

**Resolution Agreement
Norwell Public Schools
OCR Complaint No. 01-15-1092**

The U.S. Department of Education's (Department) Office for Civil Rights (OCR) initiated the above-referenced investigation pursuant to OCR's jurisdiction under Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), and Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II). Prior to OCR completing its investigation of this matter, Norwell Public Schools (District) voluntarily agreed to resolve the complaint allegations, pursuant to Section 302 of OCR's *Case Processing Manual*.

ACTION ITEM I:

By August 26, 2016, the District will make structural changes to the playground at the Grace Farrar Cole Elementary School (School 1) to ensure accessibility, pursuant to the 2010 Americans with Disabilities Act Standards for Accessible Design (2010 Standards)¹, or any standards that provide equivalent or greater access including, but not limited to the following:

- A. The District will construct accessible routes to the playground site including:
 - i. At least one smooth, level, slip-resistant accessible route from accessible parking, passenger loading zones, and public streets that has:
 - 1. a minimum 60-inch width connecting entry and exit points of play components;
 - 2. running slopes not exceeding 1:16;
 - 3. cross slopes not exceeding 1:48;
 - 4. no objects protruding more than 4 inches into circulation routes; and
 - 5. no objects lower than 80 inches above ground surface obstructing vertical clearance within circulation routes.
 - ii. At least one smooth, level, slip-resistant accessible route between the School 1 and the accessible outdoor facilities, areas, and components that has:
 - 1. a minimum 60-inch width connecting entry and exit points of play components;
 - 2. running slopes not exceeding 1:16;
 - 3. cross slopes not exceeding 1:48;
 - 4. no objects protruding more than 4 inches into circulation routes; and

¹ <http://www.ada.gov/regs2010/2010ADAStandards/2010ADAstandards.htm#c1>.

5. no objects lower than 80 inches above ground surface obstructing vertical clearance within circulation routes.
- B. The District will install and maintain a ground surface within the playground site that meets the American Society for Testing and Materials F 1951-99 Standard (ASTM F 1951-99) for accessibility within play areas.
 - C. The District will ensure that 50% of the elevated play components are accessible from the transfer platform. Such steps will include examining and, if necessary, lowering the handrails on the “clatter” bridge to ensure safety, replacing the bridge, or adding an additional transfer platform.
 - D. The District will ensure that at least three different types of ground-level play components are accessible by:
 - i. Providing a clear, level, slip-resistant maneuvering space adjacent to the swing set and accessible play components that require transfer or changes in direction to use. This maneuvering space may be either a 60-inch circle, minimum, or a T-shaped turn, and may be located either in front, behind, or at the side adjacent to the swing or play component.
 - ii. Ensuring that the tether ball and/or the four-hole basket are located along an accessible route and surface, and installing an additional ground-level play component along an accessible route and surface that is distinct from the existing ground-level play components, to provide a third accessible ground-level play experience for students.
 - iii. Or, if neither the tether ball nor the four-hole basket is located along an accessible route and surface, the District will install two additional accessible ground-level play components along an accessible route and surface that is distinct from the existing ground-level play component(s), to provide a second and third accessible ground-level play experience for students.

Reporting Requirements: By September 15, 2016, the District will provide OCR with documentation, including photographs, demonstrating its compliance pursuant to Action Item 1.

ACTION ITEM II:

By August 26, 2017, the District will make all necessary structural changes to the playground at the William Gould Vinal Elementary School (School 2) to ensure accessibility, pursuant to the 2010 Standards, or any standards that provide equivalent or greater access. Such steps will include:

- A. The District will install and maintain a ground surface within the preschool playground site and swing set site that meets the American Society for Testing and Materials F 1951-99 Standard (ASTM F 1951-99) for accessibility within play areas.

Reporting Requirements: By September 15, 2017, the District will provide OCR with documentation, including photographs, demonstrating its compliance pursuant to Action Item II.

ACTION ITEM III:

By August 26, 2017, if the District constructs a preschool play structure at School 1, it will ensure that it is located on an accessible route and surface, and is otherwise accessible, pursuant to the 2010 Standards, or any standards that provide equivalent or greater access including.

Reporting Requirements: By September 15, 2017, the District will provide OCR with documentation, including photographs, demonstrating its compliance pursuant to Action Item III, if applicable, or a statement indicating that it has not constructed a preschool structure at School 1.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. 104.21, 104.22 and 104.23, and Title II, at 28 C.F.R. Sections 35.149, 35.150 and 35.151, which were at issue in this case. The District 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 District understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 , at 34 C.F.R. 104.21, 104.22 and 104.23, and Title II, at 28 C.F.R. Sections 35.149, 35.150 and 35.151, which were at issue in this case.

The District also 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 District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Matthew A. Keegan, Superintendent
Norwell Public Schools

Date