

RESOLUTION AGREEMENT

El Paso Independent School District (EPISD) OCR Complaint Number: 06131112

The El Paso Independent School District (EPISD or District), El Paso, Texas, voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The EPISD commits to taking the following actions to ensure that 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, as well as 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, are met with regard to the allegations presented in the above-referenced complaint.

The EPISD understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the EPISD understands that during the monitoring of this Agreement, OCR may visit the EPISD, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the EPISD has fulfilled the terms of this Agreement and is in compliance with the regulations implementing 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. §104.21, 34 C.F.R. § 104.22, 34 C.F.R. § 104.23, as well as 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. § 35.149, 28 C.F.R., § 150, or 28 C.F.R. § 35.151, which were at issue in this investigation.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing 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. §104.21, 34 C.F.R. § 104.22, 34 C.F.R. § 104.23, as well as 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. § 35.149, 28 C.F.R., § 150, or 28 C.F.R. § 35.151.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

ACTION ITEMS

All structural changes or modifications to facilities or parts of facilities indicated below will be made in accordance with the 2010 ADA Standards for Accessible Design (2010 Standards).

The EPISD will take the following actions with regard to its facilities:

ACTION ITEM #1: Playground Constructed in 1994 at Lamar Elementary School

1. By _____, the EPISD will take one of the two options listed below regarding the ground surface for the playground built at Lamar Elementary School in 1994 (currently consists of pea gravel):
 - a. replace the current ground surface with material that meets the ATSM F1951-99 standards for ground surface, or
 - b. keep some of the pea gravel in place, but remove other areas of pea gravel and replace it with a ground surface that meets the ATSM F1951-99 standards for ground surface and use that new material to provide accessible paths of travel within the play area to the existing playground components.

ACTION ITEM #2: Playground Constructed in 2012 at Lamar Elementary School

- 2a. By _____, the EPISD will provide an accessible route to the Playground that has a running slope equal or less than 1:20 or provide a ramp that meets the requirements of the 2010 ADA Standards for Accessible Design, Section 405.
- 2b. By _____, the EPISD will alter the ground surface on the accessible route to this play area so that it is stable, firm and slip-resistant (2010 Standards, sections 302, 402, and 403).

REPORTING REQUIREMENT

3. By _____, the EPISD shall provide documentation to OCR evidencing that all action all action items have been completed. This report shall include measurements, photographs, technical drawings, and such other documentation sufficient to show compliance with all action items.

MISCELLANEOUS ITEM

4. The District agrees to provide OCR with any additional documentation required by OCR to determine that the EPISD has completed the above-listed action items.

Mr. Juan Cabrera, Superintendent

Date