

## **Resolution Agreement**

### **Central New Mexico Community College OCR Case Number 08-15-2065**

In order to resolve the allegations in OCR case number 08-15-2065, filed against Central New Mexico 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 (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, the College agrees to implement the following Resolution Agreement.

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 mobility disabilities relative to all designated accessible parking in all parking area(s) serving the Student Resource Center.

Specifically, the College will evaluate, at a minimum, the:

- a. Number of non-accessible and accessible parking spaces provided including the number of van accessible parking spaces;
- b. Width of all accessible parking spaces/access aisles including van accessible parking spaces/access aisles;
- c. Slope and cross-slope of all accessible parking spaces/access aisles including van accessible parking spaces/access aisles;
- d. Signage at each accessible parking spaces including van accessible parking spaces; and
- e. Accessible route leading from each accessible parking space including all curb ramps.

The regulations implementing Section 504 and Title II contain two standards for determining whether the College's programs, activities, and services are accessible to individuals with disabilities. One standard applies to existing facilities, the other covers new construction and alterations. Which standard applies depends upon the date of

construction or alteration of the facility. In conducting its evaluation, the College will apply the appropriate accessibility requirement(s) to its facilities:

Program Access Elements. For those College facilities constructed or altered prior to the effective date of Section 504 and Title II, the College will ensure that its programs, when considered in their entirety, are accessible to and usable by people with disabilities. 34 C.F.R. § 104.22; 28 C.F.R. § 35.150. In choosing among available methods for achieving program access, the College will give priority to those methods that serve people with disabilities in the most integrated setting appropriate.

New Construction Elements. For those College facilities constructed or altered after the effective date of Section 504 and Title II, the College will ensure that its facilities are readily accessible to and usable by persons with disabilities. C.F.R. § 104.23; 28 C.F.R. § 35.151. Depending on the date of construction, the College will evaluate whether its facilities comply with the applicable new construction/alteration standard:

- American National Standards Institute (ANSI) Standards A117.1-1961 (re-issued 1971);
- Uniform Federal Accessibility Standards (UFAS);
- Americans with Disabilities Act Accessibility Guidelines (1991 Standards); or
- 2010 ADA Standards for Accessible Design (2010 Standards).

After completing its evaluation 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) remove it in a way that complies with the 2010 Standards, (2) propose a timeframe for barrier removal for OCR's consideration, or (3) propose a timeframe for alternate means of providing equivalent facilitation (for new construction or alterations) or program access (for existing facilities).

**REPORTING REQUIREMENT:** By **July 1, 2015**, the College will provide OCR with:

- a. The results of the College's accessibility evaluation including copies of all checklists and detailed photographs showing the measurements taken which were used by the College during its evaluation; and
  - b. A copy of the College's remediation plan identifying each barrier to access found through the evaluation, describing how it will address each barrier to access and the date by which each barrier to access will be removed.
2. Within 30 days of receiving OCR's written approval of its remediation plan, the College will implement the plan, taking steps necessary to address each identified barrier to access in accordance with the approved plan.

**REPORTING REQUIREMENT:** No later than one (1) year after receiving OCR's written approval of the College's remediation plan, the College will submit a written

report to OCR summarizing the actions the College has taken to implement the approved remediation plan for OCR review and approval. The College will submit written reports every six (6) months thereafter until OCR determines that the College has fully implemented the approved remediation plan. 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, at 34 C.F.R. § 104.22 and 104.23 and Title II, at 28 C.F.R. § 35.150 and 35.151, which were at issue in this case.

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 regulation implementing Section 504, at 34 C.F.R. § 104.22 and 104.23 and Title II, at 28 C.F.R. § 35.150 and 35.151.

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 Central New Mexico Community College:

	<b>4/17/2016</b>
/S/	
Name	Date
Title	