

## RESOLUTION AGREEMENT

### Case No. 02-15-2391 SUNY College of Agriculture & Technology at Cobleskill

In order to resolve Case No. 02-15-2391, the SUNY College of Agriculture & Technology at Cobleskill (the College) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 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 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

#### **Action Item:**

By September 30, 2016, the College will make changes to the parking lot located closest to the accessible ground level entrance to Wheeler Hall, and to the exterior accessible route leading from the parking lot to that entrance, to address the accessibility issues set forth in the attached Appendix A.

**Reporting Requirement 1:** By February 22, 2016, the College will submit to OCR, for review and approval, its proposal, including a prospective timeframe(s), to address the accessibility issues noted in Appendix A. OCR will respond to the College's proposal within fifteen (15) calendar days.

**Reporting Requirement 2:** By September 30, 2016, the College will provide documentation to OCR (e.g., copies of paid invoices, photographs, etc.) confirming completion of changes to address accessibility issues noted in Appendix A. OCR may schedule an on-site visit to inspect the renovations.

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, at 34 C.F.R. §§ 104.21 and 104.23, and the ADA, at 28 C.F.R. §§ 35.149 and 35.151, which were at issue in this case. The College also 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 regulations implementing Section 504, at 34 C.F.R. §§ 104.21 and 104.23, and the ADA, at 28 C.F.R. §§ 35.149 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Date: February 19, 2016

By: \_\_\_\_\_/s/\_\_\_\_\_

Designated Representative  
SUNY College of Agriculture & Technology  
at Cobleskill

**APPENDIX A**

Component	Ground level accessible exterior route leading from the accessible parking spaces to the accessible ground level entrance of Wheeler Hall
Accessibility Issues	<ul style="list-style-type: none"> <li>▪ Cross Slope = 6.5%; 5.3%; and 8.9% (measured at three different points from the front entrance door to the driving area). [2010 ADA Standards 403.3, maximum cross slope of walking surfaces shall not be steeper than 1:48 gradient (less than 2.1%)].</li> </ul>

Component	Accessible parking spaces located in front of the accessible ground level entrance to Wheeler Hall
Accessibility Issues	<ul style="list-style-type: none"> <li>▪ There are two sewer grates located on the driver’s side of one of the accessible parking spaces. Sewer Grate 1: contained numerous rectangular holes in the grate measuring three (3) inches long and two (2) inches wide. Sewer Grate 2: contained numerous rectangular holes in the grate measuring six (6) inches long and one and a half (1.5) inches wide. [2010 ADA Standards 302.3, maximum openings in floor or ground surfaces shall not allow passage of a sphere more than ½ inch (13 millimeters)].</li> </ul>