

**RESOLUTION AGREEMENT**  
**Berkshire Hills Regional School District**  
***OCR Complaint No. 01-16-1336***

The Berkshire Hills Regional School District (District) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures that it will take the following actions.

The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. The District agrees to take the actions listed below in order to provide individuals with disabilities, in particular those with mobility impairments, access to the District's playgrounds at Muddy Brook Regional Elementary School and the Monument Valley Middle Schools (the Schools). Modifications made pursuant to this Agreement will be done in accordance with the 2010 Americans with Disabilities Act Standards for Accessible Design (the 2010 ADA Standards).

1. The District will evaluate the accessibility of and identify any barriers to access for individuals with mobility disabilities at the Schools, including but not limited to evaluating whether there are accessible routes to and throughout the playground and accessible ground surfaces.

After completing its evaluation, the District 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 District may: (1) remove it in a way that complies with the 2010 ADA 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 October 1, 2019, the District will provide OCR with the results of the District's accessibility evaluation including copies of all checklists and detailed photographs showing the measurements taken which were used by the District during its evaluation. The District will also provide OCR with a copy of its 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. For each barrier, the District may: (1) remove it in a way that complies with the 2010 ADA 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).

2. Within 30 days of receiving OCR's written approval of its remediation plan, the District will implement the plan, taking the steps necessary to address each identified barrier to access in accordance with the approved plan.

3. The District will complete its remediation plan by August 1, 2020.

**REPORTING REQUIREMENT**

The District will submit written reports to OCR every three months after the date of OCR's approval of the District's remediation plan summarizing the actions the District has taken pursuant to this Agreement through August 1, 2020. 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 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 the 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 and obligations of this Agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Peter Dillon  
Superintendent of Schools