

## RESOLUTION AGREEMENT

### Gloversville Enlarged School District OCR Case No. 02-17-1043

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, in order to resolve Case No. 02-17-1043, the Gloversville Enlarged School District (District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions set forth below

**Action Item:** By September 1, 2017, the District will take the actions noted with regard to the Park Terrace Elementary School's (the School's) main parking lot (Lot 1) in Appendix A; the School's practice field parking lot (Lot 2) in Appendix B; and, the School's stadium parking lot (Lot 3) in Appendix C. All changes/alterations must conform to the 2010 ADA Standards for Accessible Design.

**Reporting Requirement:** By September 1, 2017, the District will provide documentation to OCR (e.g., photographs, measurements, summaries, etc.) demonstrating that changes/alterations have been made that comply with this Resolution Agreement. 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, including 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, including 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.

7/7/17  
Date

/s/  
Robert DeLilli  
Superintendent  
Gloversville Enlarged School District

**Appendix A**

**Lot 1**

<b>Building/Facility</b>	<b>Park Terrace Elementary School – Parking Lot 1</b>
<b>Programs and Activities</b>	Main Lot located near the School intended to serve the main School building and is used by staff and visitors.
<b>Accessibility Issues:</b>	<ul style="list-style-type: none"> <li>• Lot 1 has 132 total parking spaces, 5 spaces are designated accessible, but none are designated van accessible. [2010 Standards Section 208.2 requires minimum 5 accessible parking spaces for 101-150 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 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, except that spaces may be 96 inches wide where the access aisle is at least 96 inches wide, with a marked access aisle, and appropriate signage.]</li> <li>• Accessible Space #4 - space width 94” - Designated space width is not compliant. The space width will be increased to a minimum of 96 inches.</li> <li>• At least one of the spaces will be designated as van accessible.</li> </ul>

**Appendix B****Lot 2**

<b>Building/Facility</b>	<b>Park Terrace Elementary School –Lot 2</b>
<b>Programs and Activities</b>	Practice field parking lot intended to serve the practice field and can be used by anyone.
<b>Accessibility Issues:</b>	<ul style="list-style-type: none"> <li>• Lot 2 currently has no marked parking spaces but it is estimated that it can accommodate approximately 20-25 parking spaces. There is no designated accessible parking [2010 Standards Section 208.2 and 502 require minimum 1 accessible parking space for 1-25 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 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, except that a van space may be 96 inches wide where the access aisle is at least 96 inches wide.]</li> <li>• As an alternative, the District may locate the designated accessible parking required for Lot 2 in Lot 3. Lots 2 and 3 can accommodate approximately 40-50 parking spaces in total and the required amount of designated accessible parking would be based on the total number of parking spaces in both lots [2010 Standards Section 208.2 and 502 require minimum 2 accessible parking space 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.]</li> <li>• There is no designated accessible route from Lot 2 to the stadium entrance. [2010 Standards Section 302.1 requires that floor and ground surfaces shall be stable, firm, and slip resistant.] In the alternative, if the District locates the accessible parking required for Lot 2 in Lot 3, the District will create an accessible route from the accessible parking located in Lot 3 to the stadium entrance as set forth in Appendix C.</li> </ul>

**Appendix C****Lot 3**

<b>Building/Facility</b>	<b>Park Terrace Elementary School –Lot 3</b>
<b>Programs and Activities</b>	Stadium parking lot used by individuals attending stadium events.
<b>Accessibility Issues:</b>	<ul style="list-style-type: none"> <li>• Lot 3 currently has no marked parking spaces but it is estimated that it can accommodate approximately 20-25 parking spaces. There is no designated accessible parking [2010 Standards Section 208.2 and 502 require minimum 1 accessible parking space for 1-25 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 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, except that a van space may be 96 inches wide where the access aisle is at least 96 inches wide, with a marked access aisle, and appropriate signage. One parking space will be marked in accordance with these requirements.</li> <li>• As an alternative, the District may locate the designated accessible parking required for Lots 2 and 3 in Lot 3. Lots 2 and 3 can accommodate approximately 40-50 parking spaces in total and the required amount of designated accessible parking would be based on the total number of parking spaces in both lots [2010 Standards Section 208.2 and 502 require minimum 2 accessible parking space 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.]</li> <li>• There is no designated accessible route from Lot 3 to the stadium entrance. [2010 Standards Section 302.1 requires that floor and ground surfaces shall be stable, firm, and slip resistant.] The District will create an accessible route from the accessible parking located in Lot 3 to the stadium entrance which complies with the requirements of Section 302.1, and is located on the shortest accessible route from the designated accessible parking in Lot 3 to the stadium entrance, in compliance with Section 208.3.</li> </ul>