



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS, REGION XV

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CLEVELAND, OH 44115

REGION XV
MICHIGAN
OHIO

September 9, 2015

Mr. Jeffrey Bodimer
Chief Operations/Compliance Officer
American Higher Education Development Corporation
116 Village Boulevard, Suite 200
Princeton, New Jersey 08540

Re: OCR Docket #15-15-2035

Dear Mr. Bodimer:

This letter is to notify you of the disposition of the complaint filed against Stautzenberger College in Maumee, Ohio (the College) with the U.S. Department of Justice, Disability Rights Section, on September 2, 2014, and referred to the U.S. Department of Education's Office for Civil Rights (OCR) on December 12, 2014. The complaint alleged discrimination on the basis of disability. Specifically, the complaint alleged that individuals with mobility impairments and visual impairments are denied access to programs at the College because of a lack of an accessible building entrance and lack of Braille signage.

OCR is responsible for enforcing Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104. Section 504 prohibits discrimination on the basis of disability by recipients of Federal financial assistance from the Department. As a recipient of Federal financial assistance from the Department, the College is subject to Section 504. Therefore, OCR had jurisdiction to investigate this complaint.

Based on the complaint allegation, OCR investigated the following legal issue: whether qualified persons with disabilities are being denied the benefits of, excluded from participation in, or otherwise subjected to discrimination in programs or activities because the College's facilities are inaccessible to or unusable by persons with disabilities in violation of 34 C.F.R. §§ 104.21-104.23.

To investigate this complaint, OCR interviewed the Complainant, reviewed documentation submitted by the College, and conducted an onsite visit of the College to assess the College's signage and the accessibility of the College's entrance doors. Based on the information obtained, OCR determined that there was sufficient evidence of a violation of Section 504 with respect to the College's building entrance accessibility and signage at the campus. The College submitted

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a resolution agreement to address the non-compliance finding. OCR's findings and the resolution are explained below.

Background

The College is a private institution that specializes in career education. The College leases space in two adjacent buildings on the same site within a business park in Maumee on Indian Wood Circle to operate its career-focused education degree programs.

The College began leasing the main building at 1796 Indian Wood Circle, which measures 42,000 square feet on a single floor, in 2007. The main building houses all programs the College offers at its Maumee location with the exception of dental assisting and nursing, which are housed in the adjacent building at 1800 Indian Wood Circle. The College reported that the main building at 1796 Indian Wood Circle was configured for its specific use in 2007 and that no renovations or construction of any kind have occurred at the building since the College began operating at the location.

The College began leasing space in the single-floor building at 1800 Indian Wood Circle in 2009, starting with 3,200 square feet of space. In 2010, the College expanded its presence at the site by leasing an additional 3,400 square feet at the adjacent building. The College expanded again in 2011 by adding another 2,300 square feet of space at the adjacent building. The College reported that the 1800 Indian Wood Circle building was last reconfigured for its specific use in 2011.

The Complainant alleged that the College has no doors that are accessible for persons with disabilities. Specifically, he alleged that, based on his observation, the entrance doors are too difficult for someone using a wheelchair to open. He also alleged that the College has no Braille signage on any of the walls or classrooms. He stated that he last visited the campus in June 2014.

When the College was notified about the OCR complaint, it acknowledged that its buildings lacked signage for persons with visual impairments, with the exception of signs posted at restrooms. OCR advised the College that signage for persons with visual impairments is required on all permanent rooms and spaces where the space use is not likely to change over time. Upon receipt of this information and before OCR made a determination in this matter, the College expressed the desire to be in compliance with any law regarding access to its program and facilities and promptly took proactive action to acquire and install signage from a local vendor in spring 2015 for rooms and spaces at the campus that it believed fit these criteria.

Applicable Regulatory Standards

The Section 504 regulation states that no qualified person with a disability shall, because a covered entity's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any of the entity's programs or activities. 34 C.F.R. § 104.21. The regulation references standards for determining whether an entity's programs, activities, and services are accessible to

individuals with disabilities, depending upon whether the facilities are determined to be existing construction, new construction, or alterations. The applicable standard depends upon the date of construction or alteration of the facility.

For existing facilities, the regulation requires an educational institution to operate each service, program, or activity so that, when viewed in its entirety, it is readily accessible to and usable by individuals with disabilities. This standard does not necessarily require that the institution make each of its existing facilities or every part of a facility accessible if alternative methods are effective in providing overall access to the service, program, or activity. 34 C.F.R. § 104.22(a). Under the Section 504 regulation, existing facilities are those for which construction began before June 3, 1977.

For new construction, the facility or newly constructed part of the facility must itself be readily accessible to and usable by persons with disabilities. 34 C.F.R. § 104.23(a). Under the Section 504 regulation, a facility will be considered new construction if construction began (ground was broken) on or after June 3, 1977.

With regard to alterations, each facility or part of a facility that is altered by, on behalf of, or for the use of an institution after the effective dates of the Section 504 regulation in a manner that affects or could affect the usability of the facility or part of the facility must, to the maximum extent feasible, be altered in such manner that the altered portion of the facility is readily accessible to and usable by persons with disabilities. 34 C.F.R. § 104.23(b).

For an entity covered by Section 504, new construction and alterations after January 26, 1992, but prior to March 15, 2012, must conform to the Uniform Federal Accessibility Standards (UFAS) or the 1991 Americans with Disabilities Act Standards for Accessible Design (the 1991 ADA Standards) or equivalent standards. However, the Section 504 regulation provides, at 34 C.F.R. § 104.23(c), that departures from particular technical and scoping requirements of UFAS by the use of other methods are permitted where substantially equivalent or greater access to and usability of the building is provided.

The U.S. Department of Justice (DOJ) published revised regulations for Titles II and III of the ADA on September 15, 2010. These regulations adopted revised enforceable accessibility standards called the 2010 ADA Standards for Accessible Design (the 2010 ADA Standards). The 2010 ADA Standards went into effect on March 15, 2012, although entities had the option of using them for construction or alterations commencing September 15, 2010, until their effective date. For new construction and alterations as of March 15, 2012, private recipients have the option of complying with either UFAS or the 2010 ADA Standards (except that Exception (1) to Section 206.2.3 does not apply for recipients), until the Department revises its Section 504 regulation to formally adopt the 2010 ADA Standards in lieu of UFAS.

Summary of OCR's Investigation, Analysis, and Conclusions

OCR conducted an onsite visit of the College's Maumee campus in May 2015 to assess the College's signage and the accessibility of the College's entrance doors. As summarized below, OCR has determined that the College's signage for persons with visual impairments in both

buildings at the campus, and certain aspects of its entrance doors at the 1800 Indian Wood Circle building, do not comply with the appropriate accessibility design standards.

Although the College did not directly respond to OCR's request for which accessible design standards it followed in the renovations for the buildings at issue, the College's assertion that the facility "meets the local American with Disability Act (ADA) requirements" indicated that the College used the 1991 ADA Standards. Therefore, OCR analyzed the relevant building elements using the 1991 ADA Standards, which can be found at <http://www.ada.gov/1991standards/1991standards-archive.html> and, where appropriate, the 2010 ADA Standards, which can be found at <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm>.

A. Building Entrances

1. 1796 Indian Wood Circle

The main building at 1796 Indian Wood Circle contains: 20 classrooms; 4 laboratories; 31 administrative offices, 1 conference room; 2 massage therapy labs; 1 personal fitness training lab; 1 library; 1 student lounge; 1 faculty and staff lounge; 3 faculty offices; 3 record storage rooms; 1 bookstore; 1 server/information technology room; and 4 restrooms.

The College reported that the 1796 Indian Wood Circle building has been in its current configuration since 2007. Accordingly, the relevant accessibility standards for entrances at the building are the 1991 ADA Standards.

Students and the public access the building through one main double-width entrance doorway. There is a vestibule that leads to another set of doors into the building. Other building entrances are reserved for staff and emergency exiting, and are locked from the outside. There is no signage with the International Symbol of Access posted outside of the entrance to mark it as the accessible entrance. All doors at the public entrance were unlocked and functional on the day OCR visited the College.

The main entrance opens to a wide open reception area. OCR observed that the lobby floor covering material is low-pile carpet. The space immediately inside the building is open with seating areas flanked by administrative offices. Hallways off of the reception area lead to classrooms, laboratories, and other spaces in the building.

According to 4.13.5 of the 1991 ADA Standards, doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. OCR measured the main entrance doors at the outside, with each door opening measuring 32 inches wide. OCR measured the inner set of doors open into the vestibule, with each door opening measuring 32 inches wide. There is no center post or obstruction to impede access when the doors are both open, at either set.

Under 4.13.6 of the 1991 ADA Standards, front approaches to the pull side of swinging doors shall have maneuvering space that extends from the hinge side of the door to 18 inches minimum, 24 inches preferred, beyond the latch side of the door and 60 inches minimum

perpendicular to the doorway. The clear space at the front approach of the 1796 Indian Wood Circle's entrance meets or exceeds these dimensions on clear and level concrete. The second set of interior doors is double width, with a side window that is 24 inches wide, providing sufficient maneuvering width space.

According to 4.13.7 of the 1991 ADA Standards, the minimum space between two hinged or pivoted doors in the series shall be 48 inches plus the width of any door swinging into the space. Doors in a series shall swing either in the same direction or away from the space between the doors. OCR measured the vestibule, which measures 87 inches deep by 88 inches wide.

Under 4.13.8 of the 1991 ADA Standards, thresholds at doorways shall not exceed $\frac{3}{4}$ inch in height for exterior sliding doors or $\frac{1}{2}$ inch in height for other door types. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2. The threshold at the doorway into the building measures $\frac{1}{2}$ inch high with beveled edges at both doorways in the series. The vestibule is carpeted with low-pile carpeting material.

Under 4.13.9 of the 1991 ADA Standards, door hardware, handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. When sliding doors are fully open, operating hardware shall be exposed and usable from both sides. Hardware required for accessible door passage shall be mounted no higher than 48 inches above a finished floor. The door hardware on the entrance door to the 1796 Indian Wood Circle building was found to be easy to operate from both the outside approach and the inside approach. The opening hardware for the exterior doors, on the outside, are in the form of grab handles that are operable with one hand and do not require tight grasping, pinching, or twisting of the wrist. Hardware on the inside consists of grab handles. Hardware on either side of the doors was mounted well below the maximum height at 37 inches from the pavement on the outside and 40 $\frac{1}{2}$ inches from the finished floor on the inside.

Under 4.13.10 of the 1991 ADA Standards, if a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 inches (75 mm) from the latch, measured to the leading edge of the door. The 1796 Indian Wood Circle building's entry doors have closers affixed at the tops of the doors. The College provided video footage of the doors closing. The sweep periods of both of the entry doors were greater than the 3-second minimum standard described above.

Under 4.13.11 of the 1991 ADA Standards for door opening force, the maximum force for pushing or pulling open a door for exterior hinged doors is not specified, as there is no maximum force dictated by the standards. Force required to open both doors at the 1796 Indian Wood Circle building was 18 pounds. There is no power-assisted opening equipment at either set of doors. OCR notes that the 1991 ADA Standards do not specifically require automatic doors and/or power-assisted doors. See Standard 4.13.12.

Based on the above information, OCR has determined there is insufficient evidence that the entrance doors at the 1796 Indian Wood Circle building are inaccessible to or unusable by persons with disabilities in violation of Section 504.

2. 1800 Indian Wood Circle

The College's nursing and dental assisting spaces, located at 1800 Indian Wood Circle, are in two separate suites. These suites have their own entrances and are not connected inside the building. The nursing suite contains 7,600 square feet of space and includes 2 classrooms, 3 laboratories, 4 administrative offices, separate men's and women's restrooms, and a shared restroom. The dental assisting suite contains 2,300 square feet of space and includes 1 classroom, 2 laboratories, 2 administrative offices, and separate men's and women's restrooms.

The College reported that the 1800 Indian Wood Circle building was last modified for its specific use in 2011, with portions of the building modified earlier for its use in 2009 and 2010. As noted above, the College did not directly respond to OCR's request for which accessible design standards it followed in the renovations for the building at issue, but instead asserted that the facility "meets the local American with Disability Act (ADA) requirements." Because entities had the option of using the 2010 ADA Standards beginning September 15, 2010, OCR applied both the 1991 and 2010 ADA Standards to its review of the accessibility of the entrances at the College's 1800 Indian Wood Circle building to determine if the entrances meet either of those standards.

a.) Dental Suite

Students and the public access the dental suite through a single door entrance which leads into a vestibule and through another single door into a reception area. There is no signage at the outside entrance with the International Symbol of Access to mark it as the accessible entrance. The doors were unlocked and functional at the time of OCR's visit.

According to Section 4.13.5 of the 1991 ADA Standards, doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. OCR measured the exterior door into the dental suite with the door open 90 degrees, and found the opening measures 32 inches wide. The interior door opening width measures 33 inches wide with the door open 90 degrees.

Under 4.13.6 of the 1991 ADA Standards, front approaches to the pull side of swinging doors shall have maneuvering space that extends from the hinge side of the door to 18 inches minimum, 24 inches preferred, beyond the latch side of the door and 60 inches minimum perpendicular to the doorway. The clear space at the entrance to the dental suite exceeds these dimensions on clear and level concrete.

Under 4.13.7, the minimum space between two hinged or pivoted doors in series shall be 48 inches plus the width of any door swinging into the space. Doors in series shall swing either in the same direction or away from the space between the doors. The entrance doors in the dental suite are in series and swing in the same direction—the exterior door swings towards the outside

(away from the space between the doors) and the interior door (34 inches wide) swings towards the outside, into the space between the doors. The vestibule between the interior and exterior doors of the dental suite measures 83 inches long by 98 ¼ inches wide. Accordingly, the space between the two doors is within the minimum requirements.

Under 4.13.8 of the 1991 ADA Standards, thresholds at doorways shall not exceed ¾ inch in height for exterior sliding doors or ½ inch for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2. The threshold at the outer doorway measures ½ inch in height with beveled edges.

In accordance with 4.13.9 of the 1991 ADA Standards, door hardware, handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Hardware components on the entrance doors of the dental suite are operable with one hand and do not require tight grasping, pinching or twisting of the wrist. Hardware required for accessible door passage shall be mounted no higher than 48 inches above a finished floor. The hardware on the outside of the exterior door to the suite is a fixed grab handle. The hardware on the interior is a push bar that is easy to operate. The hardware on the interior door, both on the outside and inside of the door, are door handles that are easy to operate, with little physical effort required to turn the handles to open the door. The hardware on the exterior door is mounted at 35 ½ inches from the bottom of the grab handle to the pavement on the outside of the door and the push bar is 39 ½ inches above the finished floor on the inside of the door. The hardware on the interior door is mounted at 39 inches above the finished floor on both sides of the door.

Under 4.13.10 of the 1991 ADA Standards, if a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door. The entrance doors to the dental suite have closers affixed at the tops of the doors. The College provided video footage of the doors closing. The sweep periods of both of the entry doors were greater than the 3 second minimum standard described above.

Under 4.13.11 of the 1991 ADA Standards for door opening force, the maximum force for pushing or pulling open a door for exterior hinged doors is not specified, as there is no maximum force dictated by the standards. Under the same standard, the maximum force for interior hinged doors is 5 pounds. OCR found the force required to open the interior hinged door from the vestibule into the dental suite to be 12 pounds. Accordingly, the interior door of the accessible entrance does not meet the criteria specified under 4.13.11.

OCR notes that the 1991 ADA Standards do not specifically require automatic doors and/or power-assisted doors. See Standard 4.13.12.

OCR also notes that the vestibule floor surface is tile. There is low-pile carpet material covering throughout the dental suite inside the interior entry door.

Based on the above information, OCR has determined there is sufficient evidence to demonstrate that the entrance doors to the dental suite do not comply with the 1991 ADA Standards with respect to the required force to open the interior door. OCR also analyzed whether, although the door opening force does not comply with the 1991 ADA Standards, the College had complied with the 2010 ADA Standards.

Under 404.2.9 of the 2010 ADA Standards, the force for pushing or pulling open an interior hinged door, other than a fire door, shall be 5 pounds maximum. OCR notes that under 404.2.9, the maximum force for pushing or pulling open an exterior hinged door is not specified, as there is no maximum force dictated by the standards. Similarly, the 2010 ADA Standards do not specifically require automatic doors and/or power-assisted doors. OCR found the force required to open the interior hinged door from the vestibule into the dental suite to be 12 pounds. Accordingly, the interior door of the accessible entrance also does not meet the criteria specified in the 2010 ADA Standards under 404.2.9.

Because the entrance doors at the dental suite at the 1800 Indian Wood Circle building do not fully comply with the 1991 or 2010 ADA Standards, OCR has found sufficient evidence that the doors are inaccessible to or unusable by persons with disabilities in violation of Section 504 with respect to the interior door.

b.) Nursing Suite

Students and the public access the nursing suite through a single door entrance into a reception area. There is no signage at the outside entrance with the International Symbol of Access to mark it as the accessible entrance. All doors were unlocked and functional at the time of OCR's visit.

According to Section 4.13.5 of the 1991 ADA Standards, doorways shall have a minimum clear opening of 32 inches with the door open 90 degrees, measured between the face of the door and the opposite stop. The entrance into the nursing suite at the outside measures 32 ½ inches in width. There is no interior door to create a closed vestibule, but the area is walled off inside to create an open vestibule. The space measures 77 inches by 71 inches. There is a 46-inch-wide doorway out of the vestibule into the reception area.

Under 4.13.6 of the 1991 ADA Standards, front approaches to the pull side of swinging doors shall have maneuvering space that extends from the hinge side of the door to 18 inches minimum, 24 inches preferred, beyond the latch side of the door and 60 inches minimum perpendicular to the doorway. The walkway to the nursing suite entrance is only 40 inches wide, and it abuts the 32-inch-wide entrance door. The clear space at the entrance to the nursing suite does not provide 18 inches of minimum clearance beyond the latch side. As a result, sufficient perpendicular space of 60 inches from the door is also not present due to the insufficient width of the walkway.

Under 4.13.8 of the 1991 ADA Standards, thresholds at doorways shall not exceed ¾ inch in

height for exterior sliding doors or ½ inch for other types of doors. Raised thresholds and floor level changes at accessible doorways shall be beveled with a slope no greater than 1:2. The threshold at the doorway measures ½ inch in height with beveled edges.

In accordance with 4.13.9 of the 1991 ADA Standards, door hardware, handles, pulls, latches, locks, and other operating devices on accessible doors shall have a shape that is easy to grasp with one hand and does not require tight grasping, tight pinching, or twisting of the wrist to operate. Lever-operated mechanisms, push-type mechanisms, and U-shaped handles are acceptable designs. Hardware required for accessible door passage shall be mounted no higher than 48 inches above a finished floor. The hardware on the exterior door to the nursing suite is fixed and does not require moving it to open the door. The hardware on the inside of the door is a push bar that requires little physical effort to move. The hardware on the outside of the entrance door is a grab handle mounted at 39 inches above the pavement. The hardware on the inside of the door is a push bar mounted 38 inches above the finished floor.

Under 4.13.10 of the 1991 ADA Standards, if a door has a closer, then the sweep period of the closer shall be adjusted so that from an open position of 70 degrees, the door will take at least 3 seconds to move to a point 3 inches from the latch, measured to the leading edge of the door. The door has a closer affixed at the top of the door. The College provided video footage of the door closing. The sweep period of the entry door was greater than the 3-second minimum standard described above.

Under 4.13.11 of the 1991 ADA Standards for door opening force, the maximum force for pushing or pulling open a door for exterior hinged doors is not specified. OCR notes that, similarly, the 1991 ADA Standards do not specifically require automatic doors and/or power-assisted doors. See Standard 4.13.12.

OCR notes that the lobby floor is tile. There is a removable, heavy carpeted mat at the inside door with low pile material and beveled rubber edging.

Based on the above information, OCR has determined there is sufficient evidence to demonstrate that the entrance to the nursing suite does not comply with the 1991 ADA Standards with regard to maneuvering space.

Under 404.2.4.1 of the 2010 ADA Standards, front approaches to the pull side of swinging doors shall have maneuvering space that extends from the hinge side of the door to 18 inches minimum beyond the latch side of the door and 60 inches minimum perpendicular to the doorway. The walkway to the nursing suite entrance is only 40 inches wide, and it abuts the 32-inch-wide entrance door. The clear space at the entrance to the nursing suite does not provide 18 inches of minimum clearance beyond the latch side. As a result, sufficient perpendicular space of 60 inches from the door is also not present due to the insufficient width of the walkway. Accordingly, OCR has determined that the entrance to the nursing suite does not comply with the 2010 ADA Standards.

Because the entrance doors at the nursing suite at the 1800 Indian Wood Circle building do not

fully comply with the 1991 or 2010 ADA Standards, OCR has found sufficient evidence that the doors are inaccessible to or unusable by persons with disabilities in violation of Section 504 because they do not provide the minimum required maneuvering space.

B. Signage for Individuals with Visual Impairments

As noted above, when the College was notified about the OCR complaint, it acknowledged that its buildings lacked signage for individuals with visual impairments, with the exception of signs posted at restrooms. During the course of OCR's investigation, the College took proactive steps to acquire and install signage in spring 2015 for rooms and spaces at the campus that it believed constituted permanent rooms and spaces where the space use is not likely to change over time. Because the College added this signage in spring 2015, the standards for signage in the 2010 ADA Standards apply in this case.

Under 216.2 of the 2010 ADA Standards for building signage, signage is required to designate permanent rooms and spaces not likely to change over time, e.g. room numbers and letters, room names, and exit signs and are required to comply with 703.2, 703.3, 703.4.1, 703.4.2 and 703.5.1. Other signs that provide direction to, or information about, functional spaces of the building shall comply with 703.5.1 and 703.5.6. Under 216.6 of the 2010 ADA Standards, elements and spaces of accessible facilities shall be identified by the International Symbol of Accessibility, which requires that if not all entrances are accessible, the entrance designated as accessible shall be marked with the International Symbol of Accessibility. OCR confirmed the presence of posted signage for persons with visual impairments, including Braille (with exceptions noted below), at both the 1796 Indian Wood Circle and 1800 Indian Wood Circle buildings outside of the rooms or spaces that appear to be permanent and not likely to change over time. However, the College's entrances at both buildings lack appropriate signage marking designated accessible building entrances.

Under 703.2 of the 2010 ADA Standards, signs are required to have raised text characters. The signs posted throughout the College's spaces have raised text characters

Under 703.3 of the 2010 ADA Standards, signs are required to contain Braille. The signs posted throughout the College's spaces contain Braille.

Under 703.4.2 of the 2010 ADA Standards, signs are required to be mounted on the latch side of the door of the room or space. OCR observed the signs posted on the latch side of the doors throughout the College's spaces, with the exception of the bookstore in the 1796 Indian Wood Circle building; thus, the College has not fully complied with the standards under 703.4 with respect to the bookstore.

Under 703.5.1 of the 2010 ADA Standards regarding sign composition, signs are required to have text characters that contrast with their backgrounds. The new signs that the College had installed in 2015 contain white letters and numbers against a dark red field. Existing signs for restrooms also contain white letters against darker fields, including blue, black and grey.

Under 703.4.1 of the 2010 ADA Standards, mounting height of signage is to be so that the baseline of the lowest character is at least 48 inches above the floor and the baseline of the highest character is no more than 60 inches above the floor. The clear floor space beyond the arc of the door swing between the closed position and 45-degree open position shall be at least 18 x 18 inches centered on the tactile characters of the signage in accordance with 703.4.2. OCR found that the signs throughout the buildings were clearly accessible without encountering objects or impediments of any sort in accordance with the Standard. However, OCR found that the baseline of the lowest characters for the majority of the mounted signs is between 58 and 59 inches above the finished floor. The baseline of the highest characters is generally 61 to 62 inches above the floor.

Therefore, none of the signs that OCR observed at the College were mounted at the appropriate height. In addition, OCR did not observe any signs posted at any building exit in either of the buildings on campus. Finally, the College does not have proper signage to identify its designated accessible entrances at the buildings.

Based on this information, OCR has determined that there is sufficient evidence to demonstrate that the College's signage is not mounted in accordance with the applicable 2010 ADA Standards, and that the College lacks some of the signage required under the applicable Standards. Accordingly, the College is in violation of the Section 504 regulation at 34 C.F.R. § 104.23.

Resolution

On September 3, 2015, the College submitted the enclosed agreement to resolve OCR's noncompliance finding. The agreement requires the College to (a) complete a self-evaluation of its Section 504 accessibility at the campus and develop and submit to OCR for review and approval an action plan setting forth the steps necessary to ensure that its facility is accessible to individuals with disabilities; and (b) implement the action plan, including but not limited to adding signage and modifying current signage locations and entrance doors to comply with the 2010 ADA Standards.

OCR will monitor the implementation of the agreement. The College's first monitoring report is due by October 31, 2015. If the College does not fully implement the agreement, OCR will take appropriate action to ensure the College's compliance with Section 504.

This concludes OCR's investigation of the complaint and should not be interpreted to address the College's compliance with any other regulatory provision or to address any issues other than those addressed in this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public. The Complainant may file a private suit in federal court, whether or not OCR finds a violation.

Please be advised that the College may not harass, coerce, intimidate, or discriminate against any individual because he or she has filed a complaint or participated in the complaint resolution process. If this happens, the harmed individual may file another complaint alleging such treatment.

OCR would like to thank you and the College for your cooperation in the investigation and resolution of this matter. The OCR contact person for the monitoring of the agreement is Mr. Stephen Buynack, who may be reached at (216) 522-7643 or at Stephen.Buynack@ed.gov.

If you have any questions about this letter, you may contact Mr. Donald S. Yarab, Supervisory Attorney/Team Leader, at (216) 522-7634.

Sincerely,

/s/

Meena Morey Chandra
Director

Enclosure