



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

REGION VI  
LOUISIANA  
MISSISSIPPI  
TEXAS

Renaissance Tower  
1201 Elm Street, Suite 1000  
Dallas, TX 75270

**RESOLUTION AGREEMENT**

**Pine Tree Independent School District  
OCR Complaint No. 06-22-1295**

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Pine Tree Independent School District (the District, PTISD) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. 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.

An existing facility under Section 504 is any facility that was constructed, or for which construction was commenced, prior to June 3, 1977. Under Title II, an existing facility includes facilities that were constructed, or for which construction was commenced prior to January 26, 1992.

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, 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. Prior to the 2010 Standards, the effective standards for new construction were the American National Standards Institute, effective June 3, 1977, the Uniform Federal Accessibility Standards (UFAS), effective January 18, 1991, and the 1991 Americans with Disabilities Act Accessibility Guidelines (1991 or 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.<sup>1</sup> 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 voluntarily resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

**ACTION ITEM 1: BIRCH ELEMENTARY SCHOOL PARKING**

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<sup>1</sup> The 2010 Standards can be accessed at this DOJ website: [www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm).

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

- A. By **May 30, 2023**, the PTISD will complete an Assessment of the two parking lots serving Birch Elementary School on Birch Drive, and on Silver Falls Road, respectively, and handicapped parking spaces on the circular driveway at the front of the school (collectively, “parking areas”) to determine their compliance with the 2010 Standards (Assessment 1).

**Reporting Requirement**

By **May 30, 2023**, the PTISD will provide OCR with a copy of Assessment 1. The results and/or supplemental information provided to OCR shall include the identification of the requirements set forth in the 2010 Standards and the District’s determinations as to the parking areas. The report shall include, for example, detailed photographs or videos showing the relevant measurements of the parking areas at issue, and blueprints or other records showing the layout of the parking spaces, to include the total number of spaces and the number of handicapped spaces. The assessment will also set forth the District’s plan for remediation of any areas in which the parking areas fail to comply with the 2010 Standards.

- B. **Within 120 days** of OCR’s approval of Assessment 1, The District will complete all necessary modifications to ensure compliance with the 2010 Standards, as set forth in the approved plan.

**Reporting Requirement**

**Within 120 days** of OCR’s approval of Assessment 1, the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, work orders, purchase orders, invoices, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

**ACTION ITEM 2: PINE TREE HIGH SCHOOL PARKING**

- A. By **May 30, 2023**, the PTISD will complete an Assessment of two parking lots serving Pine Tree High School (at the corner of Northwest Drive and Regency Drive; and on Fairmont Street, west of Excel High School, respectively) to determine their compliance with the 2010 Standards (Assessment 2).

**Reporting Requirement**

By **May 30, 2023**, the PTISD will provide OCR with a copy of Assessment 2. The results and/or supplemental information provided to OCR shall include the identification of the requirements set forth in the 2010 Standards and the District’s determinations as to the parking areas. The report shall include, for example, detailed photographs or videos showing the relevant measurements of the parking areas at issue, and blueprints or other records showing the layout of the parking spaces, to include the total number of spaces and the number of handicapped spaces. The assessment will

also set forth the District’s plan for remediation of any areas in which the parking areas fail to comply with the 2010 Standards.

- B. **Within 120 days** of OCR’s approval Assessment 2, The District will complete all necessary modifications to ensure compliance with the 2010 Standards, as set forth in the approved plan.

**Reporting Requirement**

**Within 120 days** of OCR’s approval of Assessment 2, the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, work orders, purchase orders, invoices, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

**ACTION ITEM 3: PINE TREE AUDITORIUM PARKING**

- A. By **May 30, 2023**, the PTISD will complete an Assessment of the parking lot serving Pine Tree Auditorium to determine its compliance with the 2010 Standards (Assessment 3).

**Reporting Requirement**

By **May 30, 2023**, the PTISD will provide OCR with a copy of Assessment 3. The results and/or supplemental information provided to OCR shall include the identification of the requirements set forth in the 2010 Standards and the District’s determinations as to the parking areas. The report shall include, for example, detailed photographs or videos showing the relevant measurements of the parking areas at issue, and blueprints or other records showing the layout of the parking spaces, to include the total number of spaces and the number of handicapped spaces. The assessment will also set forth the District’s plan for remediation of any areas in which the parking areas fail to comply with the 2010 Standards (Action Plan 3).

- B. **Within 120 days** of OCR’s approval of the Assessment 3, The District will complete all necessary modifications to ensure compliance with the 2010 Standards, as set forth in the approved plan.

**Reporting Requirement**

**Within 120 days** of OCR’s approval of the Assessment 3, the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, work orders, purchase orders, invoices, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

**ACTION ITEM 4: PINE TREE AUDITORIUM SEATING AND ACCESSIBLE ROUTES**

- A. By **May 30, 2023**, the PTISD will complete an Assessment of the Pine Tree Auditorium's accessible seating and route(s) to such accessible seating to determine its compliance with the applicable accessibility standards (Assessment 4).

**Reporting Requirement**

By **May 30, 2023**, the PTISD will provide OCR with a copy of Assessment 4. The results and/or supplemental information provided to OCR shall include the identification of the requirements set forth in the applicable standards and the District's determinations as to wheelchair accessibility. The report shall include, for example, detailed photographs or videos showing the relevant measurements of the accessible seating, the gradient of the floor where such seating is located, and the accessible routes to such seating. 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.

The report will specify what standard of accessibility was used, and will provide detailed documentation (e.g. construction permits, invoices, architectural records, etc.) substantiating the dates of construction/modification and the basis for the selection of the standard used in Assessment 4. Such documentation will include evidence concerning the original date of construction, and the scope of all alterations made to the Auditorium since that time (including but not limited to those made in 2008 and 2009).

The assessment will also set forth the District's plan for remediation of any areas in which the seating or accessible route to such seating fails to comply with the applicable standards. Any structural changes or modifications to existing facilities proposed as part of such remediation will be in accordance with the technical and scoping requirements of the 2010 Standards.

- B. **Within 180 days** of OCR's approval of the Assessment 4, The District will complete all necessary modifications to ensure compliance with the 2010 Standards, as set forth in the approved plan.

**Reporting Requirement**

**Within 180 days** of OCR's approval of the Assessment 4, the District will submit a report to OCR showing that the District has completed the approved modifications. This report shall include, for example, detailed photographs or videos showing the relevant measurements of any alterations or renovations, work orders, purchase orders, invoices, and other such documentation demonstrating full implementation of the approved plan in compliance with Section 504 and Title II.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 and Title II.

The District 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 the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the 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 proceeding 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.

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**\*\*\*redacted\*\*\*], Superintendent  
Pine Tree Independent School District**

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**Date**