

RESOLUTION AGREEMENT
Public Schools of Brookline
OCR Complaint No. 01-21-1573

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

I. Notice to District Families

The District will send a notice to all district families, including families of students with disabilities who are placed out-of-district, notifying the families that:

- a. The notice is being sent because of an OCR complaint alleging that disability-based discrimination, specifically retaliation, occurred when the Brookline SEPAC passed a change in its bylaws limiting board membership to exclude individuals who were in a formal dispute with the District. After elections to the SEPAC Board were held under this change, SEPAC changed the rule.
- b. The District, by state law, provides significant assistance to the SEPAC.
- c. The District is subject to Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35. Both laws prohibit discrimination based on disability, including retaliation, which is defined as an adverse (negative) action, taken after an individual engages in a protected activity such as advocating for rights protected by Section 504/II, that would deter a reasonable person from engaging in further protected activity. Both laws also prohibit the District from aiding or perpetuating discrimination, including retaliation, against any qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability in providing any aid, benefit, or service to beneficiaries of the District's program or activity.
- d. If the District provides significant assistance to an outside entity that is shown to have discriminated on the basis of disability, including by engaging in retaliation, the District must take steps to obtain compliance from the outside entity or terminate its assistance.

The notice will provide information on how, and with whom, individuals who believe the District is providing aid or perpetuating discrimination against a qualified individual with a disability by providing significant assistance to an agency, organization, or person that discriminates on the basis of disability may file a complaint with the District. The notice will identify alternative contacts within the District with whom individuals may file a complaint in the event the individual alleged to have provided aid or perpetuated discrimination is designated by the District to receive or respond to these complaints. The notice will also assure the families that the District will take seriously, and will respond to, all complaints of discrimination, including retaliation.

Additionally, the notice will include information on how individuals can contact OCR with questions

about retaliation prohibited by Section 504/Title II.

The notice will invite families of students with disabilities to attend the District's workshop on the rights of students and their parents and guardians under the special education laws of the commonwealth and the federal government, including Section 504, Title II (described in Section II of this Agreement). The notice will inform the families that the workshop will include a review of Section 504 & Title II's prohibition against providing significant assistance to or otherwise contracting with an entity that discriminates against people on the basis of disability, including different treatment, harassment, or retaliation.

Reporting Requirement

By March 1, 2022, the District will provide to OCR a copy of the notice for OCR's review and approval. Within fifteen (15) calendar days of OCR's approval, the District will issue the notice. Within fifteen (15) calendar days of issuing the notice, the District will provide OCR with copies of the final 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).

II. District Workshop/Training for SEPAC Members Including Section 504/Title II

By May 31, 2022, the District will conduct a workshop on the rights of students and their parents and guardians under the special education laws of the commonwealth and the federal government, for the District's SEPAC, staff, and families of students with disabilities, including families of students with disabilities who are placed out-of-district. The workshop will include a review of Section 504/Title II's prohibition against providing significant assistance to or otherwise contracting with an entity that discriminates against people on the basis of disability, including to acts retaliation. The District's Superintendent and Deputy Superintendent for Student Services, and OCR will attend the workshop.

Reporting Requirement:

By April 1, 2022 the District will provide to OCR for its review and approval a copy of all materials to be used in the workshop and the credentials of the District's proposed trainer. Within fifteen (15) calendar days of completing the workshop, the District will provide OCR with:

- a. A list of District staff who attended the workshop, by name and title; and
- b. Copies of any workshop materials disseminated

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 Recipient 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: _____ Date: _____
Linus Guillory Jr., PhD
Superintendent of
Public Schools of Brookline