

**RESOLUTION AGREEMENT**  
Watkins Glen Central School District  
OCR Case No. 02-16-1269

In order to resolve Case No. 02-16-1269, the Watkins Glen Central School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the 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.

**Action Item 1: Notice of Nondiscrimination**

By October 14, 2016, the District will revise its existing notice of non-discrimination to state that the District does not discriminate on the basis of disability (and may include other bases)<sup>1</sup> in admission or access to, or treatment or employment in, its programs and activities, as applicable, that this requirement not to discriminate extends to third parties. Additionally, the notice will state that inquiries concerning the application of regulations prohibiting discrimination on the basis of disability (and may include other bases) may be referred to the Section 504 coordinator(s) (or a coordinator(s) designated for all of the regulations OCR enforces), or to OCR. The notification will include the name, office address, telephone number, and email address of the coordinator(s). The District will ensure that this-notice of nondiscrimination is included in each, as applicable, announcement, bulletin, catalog, or application form which the District makes available to students, parents, employees, applicants for employment or enrollment, unions, and professional organizations holding collective bargaining or professional agreements with the District.

**Reporting Requirements:**

- a) By October 14, 2016, the District will provide a copy of its proposed notice of nondiscrimination to OCR for review and approval. OCR will respond within fifteen (15) calendar days.
- b) By November 1, 2016, the District will provide copies of revised materials and publications containing the notice of nondiscrimination, and/or a link to the on-line versions of the materials and publications in which the nondiscrimination notice appears. Inserts may be used pending reprinting of the materials and

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<sup>1</sup> In addition to Section 504, the regulations implementing Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975, contain similar requirements for recipients to notify beneficiaries and others of its obligations under the respective regulation that it does not discriminate on the basis of race, color, national origin, sex and age. (See 34 C.F.R. §§ 100.6(d), 106.9, and 110.25, respectively.)

publications. The District may use other reasonable methods of notification, such as notification through the District's website, email messages to employees and students, etc., pending revision and reprinting of materials and publications.

**Action Item 2: Grievance Procedures**

By October 30, 2016, the District will either revise its existing grievance procedures or adopt a new grievance procedure that provides for the prompt and equitable resolution of complaints alleging all forms of discrimination and harassment on the basis of disability (and may include other bases). The grievance procedures will include, at a minimum, the following:

- 1) Notice that the grievance procedure applies to complaints by students alleging discrimination on the basis of disability (including disability harassment, and may include other bases) by employees, other students, or third parties;
- 2) An explanation as to how to file a complaint pursuant to the procedure;
- 3) The name/title, office address, telephone number, and email address of the individual(s) with whom to file a complaint;
- 4) Definitions and examples of what types of actions may constitute disability discrimination (including disability harassment, and may include other bases);
- 5) Steps the District will take to conduct an appropriate and impartial investigation of complaints, and interim measures the District may take during the investigation;
- 6) An assurance that the District will offer counseling and academic support services to a person found to have been subjected to harassment; and, where appropriate, to person(s) who committed the harassment;
- 7) Designated and reasonably prompt timeframes for major stages of the complaint receipt, review, investigation and resolution process, including the appeal process, if any;
- 8) An opportunity for the parties to provide witnesses and other evidence;
- 9) Written notice to the parties of the outcome to the extent permitted by law;
- 10) Notice of the opportunity for parties to appeal the findings, if an appeal is allowed; and, an assurance that the appeal will be conducted in an impartial manner by an impartial decision-maker, who may be an employee or other designee of the District;
- 11) Examples of the range of possible disciplinary sanctions and the types of remedies available to address the effects on victims and others;

- 12) An assurance that the District will take steps aimed at preventing the recurrence of discrimination and harassment, and correcting its discriminatory effects, if appropriate; and,
- 13) A statement that the District prohibits retaliation against any individual who files a complaint or participates in a complaint investigation.

**Reporting Requirements:**

- (a) By October 30, 2016, the District will provide to OCR a draft of its revised or new grievance procedures for OCR's review and approval. OCR will respond within thirty (30) calendar days.
- (b) Within sixty (60) days after the District's receipt of OCR's approval of the new grievance procedures, the District will provide documentation to OCR demonstrating that it has adopted the OCR-approved procedures and updated its printed publications and on-line publications with the procedures (inserts and/or stickers (hereinafter referred to as "inserts") may be used pending reprinting of these publications. This documentation will include, at a minimum, (i) printouts or a link to all on-line publications containing the procedures; and, (ii) if not yet finalized, copies of inserts for printed publications. If inserts are used for any publications that are revised pursuant to Action Item 2, then by June 30, 2017, the District will confirm that printed versions of all publications that contained the prior version of the District's grievance procedures now contain the revised, new grievance procedures. Dissemination may occur by the methods usually employed by the District for distributing the District's policies and procedures, including posting on the District's website.

**Action Item 3: Training to Staff**

Within ninety (90) calendar days after the District's receipt of OCR's approval of the new grievance procedure, the District will provide training regarding the prohibitions against disability harassment and discrimination (other protected bases may also be included in this training) to all faculty, staff and administrators within the District. The training will include instruction regarding the following: (a) the requirements of Section 504, including that disability harassment and discrimination is prohibited and will not be tolerated; (b) what types of conduct constitutes such harassment and discrimination; (c) the negative impact that such harassment and discrimination has on the educational environment; (d) how faculty, staff and administrators are expected to respond to such harassment and discrimination that they experience or witness, or of which they otherwise know, including the reporting avenues available; (e) the responsibility of faculty, staff and administrators to report incidents of possible harassment and discrimination, and the procedures for doing so; and (f) where, how, and to whom instances of disability harassment and discrimination are to be reported.

**Reporting Requirement:** Within one hundred (100) calendar days after the District's receipt of OCR's approval of the new grievance procedure, the District will provide documentation to OCR demonstrating that the training referenced in Action Item 3 was provided to all relevant faculty, staff and administrators referred to in Action Item 3. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer(s); copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by relevant faculty, staff, and administrators at the District.

#### **Action Item 4: Training for Investigators and Other Relevant Staff**

Within ninety (90) calendar days after the District's receipt of OCR's approval of the new grievance procedure, the District will provide training to all District staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, including harassment complaints, and any other District personnel who are likely to receive reports of such discrimination or harassment. The training will review the District's policies and procedures on disability discrimination, and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner; including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the District's policy prohibiting discrimination and/or harassment.

**Reporting Requirement:** Within one hundred (100) calendar days after the District's receipt of OCR's approval of the new grievance procedure, the District will provide documentation to OCR demonstrating that the training referenced in Action Item 4 was provided to all staff referred to in Action Item 4. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer(s); copies of any training materials used, including any handouts, guides, or other materials; and proof of attendance by staff directly involved in the processing, investigating and resolving of disability discrimination complaints.

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(a), 104.7(b), 104.8(a), and 104.8(b); and the ADA, at 28 C.F.R. §§ 35.106, 35.107(a), and 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(a), 104.7(b), 104.8(a), and 104.8(b); and the ADA, at 28 C.F.R. §§ 35.106, 35.107(a), and 35.107(b), which were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including 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.

9/23/2016

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Date

/s/

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Watkins Glen Central School District