

Voluntary Resolution Agreement
OCR Complaint No. 01-15-1269
Narragansett Public Schools

The Narragansett Public Schools (District) voluntarily agrees to take the following steps to resolve the allegations in the above-referenced complaint, consistent with Section 504 of the Rehabilitation Act of 1973 and its implementing regulation at 34 C.F.R. Part 104 (Section 504), Title II of the Americans with Disabilities Act of 1990 and its implementing regulation at 28 C.F.R. Part 35 (Title II), and Title IX of the Education Amendments of 1972 and its implementing regulation at 34 C.F.R. Part 106 (Title IX).

Action Item 1: Policies and Procedures

The District will ensure that its policies and procedures that provide for the prompt and equitable resolution of complaints alleging all forms of discrimination (including harassment) on the basis of disability and/or sex (and may also include other bases), are clearly identifiable as being applicable to complaints filed by students, parents/legal guardians, and third parties, and include the name and/or title, office address, telephone number, and email address of the person(s) with whom to file a complaint.

Reporting Requirement: By **April 30, 2016**, the District will provide to OCR a draft of its revised policies and procedures for OCR's review and approval. Within 15 days of the District's receipt of OCR's approval of the revised policies and procedures, the District will provide documentation to OCR to substantiate that it has adopted them and updated its printed and online publications with the revised procedures. Inserts may be used pending reprinting of these publications. This documentation will include, at a minimum: (a) copies of all revised printed publications disseminated to students, parents and/or legal guardians, and employees (or, if not yet finalized, copies of inserts for printed publications, along with the printed publications themselves); and (b) link to all online publications containing the revised policies and procedures.

Action Item 2: Notice of Nondiscrimination

The District will revise its notice of nondiscrimination to include the name and/or title, office address, email address, and telephone number of the person(s) designated to coordinate its efforts to comply with the requirements of Section 504 and Title IX, and their implementing regulations prohibiting discrimination based on disability and sex, respectively. The District will post the notice of nondiscrimination on its website and include the revised notice in each handbook, bulletin, catalog, vacancy or admissions announcement, or application form which the District makes available to students, parents, employees, applicants for employment, and as applicable to any unions and professional organizations.

Reporting Requirement: By **April 30, 2016**, the District will provide a copy of its proposed notice of non-discrimination to OCR for review and approval. Within 15 days of OCR's approval of the notice, the District will provide documentation to OCR demonstrating that the approved notice has been disseminated consistent with Action

Item 2, such as a copy of revised materials and publications containing the notice of nondiscrimination, and/or a link to the online version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

Action Item 3: Individual Remedy

By **May 15, 2016**, the District will complete a supplemental investigation of all incidents of bullying of the Student, based on disability and/or sex, of which it knew or should have known, including but not limited to the incidents occurring in January, March, May, and November, 2015, and ensure that the supplemental investigation complies with Section 504 and Title IX. The supplemental investigation will involve: a detailed review by the District of all information previously provided to District staff; interviewing or re-interviewing witnesses, as appropriate; an opportunity for the complainant and Student to provide any additional, relevant information or witnesses; a review of such additional information and/or, as appropriate, interview of such additional witnesses; a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports a finding of a hostile environment based on disability or sex; and all necessary steps to remedy its effects on the Student. The District will provide a written response to the Complainant, outlining the steps taken in the supplemental investigation, its findings, and any remedial actions taken as a result.

Reporting Requirement: By **May 31, 2016**, the District will submit to OCR a report documenting the procedures used to conduct its supplemental investigation, as well as the outcome of the supplemental investigation, any corrective actions deemed necessary, and a timeline for implementation of the corrective actions, if necessary. The District will also submit to OCR a copy of the written response provided to the Complainant.

Action Item 4: Training

By **June 1, 2016**, the District will provide training to the Section 504 and Title IX coordinator(s), and any/all District officials and administrators who will be directly involved in processing, investigating, and/or resolving complaints of discrimination (including harassment) based on disability and/or sex. The training will cover the District's Section 504 and Title IX revised grievance procedures, and provide attendees with: (a) instruction on recognizing and appropriately addressing allegations and complaints of discrimination on the basis of sex and/or disability; (b) disciplinary sanctions applicable to anyone engaging in discrimination and harassment based on disability and/or sex; (c) the responsibility of staff to report incidents of possible discrimination and harassment and the procedures for doing so; and (d) where, how and to whom instances of discrimination and harassment are to be reported. The training will be provided, at a minimum, to the District's Director of Student Services and Social Worker, and the following staff at the Narragansett Pier School: principal and assistant principal; anti-bullying coordinators/specialists; classroom teachers; psychologists; and social workers.¹

¹ The District provided OCR with documentation confirming that it conducted training for classroom teachers on March 4, 2016 that covered Bullying, Harassment, Sexual Harassment/Violence, Discrimination under Title VI, IX & Section 504. Accordingly, the training provided to classroom teachers will be limited to the District's Section 504 and Title IX revised grievance procedures.

The training provided to the District’s Director of Student Services and Social Worker, and the Narragansett Pier School’s principal and assistant principal, anti-bullying coordinators/specialists, psychologists, and social workers will also include: (a) the requirements of Section 504 and Title IX, including that discrimination and harassment based on disability and/or sex is prohibited and will not be tolerated; (b) information on what constitutes disability and/or sex discrimination and harassment; and (c) how to conduct and document adequate, reliable and impartial investigations, including the appropriate legal standard to apply to complaints of discrimination/harassment based on disability and/or sex.

Reporting Requirement: By **June 15, 2016**, the District will submit to OCR documentation demonstrating that the training was delivered in accordance with this Agreement, including: the date(s) of the training; the name/credentials of the trainer; agendas; copies of all training materials; and attendance sheets from the trainings. The attendance sheets shall include the names and titles for all staff and the signatures of those individuals who participated in the training.

Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that it has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), (b)(1)(i)-(iv), 104.7(a)-(b), and 104.8(a), Title II, at 28 C.F.R. §§ 35.106, 35.107, and 35.130, and Title IX, at 34 C.F.R. §§ 106.8, 106.9(a), and 106.31(a)-(b), which were at issue in this case. 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 this 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 of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a), (b)(1)(i)-(iv), 104.7(a)-(b), and 104.8(a), Title II, at 28 C.F.R. §§ 35.106, 35.107, and 35.130, and Title IX, at 34 C.F.R. §§ 106.8, 106.9(a), and 106.31(a)-(b), which were at issue in this case.

The District also 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Superintendent

Date