

RESOLUTION AGREEMENT
Boston Public Schools
OCR Complaint No. 01-15-1075

The Boston Public Schools (District) voluntarily enters into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions in order to meet its obligation to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990 (Title II).

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions:

Action Item 1

By February 15, 2018, the District will create a Sickle Cell Disease (SCD) Advisory Group (Advisory Group). This Advisory Group will be comprised of key stakeholders, including but not limited to parents, District Administrators, Section 504 Coordinators, School Health Personnel, and representatives from local advocacy groups associated with SCD. This Advisory Group will meet at least biannually to determine ways to better serve students in the District, develop and/or review policies, and provide input to District leadership.

Reporting Requirement

The Advisory Group will hold its first meeting no later than March 15, 2018 and within 10 days of this initial Advisory Group meeting the District will provide documentation to OCR that the meeting occurred. This documentation will include but not be limited to: the date the meeting occurred, a list of individuals who attended the meeting and their titles or positions, and meeting minutes.

Action Item 2

By April 1, 2018, the District, with input from the Advisory Group, will develop and/or revise a policy concerning identifying, locating, and serving children in the District with Sickle Cell Disease (SCD Policy). The SCD Policy will include, but not be limited to:

- (a) A child find policy in regards to SCD that includes the means for providing notification to families, including Limited English Proficient (LEP) parents/guardians, preschool and early intervention providers, community support

providers, and members of the school community information about the District's obligation to evaluate students with SCD;

- (b) A statement that SCD is a physical disability that may entitle students to protections and services under Section 504; and
- (c) A statement that all students with SCD will be referred for a comprehensive evaluation of all areas of suspected disability, to determine the nature and extent of the student's needs, if any, for specialized instruction or services under a Section 504 Plan and/or an Individualized Education Program (IEP), and that in proposing evaluations for all students with SCD the District will consider whether a neuropsychological evaluation is appropriate.

Reporting Requirements

- (a) By May 1, 2018, the District will provide OCR with the District's SCD Policy for OCR's review and approval.
- (b) Within 90 days of OCR's approval of the District's SCD Policy, the District will submit documentation confirming that the policy has been officially adopted and implemented by the District. The District will also provide OCR with (i) a link to the online version of the policy and (ii) documentation demonstrating that the policy has been disseminated using the District's standard methods for disseminating new information that is important to students, parents/guardians, employees, and other interested parties.

Action Item 3

By May 1, 2018, the District, with input from the Advisory Group, shall develop and implement a checklist of potential accommodations (checklist) for use at all Section 504 and/or IEP meetings involving students with a diagnosis of SCD. This checklist will be used at each annual Section 504/IEP meeting for any students with SCD. Documentation of each item's consideration by the Section 504 or IEP team will be included in the meeting minutes and a copy will be provided to the parent. The checklist will include, but not be limited to, the following items:

- (a) Two sets of textbooks
- (b) Bathroom passes
- (c) Unlimited access to the school nurse or school health official
- (d) Permission to carry a water bottle at all times
- (e) Permission to stay indoors or be exempt from outdoor activities when it is too hot, too cold, or when the air quality is poor
- (f) Door-to-door transportation to prevent children with SCD from standing too long in the heat or cold (or when mobility is impaired from hip or other complications)
- (g) Permission to access an elevator and to leave class early to get to one (or alternative, extra time between classes)
- (h) Modified participation in physical education class

- (i) Supplemental instruction for absent students

Reporting Requirements

By [December 1, 2018], the District will provide OCR with copies of the completed checklists described in Item 3 for each student with SCD evaluated for eligibility under Section 504, and documentation showing that this checklist has been fully implemented and distributed to all Section 504 Coordinators, Administrators, and Teachers.

Action Item 4

By September 1, 2018, the District, with input from the Advisory Group, shall develop an outreach and public awareness campaign regarding accommodating students with SCD. This campaign will include, but not be limited to:

- (a) Publishing and/or reviewing and revising information on the District's website and in written publications on SCD; and
- (b) A letter sent home to all parents/guardians in the District, including LEP parents, with information on SCD and student and parental rights.

Reporting Requirements

By October 31, 2018, the District will provide OCR with a report on its outreach and public awareness campaign. This will include information demonstrating that it has revised and disseminated the materials mentioned in Action Item 4. Specifically, the District will provide proof that it has (a) revised the information on the District's website and in its written publications regarding SCD, and (b) sent home the letter to all parents/guardians in the District.

Action Item 5

By October 31, 2018, the District will conduct live or web-based training for all Section 504 Coordinators, Teachers, and Administrators on SCD and the SCD Policy described in Action Item 2. The training will include, but not be limited to, the District's obligations under Section 504 to evaluate all students with a suspected disability, an overview of SCD and its most common symptoms, and the accommodation checklist developed in Action Item 3. Such training shall address and be consistent with Section 504, Title II, and their implementing regulations.

Reporting Requirement

Within 30 days of the completion of the training in Item 5, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 5 above. This documentation will include but not be limited to: the date(s) of the training; the name and credentials of the trainer; copies of any training materials

used, including any handouts guides, or other materials; sign-in sheets; and a list of the individuals who attended the training and their titles or positions.

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, if necessary, OCR may visit the District to 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 Title VI and its implementing regulation at 34 C.F.R. Part 100, Section 504 and its implementing regulation at 34 C.F.R §104.21 and Title II and its implementing regulation at 28 C.F.R. §35.149, which were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with Title VI and its implementing regulation at 34 C.F.R. Part 100, Section 504 and its implementing regulation at 34 C.F.R §104.21 and Title II and its implementing regulation at 28 C.F.R. §35.149, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close 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 sixty (60) calendar days to cure the alleged breach.

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

By: _____/s/_____ Date: 1-30-18
Dr. Tommy Chang, Ed.D.
Superintendent
Boston Public Schools