

**Resolution Agreement
Regional School District 15
OCR Complaint No. 01-16-1104**

Regional School District 15 (the District) has entered into the following agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure the District's compliance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulation found at 34 C.F.R. Part 104 (Section 504); Title II of the Americans with Disabilities Act of 1990 and its implementing regulation found at 28 C.F.R. Part 35 (Title II); and Title IX of the Education Amendments of 1972 and its implementing regulation found at 34 C.F.R. Part 106 (Title IX).

The District acknowledges its continuing obligations under Section 504 and Title II to (1) designate and provide notice of a Section 504 Coordinator; (2) provide a notice of nondiscrimination that prohibits discrimination based on disability; and (3) adopt, publish, and implement grievance procedures that provide for the prompt and equitable resolution of complaints alleging disability discrimination. The District further acknowledges its continuing obligations under Title IX to (1) designate and provide notice of a Title IX Coordinator; (2) provide a notice of nondiscrimination that prohibits discrimination based on sex; and (3) adopt, publish, and implement grievance procedures that provide for the prompt and equitable resolution of complaints alleging discrimination based on sex.

The purpose of this Agreement is to ensure that the District's notice of its Section 504 Coordinator and Title IX Coordinator, its notices of nondiscrimination, its Section 504, Title II, and Title IX policies and grievance procedures, and its related District policies and grievance procedures comply with Section 504, Title II, and Title IX. In doing so, this Agreement is intended to improve the completeness and consistency of District documents in order to ensure the District's compliance with Section 504, Title II, and Title IX and to improve existing notices and access to relevant District policies and grievance procedures.

In order to address the compliance violations and concerns identified in Complaint No. 01-16-1104, and to ensure compliance with Section 504, Title II, and Title IX, the District agrees to the following terms:

Action Item 1: Revised Section 504 Policy & Administrative Regulations

1. To comply with the applicable Section 504 and Title II regulations, the District will revise its Section 504 of the Rehabilitation Act of 1973 Policy & Administrative Regulations (Section 504 Policy & Administrative Regulations) to:
 - a. Explicitly explain to students, parents/guardians, and employees how to access and obtain the procedures for filing a complaint of discrimination or harassment based on disability.
 - b. Include a clarifying statement that complaints of discrimination or harassment based on disability shall proceed under the District's Section 504 Policy & Administrative

Regulations and that if the complaint involves allegations of discrimination or harassment on other bases, such complaints will be handled under other appropriate policies (e.g., the District’s Non-Discrimination Policy & Administrative Regulations for Students, the District’s Non-Discrimination Policy & Administrative Regulations for Personnel, or the District’s Title IX Policy & Administrative Regulations for Students or Personnel).

- c. Update terms that provide for adequate, reliable, and impartial investigation of complaints, to add the following:
 - i. language providing an opportunity for the both the complainant and the respondent (if applicable) to meet with the investigator to discuss the complaint, identify individuals that may have relevant information, provide any relevant documents, and receive a copy of the District’s Section 504 Policy & Administrative Regulations¹;
 - ii. notice to both parties when deadlines or timeframes are extended; and
 - iii. if an appeal process exists, equal opportunity for both parties to appeal the findings and notice to both parties of any appeal.²
2. As a best practice to enhance its Section 504 and Title II practices, the District will revise its Section 504 Policy & Administrative Regulations to include additional contact information for the District’s Section 504 Coordinator, including not only the name and/or title and phone number of such individual as it currently does, but also the office address and e-mail address. As a best practice, if there is a school-based Section 504 Coordinator, the District will revise its student handbooks to include the complete name and/or title and phone number, office address, and email address for the relevant school-based Section 504 coordinators in the respective student handbooks.
3. The District may retain all aspects of its existing Section 504 Policy & Administrative Regulations related to complaints involving a student’s identification, evaluation, and/or educational placement as those policies and procedures were not part of OCR’s review.
4. The District will submit its revised Section 504 Policy & Administrative Regulations for OCR’s review and approval before its final adoption by the Board of Education (Board), and Superintendent (if applicable), implementation, and dissemination.³

¹ As currently written, this language only provided such opportunity to the complainant.

² As currently written, this appeal process only applies to appeals of the outcome of the investigation and only provides the complainant a right to appeal.

³ “Review and approval” as used throughout this Agreement means OCR’s review of the documentation submitted by the District and OCR’s approval that such documentation meets the terms of this Agreement and the requirements of law. If OCR determines that the District must take any corrective action(s) with respect to such documentation, OCR will provide the District with notice of the corrective action and an opportunity to discuss the scope of the action. The District will take the required corrective action and submit revised documentation to OCR for review and approval within 30 calendar days of OCR’s notification to the District of the corrective action required.

5. Once OCR approves the District's revised Section 504 Policy & Administrative Regulations, the District will promptly review and revise any related policies, procedures, student handbooks, and notices of non-discrimination to ensure consistency, including any grievance procedures that may be included in the Pomperaug High School student handbook.⁴
6. Once OCR approves the District's revised Section 504 Policy & Administrative Regulations, the District will promptly review and revise its Non-Discrimination Policy & Administrative Regulations for Students; Non-Discrimination Policy & Administrative Regulations for Personnel, and any grievance procedure that may be included in the Pomperaug High School student handbook should it still remain, to include a cross-reference to its revised Section 504 Policy & Administrative Regulations clarifying that the Section 504 Policy & Administrative Regulations will be used for all complaints of discrimination or harassment based on disability that raise issues under Section 504 and/or Title II.

Reporting Requirements

- a. By February 17, 2017, the District will submit its revised Section 504 Policy & Administrative Regulations for OCR's review and approval.
- b. Within thirty (30) calendar days of OCR's review and approval of the District's revised Section 504 Policy & Administrative Regulations, the Superintendent or his/her designee will provide the Board with the approved Section 504 Policy & Administrative Regulations⁵ and the Superintendent will certify to OCR that the revised Section 504 Policy and & Administrative Regulations have been provided to the Board.
- c. Within sixty (60) calendar days of OCR's review and approval of the District's revised Section 504 Policy & Administrative Regulations, the Board and/or the Superintendent (as applicable) will adopt and implement the revised Section 504 Policy & Administrative Regulations and the Superintendent will certify to OCR that the revised Section 504 Policy and & Administrative Regulations have been adopted and implemented.
- d. Within thirty (30) calendar days of the Board's adoption of the revised Section 504 Policy & Administrative Regulations, the District will make the Section 504 Policy & Administrative Regulations easily available to students, parents/guardians, and employees by posting the Section 504 Policy & Administrative Regulations on the Board's website and revising all student

⁴Under this Agreement, the District reserves the right to revise and update its policies, regulations, handbooks, and other notifications prior to OCR's complete review and approval of any and all policies, regulations, handbooks, and other notifications the District submits to OCR under this Agreement with the understanding that, if such documents do not comply with those ultimately approved by OCR, the District will have to revise and update such documents again to ensure they comply with those reviewed and approved by OCR.

⁵ If Board approval is not required to adopt and implement revisions to the Section 504 Policy & Administrative Regulations, the Superintendent will certify as such to OCR.

handbooks to include clear information about how to access and obtain the Section 504 Policy & Administrative Procedures. The District will provide OCR with (1) a copy of the revised student handbooks and a link to the online versions; (2) a link to the online posting of the revised Section 504 Policy and & Administrative Regulations; and (3) documentation to evidence dissemination of the revised Section 504 Policy and & Administrative Regulations and student handbooks to students, parents/guardians, and employees.

- e. Within thirty (30) calendar days of OCR's review and approval of the District's revised Section 504 Policy & Administrative Regulations, the District will review and revise any related policies, procedures, student handbooks, and notices of non-discrimination as described in Action Item 1, paragraph 5; and the District will include the cross-reference as described in Action Item 1, paragraph 6. The District will provide OCR with: (1) a copy of the revised policies, procedures, student handbooks, and notices of non-discrimination and a link to the online versions; and (2) documentation to evidence dissemination of the revised policies, procedures, student handbooks, and notices of non-discrimination to students, parents/guardians, and employees.

Action Item 2: Revised Title IX Policy & Administrative Regulations for Students

1. To comply with the applicable Title IX regulations, the District will revise its Sex Discrimination and Sexual Harassment Policy & Administrative Regulations for Students (Title IX Policy & Administrative Regulations for Students) to:
 - a. Explicitly explain to students, parents/guardians, and employees how to access and obtain the procedures for filing a complaint of discrimination or harassment based on sex.
 - b. Include notice of the name, office address and telephone number for the District's Title IX Coordinator. As a best practice, the District will include the Title IX Coordinator's title and email address.
 - c. Include a clarifying statement that student complaints of discrimination or harassment based on sex shall proceed under the District's Title IX Policy & Administrative Regulations for Students and that if the complaint involves allegations of discrimination or harassment on other bases, such complaints will be handled under other appropriate policies (e.g., the District's Non-Discrimination Policy & Administrative Regulations for Students, the District's Non-Discrimination Policy & Administrative Regulations for Personnel, or the District's Section 504 Policy & Administrative Regulations).
 - d. Clarify that a complainant is not required to file a written complaint in order for the District to initiate an investigation under its Title IX Policy & Administrative Regulations for Students.

- e. Update terms that provide for adequate, reliable, and impartial investigation of complaints, to add the following:
 - i. a statement that any informal resolution process (if any) will only be used on a voluntary basis, that mediation is prohibited in cases of sexual violence and in cases involving a student complaint of sexual harassment against an employee in a position of authority over the student, and that both parties have the right to end the informal process at any time and begin the formal process;
 - ii. the opportunity for both the complainant and the respondent to receive a copy of the District's Title IX Policy & Administrative Regulations for Students and to be made aware of their rights;
 - iii. designated and reasonably prompt timeframes for each of the major stages of the complaint process;
 - iv. written notice to both parties of the outcome of the complaint; and
 - v. if an appeal process exists, equal opportunity for both parties to appeal the findings and notice to both parties of any appeal.
 - f. An assurance that the District will take steps to correct the discriminatory effects of the harassment on the complainant and others, if appropriate.
2. As a best practice to enhance its Title IX practices, the District will revise its Title IX Policy & Administrative Regulations for Students to include the following:
 - a. a statement that the preponderance of the evidence standard will be used to resolve a complaint;
 - b. a consistent definition of sexual harassment that includes sexual violence;
 - c. protocols to address a complainant's request for confidentiality or request to no longer proceed, including an assurance that the District will seek to balance a complainant's request for anonymity or either party's decision not to participate in an investigation with its broader obligation to District and school safety;
 - d. a statement explaining that the District has an obligation to take steps to investigate promptly what occurred and then to take appropriate steps to resolve the complaint when it knows or reasonably should know about possible discrimination (from any source), regardless of whether the complainant declines to participate in the process;
 - e. an explanation that the District will not delay its Title IX process pending the outcome of external civil or criminal proceedings, but that the District may need to coordinate investigation efforts with those of law enforcement and/or other outside agencies; and

- f. a statement that the District will consider whether any interim measures may be appropriate to protect the complainant, pending the outcome of the investigation.
3. The District will submit its revised Title IX Policy & Administrative Regulations for Students for OCR's review and approval before its final adoption by the Board and Superintendent (if applicable), implementation, and dissemination.
 4. Once OCR approves the District's revised Title IX Policy & Administrative Regulations for Students, the District will promptly review and revise any related policies, procedures, student handbooks, and notices of non-discrimination to ensure consistency, including any sexual harassment policy and/or procedures in the Pomperaug High School student handbook; the Memorial Middle School student handbook; and the Rochambeau Middle School student handbook.
 5. Once OCR approves the District's revised Title IX Policy & Administrative Regulations for Students, the District will promptly revise its student handbooks, Non-Discrimination Policy & Administrative Regulations for Students, and Non-Discrimination Policy & Administrative Regulations for Personnel to include a cross-reference to its revised Title IX Policy & Administrative Regulations clarifying that the Title IX Policy & Administrative Regulations for Students will be used for all student complaints of discrimination or harassment based on sex that raise issues under Title IX.

Reporting Requirements

- a. By February 17, 2017, the District will submit its revised Title IX Policy & Administrative Regulations for Students for OCR's review and approval.
- b. Within thirty (30) calendar days of OCR's review and approval of the District's revised Title IX Policy & Administrative Regulations for Students, the Superintendent or his/her designee provide the Board with the approved Title IX Policy and Administrative Regulations for Students and the Superintendent will certify to OCR that the revised Title IX Policy and Administrative Regulations for Students have been provided to the Board.⁶
- c. Within sixty (60) calendar days of OCR's review and approval of the District's revised Title IX Policy & Administrative Regulations for Students, the Board and/or the Superintendent (as applicable) will adopt and implement the revised Title IX Policy and Administrative Regulations for Students and the Superintendent will certify to OCR that the revised Title IX Policy and Administrative Regulations for Students have been adopted and implemented.

⁶ If the Board approval is not required to adopt and implement revisions to the Title IX Policy and Administrative Regulations for Students, the Superintendent will certify as such to OCR.

- d. Within thirty (30) calendar days of the Board’s adoption of the revised Title IX Policy & Administrative Regulations for Students, the District will make its revised Title IX Policy and Administrative Regulations for Students easily available to students, parents/guardians, and employees by posting the revised Title IX Policy and Administrative Regulations for Students on the Board’s website and revising all student handbooks to include clear information about how to access and obtain the Title IX Policy and Administrative Regulations. The District will provide OCR with (1) a copy of the revised student handbooks and a link to the online versions; (2) a link to the online posting of the revised Title IX Policy & Administrative Regulations for Students; and (3) documentation to evidence dissemination of the revised Title IX Policy and Administrative Regulations for Students and student handbooks to students, parents/guardians, and employees.
- e. Within thirty (30) calendar days of OCR’s review and approval of the District’s revised Title IX Policy and Administrative Regulations for Students, the District will review and revise any related policies, procedures, student handbooks, and notices of non-discrimination as described in Action Item 2, paragraph 4; and the District will include the cross-reference described in Action Item 2, paragraph 5. The District will provide OCR with: (1) a copy of the revised policies, procedures, student handbooks, and notices of non-discrimination and a link to the online versions; and (2) documentation to evidence dissemination of the revised policies, procedures, student handbooks, and notices of non-discrimination to students, parents/guardians, and employees.

Action Item 3: Revised Notice of Non-Discrimination⁷ and Notice of Section 504/Title II and Title IX Coordinators

1. The District will revise, as needed, its Notices of Non-Discrimination to ensure the inclusion of the following information:
 - a. The statement: “The district is required by Title IX not to discriminate on the basis of sex in its programs and activities,” to supplement the existing statement that “Region 15 does not discriminate on the basis of race, color, national origin, sex, disability, or age in its programs and activities” which is included in the Board’s current notices.
 - b. Notice that questions regarding the application of Title IX or concerning complaints involving sex discrimination and/or harassment may be referred to the District’s Title IX Coordinator (with, at a minimum, his or her name, office address, and telephone number, and as a best practice, his or her title and email address) or to the Assistant Secretary for OCR (with OCR’s correct office address, telephone number, and email address); and

⁷ The revised Notice of Non-Discrimination will include those notices published in each school’s student handbook, the District’s posted notice of non-discrimination, and the District’s Non-Discrimination Policy & Administrative Regulations for Students (collectively, the Notices of Non-Discrimination).

- c. Notice that questions regarding the application of Section 504 or Title II or concerning complaints involving discrimination and/or harassment on the basis of disability may be referred to the District’s Section 504 Coordinator (with his or her name and/or title, office address, telephone number, and email address) or to the Assistant Secretary for OCR (with OCR’s correct office address, telephone number, and email address).
2. The District will ensure that it widely publishes its revised Notices of Non-Discrimination pursuant to the methods by which it disseminates such notices to students, parents/guardians, employees and the public, as required by 34 C.F.R. § 104.8(a)-(b), 28 C.F.R. § 35.106, and 34 C.F.R. § 106.9(a).
3. The District will timely update its Notices of Non-Discrimination upon any change to the District-wide Section 504 Coordinator or Title IX Coordinator and timely provide notice of such modification to students, parents/guardians, and employees and the public, as required by 34 C.F.R. § 104.8(a)-(b), 28 C.F.R. § 35.106, and 34 C.F.R. § 106.9(a).

Reporting Requirements

- a. The District will submit its revised Notices of Non-Discrimination for OCR’s review and approval by February 17, 2017.
- b. Within thirty (30) calendar days of OCR’s review and approval of the revised Notices of Non-Discrimination, the District will provide OCR with documentation of the District-wide dissemination of its revised Notices of Non-Discrimination, including copies of any publications and web links to any electronic publications containing the notice.

Action Item 4: Policy Review

1. Within sixty (60) calendar days of OCR’s review and approval of the District’s Section 504 Policy & Administrative Regulations and the District’s Title IX Policy & Administrative Regulations for Students, the District will review and revise, as necessary, the following policies to ensure consistency and coordination with the District’s revised Section 504 Policy & Administrative Regulations and the District’s revised Title IX Policy & Administrative Regulations for Students and compliance with Section 504 and Title IX:
 - a. Bullying Policy
 - b. Student Discipline Policy
 - c. Non-Discrimination Policy & Administrative Regulations for Personnel
 - d. Title IX Policy & Administrative Regulations for Personnel
 - e. Discipline policies and procedures for personnel
2. The District will ensure that students, parents/guardians, employees, and third parties are aware of how the policies listed in Action Item 4, paragraph 1 interact with the District’s

revised Section 504 Policy & Administrative Regulations and the District’s revised Title IX Policy & Administrative Regulations for Students.

Reporting Requirements

- a. Within sixty (60) calendar days of OCR’s review and approval of the District’s Section 504 Policy & Administrative Regulations and Title IX Policy & Regulations for Students, the District will provide for OCR’s review and approval:
 - 1. A narrative explanation of the District’s process for reviewing and revising the policies listed in Action Item 4, paragraph 1, including identifying who worked on the review and revision required by Action Item 4.
 - 2. A copy of any policy that has been revised pursuant to Action Item 4, paragraph 1.
 - 3. The steps the District will take to make students, parents/guardians, employees, and third parties, aware of (a) any revisions to the policies listed in Action Item 4, paragraph 1; and (b) the interaction between such policies and the District’s Section 504 Policy & Administrative Regulations and the District’s Title IX Policy & Administrative Regulations for Students.

Action Item 5: Training

- 1. Within sixty (60) school days of OCR’s review and approval of the District’s revised Section 504 Policy & Administrative Regulations and the District’s revised Title IX Policy & Administrative Regulations for Students, the District will provide training to its Section 504 and Title IX Coordinators, and all District administrators and staff involved in processing, investigating, and/or resolving complaints of discrimination and harassment based on disability or sex regarding any revisions to the Section 504 Policy & Administrative Regulations and the District’s Title IX Policy & Administrative Regulations for Students. The training will review how incidents and complaints of possible discrimination on the basis of disability or sex are to be processed under the District’s revised procedures, including how to conduct and document adequate, reliable and impartial investigations, the appropriate legal standard to apply to complaints of discrimination based on disability or sex, and the disciplinary sanctions applicable to anyone engaging in discrimination based on disability or sex.
- 2. The training will also review the interaction between the District’s policies on Section 504, Title IX, Non-Discrimination, bullying, and student discipline, regardless of whether the conduct is formally called “bullying” or “harassment”.

Reporting Requirements

- a. Within fifteen (15) calendar days of the training, the District will submit to OCR documentation demonstrating that the training was delivered in accordance with Action Item 5, including: the date(s) of the training; the name/credentials of the trainer; agenda; copies of all training materials; and attendance sheets from the trainings. The attendance sheets shall include the names and titles for all staff and the signatures of those individuals who participated in the training.

Monitoring

The District understands that OCR will not close the monitoring of this Agreement until such time as 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. §§ 104.7(a)-(b), and 104.8(a), Title II, at 28 C.F.R. §§ 35.106 and 35.107, and Title IX, at 34 C.F.R. §§ 106.8, and 106.9(a)-(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 terms of this Agreement.

The District understands that during the monitoring of this Agreement, if necessary, and with reasonable notice to the District, 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)-(b), and 104.8(a)-(b), Title II, at 28 C.F.R. §§ 35.106 and 35.107(a)-(b), and Title IX, at 34 C.F.R. §§ 106.8(a)-(b), and 106.9(a)-(b), 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.

1/18/17
Date

/s/
Superintendent
Regional School District #15