

RESOLUTION AGREEMENT
Braintree Public Schools
OCR Complaint No. 01-16-1228

Braintree Public Schools (the District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions and will 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).

This Agreement shall not constitute an admission by the District that the District's programs or services were noncompliant with Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990 (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 above-referenced complaint.

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 **May 1, 2018**, the District will develop a policy (Parental Communication Policy) concerning translation of documents and interpretation services for communication with parents/guardians who are limited English Proficient (LEP). The Parental Communication Policy will include, but not be limited to:

- a. A provision requiring the District, during initial student registration, to 1) inquire of all parents/guardians, in their native language or a language they can understand, whether they would like notices and information from their child's school and the District to be provided in a language other than English, and 2) record this information in all relevant student information files or folders and in any electronic student information system.
- b. A statement that District shall provide to all parents/guardians identified in Item (a) above, with either written or oral translations of all notices or documents containing essential information (as defined in Item 1(d) below).
- c. A statement that the District shall provide written or oral translations of information that is not deemed "essential information" upon receiving a reasonable, specific request for such information from LEP parents/guardians.
- d. A list of "essential information" that will be translated for LEP parents/guardians who have requested notices in a language other than English. This list shall include, but not be limited to:

- i. Information about special education matters arising under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act of 1973 (*e.g.*, IEP or 504 meetings);
 - ii. Report cards and other academic progress reports;
 - iii. Information about the disciplinary process, except that if there is an immediate discipline notice that must be provided to the parent, it will be initially provided in English with interpretation and/or translation to follow as soon as practicable;
 - iv. Requests for parent/guardian permission for student participation in District/school sponsored programs and activities;
 - v. Promotional materials and announcements distributed to students that contain information about school and District activities for which notice is needed to participate in such activities (*e.g.*, testing, activities requiring an application, parent-teacher conferences, open houses);
 - vi. Parent handbooks;
 - vii. Documents concerning enrollment or registration;
 - viii. Documents concerning academic options and planning;
 - ix. Documents concerning screening procedures requesting a student's language background and a parent's/guardian's preferred method of communication;
 - x. Information related to public health and safety, except that if there is an immediate health or safety emergency, the information may be initially provided in English with interpretation and/or translation to follow as soon as practicable; and
 - xi. Any other written information describing the rights and responsibilities of parents/guardians or students and the benefits and services available to parents/guardians and students.
- e. A statement that when a District employee needs to communicate with an LEP parent/guardian orally regarding essential information:
- i. The communication shall be provided in a language that the parent/guardian understands by means of a qualified interpreter; and
 - ii. The interpreter must be provided without undue delay.

- f. A statement that the District will provide written or oral translation of information that is not essential information upon receiving reasonable, specific requests for such information from LEP parents/guardians.

Reporting Requirements

- (a) By **May 1, 2018**, the District will provide OCR with the District's Parent Communication Policy for OCR's review and approval.
- (b) Within 30 days of OCR's approval of the District's Parent Communication Policy, the District will submit documentation confirming that the Parent Communication Policy has been officially adopted and implemented by the District. Specifically, the District will provide proof that it has (a) posted the Parent Communication Policy on the District's website, and (b) distributed the Parent Communication Policy to all parents/guardians and District employees.

Action Item 2

By **September 7, 2018**, the District will conduct training for all of its administrators, teachers, team chairs, and any other District staff who are responsible for communicating essential information to parents/guardians. Such training shall address and be consistent with Title VI, and the Parental Communication Policy developed in Action Item 1.

Reporting Requirement

Within 10 days of the training in Action Item 2, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 2. 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.

Action Item 3

By **June 1, 2018**, the District will send a notice to all parents/guardians of students with disabilities who are LEP regarding their rights and procedural safeguards under Section 504, written in the six most prominent languages in the District. Parents/guardians speaking languages other than the six most prominent languages will be promptly provided the notice in the language they understand either upon the parents'/guardians' request or if the need for such translation is apparent to the District.

Reporting Requirement:

- A. By **June 15, 2018**, the District will provide OCR with a copy of the notice and documentation that it has been distributed to parents/guardians of students with disabilities who are LEP.

Action Item 4

By **May 1, 2018**, the District's main office and all schools' main offices will have available "I Speak" cards and signs prominently displayed to assist with the identification of LEP parents/guardians. Additionally, the District will provide all administrators and staff with "I Speak" cards to assist with parent/guardian language identification.

Reporting Requirement

- A. By **May 15, 2018**, the District will provide OCR with a copy of the "I Speak" cards and signs as well as documentation that Item 5 has been completed.

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 the requirements of Title VI and its implementing regulation at 34 C.F.R. Part 100, Section 504 and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35. 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 the requirements of Title VI and its implementing regulation at 34 C.F.R. Part 100, Section 504 and its implementing regulation at 34 C.F.R. Part 104, and Title II and its implementing regulation at 28 C.F.R. Part 35, 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 signature of the District's representative below.

/s/ Frank Hackett, Superintendent
Name and Title

2/6/18
Date