

RESOLUTION AGREEMENT
Charlotte Valley Central School District
OCR Case No. 02-15-1246

In order to resolve Case No. 02-15-1246, the Charlotte Valley Central School District (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 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1:

By September 30, 2015, the District will notify OCR whether it will develop an alternative plan to address the compliance issues noted in Appendix A, or make structural changes to address the compliance issues. Any structural changes must conform to the 2010 ADA Standards for Accessible Design, with a completion date for all structural changes not to exceed December 1, 2015.

Reporting Requirements:

- a) By September 30, 2015, the District will notify OCR whether it will develop an alternate plan to ensure that each program and activity conducted in the School, when viewed in its entirety, is readily accessible to individuals with disabilities; or, whether it will make structural changes to achieve accessibility. If the District chooses to develop an alternate plan to achieve accessibility, the District will provide a copy of that plan to OCR. OCR will review the documentation submitted to ensure that the District plan complies with applicable accessibility standards.
- b) If the District chooses to make structural changes to achieve accessibility, then by October 15, 2015, the District will provide to OCR a plan for ensuring that each program and activity conducted in the School when viewed in its entirety, is readily accessible to individuals with disabilities until the completion of the structural changes; and, by December 15, 2015, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with applicable accessibility standards, in accordance with attached appendix. OCR may conduct an on-site visit to confirm that any alterations were completed consistent with applicable accessibility standards.

Action Item 2:

By December 1, 2015, the District make changes to address the compliance issues noted in Appendix B. Any changes must conform to the 2010 ADA Standards for Accessible Design.

Reporting Requirement:

By December 1, 2015, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that structural changes have been made that comply with applicable accessibility standards, in accordance with attached appendix. OCR may conduct an on-site visit to confirm that any 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 at 34 C.F.R. §§ 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.150 and 35.151, 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, 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 at 34 C.F.R. §§ 104.21, 104.22 and 104.23, as well as Title II of the ADA, at 28 C.F.R. §§ 35.150 and 35.151, which were at issue in this case. 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 proceeding 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.

September 21, 2015

/s/

Date

[Authorized Official]
Charlotte Valley Central School District

Appendix A¹
Existing Facilities

The District must submit an alternate plan for ensuring that each program and activity conducted in these facilities, when viewed in its entirety, is readily accessible to the disabled; or make the structural changes outlined below:

Building/Facility	Charlotte Valley School Building – East Wing - Designated accessible Entrance
Date of Construction	1963
Alteration	N/A
Programs and Activities	Designated Accessible Entrance
Accessibility Issues:	<p><u>Entrance</u></p> <ul style="list-style-type: none"> • The designated accessible entrance is kept locked and there is no mechanism for individuals to notify staff of their presence at the entrance to gain entry. <p><u>Accessible Route</u></p> <ul style="list-style-type: none"> • The direct route from accessible parking in the Front Parking Lot to the sidewalk that serves as the route to the designated accessible entrance lacks a curb ramp. [2010 Standards Sections 402.2, 404.4.2.4.4 – [a]ccessible routes shall consist of one or more of the following components: walking surfaces with a running slope of not more than 1:20, doorways, ramps, <i>curb ramps</i>; changes in level are not permitted] • The sidewalk route to the accessible entrance is uneven just before the entrance [2010 Standards Section 303, 403.4 - Floor or ground surface within required maneuvering clearances shall comply with 302. Changes in level are not permitted.]

¹ Because any alterations would need to be made consistent with current accessibility standards, all citations refer to the 2010 ADA Standards for Accessible Design.

Appendix B²
New Construction

Building/Facility	Charlotte Valley CSD School Building – Designated Accessible Parking Spaces - Front Parking Lot
Date of Construction	1985-1986
Alteration	Restriped – 2014
Programs and Activities	Front Parking Lot’s Accessible Parking Spaces
Accessibility Issues:	<ul style="list-style-type: none"> • The Front Parking Lot had five total spaces, two of which were designated accessible, but none of which were van accessible; and, the accessible spaces lacked an access aisle [2010 Standards Section 208.2.4 and 502 require minimum 1 van-accessible space for every six accessible spaces or fraction of six accessible spaces, with an access aisle and “van accessible” signage] • No appropriate signage on accessible parking space [2010 Standards Section 502.6 requires 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”] • The pavement on the accessible route leading from the designated accessible parking spaces to the accessible entrance was found to be cracked and uneven [2010 Standards Section 302.1 – Floor and ground surfaces shall be stable, firm and slip resistant and shall comply with 302.]

² All citations refer to 2010 Standards, including both the Title II regulations at 28 CFR 35.151; and the 2004 ADAAG at 36 CFR part 1191, appendices B and D

Building/Facility	Charlotte Valley CSD School Building – Designated Accessible Parking Spaces - West Parking Lot (Near Tennis Courts)
Date of Construction	1985-1986 - Resurfaced
Alteration	2014 - Restriped
Programs and Activities	West Wing Accessible Parking Spaces
Accessibility Issues:	<ul style="list-style-type: none"> • The West Parking Lot had fifty total spaces, two of which were designated accessible, but none of which were van accessible; and, the accessible spaces lacked an access aisle [2010 Standards Section 208.2.4 and 502 require minimum 1 van-accessible space for every six accessible spaces or fraction of six accessible spaces, with an access aisle and “van accessible” signage] • No appropriate signage on accessible parking spaces. [2010 Standards Section 502.6 requires 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”] • The route from the accessible parking spaces to the sidewalk that serves as the route to the accessible entrance lacks a curb cut. [2010 Standards Section 402.2, 404.4.2.4.4, 502.4 – [a]ccessible routes shall consist of one or more of the following components: walking surfaces with a running slope of not more than 1:20, doorways, ramps, <i>curb ramps</i>; changes in level are not permitted]

Building/Facility	Charlotte Valley CSD School Building – Accessible Route to the Playground
Date of Construction	Playground constructed 2000-2001 ³
Alteration	N/A
Programs and Activities	Playground Area – accessible route
Accessibility Issues:	<p><u>Route to Playground</u></p> <ul style="list-style-type: none"> The route from the School building to the newly constructed playground area was interrupted by an unpaved, grassy area, which was uneven in level [2010 Standards Section 206.2.4, 206.2.17; 1008.2 - [A]t least one accessible route shall connect accessible buildings, facilities, accessible elements and accessible spaces that are on the same site]

³ The elements are considered as “new construction” because the elements lead to the new playground equipment installed.