

**VOLUNTARY RESOLUTION AGREEMENT**  
Wallingford Board of Education  
U.S. Department of Education, Office for Civil Rights  
Complaint No. 01-13-1207

[The](#) U.S. Department of Education's Office for Civil Rights (OCR) opened the above-referenced complaint for investigation because the allegations fell within OCR's jurisdiction under Title VI of the Civil Rights Act of 1964 and its implementing regulation at 34 C.F.R. Part 100 (Title VI). The Wallingford Board of Education ("District") has voluntarily agreed to take the following steps to resolve the Complaint. Nothing in this Agreement shall be interpreted as an admission by the District of any violation of Title VI or that OCR has made a finding of a violation of Title VI.

**Resolution Terms**

- 1) By March 3, 2014, the District will complete its investigation of the alleged spring 2013 racial harassment incidents, applying the appropriate Title VI legal standards in its review to determine whether the Student was subjected to a racially hostile environment.
  - a) In the event that the District finds by a preponderance of the evidence that racial harassment of the Student has occurred or a hostile environment has been created, the District shall take appropriate corrective action, including further disciplinary, remedial, and/or interventions, if appropriate.
  - b) The District will notify the Complainant and the Student of the results of its investigation, no later than 30 days after the completion of that investigation.
  - c) As part of its investigation, the District will consider whether any harassment identified impacted the Student's academic performance and, if so, the District will consider whether offering academic supports to the Student for the Student is appropriate.
  - d) As part of its investigation, the District will consider whether counseling may be warranted to address the effects of any harassment identified, and if so, offer and provide counseling to the Student as appropriate.
  
- 2) By March 3, 2014, the District will designate an individual with knowledge of Title VI to be a contact person at the Student's school for the Student and/or the Complainant to contact, if any incidents of harassment occur, for the duration of the Student's enrollment in that school and/or the District. The District will notify the Student and the Complainant of that individual's designation, in writing, when the designation is made.
  
- 3) By June 30, 2014, the District will provide training to all teachers, staff and administrators at Sheehan High School on racial harassment, the District's policies and procedures addressing racial harassment, and how to investigate racial harassment allegations. The training shall include, at a minimum:
  - a) the District's responsibility under Title VI to maintain a non-discriminatory environment and its obligation to take prompt and effective action to address racial harassment and prevent its recurrence when incidents of racial harassment occur;
  - b) the responsibilities of teachers and other school staff regarding, and the procedure to follow when they become aware of incidents of racial harassment;
  - c) what constitutes protected class harassment and discrimination under Title VI, including examples of racial harassment;

- d) the District's commitment to investigating complaints of racial harassment and taking prompt, appropriate, and effective responsive action;
- e) how to investigate harassment allegations in compliance with Title VI pursuant to the District's complaint and investigation procedures;
- f) examples of appropriate remedies for such harassment;
- g) the District's procedure for raising concerns or complaints to school employees regarding racial harassment, including identifying the name and contact information for the designated employee(s) responsible for receiving complaints and responding to concerns; and
- h) information about the District's complaint procedures for addressing students' and parents' complaints of racial harassment.

Four weeks prior to providing such training, the District will submit for OCR review and approval a copy of training materials and information about who will be providing the programming (i.e. the trainer's CV).

- 4) By September 1, 2014, the District will provide training to all bus drivers on the District's harassment policies/reporting procedures.

Four weeks prior to providing such training, the District will submit for OCR review and approval a copy of training materials and information about who will be providing the programming (i.e. the trainer's CV).

- 5) By the spring of the 2013-2014 school year, and annually thereafter, the District will provide school-wide programming for Sheehan High School students to address bullying and harassment based on protected classes, including racial harassment. The training will review the District's harassment policies and procedures, including an explanation of what retaliation and harassment on the basis of race, color, or national origin is, and the disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will also provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have, and remind students of the availability of counseling services.

Four weeks prior to providing the above programming, the District will submit for OCR review and approval a copy of program materials and information about who will be providing the programming.

- 6) During the 2013-14 school year, the District will conduct a school climate survey at the Sheehan High School (School) to include students, staff and parents, to assess the educational environment being provided for students and the presence, effect of harassment based on race, color, or national origin within the School, and the effectiveness of the School's efforts to promote a nondiscriminatory and harassment-free environment. The District is not precluded from also assessing the School climate related to other protected class statuses under Federal and/or State law (i.e., sex, disability, etc.). The conduct of such surveys, including the collection of data therefrom, shall be consistent with the District's responsibilities under Connecticut state law as it pertains to school climate. The District shall designate an administrator to oversee the collection of the data, to analyze the data, and to develop school-wide programming that is consistent with Title VI and is appropriate to address the results of the data. Participation in the survey by students, parents and school personnel will be entirely voluntary. In the event concerns regarding school

climate are raised by students, parents, or faculty, the District shall develop a program responsive to such concerns.

Within 60 days of the date that the District submits the results of its climate survey to the State of Connecticut (per State law), the District will report to OCR the steps it has taken in response to the survey results to improve the effectiveness of its efforts to promote a nondiscriminatory and harassment-free environment.

- 7) By March 31, 2014, the District will revise its existing non-discrimination policies and complaint procedures for responding to allegations of discrimination to ensure it provides for the prompt and equitable resolution of complaints alleging discrimination on the basis of race, subject to OCR's approval. Within 60 days of the receipt of OCR's approval, the District will take the necessary steps to implement any revisions to its non-discrimination policy and administrative regulations. Within 60 days of approval of the revised policy by the Wallingford Board of Education, the District will publish its grievance procedures on its website, and in the next run of its Student Handbook and other related publications (e.g. Student Handbook/Calendar), in an email to all staff, and on its website, and provide OCR evidence of this publication.
- 8) By June 30, 2014, and June 30, 2015, the District will provide OCR with written documentation regarding all written and oral complaints and reports of alleged race discrimination (including any such incidents brought to the District's attention through the use of the School's "Bullying Reporting Form") at the School received during the school year. The documentation will include:
  - a) Documentation of all written and oral complaints and reports of alleged race discrimination (e.g., reporting forms, incident reports, etc.), including who filed the complaint and/or made the report, and the contents of the complaint;
  - b) A description of the District's actions taken in response to the complaints and reports, including investigative documentation (e.g., witness statements, interview notes, etc.), as well as documentation related to the District's findings, including whether race discrimination was found;
  - c) Documentation related to the District's response, when race discrimination was found, including any disciplinary and/or corrective actions taken, as well as efforts to prevent recurrence; and
  - d) A description of any remedies secured for the victim(s), if applicable.

### **Reporting Requirements**

- 1) By July 30, 2014, the District will provide OCR with the following:
  - a) documentation detailing the investigation and response as required by item #s 1-2 above, including any supporting documents relating to the District's review of its June 2013 investigation and its subsequent application of the appropriate legal standards, as well as notice to the Complainant and the Student of the results of its investigation and documentation showing that academic supports and counseling were considered for the Student and, if appropriate offered and provided.
  - b) a description of the training, as required by item # 3 above, including the name and qualifications of the trainer, a copy of the training materials and attendance sheet.
  - c) a description of the student programming referenced in item #5 above, including dates and copies of materials used.

- d) a description of the climate surveys referenced in item #6 above, including a copy of the survey(s), to whom it was given, and any plans the District has to follow up on the results of the survey(s).
  - e) a copy of its revised policies and procedures, as required by item #7 above.
- 2) By September 30, 2014 the District will provide OCR with a description of the training, as required by item #4 above, including the name and qualifications of the trainer, a copy of the training materials and attendance sheet.
- 3) By the dates indicated above, the District will provide OCR with the following:
- a) information demonstrating that subsequent to OCR's review and approval the procedures referenced in item #7 above were published and disseminated to students and parents and staff (e.g., in the student handbook and on the District's website).
  - b) Information describing the District's actions pertaining to item #8 above.

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 regulation implementing Title VI, which was at issue in this case. 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 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 implementing at 34 C.F.R. Part 100, which was 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.

The District does not admit any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement solely for purposes of amicably resolving this Complaint.

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Dr. Salvatore F. Menzo  
Superintendent of Schools

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Date