

Resolution Agreement

State University of New York, Buffalo State College Case No. 02-17-2011

In order to resolve Case No. 02-17-2011, the State University of New York, Buffalo State College (the College) assures the U.S. Department of Education, 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 (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, and its implementing regulation at 28 C.F.R. Part 35.

Action Item 1: Policies and Procedures

By July 31, 2017, the College will adopt and publish policies and procedures for the provision of housing accommodations that ensure that students with Section 504/ADA qualifying disabilities who are approved for single rooms or “medical single” rooms as a means of accommodating their qualifying disability are not charged a higher residence hall room rate solely because of the need for the accommodation.

Reporting Requirements:

- a. By May 31, 2017, the College will provide to OCR, for OCR’s review and approval, drafts of policies and procedures consistent with Action Item 1 above. Within 30 days of the College’s providing such policies to OCR, OCR will either approve such policies for implementation or make recommendations to the College as to how the policies can be improved.
- b. Within fifteen (15) days of the College’s receipt of OCR’s approval of the policies and procedures, the College will provide documentation to OCR to demonstrate that it has formally adopted the OCR-approved policies and procedures; updated its printed publications (inserts may be used pending reprinting of publications) and on-line publications with the newly adopted policies and procedures; and, electronically disseminated the newly adopted policies and procedures to students. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the newly adopted policies and procedures; (ii) evidence of the electronic dissemination of the policies and procedures to students; and, (iii) copies of relevant pages, or if not yet finalized copies of inserts, for printed publications. If inserts were used for any publications, then by September 1, 2017, the College will provide to OCR copies of the relevant pages of printed versions of all publications disseminated to students containing the newly adopted policies and procedures. Dissemination may occur by the methods usually employed by the College for distributing College policies and procedures, including posting on the College’s website.

- c. By June 1, 2018, the College will provide to OCR a list of all students who were approved to receive single rooms or medical single rooms as a means of accommodating a qualifying disability during academic year 2017-2018. For each such student, the College will provide to OCR: (i) the housing accommodation(s) the student requested; (ii) the housing accommodation(s) for which the student was approved; (iii) the housing cost per semester incurred by the student; and, (iv) an explanation for the housing cost per semester incurred by the student. If, upon review, OCR determines that any students should be provided reimbursement, OCR will so notify the College, and within thirty (30) days of the College's receipt of OCR's notification, the College will submit to OCR documentation demonstrating reimbursement of the proper amount to all such students; or, provide documentation, for OCR's review and approval, supporting that reimbursement was not appropriate.

Action Item 2: Training

By August 15, 2017, the College will provide training to any College officials and administrators who are involved in the process of evaluating requests for, making decisions about, and billing for, approved single rooms or medical single rooms as housing accommodations due to a disability. The College's training will cover the College's newly adopted policies and procedures developed pursuant to Action Item 1, and the College's obligations to provide housing accommodations in accordance with the requirements of the regulation implementing Section 504 and the ADA.

Reporting Requirement: By August 31, 2017, the College will submit to OCR documentation demonstrating that the training described in Action Item 2 was provided. The report will, at a minimum, identify the person(s) who provided the training and include a description of the person's qualifications; indicate the date(s) of the training(s); and, include the names and titles of the staff in attendance.

Action Item 3: Individual Remedies

By May 31, 2017, the College will assess the rates charged to students with qualifying Section 504/ADA disabilities who received single rooms or medical single rooms as necessary housing accommodations during academic years 2015-2016 and 2016-2017, and will submit to OCR its plan to reimburse students who were charged the full rate for the single room or medical single room in which they were placed as an accommodation for their disability. The College will explain its recommendations for each reimbursement or decision not to provide a reimbursement.

Reporting Requirements:

- a) By June 15, 2017, the College will provide to OCR a list of all students who were approved to receive single rooms or medical single rooms as housing accommodations due to a qualifying disability during academic years 2015-2016 and 2016-2017. For each student, the College will provide to OCR: (i) the housing cost incurred per semester by the student; (ii) the College's plan for reimbursing the

student, if any; and, (iii) an explanation for the amount of the proposed reimbursement, if any, or decision not to provide a reimbursement, for OCR's review and approval.

- b) Within thirty (30) days of OCR's approval of the decisions made consistent with Action Item 3 above, the College will submit to OCR documentation demonstrating that it provided reimbursements to all students approved for reimbursement, with the amount of the reimbursement indicated.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), and 104.43(a), and the regulation implementing the ADA, at 28 C.F.R. §§ 35.130(a), (b)(3) and (f), which were at issue in this case. The College 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 College understands that during the monitoring of this agreement, if necessary, OCR may visit the College, interview staff, and request such additional reports or data as are necessary for OCR to determine whether the College has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(4), and 104.43(a), and the regulation implementing the ADA, at 28 C.F.R. §§ 35.130(a), (b)(3) and (f), which were at issue in this case. The College 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 proceedings, including to enforce this agreement, OCR shall give the College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Date: _____

Signed: /s/ _____

Katherine S. Conway-Turner, Ph.D.
President
State University of New York,
Buffalo State College