

Resolution Agreement
New Fairfield Public Schools
OCR Case No. 01-16-1117

The New Fairfield Public Schools (the District) enters into this agreement to resolve the allegations in the above-referenced complaint. The District assures the U.S. Department of Education, Office for Civil Rights (OCR) that it will take the following actions to comply with the requirements 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, which prohibits discrimination on the basis of race, color and national origin by recipients of Federal financial assistance. 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.

This agreement is being submitted by the District prior to the completion of OCR's investigation. The District agrees to take the following actions.

Action Item 1: Alleged Harassment

To the extent students have not graduated or otherwise left the District, the District will determine whether any student involved in alleged incidents and who was enrolled at the New Fairfield High School (School) during school year 2015-2016 were subject to a racially hostile environment by the alleged incidents. For any student that the District determines was subject to a hostile educational environment, the District shall take appropriate corrective action to remedy the effects of the alleged incidents of racial harassment. The District will provide the parents/legal guardians of such students with a written notice of such corrective action by January 31, 2018.

Reporting Requirements

By February 16, 2018, the District will provide to OCR its determination and any supporting documentation regarding its decision as to whether any student involved in the alleged incidents and who was enrolled at the New Fairfield High School (School) during school year 2015-2016 were subject to a racially hostile educational environment by the alleged incidents, and if so, will provide documentation of the written notices provided to the parents/legal guardians of such students. The District will include the names of all students considered, the reason(s) for its determination, and corrective action, if applicable, including when the action(s) were taken and/or when they will be completed.

By June 30, 2018, the District will provide OCR with documentation of any corrective action taken, if applicable.

Action Item 2: Investigation of Incidents of Harassment

The District will immediately take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment and will respond to allegations of discrimination, including harassment, on the bases of race, color and/or national origin.

The District will conduct prompt, adequate, reliable, and impartial investigations of all incidents of discrimination, including harassment, at the School that are known or reasonably should be known and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff. The District agrees to take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created, prevent its recurrence, and where appropriate, take steps to remedy the effects of the hostile environment on affected students, including offering counseling, tutoring and other appropriate services.

Reporting Requirement:

The District will report to OCR any incidents of alleged race, color, and/or national origin discrimination and/or harassment that occur at the School during the 2017-2018 academic year of which it receives notice. The report to OCR will include, at a minimum:

- a. a copy of the complaint or a description of any orally reported alleged incident(s) of race, color, and/or national origin discrimination and/or harassment;
- b. the date(s) of receipt of the written complaint or oral report;
- c. a description of the District's findings and response to the incident(s); and
- d. the date(s) that the District provided notice of the outcome of its investigation in writing to the parties.

By July 31, 2018, the District will provide to OCR documentation of all informal (including oral) and formal complaints of discrimination and/or harassment on the bases of race, color, and/or national origin made during the previous school year. The documentation will include copies of each complaint, a description of the complaint, the District's response, and the resolution, including the report of any investigation conducted. If there have been no complaints, the District shall certify that no discrimination and/or harassment complaints on the bases of race, color, and/or national origin have been made.

Action Item 3: Climate Survey

The District will continue to implement the climate surveys it has developed to assess the presence and effect of discrimination, including harassment, based on race, color, and/or national origin, and the effectiveness of the School's efforts to promote a nondiscriminatory and harassment-free environment. The District will conduct its planned survey of parents/guardians and school personnel at the School beginning on December 11, 2017. The District will designate an administrator to oversee the collection and analysis of the data from the surveys, and the development of School-wide programming that is consistent with Title VI and is appropriate to address the results of the data received. Participation in the survey will be voluntary.

Reporting Requirement

By February 28, 2018, the District provide to OCR the results of the climate survey, together with a description of any programming that has been or will be conducted in response to the data obtained.

Action Item 4: Harassment Training for Staff

The District will provide training to all District/School coordinators, officials, and administrators who will be directly involved in processing, investigating, and/or resolving complaints of race, color, and/or national origin discrimination (including harassment). The training will, at a minimum:

- a. provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination/harassment on the bases of race, color, and/or national origin about which they know or reasonably should have known;
- b. include information on what constitutes race, color, and/or national origin discrimination (including harassment) and may include other bases and the District's and the attendees' responsibilities to address such allegations; and
- c. include instruction on how to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standard of a preponderance of the evidence to apply in an investigation.

Reporting Requirement:

By January 30, 2018, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 4 above, and the District's plan for providing training thereafter for new hires, and on a periodic basis for continuing employees. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; sign-in sheets; and a list of the individuals who attended the training and their titles or positions.

Action Item 5: Harassment Training for Students

The District will provide training to all students enrolled in the School for school year 2017-2018, and periodically thereafter, regarding discrimination, including harassment, on the bases of race, color, and/or national origin (and may include other bases). The training will be appropriate to the students' ages and abilities and, at a minimum, the training will include instruction regarding:

- a. the requirements of Title VI, including that discrimination and/or harassment on the bases of race, color, and/or national origin is prohibited and will not be tolerated;
- b. the range of behaviors that constitute discrimination and/or harassment on the bases of race, color, and/or national origin;

- c. the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment on the bases of race, color, and/or national origin;
- d. where, how, and to whom instances of discrimination and/or harassment on the bases of race, color, and/or national origin are to be reported; and
- e. counseling and other services available to students who have been subjected to discrimination and/or harassment on the basis of race, color or national origin.

Reporting Requirement:

By June 30, 2018, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 5 above, and its plan for providing training thereafter on a periodic basis. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any handouts, guides, or other materials; and, proof of attendance by students at the School.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 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 regulations implementing Title VI at 34 C.F.R. § 100.3. Upon completion of the obligations under this Agreement, OCR shall close 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District’s representative.

By: _____
Dr. Alicia Roy
Superintendent, New Fairfield Public Schools

Date