

**Resolution Agreement
Pennsylvania State University
Complaint Nos. 03-15-2050 and 03-15-2089**

In order to resolve the allegations in Case Numbers 03-15-2050 and 03-15-2089, filed against Pennsylvania State University (the University) with the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794 (Section 504) and its implementing regulation at 34 C. F. R. part 104 and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131–65, and its implementing regulation at 28 C.F.R. part 35, the University agrees to implement the following Resolution Agreement. This Agreement does not constitute an admission by the University of a violation of Section 504 Title II or any other law enforced by OCR. To the extent the University alters or renovates existing facilities or parts of facilities, or constructs new facilities, such alterations, renovations and new construction will conform to the 2010 ADA Standards for Accessible Design (ADA Standards).

The regulations implementing Section 504 and Title II contain two standards for determining whether a University's programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities, the other covers new construction and alterations. Which standard applies depends upon the date of construction or alteration of the facility. In conducting its evaluation, the University will apply the appropriate accessibility requirements to its facilities:

Program Access Elements. For those University facilities constructed or altered prior to the effective date of Section 504 (June 3, 1977) and Title II (January 26, 1992), the University will ensure that its programs, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150. In choosing among available methods for achieving program access, the University will give priority to those methods that serve people with disabilities in the most integrated setting appropriate.

New Construction Elements. For those University facilities constructed or altered after the effective date of Section 504 and Title II, the University will ensure that its facilities are readily accessible to and usable by persons with disabilities. 34 C.F.R. § 104.23; 28 C.F.R. § 35.151. Depending on the date of construction, the University will evaluate whether its facilities comply with the applicable new construction/alteration standard:

- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971);
 - Uniform Federal Accessibility Standards (UFAS);
 - Americans with Disabilities Act Accessibility Guidelines (1991 Standards); or
 - 2010 ADA Standards for Accessible Design (2010 Standards).
1. By July 30, 2015, the University will engage an independent consultant to conduct an evaluation of its parking and signage at parking lots used for events held at Beaver Stadium and the Recreation Hall. The evaluation will include a statement of the accessibility standard(s) being applied, and a description and analysis of how accessible parking is provided at Beaver Stadium and the Recreation Hall, both on a daily basis, as well as for special events, if special event parking differs. This evaluation will be completed by September 30, 2015.

2. Within 30 days of OCR's approval of the University's evaluation, the University will develop and submit to OCR, for OCR's review and approval, a written remediation plan to ensure that its parking and signage comply with the appropriate accessibility standard, including:
 - a. The appropriate number of accessible parking spaces in parking lots serving events at Beaver Stadium and Recreation Hall.
 - b. That each designated accessible parking space in parking lots serving events at Beaver Stadium and Recreation Hall complies with the dimension requirements in compliance with the appropriate accessibility standard;
 - c. Directional signage directing individuals with disabilities from parking lots serving events at Beaver Stadium and Recreation Hall to the closest designated accessible entrances to Beaver Stadium and Recreation Hall is provided in compliance with the appropriate accessibility standard.
 - d. The University will provide signage for individuals with disabilities at the designated accessible entrances to Beaver Stadium and Recreation Hall, in compliance with the appropriate accessibility standard.
 - e. The University will create an online accessibility map that shows accessible routes, accessible entrances (with or without power doors), and accessible parking and number of available accessible spaces for events at Beaver Stadium and Recreation Hall.
 - f. The University will identify a method for providing advance notice to the University community of known barriers to accessible routes, parking and other features created by construction, moving or other events at Beaver Stadium and Recreation Hall that significantly impact physical access.

3. Upon OCR's approval of the University's remediation plan, the University will implement the approved plan by making any modifications that have been identified. The plan will be structured such that all modifications shall be initiated no later than 90 days after OCR's approval of the plan and complete all modifications by June 30, 2016.

REPORTING REQUIREMENT:

By October 1, 2015, the University will submit to OCR a copy of its evaluation for OCR's review and approval in accordance with Action Step #1.

Within 30 days of receiving OCR's approval of the evaluation completed pursuant to Action Step #1, the University will submit to OCR a copy of its remediation plan for OCR's review and approval, as set forth in Action Step #2.

Within 90 days of OCR's approval of the University's remediation plan, the University will provide OCR a status report demonstrating that the above-referenced accessibility modifications have been initiated. In its report, the University will provide photographic or video documentation demonstrating the modifications that have been completed. If any modifications have not been completed, the University will report on the progress made toward completing the remaining modifications and will continue to provide such status reports until all modifications have been completed.

The University will submit written reports to OCR at six (6) month anniversaries of the effective date of this Agreement summarizing the actions the University has taken pursuant to this Agreement for OCR review and approval. Reports will include documentation satisfactory to OCR showing those actions. Such documentation will include, for example, detailed

photographs showing the relevant measurements of any alterations or renovations, architectural plans, work orders, purchase orders, invoices and proof of efforts to secure funding/assistance for structural renovations or equipment.

The University 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 the Agreement, if necessary, OCR may visit the University, interview University employees 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. § 104.22 and 104.23 and Title II, at 28 C.F.R. § 35.150 and 35.151, which were at issue in this case.

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 regulation implementing Section 504, at 34 C.F.R. § 104.22 and 104.23 and Title II, at 28 C.F.R. § 35.150 and 35.151.

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.

For Pennsylvania State University:

/s/

6/25/15

Name

Date