

**Resolution Agreement  
Pearl City School District 200  
OCR Docket #05-15-1310**

Pearl City School District 200 (District) submits the following agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in resolution of OCR complaint 05-15-1310. The District submits this agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, 42 U.S.C. § 12132 - 12134, and its implementing regulation at 28 C.F.R. Part 35.

By entering into this Resolution Agreement, the District does not admit any violation of Section 504 of the Rehabilitation Act of 1973 or Title II of the American with Disabilities Act of 1990 with regard to the allegations in the complaint. Nothing contained in this Resolution Agreement shall be construed, or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act, by the District.

The District agrees to complete the following as a means to amicably resolve the instant Complaint:

Policies and Procedures

1. Effective immediately, the District will take all steps necessary to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of disability or any other protected class. By March 15, 2016, the District will review, and revise if necessary, its anti-harassment and bullying policies and complaint procedures to make certain such policies and procedures contain the necessary components to ensure that once the District is on notice of possible harassment of students, the District will take immediate and appropriate steps to investigate the harassment or otherwise determine what occurred, take prompt and effective steps reasonably calculated to end any harassment and prevent the harassment from occurring again, and take actions to eliminate a hostile environment if one has been created,. If the below provisions are not already included in the District's anti-harassment and bullying policies and procedures, such will be revised to include the following:
  - a. a prohibition of harassment with examples, including disability harassment;
  - b. a description of its grievance procedures and directions how to file a complaint, if appropriate;
  - c. a statement of the application of the policies and procedures to employees, students, or third parties and to incidents that occur on school grounds during and after school hours, at school sponsored events, or at events off school grounds that cause a hostile environment on school grounds;
  - d. a statement that the District will promptly and equitably investigate all incidents of harassment on the basis of disability using a preponderance of the evidence standard once on notice of such alleged harassment;

- e. a description of designated and prompt time frames for major stages of the investigation;
- f. a description of interim measures it may take for the person who is the target of the harassment;
- g. notice that it will provide both parties a written description of the outcome of the investigation;
- h. notice that it will take appropriate action against the individual(s) found to have engaged in harassing behavior, including discipline, counseling, or other actions as appropriate, and will provide an appropriate remedy to the person who is the target of the harassment including counseling and other resources; and
- i. notice of its prohibition against retaliation and intimidation.

REPORTING REQUIREMENT: By March 30, 2016, the District will submit any revised policies and procedures to OCR for review and approval.

2. Within 60 calendar days of written notification of OCR's approval of any revised policies and procedures developed in accordance with Item 1, the District will adopt and implement the revised policies and procedures and will provide all administrators, teachers, and staff with written notice regarding the new policies and procedures. The revised policies and procedures will also be placed on the District's website and included in the Handbook for the 2016-2017 school year.

REPORTING REQUIREMENT: By June 30, 2016, the District will provide OCR with documentation that it has implemented Item 2, including copies of the written notices issued to administrators, teachers, and staff and a link to the revised policies and procedures on its website.

#### Anti-Harassment Statement

3. At the start of the 2016-2017 school year, on or before September 15, 2016, the Superintendent will issue a statement to all District students, parents and staff that will be published on the District's website, and posted in prominent locations in the District's school buildings, stating that the District does not tolerate acts of bullying and harassment on any prohibited basis, including acts of harassment based disability. The statement will encourage any person who believes he or she has been subjected to harassment or a hostile environment to report the harassment or hostile environment to the District and will note the District's commitment to conducting a prompt investigation. The statement will warn that persons found to have engaged in acts of harassment or other acts that create a hostile environment will be promptly disciplined in a manner consistent with the District's anti-harassment and bullying policies and the student code of conduct. The statement will include a link on the District's website to the District's revised anti-harassment and bullying policies and complaint procedures and will encourage students, parents, and District staff to work together to prevent acts of harassment of any kind.

**REPORTING REQUIREMENT:** By September 30, 2016, the District will provide OCR with documentation that it has implemented Item 3, including copies of the statement, locations of postings, and the link to statement placed on its website.

Staff Training

4. During 2015, the District will provide training to all administrators, teachers, and staff responsible for supervising students on the District's anti-harassment and bullying policies and procedures and the Uniform Grievance Procedure. The training will specifically address the responsibility of staff to report incidents of possible harassment or complaints of harassment of which they become aware and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to harassment, including disability harassment. At the start of the 2016-2017 school year, on or before September 15, 2016, the District will review its revised policies and procedures with staff and will provide more detailed training for any new staff member responsible for supervising students.

**REPORTING REQUIREMENT:** By June 30, 2016, District will provide OCR with documentation that it has provided all administrators, teachers, and staff responsible for supervising students with the initial training required in Item 4, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training. The District will provide OCR with documentation that it reviewed the training with staff at the start of the 2016-2017 school year, including any new staff, by September 30, 2016.

5. During 2015, the District will provide training to all staff directly involved in processing, investigating and/or resolving complaints of discrimination or reports of harassment and bullying. The training will specifically address the appropriate techniques for promptly responding to and investigating allegations of harassment including timelines, responsibilities, documentation, interviewing victims, the accused, and witnesses, analyzing the information obtained during investigations, making findings using the preponderance of evidence standard, and responding to the complainant in writing with respect to its determination. At the start of the 2016-2017 school year, on or before September 15, 2016, the District will review its procedures for investigating and resolving complaints of discrimination and harassment with appropriate staff and will provide more detailed training for any new staff member directly involved in processing, investigating and/or resolving complaints of discrimination or reports of harassment and bullying.

**REPORTING REQUIREMENT:** By June 30, 2016, the District will provide OCR with documentation that it has provided the training required in Item 5, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training. The District will provide OCR with documentation that it reviewed the training with staff at the start of the 2016-2017 school year, including any new staff, by September 30, 2016.

Individual Remedies

6. By March 15, 2016, the District will issue the Complainant a letter offering to meet with the Complainant and Student A to discuss their concerns about harassment and bullying, XXXXXXXXXXXX XX XXXXXXXX XXXXXXXX X XX XXX XXXXXXXX. The letter will assure the Complainant that, XX XXXXXXXX X XXXX XXXX XXXXXXXXXXXX XX XXX XXXXXXXX, it will promptly respond to any future allegations of harassment or bullying in accordance with the District’s revised anti-harassment and bullying policies and procedures. XXX XXXXXXXX XXXX XXXX XXXXXX XX XXXXXXXX XXXX XXXXXXXXXXX XXXXXXXX XXX XXXX XXXXXXXX XXX XXXXXXXXXXXXXXXX XX XXX XXXXXXXX X XXXXXXXXXXXXXXXX XX XXXXXXXX XX XXXXXX XX XXXXXXXXXXXX XXXXXXXXXXXX XXXXXXXX XX XXXXXXXX XXXXXXXXXXXX XXX XXXXXXXX XXXX XXX XXXXXXXX.

REPORTING REQUIREMENT: By March 30, 2016, the District will provide OCR with a copy of the letter sent to the Complainant regarding Item 6.

7. X---paragraph redacted---X

REPORTING REQUIREMENT: X---paragraph redacted---X

8. By March 15, 2016, upon receipt of invoice(s) and evidence of payment from Student A’s parent(s), the District will reimburse Student A’s parent(s) for reasonable costs of payment for up to five therapy sessions XXXX XXX XXXXXXXX XXX XXXXXXXX XXXXXXXXXXXX XX XXX XXXXXXXX XXXXXXXXXXXXXXXXXXXX XX XXXX.

REPORTING REQUIREMENT: By April 15, 2016, the District will provide OCR with documentation (e.g., invoice and copy of a cancelled check) that it reimbursed Student A’s parent(s) as required by Item 8.

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 employees 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 and 104.33 and Title II at 28 C.F.R § 35.130, which were at issue in this case.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that 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 and 104.33 and Title II 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the Pearl City School District 200:

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date