater Junior High School Football Facility (the Facility) that meets the requirements of the 2010 Standards, §§ 206 and 402 – Accessible Routes; and § 403 – Walking Surfaces.

¹ The 2010 Standards can be accessed at this DOJ website: www.ada.gov/2010ADASTandards_index.htm.

Reporting Requirement for Action Item 1

By May 31, 2023, the District will provide a report documenting the construction of (an) accessible route(s) from parking to accessible seating that meet(s) the 2010 Standards in accordance with Action Item 2. The report shall include photographs reflecting measurements of the accessible route(s) and any technical drawings demonstrating that the accessible route(s) meet the requirements of the 2010 Standards.

Action Item 2

By March 31, 2023, the District will provide accessible seating at the Facility that meets the requirements of the 2010 Standards, § 802 – Wheelchair Spaces, Companion Seats, and Designated Aisle Seats.

Reporting Requirement for Action Item 2

By May 31, 2023, the District will provide a report documenting the provision of accessible seating at the Facility in accordance with Action Item 4. The report shall include photographs reflecting the location and measurements of wheelchair spaces, companion seats, and designated aisle seats demonstrating compliance with the 2010 Standards.

B. GENERAL PROVISIONS

The District 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 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 and obligations of this agreement.

The District also understands that OCR will not close the monitoring of this agreement until such time as OCR determines that the District is in compliance with the terms of this agreement and the statutes and regulations at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the DOJ for judicial proceedings to enforce the specific terms of the agreement and the applicable statutes and regulations. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION

This agreement will become effective immediately upon the signature of the District's representative below.

Stephen Harrell
Superintendent of Schools
Deer Park Independent School District

Date