

**Resolution Agreement
Brookfield Local School District
OCR Complaint Docket # 15-14-1186**

The Brookfield Local School District (the District) submits to the U.S. Department of Education, Office for Civil Rights (OCR), this Resolution Agreement to resolve the above-referenced complaint investigation and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and with Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35.

Action Steps

- I. The District agrees to take one of the two following actions listed below, either Item I.A or Items I.B, I.C, and I.D to address the accessibility of the District's high school stadium (Addison Field), beginning by no later than the start of the 2015-2016 football season. With respect to Items I.B, I.C, and I.D, all modifications will be made in accordance with the 2010 Americans with Disabilities Act (ADA) Standards for Accessible Design.
 - A. By July 20, 2015, the District will identify alternative locations to host football games and other District programs that typically occur at Addison Field in facilities that are readily accessible to individuals with disabilities. By August 20, 2015, the District will move its stadium programs to the alternate facility or facilities.

REPORTING REQUIREMENTS: If the District implements Item I.A, then by July 20, 2015, the District will provide OCR with a list of the facility or facilities the District intends to use to host its football games and other activities, the location of each facility listed, and the name and contact information for an individual at each location so that OCR can inspect each facility for accessibility. By August 21, 2015, the District will submit documentation to OCR verifying that it has moved its stadium programs to the alternate facility or facilities.

- B. If the District does not choose to host its football games and other District programs in alternative locations pursuant to Item I.A, then the District will make the following modifications to the seating structure at Addison Field:
 1. by August 21, 2015, the District will install seating structures at the end of the existing home side (east side) seating structure nearest the restroom and band concessions and at the end of the visitor side (west side) seating structure nearest the restroom that include integrated accessible seating with companion seats; and
 2. Within two years of the date this Agreement is signed, but no later than June 30, 2017, the District will modify the existing seating structure on the east side to include an appropriate number of horizontal integrated accessible seating locations with companion seats spread out at equal intervals along the span of the first row of the

existing seating structure, and, on the west side, either modify the existing seating structure to include horizontal integrated accessible seating spread out at equal intervals along the span of the existing seating structure, or install an additional seating structure on the other side of the existing seating structure that includes integrated accessible seating with companion seats, with an accessible route to the restroom and stadium entrance.

- C. If the District does not choose to host its football games and other District programs in alternative locations pursuant to Item I.A, then by August 21, 2015, the District will make the additional following modifications to Addison Field and its supporting facilities:
1. when the stadium is in use for games and other District programs, the District will provide the appropriate number of accessible parking spaces, including the appropriate number of van accessible spaces, at the stadium facility. The spaces shall be located in the area nearest to the accessible route to the stadium entrance. The spaces will be conspicuously marked with signs that conform to the 2010 ADA Standards when in use as accessible parking;
 2. when the stadium is in use for games and other District programs, the District will conspicuously post signs informing the public that accessible parking is available and where it is located;
 3. the District will add an accessible route from the west side of the stadium to the east side of the stadium;
 4. the District will provide an accessible portable toilet facility (or, if six or more stalls are provided to the general public, then two accessible portable toilet facilities) for all public events at the stadium. The portable toilet facility will be on an accessible route and will include a source of running water (e.g., a basin with a fresh water holding tank attached to a spigot), paper towels, and a waste receptacle; and
 5. the District will ensure that the home-side press box at Addison Field is on an accessible route or modify its usage so that the press box meets an exception to the accessibility requirements contained in the 2010 ADA Standards.
- D. If the District does not choose to host its football games and other District programs in alternative locations pursuant to Item I.A, then by August 21, 2015, the District will determine whether to continue to not use the visitors-side press box or to reopen it for usage. If the District decides to reopen the visitors-side press box for usage, prior to doing so, it will develop and submit to OCR for review and approval a transition plan identifying the steps that need to be taken to enable the press box to be made accessible when viewed in its entirety, including structural changes as necessary to ensure that it is on an accessible route, or modify its usage so that the press box meets an exception to the accessibility requirements contained in the 2010 ADA Standards. The transition plan will, at a minimum:

1. identify the physical obstacles on the route that limit the accessibility to individuals with disabilities of the programs and activities held there;
2. describe in detail the methods the District will use to make the press box accessible;
3. specify the schedule for taking the steps necessary to provide program accessibility, to be completed by no later than June 24, 2016; and
4. indicate the District official responsible for implementation of the plan.

REPORTING REQUIREMENTS: By August 21, 2015, the District will submit reports to OCR verifying that it has completed the actions listed in Items I.B.1 and I.C in compliance with the 2010 ADA Standards, including photographs, plans, work orders, invoices, and any other relevant documentation, to show the District's completion of renovations to Addison Field. The District will also in its August 21, 2015, report to OCR state whether it intends to reopen the visitors-side press box for usage, in which case it will submit its transition plan as described in Item I.D. By June 24, 2016, and June 23, 2017, the District will submit reports to OCR verifying its progress on and completion of the modifications of the existing seating structures as described in Item I.B.2 and its compliance with the 2010 ADA Standards, including photographs, plans, work orders, invoices, and any other relevant documentation. The District's June 24, 2016, report will also include documentation verifying as appropriate its completion of the transition plan for the visitors-side press box.

- E. Regardless of whether the District chooses to continue to hold programs at Addison Field or move the programs to an alternate stadium, the District will include information regarding the location of accessible parking for games and other District programs and accessible seating locations in the stadium in any publications it produces to promote the athletic teams and other District programs that use the stadium, and it will add information regarding the location of accessible parking and seating locations to the athletic department website, and in any article it posts in the local newspaper that provides notice of games and other District programs. If the District places or encourages home and away spectators to use seating on separate sides of the stadium, accessible seating must be provided on both sides of the stadium. In addition, conspicuous signage about available accessible seating for both sides of the stadium must be posted at the stadium.

REPORTING REQUIREMENT: By August 21, 2015, the District will submit verification to OCR that the information listed above was included in any publications by the District, any news media outlet reporting on the District's athletic programs, and on its website.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement 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 regulations implementing Section 504

at 34 C.F.R. §§ 104.21-104.23 and Title II at 28 C.F.R. §§ 35.149-35.151, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Section 504 and its implementing regulation at 34 C.F.R. §§ 104.21-104.23 and Title II and its implementing regulation at 28 C.F.R. §§ 35.149-35.151.

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.

/s/

06/26/2015

Superintendent or Designee

Date: