

RESOLUTION AGREEMENT

Brewster Central School District OCR Case No. 02-16-1236

In order to resolve Case No. 02-16-1236, the Brewster Central School District (District) assures the U.S. Department of Education, 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:

By October 31, 2016, the District will address the compliance issues noted with regard to the CV Starr Elementary School's (the School's) rear parking lot in Appendix A; the School's front parking lot in Appendix B; and, the School's front and rear entrances in Appendix C. All changes/alterations must conform to the 2010 ADA Standards for Accessible Design.

Reporting Requirement: By November 15, 2016, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that changes/alterations have been made that comply with applicable accessibility standards, in accordance with attached appendices. OCR may conduct an on-site visit to confirm that any changes/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 and 104.23, and the ADA, at 28 C.F.R. § § 35.149 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 and 104.23, and the ADA, at 28 C.F.R. § § 35.149 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.

9/14/16
Date

/s/
Superintendent
Brewster Central School District

**Appendix A
School 1’s Rear Lot**

Building/Facility	CV Starr Elementary School – Rear Parking Lot
Date of Construction	2013
Programs and Activities	Rear Lot Accessible Parking Spaces
Accessibility Issues:	<ul style="list-style-type: none"> The Rear Lot has 49 total parking spaces, none of which are designated accessible, and none of which are van accessible. [2010 Standards Section 208.2 and 502 require minimum 2 accessible parking spaces for 26-50 total parking spaces, and a minimum of 1 van accessible space for every six accessible spaces or fraction of six accessible spaces. 2010 Standards Section 208.3.1 and 502 provide that accessible spaces be located on the shortest accessible route from parking to an accessible entrance; must be 96 inches wide minimum; and shall be marked with the international symbol of accessibility such that the symbol is not obscured when a vehicle is parked in the space with bottom of sign minimum 60” above ground. Section 208.2.4 and 502 also provide that van accessible spaces be a minimum of 132 inches wide, with a marked access aisle, and appropriate signage.]

Appendix B
School 1’s Front Lot

Building/Facility	CV Starr Elementary School – Front Parking Lot
Date of Construction	1997
Programs and Activities	Front Lot Accessible Parking Spaces
Accessibility Issues:	<ul style="list-style-type: none"> • The Front Parking Lot has 66 total spaces, 5 of which are designated accessible; however, 4 of the 5 accessible parking spaces lacked appropriate signage. [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.” 2010 Standards Section 208.3.1 and 502 provide that accessible spaces be located on the shortest accessible route from parking to an accessible entrance and must be 96 inches wide minimum. Section 208.2.4 and 502 also provide that one of every six such spaces (a minimum of one for fewer than six) should be van accessible, and a minimum of 132 inches wide, with a marked access aisle, and appropriate signage.]

Appendix C
School 1’s Designated Accessible Front Entrance and Non-Accessible Rear Entrance

Building/Facility	CV Starr Elementary School – Designated Accessible Front Entrance and Non-Accessible Rear Entrance
Date of Construction	1997
Programs and Activities	Designated Accessible Front Entrance and Non-Accessible Rear Entrance
Accessibility Issues:	<p><u>Signage at Front and Rear Entrances</u></p> <ul style="list-style-type: none"> • The designated accessible front entrance lacks signage depicting the international symbol of accessibility. [2010 Standards Section 206.2.4, 206.4, 216.6 - Designated accessible entrances shall be identified by the International Symbol of Accessibility.] • The School’s rear entrance lacks signage directing visitors to the designated accessible front entrance. [2010 Standards Section 206.2.4, 216.6 – [w]here not all entrances comply with 404, entrances complying with 404 shall be identified by the international symbol of accessibility complying with 703.7.2.1. Directional signs complying with 703.5 that indicate the location of the nearest entrance complying with 404 shall be provided at entrances that do not comply with 404.] <p><u>Interior Door at Front Entrance</u></p> <ul style="list-style-type: none"> • The interior door at the designated accessible front entrance requires 7.5 pounds of force to push or pull open the door. [2010 Standards Section 404.2.9 - [T]he force for pushing or pulling open a door or gate shall be five pounds maximum.]