

## **RESOLUTION AGREEMENT**

### **Pascack Valley Regional School District Case No. 02-13-1264**

In order to resolve Case No. 02-13-1264, Pascack Valley Regional School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

The resolution agreement references the following attached appendices: (A) Parking Areas Utilized for the Stadium; (B) Exterior Routes; and (C) Stadium Seating and Interior Routes.

The District represents that it will construct a new sports complex which will include renovations to the Stadium and Parking areas referenced herein, and the District agrees that all such construction shall be in accordance with the requirements of Section 504 and the ADA.

#### **Action Item 1: Parking Areas**

By September 1, 2017, the District will complete alterations to the parking areas, i.e., the Upper Lot and Lower Lot, consistent with Appendix A. In the interim, the District represents that it has designated a paved area adjacent to the southern end of the Stadium for seven (7) or more accessible parking spaces, including one (1) van accessible space, to be used during events at the Stadium. and, that it has signage directing drivers to this parking area

#### **Reporting Requirements:**

- (a) By November 1, 2016, the District will provide to OCR a copy of its schedule for completing the alterations to the parking lots consistent with Appendix A, with a completion date for all alterations not to exceed September 1, 2017.
- (b) By October 1, 2017, the District will provide documentation to OCR (e.g. copies of paid invoices, photographs, measurements, summaries, etc.) demonstrating completion of all alterations to the parking lots consistent with Appendix A. OCR will then schedule an onsite visit to confirm that the alterations were completed consistent with applicable accessibility standards.

#### **Action Item 2: Exterior Routes from Accessible Parking to the Stadium**

By September 1, 2017, the District will complete alterations to the exterior accessible routes leading from the Stadium's designated accessible parking lot(s) to the Stadium's designated accessible entrance(s), consistent with Appendix B. The District will post directional signage along the route(s) from the designated accessible parking lot(s) to the designated accessible entrance(s) to the Stadium. In the interim, the District represents that on days of events at the Stadium, it will provide accessible shuttle bus service from designated accessible parking to the

upper and field level Stadium entrances, and will notify members of the public of the availability of the accessible shuttle bus service on the District's website and in signage in the accessible parking lots.

**Reporting Requirements:**

- (a) By November 1, 2016, the District will provide to OCR a copy of its schedule for completing the alterations to the exterior accessible routes consistent with Appendix B, with a completion date for all alterations not to exceed September 1, 2017 .
- (b) By October 1, 2017, the District will provide documentation to OCR (e.g., copies of paid invoices, photographs, etc.) demonstrating completion of all alterations to the accessible exterior routes consistent with Appendix B. OCR will then schedule an onsite visit to confirm that the alterations were completed consistent with applicable accessibility standards.

**Action Item 3: Stadium Seating and Interior Routes**

By September 1, 2017, the District will complete alterations to stadium seating and interior routes, consistent with Appendix C.

**Reporting Requirements:**

- (a) By November 1, 2016, the District will provide to OCR a copy of its schedule for completing the alterations to the stadium seating and interior routes consistent with Appendix C, with a completion date for all alterations not to exceed September 1, 2017 .
- (b) By October 1, 2016, the District will provide to OCR its interim plan for ensuring accessibility of the programs and activities conducted in the Stadium until completion of the alterations to the stadium seating and interior routes.
- (c) By October 1, 2017, the District will provide documentation to OCR (e.g. photographs, measurements, diagrams, summaries, etc.) demonstrating completion of all alterations to the stadium seating and interior routes consistent with Appendix C. OCR will then schedule an onsite visit to confirm that the alterations were completed consistent with applicable accessibility standards.

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), as amended, 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104.21, and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. 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 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 of this agreement and is in compliance with the regulations implementing Section 504 and its implementing regulation, at 34 C.F.R. Part 104.21 and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. In addition, 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 and 100.10), or judicial proceedings 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.

09/09/2016  
Date

/s  
By: Board President  
Pascack Valley Regional School District  
Board of Education

**APPENDIX A<sup>1</sup>**  
**Parking Areas Utilized for the Stadium**

The District currently has two parking lots that individuals attending District-sponsored events at the Stadium can utilize; the Upper Lot and the Lower Lot. The Upper Lot is physically located closest to the Stadium; and for District-sponsored events at the Stadium, the District has designated all accessible parking in the Upper Lot. Section 208.3 of the 2010 ADA Standards provides that the location of designated accessible parking spaces that serve a particular building or facility shall be located on the shortest accessible route from parking to the accessible entrance serving that facility. Exception 2 to 208.3.1 provides that designated accessible parking spaces shall be permitted to be located in different parking facilities if substantially equivalent or greater accessibility is provided in terms of distance from an accessible entrance or entrances. The Upper Lot has 17 parking spaces and the Lower Lot has 291 parking spaces. If the District has consolidated all accessible parking in both lots into the Upper Lot for District-sponsored events at the Stadium, the District must provide the number of accessible parking spaces required for each lot in the Upper Lot for District-sponsored events at the Stadium. The minimum number of designated accessible spaces for a parking facility with 1 to 25 parking spaces (the Upper Lot) is 1; and, the minimum number of designated accessible parking spaces required for a parking facility with 201 to 300 parking spaces (the Lower Lot) is 7. Accordingly, the District is currently required to provide a minimum of 8 accessible parking spaces in the Upper Lot for individuals attending District-sponsored events at the Stadium; at least 2 of which must be van accessible [Section 208.2 of the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards)].

The District is rebuilding the Upper Lot as part of renovations to its existing sports complex, commencing April 2017 (the “Sports Complex Project”). All handicapped parking spaces shall be ADA compliant based on the accessibility issues discussed herein, and the 2010 ADA Standards.

<b>Parking Facility</b>	<b>Administrative Lot (Upper Lot)</b>
<b>Description</b>	The Upper Lot, as it presently exists, serves the Administrative Building and is utilized for handicapped parking on days of District-sponsored events held in the Stadium. It has 17 spaces, of which 2 are permanently designated accessible parking spaces. On days of District-sponsored events held at the Stadium, the District clusters all handicapped parking into the Upper Lot; accordingly, on these days, the District must provide at least 8 accessible parking spaces; at least 2 of which must be van accessible.
<b>No. of Accessible Spaces</b>	<b>2 of 17; none are van accessible</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Insufficient number of accessible parking spaces for District-sponsored events at the Stadium; and, no designated van-accessible parking spaces. [Section 208.2 of the 2010 ADA Standards requires a minimum of 8 accessible spaces in the Upper Lot for District-sponsored events held at the Stadium,</li> </ul>

<sup>1</sup> When structural changes or alterations are required, these must comply with the 2010 ADA Standards for Accessible Design. Accordingly, all citations in these appendices are to the 2010 ADA Standards.

	<p>and Section 208.2.4 of the 2010 ADA Standards requires at least 2 of these 8 spaces to be van accessible. The Upper Lot is required to have at least one accessible space when the lot is not being used for District-sponsored events at the Stadium, which must be van accessible.]</p> <ul style="list-style-type: none"> <li>• Access aisles are of insufficient width. [Section 502.3.1 of the 2010 ADA Standards requires access aisles serving car and van parking spaces to be 60 inches wide minimum.]</li> <li>• Access aisles do not adjoin an accessible route and require pedestrians and people using wheelchairs or other mobility aids to pass behind parked vehicles, into vehicular traffic lanes, and into the no parking fire lane. [Sections 206.3, 502.3, and 502.3.4, and Advisory 502.3 of the ADA 2010 Standards require access aisles to adjoin an accessible route, not overlap the vehicular way, and where possible it is preferable that the accessible route not pass behind parked vehicles.]</li> <li>• Accessible parking spaces do not have appropriate accessible signage (note that all 8 spaces used for District-sponsored events at the Stadium must contain appropriate identification signs on days of use). Existing signage is mounted too low at 43½ inches. There is no designated “van accessible” parking signage. [Section 502.6 of the ADA 2010 Standards requires designated accessible parking spaces to have sign with international symbol of accessibility with bottom of sign minimum 60” above ground; van parking spaces shall contain the designation “van accessible”.]</li> <li>• Ground surfaces are not stable, firm, and slip resistant in several areas of the Upper Lot. [Sections 302.1, 403.2 and 502.4 of the ADA 2010 Standards require floor and ground surfaces to be stable, firm and slip resistant.]</li> <li>• The cross slope of some parking spots are steeper than the maximum of 1:48 (2.08%) [Section 502.4 of the ADA 2010 Standards requires parking spaces and access aisles to be at the same level; changes in level are not permitted, except that slopes of not steeper than 1:48 are permitted.]</li> </ul>
<b>Renovated Upper Lot</b>	All accessible parking shall be ADA compliant

<b>Parking Facility</b>	<b>Lower Lot</b>
<b>Description</b>	The Lower Lot, as it presently exists, serves the School and is utilized for daily student/faculty use.
<b>No. of Accessible Spaces</b>	<b>6 of 291; none van accessible</b>

<p><b>Accessibility Issues</b></p>	<ul style="list-style-type: none"> <li>• Insufficient number of parking spaces complying with Sections 208.2 and 502 of the ADA 2010 standards; and no designated van accessible spaces. [Section 208.2 of the ADA 2010 Standards requires minimum 7 accessible spaces, and Section 208.2.4 of the ADA 2010 Standards requires at least 2 of these 7 spaces to be van accessible.]</li> <li>• Accessible parking spaces were not all located on the shortest accessible route from the parking lot to the School building; 4 of the 6 spaces are located in the front of the school closest to the designated accessible entrance to the School, but 2 are located in the rear of the school, up a hill in a faculty parking area. [Section 208.3 of the ADA 2010 Standards requires accessible parking spaces that serve a particular building to be located on the shortest accessible route from parking to an accessible entrance.]</li> <li>• Access aisles are of insufficient width. One of the two access aisles for the four spaces located closest to the School measured 54”; and, the two accessible faculty parking spaces are served by a common access aisle which is 59” wide. [Section 502.3.1 of the ADA 2010 Standards requires access aisles serving car and van parking spaces to be 60 inches wide minimum.]</li> <li>• Designated accessible parking spaces do not have appropriate accessible signage. The two accessible faculty spaces did not have any international symbol of accessibility signage, and the signage in front of one of the other four spaces was 59” above the ground. [Section 502.6 of the ADA 2010 Standards requires designated accessible parking spaces to have a sign with the international symbol of accessibility, with the bottom of sign a minimum of 60” above ground; van parking spaces shall contain the designation “van accessible.”]</li> </ul>
<p><b>Renovated Lower Lot</b></p>	<p>All accessible parking shall be ADA compliant</p>

**Appendix B  
Exterior Routes**

The District currently has two entry points to the Stadium; at the upper level and field level of the Stadium.

The District represents that the field level entry point is temporary and it exists solely for the purpose of accommodating the temporary accessible parking spaces, which were built at the field level following the OCR’s review of this matter. Following completion of the Sports Complex Project, there will not be access for public entry into the Stadium from the field level. The Stadium will consist of a single point of entry at the upper level.

<b>Facility</b>	<b>Stadium</b>
<b>Route</b>	<b>Upper Lot to the upper level entrance to the stadium</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• The running slope ranged from 1.4% to 10.8% at measurements of 25 foot intervals, and did not in any area comply with the standards for a ramp. [Sections 206.1 and 206.2.1 of the 2010 ADA Standards require at least one accessible route from accessible parking spaces to the accessible facility entrances they serve. Section 403.3 of the 2010 ADA Standards state that the running slope of walking surfaces shall not be steeper than 1:20. A slope in excess of 1:20 (5%) is a ramp and must comply with standards for a ramp at Section 405 or 406 of the 2010 ADA Standards.] The cross slope of the walking surfaces ranged from .2% to 6.4% at measurements of 25 foot intervals. [Section 403.3 of the 2010 ADA Standards state that a cross slope shall not exceed a maximum of 1:48.]</li> <li>• The route is an asphalt path which is winding, hilly, not level, sloped, cracked and uneven for approximately 515 feet to the upper level entrance. The walking surface, primarily asphalt, was cracked, and uneven. [Sections 403.2 and 302.1 of the 2010 ADA Standards require floor and ground surfaces to be stable, firm, and slip resistant.]</li> </ul>
<b>Renovation of Stadium</b>	The upper level access to the Stadium will be the sole entry into the Stadium (single point of entry) following completion of the Sports Complex Project, and the Stadium shall be ADA compliant.

<b>Facility</b>	<b>Stadium</b>
<b>Route</b>	<b>Lower Lot to the field level entrance to the stadium</b>
	<ul style="list-style-type: none"> <li>• The route is an asphalt path, which is winding, hilly, not level, sloped, cracked and uneven, and leads through a wooded area to the emergency parking area for the Stadium (which at the time of OCR’s site inspection is an area for</li> </ul>

	emergency vehicle parking only). [Sections 403.2 and 302.1 of the 2010 ADA Standards require floor and ground surfaces to be stable, firm, and slip resistant.]
<b>Renovation of Stadium</b>	The field level access to the Stadium will be eliminated as the Stadium will have a single point of entry from the upper level following completion of the Sports Complex Project.



**APPENDIX C**  
**Stadium Seating and Interior Routes**

The Stadium has two seating areas on opposite sides; home side and visitor’s side. Stadium seating is provided on bleachers, and each bleacher is 9½” deep and each riser is 18¼” high. To the extent that the District renovates the Stadium seating and/or constructs new Stadium seating, such seating and routes thereto shall be in compliance with the ADA and Section 504.

<b>Facility</b>	<b>Stadium</b>
<b>No. of Accessible Seats</b>	<b>0 of 1,686 seats</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• The Stadium, as it presently exists, does not contain any handicapped accessible seating.             <ul style="list-style-type: none"> <li>○ Section 221.1 of the 2010 ADA Standards states that assembly areas shall provide wheelchair spaces, companion seats, and designated aisle seats complying with Sections 221 and 802 of the 2010 ADA Standards. With a seating capacity of 1,686, Section 221.2.1.1 of the 2010 ADA Standards requires the Stadium to have 18 wheelchair spaces. Section 221.3 of the 2010 ADA Standards requires at least one companion seat complying with Section 802.3 of the 2010 ADA Standards for each wheelchair space.</li> <li>○ Section 221.2.3 of the 2010 ADA Standards states that wheelchair spaces shall be dispersed and provide spectators with choices of seating locations and viewing angles that are substantially equivalent to, or better than, the choices of seating locations and viewing angles available to other spectators. With both a home and visitor’s seating area, on opposite sides, each area must meet this standard. Section 221.2.3.2 Exception 2 of the 2010 ADA Standards states that for bleachers, wheelchair spaces shall not be required to be provided in rows other than rows at the point of entry to bleacher seating. Points of entry to bleacher seating may include, but are not limited to, cross aisles, concourses, and entrance ramps and stairs. Vertical, center, or side aisles adjoining bleacher seating that are stepped or tiered are not considered entry points.</li> <li>○ Section 802.1.2 of the 2010 ADA Standards requires a minimum of 36” of width for a wheelchair space, or where two adjacent wheelchair spaces are provided, each wheelchair space shall be 33” wide</li> </ul> </li> </ul>

	<p>minimum. Section 802.1.3 of the 2010 ADA Standards provides for minimum depth of wheelchair space of between 48” to 60” depending upon entry from front/rear or side. Section 802.1.4 of the 2010 ADA Standards requires wheelchair spaces to adjoin an accessible route.</p> <hr/> <ul style="list-style-type: none"><li>○ Section 802.2 of the 2010 ADA Standards requires that lines of sight comply with Section 802.2.1 or 802.2.2, depending on whether spectators are typically seated or may be standing during an event.</li></ul> <hr/> <ul style="list-style-type: none"><li>○ Section 802.4.2 of the 2010 ADA Standards requires that each designated accessible aisle seat be identified by a sign or marker.</li></ul> <hr/> <ul style="list-style-type: none"><li>○ There is no accessible interior route from the Upper level entrance to any seating on the home or visitor’s side of the Stadium. ADA 206.2.4 requires that “at least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path. With both home and visitor’s seating areas, on opposite sides, an accessible interior route must be provided from an accessible entrance to each side.<ul style="list-style-type: none"><li>○ Section 403 of the 2010 ADA Standards requires floor and ground surfaces of accessible routes to comply with Section 302; i.e., to be stable, firm and slip resistant. Any changes in levels of floor and ground surfaces must comply with Section 303, and turning spaces must comply with Section 304.</li><li>○ Section 403.3 of the 2010 ADA Standards requires the running slope of walking surfaces on interior routes not to be steeper than 1:20, and the cross slope not to be steeper than 1:48. Any changes in level must comply with Section 303.</li><li>○ Section 403.5.1 of the 2010 ADA Standards requires the clear width of walking surfaces on interior routes to be 36” minimum; and the clear width at turns to be 48” minimum.</li></ul></li><li>○ There is no accessible interior route from the field level entrance to any seating on the home or visitor’s side of the</li></ul>
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	<p>Stadium. ADA 206.2.4 requires that “at least one accessible route shall connect accessible building or facility entrances with all accessible spaces and elements within the building or facility which are otherwise connected by a circulation path. With both home and visitor’s seating areas, on opposite sides, an accessible interior route must be provided from an accessible entrance to each side.</p> <ul style="list-style-type: none"> <li>○ Section 403 of the 2010 ADA Standards requires floor and ground surfaces of accessible routes to comply with Section 302; i.e., to be stable, firm and slip resistant. Any changes in levels of floor and ground surfaces must comply with Section 303, and turning spaces must comply with Section 304.</li> <li>○ Section 403.3 of the 2010 ADA Standards requires the running slope of walking surfaces on interior routes not to be steeper than 1:20, and the cross slope not to be steeper than 1:48. Any changes in level must comply with Section 303.</li> <li>○ Section 403.5.1 of the 2010 ADA Standards requires the clear width of walking surfaces on interior routes to be 36” minimum; and the clear width at turns to be 48” minimum.</li> </ul>
<p><b>Renovation of Stadium</b></p>	<p>The Stadium and all access thereto including interior and exterior routes shall be in compliance with the ADA.</p>