

**RESOLUTION AGREEMENT**

**Case No. 02-13-2429  
Montclair State University**

In order to resolve the compliance concerns in Case No. 02-13-2429, Montclair State University assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973, 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 (ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

**Action Item:**

By September 1, 2014, the University will make the changes to Webster and Stone Halls as set forth in the attached Appendix A.

**Reporting Requirements:**

By September 1, 2014, the University will provide OCR with documentation (e.g., copies of paid invoices, photographs, etc.) confirming completion of each compliance concern listed in Appendix A. OCR will then schedule an on-site visit to inspect the renovations.

The University understands that OCR will not close the monitoring of this agreement until OCR determines that the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. The University 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 University understands that during the monitoring of this agreement, if necessary, OCR may visit the University, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the University has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.21, and the ADA, at 28 C.F.R. § 35.149, which were at issue in this case. The University 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 University written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Montclair State University

Date: March 25, 2014

By: /s

**APPENDIX A  
Webster Hall**

<b>Building Component</b>	<b>Exterior route from Webster Hall to Parking Lot #17</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• The walkway in front of Webster Hall and leading to the parking lot, including curb, had numerous cracks and changes of level measuring 1 to 2". [Floor and ground surfaces shall be stable, firm, and slip resistant. Changes in level between 1/4 inch high minimum and 1/2" high maximum shall be beveled with a slope not steeper than 1:2. ADA 2010 Standards 302.1; 303.3]</li> </ul>

<b>Building Component</b>	<b>Signage of first floor rooms and offices</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• First floor meeting rooms and offices lacked appropriate signage. [Interior signs identifying permanent rooms and spaces, such as restrooms, room numbers, and room names, shall be provided. Tactile text descriptors are required for pictograms that are provided to label or identify a permanent room or space. Where both visual and tactile characters are required, either one sign with both visual and tactile characters, or two separate signs, one with visual, and one with tactile characters, shall be provided. Raised characters shall also be duplicated in braille. ADA 2010 Standards 216.2; 703.1; 703.2; 703.3; and 703.5]</li> </ul>

<b>Building Component</b>	<b>Drinking Fountain in first Floor Corridor</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Spout height was 43" from the finished floor or ground. [Spout height required is 36" maximum above the floor. 2010 Standards 602.4]</li> <li>• Spout location was 13" from the vertical support and 3" from the front edge of the unit. [Spout location required is 15" minimum from the vertical support and 5" maximum from the front edge of the unit. ADA 2010 Standards 602.5]</li> <li>• Drinking fountain was inoperable, as water flow was not present in the unit. Required that the spout shall provide a flow of water 4" high minimum and shall be located 5" maximum from the front on the unit. ADA 2010 Standards 602.6]</li> <li>• Drinking fountain lever was inoperable. [Operable parts shall be operable with one hand and shall not require tight grasping, pinching, or twisting of the wrist. ADA 2010 Standards 309.4]</li> </ul>

<b>Building Component</b>	<b>Accessible Bathroom</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Toilet paper dispenser to front centerline of toilet is 16". [Toilet paper dispenser shall be 7 to 9" from front of the toilet to the centerline of the dispenser. ADA 2010 Standards 604.7]</li> <li>• Seat cover dispenser is 49" from the floor. [Toilet compartment accessories should be mounted within the reach range established in the 2010 ADA Standard, which mandates that the operable mechanism of the accessory be mounted no lower than 15" and no higher than 48". ADA 2010 Standards 308; 604]</li> </ul>

**Stone Hall**

<b>Building Component</b>	<b>Exterior side entrance</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Automatic door opener not operable. [ADA 2010 Standards 404.3]</li> </ul>

<b>Building Component</b>	<b>Program Accessibility Meeting Room (Room 140)</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Door force ranged between 20-25 lbs. [5lbs maximum force for interior doors. ADA 2010 Standards 404.2.9]</li> </ul>

<b>Building Component</b>	<b>Accessible Bathroom on first Floor</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Soap dispenser located 53" above floor. [Operable parts of soap dispenser should be no higher than 44" if above lavatory or counter; no less than 20" and no greater than 25" deep; 48" above floor if above lavatory or if no obstruction. 2010 Standards – 308; 603]</li> <li>• Door force ranged between 25-30 lbs. [5lbs maximum force for interior doors. ADA 2010 Standards 404.2.9]</li> </ul>

<b>Building Component</b>	<b>Interior Door Leading to first Floor Accessible Bathroom</b>
<b>Accessibility Issues</b>	<ul style="list-style-type: none"> <li>• Door force 20 lbs. Automatic door opener inoperable. [5lbs maximum force for interior doors. ADA 2010 Standards 404.2.9; 404.3]</li> </ul>