

RESOLUTION AGREEMENT
Windham Southeast Supervisory Union
OCR Complaint No. 01-13-1155

The Windham Southeast Supervisory Union (District) has entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

Action Item 1:

- a) The District will submit to OCR for its review and approval a protocol for all persons, including Supplemental Educational Services (SES) tutors and other third parties, to file complaints of discrimination based on disability (Protocol). The Protocol will include information about with whom complaints should be filed and procedures for staff to take if third parties receive reports of discrimination. The Protocol shall not discourage in any way the filing of complaints of discrimination based on disability.
- b) Once approved by OCR, the District will disseminate the Protocol to all District personnel, students, parents, and SES tutors.
- c) The District will also create a means for ensuring all future SES tutors have knowledge of the Protocol.

Reporting Requirement:

- i. By July 1, 2018, the District will submit to OCR, for its review and approval, its proposed Protocol and a description of how it intends to comply with Action Item 1(c).
- ii. Within 30 days of OCR's approval of the Protocol, the District will submit to OCR confirmation of its compliance with Action Item 1(b), including copies of any communications sent.

Action Item 2:

By November 1, 2018, the District will provide training for all of its personnel, including teachers and administrators, on Section 504 and Title II's prohibitions against retaliation. The training will include, at a minimum, a discussion of (a) what constitutes a protected activity; (b) the prohibition against adverse actions in response to those protected activities; and (c) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities.

Reporting Requirement:

- i. By November 15, 2018, the District will provide OCR with proof of the training(s) conducted in order to satisfy Action Item 2. This proof shall include all training materials (e.g., slides) and a list of attendees including names and titles.

Action Item 3:

The District shall afford the Complainant the same privileges and opportunities for offering tutoring services to students enrolled at District schools that is afforded to other SES tutors, including but not limited to the type/amount of tutoring, and the location in which the services are provided. If the Complainant seeks other employment within the District, the District will also ensure that the Complainant's protected activity, her communications with the District in 2013, and her allegations to OCR form no part of the District's decision regarding whether or not to extend her an offer of employment.

Reporting Requirements:

- i. By July 1, 2018, the District shall provide XXXXXXXXXXXX (XXX) with a copy of this agreement, and inform XXX that the Complainant can tutor District students at District schools in the same manner as other SES tutors.
- ii. By September 1, 2019, for any District positions for which the Complainant applies but is not hired, the District will provide:
 - a. A description of the steps it undertook to ensure compliance with Action Item 3 while evaluating the Complainant's application;
 - b. A description of the applicant who was hired;
 - c. A narrative description of why the Complainant was not offered employment; and
 - d. Contact information for all persons involved in the hiring decision, including any persons who reviewed resumes, conducted interviews, were present during any meetings in which candidates were discussed, or had ultimately decision-making responsibility.

General Requirements

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District to 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 regulation

