



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS, REGION II

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NEW YORK, NY 10005-2500

REGION II  
NEW JERSEY  
NEW YORK  
PUERTO RICO  
VIRGIN ISLANDS

**Resolution Agreement**  
**Minisink Valley Central School District**  
**OCR Case No. 02-14-1162**

The District, without acknowledging that its existing Section 504 policies and/or procedures are inadequate, is willing to take certain steps designed to strengthen such policies and/or procedures. Therefore, in order to resolve the above referenced complaint, the Minisink Valley Central School District assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that pursuant to the applicable requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35, it will take the following actions:

**Action Item 1:**

The District will ensure that it adopts and publishes revised grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging discrimination or harassment on the basis of disability filed by students, employees, and third parties. To that end:

- The District will adopt and publish a revised grievance procedure applicable to employees and third parties who wish to file complaints alleging discrimination or harassment on the basis of disability that contains the provisions listed below, at a minimum.
- The District will ensure that adequate notice is provided to employees, students, and third parties about the differences between and applicability of the District's "Section 504 Grievance/Complaint Process/Procedures", and other grievance procedures (e.g., the "Student Harassment and Bullying Prevention and Intervention" Board Policy 7545) the District uses to investigate complaints of discrimination and/or harassment on the basis of disability.
- The District will ensure that the "Section 504 Grievance/Complaint Process/Procedures" and the "Student Harassment and Bullying Prevention and Intervention" Board Policy 7545 (and any other grievance procedures used for complaints of disability discrimination or harassment) contain, at a minimum, the provisions listed below (if not already included).
  - a statement setting forth the District's commitment to having an environment free from all discrimination and harassment on the basis of disability. The statement will explain that the District prohibits discrimination and harassment in the campus environment, including all academic, athletic and school-sponsored activities. The statement will also specify that the District will investigate all formal and informal complaints of harassment;

- a recommendation that District staff who observe acts of harassment based on disability intervene to address the harassment and promptly report the incident;
- an explanation of how to file a complaint pursuant to the procedures;
- the name, title, office address, and telephone number of the individual(s) with whom to file a complaint;
- definitions and examples of what types of actions may constitute harassment based on disability, and of the disciplinary sanctions that may be imposed on the harasser;
- the various steps the District will take to conduct an adequate, reliable, and impartial investigation of all complaints, including the interim preventative steps the District will take to ensure the safety of the complainant and the larger school community during the investigation;
- an opportunity for the parties to identify witnesses and provide or identify evidence;
- designated and reasonably prompt timeframes for the major stages of the grievance process;
- a requirement that an investigatory report be filed at the conclusion of the investigation;
- an assurance that the District will ensure that the complainants are informed of their rights and have an opportunity to discuss available resources;
- an assurance that the District will offer counseling and academic support services, as necessary and appropriate, to any person found to be subjected to harassment, and where appropriate, counseling to the person(s) who committed the harassment;
- written notice to the parties of the outcome;
- notice of the opportunity for the parties to appeal the findings;
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision-maker; the District will have discretion to appoint the decision-maker with the understanding that the appointed individual will be impartial;
- an assurance and the action steps the District will take to prevent recurrence of harassment and to correct its discriminatory effects, if appropriate; and
- a statement that Section 504 prohibits retaliation against any individual who files an informal or formal complaint under Section 504 or participates in a complaint investigation.

### **Reporting Requirements:**

- a) By September 30, 2014, the District will provide for OCR's review and approval, copies of all revised grievance procedures it proposes to utilize for students, employees, and third parties to file complaints of discrimination or harassment on the basis of disability.

- b) Within 30 days of OCR's approval of these grievance procedures, the District will provide documentation to OCR demonstrating that it has formally adopted the grievance procedures; updated any printed publications and on-line publications that contain the procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the grievance procedures to students, faculty and staff. This documentation will include, at a minimum: (i) printouts or a link to all on-line publications containing the grievance procedures; (ii) evidence of the electronic dissemination of the grievance procedures to students, faculty and staff; and (iii) if not yet finalized, copies of inserts for printed publications, if any.
- c) By June 30, 2015, the District will provide to OCR copies of the printed versions, if any, of all publications disseminated to students, faculty, and staff containing the grievance procedures or will provide an electronic copy of such publication.

### **Action Item 2:**

By December 31, 2014, and periodically thereafter, the District will provide training to personnel responsible for investigating complaints of disability discrimination, and all District administrators, regarding the appropriate procedure to follow if notified of allegations of harassment/discrimination on the basis of disability and the prohibitions regarding retaliation. The District will also distribute copies of its grievance procedures to these personnel, and review these procedures with these personnel.

**Reporting Requirement:** By December 31, 2014, the District will provide documentation to OCR demonstrating that the District provided training to the employees referenced in Action Item 2 above, regarding the District's policies for responding to complaints of harassment/discrimination on the basis of disability and prohibitions against retaliation. This documentation will include: (a) the date(s) the training was conducted; (b) the name(s), title(s), and credentials of the individual(s) who conducted the training; (c) a list of the individuals who attended the training and their positions and proof of their attendance; and (d) a list of all training materials used and disseminated, including handouts, guides, or other materials.

### **Action Item 3:**

The District will ensure that any alleged incidents of disability harassment of which it has notice are responded to in a prompt and effective manner, with action that is reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

**Reporting Requirement:** By July 30, 2015, the District will provide a report to OCR regarding any oral and/or written complaints of disability discrimination or harassment made during school year 2014-2015. The report to OCR will include, at a minimum (a) a copy of the complaint or a description of any orally reported alleged incident(s) of disability discrimination or harassment; (b) the date(s) of receipt of the written complaint or oral report; (c) a description of the District's findings and response to the incident(s); and (d) the date(s) that the District provided notice of the outcome of its investigation in writing to the parties.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. § 104.7(b), and the ADA, at 28 C.F.R. § 35.107(b), which were at issue in this case. The District also 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. § 104.7(b), and the ADA, at 28 C.F.R. § 35.107(b), which were at issue in 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 a minimum of sixty (60) calendar days to cure the alleged breach.

The execution of this Resolution Agreement does not constitute an admission that the Minisink Valley Central School District has committed any violation of Section 504, the ADA or their implementing regulations; or any admission of other wrongdoing by the Minisink Valley Central School District.

8/7/14  
Date

/S/  
JOHN P. LATINI  
Superintendent of Schools  
Minisink Valley Central School District