

**RESOLUTION AGREEMENT**  
**Braintree Public Schools**  
***OCR Complaint No. 01-16-1158***

Braintree Public Schools (the District) has voluntarily entered into this agreement to resolve an allegation of disability discrimination in the above-referenced complaint.<sup>1</sup> The District assures that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II).

This Agreement shall not constitute an admission by the District that the District's actions, programs or services as they relate to the above-referenced complaint were noncompliant with Section 504, Title II or any other law enforced by OCR. This resolution agreement is entered into by the District solely for the purpose of resolving the remaining portion(s) of the above-referenced complaint.

The District has agreed to resolve this complaint prior to the completion of OCR's investigation, pursuant to Section 302 of OCR's Case Processing Manual.<sup>2</sup>

**Action Item: Training**

By October 1, 2018, the District will provide training to all District principals and Section 504 coordinators. The training will cover the District's legal obligations to comply with Section 504 and Title II, specifically the topics covered in Action Items A-D:

- A. The District's obligation to conduct an evaluation of any student who, because of a disability, needs or is believed to need special education or related services;
- B. General education interventions or other mitigating factors should not interfere with or delay the District's child find and referral obligations;
- C. Eligibility criteria under Section 504 and Title II, including the updates of the Americans with Disabilities Act Amendments Act of 2008, including but not limited to:
  - a. The expanded definitions of physical or mental impairment, consistent with 28 C.F.R. § 35.108;
  - b. The revised definition and considerations for "substantially limits," consistent with 28 C.F.R. § 35.108, including that evaluation teams must (1) consider students in their unmitigated state, without regard to the ameliorative effects of mitigating measures and (2) that "substantially limits does not mean unable to perform, nor severely restricted in performing;"

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<sup>1</sup> OCR has issued a no-violation finding regarding an allegation of race discrimination raised in this complaint, pursuant to OCR's Case Processing Manual at Section 303(a).

<sup>2</sup> To the extent OCR notifies the District that interviews or file reviews are required for the monitoring of this Agreement, the District shall make itself available at mutually agreeable dates and times during normal business hours.

