

RESOLUTION AGREEMENT
University of Louisiana at Lafayette
OCR Complaint Number 06142345

The University of Louisiana at Lafayette University (ULL), Lafayette, LA voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. The ULL commits to taking the following actions to ensure that the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulations, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulations, at 28 C.F.R. Part 35, are met with regard to the allegations presented in the above-referenced complaint. This Agreement is entered into in good faith and in no way constitutes an admission by the ULL that it discriminated or otherwise committed any error, omission, or wrongdoing with respect to the allegations in the subject complaint.

STANDARDS

Existing Facilities:

For the purposes of this Agreement, an existing facility is defined as any facility, the construction or alteration of which was commenced before June 3, 1977.¹ For such existing facilities, each element of a facility need not be readily accessible and usable to individuals with disabilities. Instead, each program or activity is to be operated so that the program or activity, when viewed in its entirety, is readily accessible and usable. Federal facility accessibility standards may be used as a guide to understanding whether persons with disabilities can participate in the program, activity or service. If the ULL chooses to make alterations or construct new facilities in order to make the program or activity readily accessible or usable, such alterations or new construction will be made in compliance with the 2010 Standards.²

New Facilities:

For the purposes of this Agreement, a new facility is defined as any facility, the construction or alteration of which was commenced on or after June 3, 1977. If an element of a new facility does not comply with the applicable architectural standard in effect at the time of the construction or alteration, it must be made accessible in accordance with the 2010 Standards. Facilities constructed or altered on or after March 15, 2012, are required to meet the 2010 Standards.

¹ 34 C.F.R. § 104.22.

² The 2010 Standards refers to the 2010 ADA Standards for Accessible Design, defined as the requirements set forth in appendices B and D to 36 C.F.R. Part 1191 and the requirements contained in 28 C.F.R. § 35.151.

ACTION ITEMS:

**NEW OR ALTERED FACILITIES
(ULL Parking)**

ULL Parking (i.e., Football Stadium Parking)³

1. By July 1, 2015, the ULL will ensure that the parking lots serving the ULL’s football stadium provide appropriate designated accessible parking spaces, access aisles and/or loading zones and an appropriate, separate accessible route leading from these spaces to the accessible entrances of the facility, in accordance with the 2010 Standards. The ULL will, at a minimum, take the following steps:
 - a. Determine the total number of parking spaces that the lots can hold, and based on that number determine the number of accessible parking spaces as required by Section 208.2 of the 2010 Standards; and install/ensure this number of accessible parking spaces in the parking lots, or in another lot whereby equivalent or greater accessibility, in terms of distance from an accessible entrance, is ensured, as allowed by Section 208.3.1. The minimum number of spaces must still be determined separately for the lot even if the spaces are to be provided in other lots or locations, as required by Section 208.2.
 - b. Designate the required number of accessible parking spaces, with appropriate access aisle(s) and curb ramp(s) (if needed due to change in levels), on the shortest accessible route of travel from the accessible parking to an accessible entrance of the facility (§§ 206.2.1; 403 and 406). A minimum of one parking space will be van-accessible in each lot, with an appropriate access aisle, as required by Sections 208.2.4 and 502.
 - c. Designate the accessible parking spaces as reserved for individuals with disabilities by a sign showing the international symbol of accessibility, which will be of an appropriate height so as not to be obscured by a vehicle parked in the space. Van-accessible parking spaces will be marked and signed van-accessible, as required by Sections 502.6 and 703.7.2.1.
 - d. The ULL will submit to OCR by _____ for its review and approval, a policy/protocol that ensures that the above-referenced designated accessible parking is free and clear of any impediments to parking by persons requiring accessible parking. Upon approval by OCR, the ULL will implement the above-referenced policy/protocol.

³ The ULL’s Football Stadium parking lot was constructed in 1971. However, the parking lot was resurfaced in May 2009 thus making it a new facility. On December 2, 2014, the ULL confirmed that the above-referenced parking lots will comply with the 2010 standards.

REPORTING REQUIREMENT:

- By August 1, 2015, the ULL shall provide documentation to OCR evidencing that Action Item 1 has been completed. This documentation shall include measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation (including any accessible parking policy/protocol) sufficient to show compliance with the 2010 Standards, and Section 504 and Title II regarding the above-referenced provisions of the Agreement.

EXISTING FACILITY (ULL's Bus Shelter near the Football Stadium)

ULL's Bus Shelter⁴

2. By July 1, 2015, the ULL will determine whether it will provide access to the programs, activities and services offered at the Bus Shelter (providing shelter and bus transportation to and from the ULL Bus Shelter) by making structural modifications to the Bus Shelter so that the Bus Shelter is accessible to students with disabilities under the 2010 Standards as required by relevant Sections (i.e., Section 305, Clear Floor or Ground Space; Section 402, Accessible Routes; Section 810, Transportation Facilities; and Section 810.3, Bus Shelters).
 - a. If the ULL chooses to make the programs, activities and services offered by the Bus Shelter accessible by making structural modifications, such modifications will be completed by December 30, 2015, and will be made in a manner consistent with the 2010 Standards, as required by Sections 305, 402, 810, and 810.3.
 - b. If the ULL chooses to make the programs, activities, and services offered by the Bus Shelter accessible by other means, the ULL will develop and implement a process or procedure by which such programs, activities and services, when viewed in their entirety, will be made accessible to and usable by persons with disabilities by **August 1, 2015**, and will by that date provide notice of the process or procedure by posting a sign at the Bus Shelter; providing notice on all ULL bus schedules including the Bus Shelter; and providing notice of the process or procedure on the ULL's website.

⁴ The ULL's Bus Stop was constructed in 1971 (with no alterations since) thus making it an existing facility under both Section 504 and Title II.

REPORTING REQUIREMENT:

- By September 1, 2015, the ULL shall provide documentation to OCR evidencing that Action Item 2 has been completed. This documentation shall include:
 - If physical modifications/alterations are made - measurements, photographs, technical drawings, work orders, invoices, reports and other such documentation sufficient to show compliance with the 2010 Standards, Section 504 and Title II regarding the above-referenced provisions of the Agreement; or
 - If the programs and activities that utilize the bus shelter are relocated to an accessible location, or are otherwise made accessible, evidence of said relocation and/or measures taken to provide program accessibility, including the notices provided to individuals utilizing the programs and activities as referenced in Action Item 2 above. This will include a protocol, or other written procedure, by which the ULL will inform persons with disabilities of the means by which access will be provided, and the name and contact information (e.g., phone number) of the ULL staff member who may be contacted for more information or assistance.

The ULL understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title II, which were at issue in this case.

The ULL 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 ULL understands that during the monitoring of this Agreement, if necessary, OCR may visit the ULL, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the ULL has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. Part 104, and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

The ULL finally 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 ULL written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

President or ULL’s Representative

Date

Printed Name and Title: _____