

RESOLUTION AGREEMENT
Tarkington Independent School District
OCR Complaint No. 06-24-1873

The U.S. Department of Education, Office for Civil Rights (OCR) and the Tarkington Independent School District (District) enter into this resolution agreement (Agreement) to 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. § 794 (amended 1992), 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. §§ 12132 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District enters into this Agreement without admitting any violation of law.

Action Item

By **August 3, 2026**, the District will conduct and document a comprehensive inspection of the playground facilities at Tarkington Elementary School (School) and assess whether the play areas are compliant with Section 504, Title II, and the 2010 ADA Standards for Accessible Design (2010 ADA Standards), specifically, provisions 240 and 1008 which apply to play areas. The inspection will include all play components, surfacing, accessible routes, and adjacent approaches.

Reporting Requirements

- 1) If the District determines the accessibility of the playground facilities is fully compliant, the District will provide to OCR documentation that includes photographs, measurements, evaluator qualifications, and manufacturer specifications, sufficient to establish compliance regarding the facilities at issue in this case by **September 1, 2026**. If the District demonstrates full compliance in this manner, no further action will be required. To prove full compliance in the context of this case, the District must show, at a minimum, the following elements:
 - a) An accessible route from the School to the playground settings, as well as accessible routes that connect and surround accessible activities within the playground settings;
 - b) Ground surfaces along accessible routes, clear floor or ground spaces, and maneuvering spaces within play areas that are stable, firm and slip-resistant (the District will submit proof that the material has passed a lab test to conform to ASTM F 1951-99, as incorporated by reference into 2010 ADA Standards for Accessible Design section 1008);

- c) A written maintenance protocol and a maintenance log showing that ground surfaces that are inspected and maintained regularly and frequently to ensure continued compliance with applicable accessibility standards; and
 - d) Play equipment that meets applicable accessibility standards (to specifically include ensuring at least one of each type of play component provided at ground level in a play area is on the accessible route and ensuring at least 50 percent of the elevated play components are on an accessible route).
- 2) If the District determines the accessibility of the playground facilities is not fully compliant, the District will develop a written plan (Plan), identifying the modifications that are necessary to ensure the playground facilities are accessible to and usable by persons with mobility impairments, consistent with the elements described in Reporting Requirement 1. The Plan will include a schedule for completion of all identified modifications with a timeframe for completion not to exceed 365 days. The Plan will list each identified barrier, the applicable ADA Standard section, the corrective action required, and the start and end dates for each corrective action step. The District will include design documents, vendor specifications, and any bids or work orders related to the corrective measures. The District will submit the Plan to OCR for its review and approval by **October 1, 2026**. Following OCR's approval of the Plan:
- a) The District will provide progress reports to OCR beginning 60 days after OCR's approval of the Plan, and every two months thereafter, by the first day of the month. The progress reports will address the completion of any renovations or modifications, as applicable, and will include narrative updates, revised timelines (if applicable), and photographs or video documenting work completed.
 - b) The District will provide evidence that any new surface materials have been installed consistent with the manufacturer's instructions. Such evidence may include signed documentation attesting to the method of installation, accompanied by photographs and video taken during and at the completion of installation.
 - c) The District will continue to provide OCR progress reports until the Plan has been fully implemented and any work to be done under the Plan has been completed.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient 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 that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statutes and regulations. Before initiating such proceedings, OCR will give the recipient written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/

7/16/2026

Superintendent and/or Designee

Date

Tarkington Independent School District