

**Resolution Agreement  
Pima Community College  
Complaint Number 08-18-2045**

In order to resolve the physical accessibility allegations in Case Number 08-18-2045 filed against Pima Community College (College), the College agrees to implement the following Resolution Agreement. These complaint allegations were 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 (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, which prohibit discrimination on the basis of disability in public education programs that receive Federal financial assistance from the Department.

During the course of OCR’s investigation, before OCR had made any findings, the College indicated its willingness to take steps necessary to ensure compliance with Section 504 and Title II. Pursuant to Section 302 of OCR’s *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The College’s decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

1. The College will evaluate the accessibility of and identify any barriers to access for individuals with disabilities relative to the parking designated for use by individuals with disabilities and the accessible routes leading from accessible parking spaces to the designated accessible entrance(s) of buildings B, L, K, CFA, and FSS on the College’s West campus.

Specifically, the College will evaluate, at a minimum:

- a. The number of accessible parking spaces provided and whether those spaces comply with the requirements of the applicable accessibility standard under Section 504 and Title II;
- b. Whether the accessible parking spaces are sufficiently dispersed to ensure they are located on the shortest accessible route to the nearest designated accessible entrance(s) for buildings B, L, K, CFA, and FSS in accordance with the applicable accessibility standards under Section 504 and Title II. This will include an evaluation of whether additional spaces are required to ensure no individuals with disabilities are denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the College’s program as required by the Section 504 and Title II regulations.;
- c. Whether the designated accessible route(s) leading from the accessible parking to the designated accessible entrance(s) of buildings B, L, K,

CFA, and FSS comply with the requirements of the applicable accessibility standard under Section 504 and Title II;

- d. The College will identify existing accommodations available to students with mobility disabilities to afford access to buildings B, L, K, CFA and FSS to comply with the standards under Section 504 and Title II and will consider the necessity for additional policies to provide accommodations and reasonable access to comply with Section 504 and Title II; and
- e. The College will survey all students with self-disclosed disabilities involving mobility limitations attending the College's West Campus during the spring 2018 semester regarding their experiences with the availability of accessible parking spaces. The survey will also include a question concerning what students do when accessible parking spaces are unavailable. The College will include the information collected through this survey in its evaluation and will, at a minimum, consider the number and frequency with which students with disabilities were unable to park in an accessible parking space.

If after completing its evaluation deficiencies are identified in accessibility, the College will develop a written remediation plan addressing each barrier to access identified through its evaluation and submit it for OCR approval. For each barrier, the College may: (1) propose a timeframe for barrier removal for OCR's consideration and remove it in a way that complies with the 2010 ADA Standards, or (2) propose a timeframe for alternate means of providing equivalent facilitation (for new construction or alterations) or program access (for existing facilities) in accordance with 34 CFR §§ 104.22, 104.23 and 28 CFR §§ 35.150, 35.151.

**REPORTING REQUIREMENT:** By **July 6, 2018**, the College will provide OCR with the results of the College's accessibility evaluation including copies of all checklists and detailed photographs showing the measurements taken, the number of student surveys distributed and the results of student surveys which were used by the College during its evaluation. The College will also provide OCR with a copy of its remediation plan to correct any observed deficiencies, identifying any barrier to access found through the evaluation, describing how it will address each barrier to access and the date by which access will be provided in compliance with applicable standards.

2. Within 30 days of receiving OCR's written approval of its remediation plan, the College will commence implementation of the plan and diligently pursue implementation until completion, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

**REPORTING REQUIREMENT:** The College will submit written reports to OCR at six-month anniversaries of the effective date of this Agreement summarizing the actions the College has taken pursuant to this Agreement. 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 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 the Agreement, if necessary, OCR may visit the College, interview College employees 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 regulations implementing Section 504 and Title II, 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 a minimum of sixty (60) calendar days to cure the alleged breach.

For Pima Community College:

<u>/S/</u>	<u>3/8/18</u>
Name	Date
Title	