

## **RESOLUTION AGREEMENT**

### **Winslow Township School District OCR Case No. 02-15-1131**

In order to resolve Case No. 02-15-1131, the Winslow Township School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100; 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 actions set forth below:

#### **ACTION ITEM 1:**

By September 30, 2015, the District will convene a committee on special education (CSE) meeting for the Student (to include the complainant) to review all incidents that occurred during school year 2014-2015 between the Student and the students whom the complainant identified as having subjected the Student to harassment at XXXXXXXX XXXXXXXX High School in the XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX School District (the School) to determine whether the Student was denied a free and appropriate public education (FAPE) and should be provided with any remedial and/or compensatory services and counseling; and, if so, to develop a plan for providing such. The District will notify the complainant of the outcome.

**REPORTING REQUIREMENT:** By September 30, 2015, the District will provide to OCR a summary of the meeting held in connection with Action Item (1) above, including a description of any action taken or to be taken, with timelines; the plan for providing any remedial and/or compensatory services and counseling to the Student, if determined necessary; and documentation demonstrating that the District provided notice of and invited the complainant to the meeting and gave the complainant notice of the outcome. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

#### **ACTION ITEM 2:**

By September 30, 2015, the District will complete a supplemental investigation of the allegations of race and disability harassment made by the complainant on November 12, 21 and 23, 2014, and ensure the investigation complies with Title VI and Section 504. The investigation of the complainant's allegations will involve a detailed review by the District of all information previously provided to School staff; interviewing or re-interviewing witnesses, as appropriate, and in conjunction with the XXXXXXXX XXXXXXXX XXXXXXXX XXXXXXXX School District as necessary; an opportunity for the complainant and Student to provide any additional information or witnesses to the School relevant to the complaints; a review of such additional information and/or, as appropriate, interviews of such additional witnesses; and 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 race and/or disability. The outcome of the supplemental investigation will be communicated to the complainant in writing. The District will ensure that it responds to any additional alleged incidents of harassment involving the Student of which it has notice, 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 REQUIREMENTS:**

- a) By September 30, 2015, the District will submit to OCR, for review and approval, a report documenting the procedures used to conduct its supplemental investigation as outlined in Action Item (2) above, 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 School will also provide documentation supporting the supplemental investigation.
- b) By June 30, 2016, the District will report to OCR any incidents of alleged race and/or disability harassment that occurred during school year 2015-2016 involving the Student and any other student, of which it had notice. The report to OCR will include a detailed description of any alleged incident(s) of harassment of the Student, and a detailed description of the School's response to the incident(s).

**ACTION ITEM 3:**

By July 31, 2016, the District will provide documentation to OCR demonstrating that it has responded to any alleged incidents of race and/or disability harassment of which it had notice during school year 2015-2016, in a prompt and effective manner; with action that was reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

**REPORTING REQUIREMENT:** By July 31, 2016, the District will provide a report to OCR regarding any oral and/or written complaints or reports of race and/or disability discrimination or harassment made during school year 2015-2016. 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 race and/or 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.

**ACTION ITEM 4:**

By December 1, 2015, and periodically thereafter, the District will provide training to relevant personnel regarding their responsibility to respond to complaints of race and/or disability discrimination and harassment. At a minimum, the training will be provided to School Principals, Anti-Bullying Coordinators, Anti-Bullying Specialists, School Safety Team members, teachers, guidance counselors, school social workers, special education directors, and special education case managers. The training will, at a minimum, cover the following: (1) the

requirements of Title VI, Section 504, and the ADA, including that discrimination and/or harassment based on race, color, national origin, or disability is prohibited and will not be tolerated; (2) the range of behaviors that constitute discrimination and/or harassment based on race, color, national origin, and disability; (3) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on race, color, national origin, and/or disability; (4) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and, (5) where, how and to whom instances of discrimination and/or harassment are to be reported.

**REPORTING REQUIREMENT:** By December 15, 2015, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 4 above, including: (a) the name(s) of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

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 Title VI, at 34 C.F.R. § 100.3; Section 504, at 34 C.F.R. § 104.4 and §104.33; and the ADA, at 28 C.F.R. § 35.130, 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 Title VI, at 34 C.F.R. § 100.3; Section 504, at 34 C.F.R. § 104.4 and § 104.33; and the ADA, at 28 C.F.R. § 35.130, 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 sixty (60) calendar days to cure the alleged breach.

6/19/15

/s/

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Date

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Superintendent

Winslow Township School District