

RESOLUTION AGREEMENT
Brookline Public Schools
OCR Complaint No. 01-21-1012

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

Training on Retaliation & Section 504 Grievance Procedures

By April 1, 2021, the District will provide Section 504/Title II training to the District's Superintendent, Deputy Superintendent for Student Services, 504 Coordinator(s), and school principals. The training will include a review of the District's recently revised Section 504 grievance procedures, including how to respond to complaints of discrimination or retaliation and when to refer complaints up the chain of command, e.g., when the complaint is brought directly to the person being accused of discrimination. The training will also include a specific section on retaliation, including what constitutes a protected activity and what the District should consider before taking action against an individual who may be considered to be engaging in a protected activity.

Reporting Requirement:

Fifteen (15) calendar days prior to the training, the District will provide to OCR for its review and approval:

- a. The credentials of the District's proposed trainer; and
- b. Copies of any training materials to be disseminated.

Within fifteen (15) calendar days of completing the training, the District will provide to OCR:

- c. A list of the individuals who attended the training and their positions;
- d. The date(s) of the training; and
- e. Copies of any training materials disseminated.

Debrief for Superintendent and Deputy Superintendent for Student Services

By April 1, 2021, and following the District's Section 504/Title II training, District counsel will engage the Superintendent and Deputy Superintendent for Student Services in a debriefing of OCR's Letter of Finding. The debriefing will include a detailed review of the District's actions that were the basis for OCR's violation finding and the identification of ways to improve moving forward.

Reporting Requirement:

By April 15, 2021, the District will provide to OCR:

- a. The date(s) of the debrief;

- b. A detailed summary of the discussion regarding the District’s understanding of the basis for OCR’s compliance concerns; and
- c. A detailed summary of the any action items related to the compliance concerns by OCR.

Meeting with Complainant

By May 1, 2021, and following the District’s Section 504/Title II training, the Superintendent will invite the Complainant to meet to discuss OCR’s Letter of Finding. The discussion will include an overview of the District’s revised grievance procedures, including the process if the Complainant wishes to file another complaint in the future; an assurance of no future retaliation; and a discussion of whether there are any individual remedies necessary for the Complainant (i.e., including, but not limited to, designating a contact person for any future complaints). The District will also provide the Complainant with a printed copy of the District’s Section 504 Grievance Procedures.

Reporting Requirement:

By May 15, 2021, the District will provide to OCR:

- a. The date(s) of the meeting; and
- b. A detailed summary of the discussion (if the Complainant chooses to participate in the meeting), or, if the Complainant does not choose to participate, evidence of the District’s efforts to invite the Complainant.

Notice to District Families

The District will send a communication to all district families (including families of students with disabilities who are placed out-of-district) defining retaliation in the context of Section 504/Title II, notifying families that the District prohibits such retaliation, directing individuals who believe they have been subject to retaliation on where and how to file a complaint, ensuring them that the District will take seriously and will respond to all complaints of discrimination and retaliation and directing them to a contact person if they have questions about the notice. The communication will also include a statement that the District is sending the notice to resolve a compliance violation with respect to a retaliation complaint filed with OCR.

Reporting Requirement

By March 1, 2021, the District will provide to OCR a copy of the notice and documentation of how the District distributed the notice to all district families (including families of students with disabilities who are placed out-of-district).

Annual Reporting on Disability-related Complaints

For the 2020-2021 and 2021-2022 school years, the District will report to OCR for their review a summary of all disability-related complaints made to the following state and federal agencies:

Department of Elementary and Secondary Education’s Problem Resolution System (PRS), Bureau of Special Education Appeals (BSEA), Massachusetts Commission Against Discrimination (MCAD) and Equal Employment Opportunity Commission (EEOC). The summary report provided to OCR will include, at a minimum, the date the complaint was filed, the name and contact information for the complainant, a summary of the allegations investigated, and the outcome/status of the complaint. The summary report will include any disability-related complaints (including any complaints raising an issue of retaliation) filed under the District’s grievance procedures and any external complaints filed with state agencies.

Reporting Requirements

- (a) By July 15, 2021, the District will provide OCR with a summary report for the 2020-2021 school year.
- (b) By July 15, 2022, the District will provide OCR with a summary report for the 2021-2022 school year.

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 the 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 has fulfilled the terms and obligations of this Agreement. Upon the District’s satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

By: _____ /s/ _____ Date: _____
Dr. James Marini, Interim Superintendent