

RESOLUTION AGREEMENT

Case No. 02-14-2402 University at Albany, State University of New York

In order to resolve the compliance concerns in Case No. 02-14-2402, the University at Albany, State University of New York 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 April 10, 2015, the University will make the changes to the parking facilities serving the University Administration Building as set forth in the attached Appendix A.

Reporting Requirement: By May 1, 2015, the University will provide OCR with documentation (e.g., copies of paid invoices, photographs, etc.) confirming completion of changes noted in Appendix A. OCR may 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 104.23, and the ADA, at 28 C.F.R. §§ 35.149 and 35.151, 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 104.23, and the ADA, at 28 C.F.R. §§ 35.149 and 35.151, 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.

University at Albany, State University of New York

Date: _____ By: _____/s_____

APPENDIX A

Parking Facilities Serving the University Administration Building

Building Component	Exterior route from the Accessible Parking located on the side of the Management Services Center (MSC) to the Accessible Entrance to the University Administration Building (UAB)
Accessibility Issues	<ul style="list-style-type: none"> The route from the accessible parking spaces located on the side of the MSC leading to the accessible entrance to the UAB, including the 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 ¼ inch high minimum and ½ inch high maximum shall be beveled with a slope not steeper than 1:2. 2010 ADA Standards 302.1; 303.3]

Building Component	Signage of Designated Accessible Parking Spaces
Accessibility Issues	<ul style="list-style-type: none"> No signage designating “van-accessible” parking spaces. [There shall be a minimum of one designated van-accessible parking space for every six accessible spaces or fraction of six accessible spaces, with an access aisle and “van accessible” signage. 2010 ADA Standards 208.2.4 and 502.6]. Accordingly, signage designating one visitor parking space and two “Permit Only” parking spaces for faculty/staff and students as “van-accessible” is required.
Building Component	Designated Accessible Parking Spaces for Faculty/Staff and Students
Accessibility Issues	<ul style="list-style-type: none"> Insufficient number of designated accessible parking spaces for faculty/staff and students. [For a parking facility with between 201 to 300 parking spaces (the faculty/staff parking facilities), the facility must designate 7 spaces as accessible parking spaces. 2010 ADA Standards 208.2. For a parking facility with between 51 to 75 parking spaces (the student parking facility), the facility must designate 3 spaces as accessible parking spaces. 2010 ADA Standards 208]. The University currently has a total of eight for faculty/staff and students. Accordingly, two additional parking spaces in the lots serving the UAB are required to be designated as “Permit Only” accessible parking spaces for faculty/staff and students, of appropriate size and with appropriate signage.