

Resolution Agreement  
East Granby Board of Education  
OCR Complaint No. 01-16-1366

The East Granby Board of Education (the District) agrees to implement the terms of this Resolution Agreement (Agreement) to resolve the allegations relating to Complaint No. 01-16-1366 alleging disability discrimination under Section 504 of the Rehabilitation Act of 1973 (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) and its implementing regulation at 28 C.F.R. Part 35. This Resolution Agreement does not constitute an admission that the District is not in compliance with Section 504, Title II, or their implementing regulations, except as set forth herein.

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 facilities and programs at Allgrove Elementary School (the School). 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).

RESOLUTION TERMS:

1. By September 1, 2017, the District will modify the playground area to ensure that there is an accessible route into the play area, and that the accessible route(s) provided is/are in compliance with the 2010 ADA Standards.
  - a. Standard 303.2 permits no more than a ¼ inch vertical change in level without modification. For any changes in level between ¼ inch and ½ inch, Standard 303.3 requires that a change in level shall be beveled with a slope not steeper than 1:2. For any changes in level greater than ½ inch, Standard 303.4 requires that the change in level be ramped in compliance with Standards 405 and 406.
    - i. The District will alter both entrances to the playground (where, as of November 22, 2016, the black tar walkway meets the mulch surface of the playground) to ensure that it complies with the 2010 ADA Standards governing changes in level.
  - b. Standard 403.3 establishes that the cross slope of a walking surface shall not be steeper than 1:48.
    - i. The District will alter both entrances to the playground (where, as of November 22, 2016, the black tar walkway meets the mulch surface of the playground) to ensure that it complies with the 2010 ADA Standards governing permissible cross-slope steepness.
2. By September 1, 2017, the District will develop and implement a plan to maintain the ground surface of the playground on a regular basis so that the wood chip fiber surface has an appropriate depth and smoothness, and the ground surface is stable, firm, and slip resistant, in compliance with Standard 302.1 of the 2010 ADA Standards. The ground surface must be maintained in compliance with Standard 1008.2.6 of the 2010 ADA Standards, which incorporates the American Society for Testing and Materials F

1951. The District also agrees to develop a maintenance log for the playground surface.

REPORTING REQUIREMENTS:

1. By September 15, 2017, the District will submit documentation to OCR verifying its implementation of Resolution Term 1 of the Agreement. Documentation shall at least include a written summary of work performed, measurements, and photographs, and may include other materials such as work orders, purchase orders, or other relevant documentation. The District may also demonstrate compliance by employing a professionally licensed architect, or similar professional, to implement Resolution Term 1 pursuant to the 2010 Standards, and providing certification from the professional. The District understands that OCR may request additional documentation as necessary to confirm compliance with Resolution Term 1, and that OCR may conduct an onsite visit to the School to confirm full implementation of Resolution Term 1 in accordance with the 2010 ADA Standards.
2. By September 15, 2017, the District will submit documentation to OCR verifying its implementation of Resolution Term 2 of the Agreement, including copies of the maintenance log, and may include other materials such as work orders, purchase orders, photographs, measurements, or other relevant documentation. The District may also demonstrate compliance by employing a professionally licensed architect, or similar professional, to implement Resolution Term 2 pursuant to the 2010 Standards, and providing certification from the professional. The District understands that OCR may request additional documentation as necessary to confirm compliance with Resolution Term 2, and that OCR may conduct an onsite visit to the School to confirm full implementation of Resolution Term 2 in accordance with the 2010 ADA Standards.
3. By May 1, 2018, the District will submit documentation to OCR verifying its continued maintenance, including copies of the maintenance logs and photographs, of the accessible routes to and throughout the playground area. OCR may conduct an onsite visit to the School to confirm full implementation of these items in accordance with the 2010 ADA Standards.

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. Part 104, and the regulation implementing Title II at 28 C.F.R. Part 35, 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 as fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R Part 104 and the regulation implementing Title II at 28 C.F.R. Part 35, which were at issue in this case.

The District 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.

The District has designated Dr. Christine Mahoney, with signatory authority to enter into this Agreement on the District’s behalf.

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Date

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Dr. Christine Mahoney  
East Granby Board of Education