

RESOLUTION AGREEMENT
North Colonie Central Schools
Case No. 02-12-1184

A complaint was filed against the North Colonie Central School District (District) with the U.S. Department of Education, New York Office for Civil Rights (OCR), which has been designated by OCR as Case No. 02-12-1184. In the complaint it was alleged that the District discriminated against a student of the District on the basis of the student's race and that the District's actions constituted a violation of Title VI of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000d, *et seq.* (Title VI). The District denies the allegations that have been made against it in Case No. 02-12-1184.

Nonetheless, the District is committed to providing an educational and working environment that is free from unlawful discrimination and/or harassment, including, without limitation, discrimination or harassment on the basis of race in violation of Title VI. In furtherance of this commitment and in order to resolve the allegations in Case No. 02-12-1184, North Colonie Central Schools (the District) took the actions detailed below 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.

Action Item 1:

On or about September 10, 2013, the District extended a written offer of counseling to the Student through his parent to address any effects that moving the Student's seat in the cafeteria at the Southgate Elementary School (the "School") during the 2011-2012 school year might have had on him. This counseling may be provided by qualified District staff.

Reporting Requirement: On September 11, 2013, the District provided OCR a copy of the written offer of counseling to the Student. The parent has not responded to the offer, but, if the parent does, the District will provide OCR with a copy of that response.

Action Item 2:

On or about August 28, 2013, the District's Superintendent disseminated a memorandum to all administrators, teachers, and staff members at the School stating that the District does not tolerate acts of discrimination/harassment on the basis of race, color, or national origin. The memorandum specifically stated that discriminatory/harassing conduct on the basis of race, color, or national origin is prohibited by Title VI, and that effective action, including disciplinary action where appropriate, will be taken against administrators and staff found to have engaged in such discriminatory/harassing conduct.

Reporting Requirement: On September 11, 2013, the District provided documentation to OCR demonstrating that it has issued the memorandum in accordance with Action Item 2 above, including a copy of the memorandum.

Action Item 3:

On or before September 10, 2013, the School revised its procedures to provide that the separation of a student in the cafeteria from other students for a period of more than two consecutive lunch periods as a result of an act of misconduct by the student will be documented in writing, and retained in accordance with the District's procedures for the retention of disciplinary records.

Reporting Requirement: On September 11, 2013, the District provided OCR documentation of the creation of the procedure in accordance with Action Item 3 above.

Action Item 4:

On September 10, 2013, the District provided training to administrators or staff involved in overseeing students in the cafeteria at the School, including the Principal, Building Assistant, Noon Aides, and all other relevant administrators and staff at the School. The District's training included instruction regarding the following: (a) the requirements for documenting misconduct and/or discipline for misconduct in the cafeteria, consistent with the procedure as set forth as revised pursuant to Action Item 3 above; (b) the requirements of Title VI, prohibiting discrimination/harassment on the basis of race, color, or national origin, specifically as it regards discipline; and (c) the disciplinary sanctions applicable to anyone who engages in racial discrimination/harassment.

Reporting Requirement: On September 11, 2013, the District provided documentation to OCR demonstrating that training was provided in accordance with Action Item 4 above, including the name(s) and credentials of the trainer; the date(s) of the training; copies of all training materials used and disseminated, including all handouts or guides; and proof of attendance by the individuals listed above.

OCR has determined that 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(a), 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(a), 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 proceeding 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.

Nothing in this agreement shall constitute an admission by the School District that it discriminated against the student on the basis of the student's race or that the School District's actions constituted a violation of Title VI.

December 20, 2013

/s D. Joseph Corr - Superintendent

Date

[NAME]
[AUTHORIZED OFFICIAL]
North Colonie Central Schools