

Resolution Agreement

Mesa Community College OCR Case Number 08-16-2012

In order to resolve potential compliance concerns in Case Number 08-16-2012, filed against Mesa Community College (College) and opened for investigation by 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 and its implementing regulation at 34 C.F.R. part 104 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131–65, the College agrees to implement this Resolution Agreement.

The College agrees to ensure it maintains its accessible features and provides clear maneuvering floor space in its doorways. Specifically:

1. The College will take steps to ensure that it maintains in working order its electronic door openers in the Art Building. The College will comply with the 2010 ADA Standards for Accessible Design effective on March 15, 2012. 28 C.F.R. § 35.133.

REPORTING REQUIREMENTS:

- By May 1, 2016, the College will provide documentation that the exterior door openers in the Art Building are all functioning. The documentation may include maintenance reports and videos.
 - By May 1, 2016, the College will draft a procedure to ensure the maintenance of its electronic door openers.
 - Site visit(s) may be scheduled prior to OCR determining the College has satisfactorily completed Agreement Term 1.
2. The College will take steps to ensure clear maneuvering space inside door AC4W South Entrance by moving the paper towel dispenser and sink. The College will comply with the 2010 ADA Standards for Accessible Design effective on March 15, 2012 section § 404.2.4.1.

REPORTING REQUIREMENTS:

- By May 1, 2016, the College will submit its plans to ensure clear maneuvering floor space inside door AC4W South Entrance with a schedule for the completion of the work.
- Additional reports will be determined based on the schedule proposed in the College's first report.
- Site visit(s) may be scheduled prior to OCR determining the College has satisfactorily completed Agreement Term 2.

The College understands that OCR will not close the monitoring of this agreement until OCR determines that the College has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, its implementing regulation at 34 C.F.R. § 104.23 and Title II of the Americans with Disabilities

Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and its implementing regulation at 28 C.F.R. §§ 35.133 and 35.151 which were at issue in this case.

The College 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 students, 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 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, its implementing regulation at 34 C.F.R. § 104.23 and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. §§ 12131-65 and its implementing regulation at 28 C.F.R. §§ 35.133 and 35.151 which were at issue in this case.

The College 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 College written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For Mesa Community College:

/s/

Margarete McConnell
Interim General Counsel
Maricopa Community College District

4/6/2016
Date