

RESOLUTION AGREEMENT

Hauppauge School District OCR Case No. 02-13-1185

In order to resolve Case No. 02-13-1185, the Hauppauge School District (District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take 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; Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (the ADA), 42 U.S.C. § 12131 et seq., and its implementing regulation at 28 C.F.R. Part 35; and, Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 et seq., and its implementing regulation at 34 C.F.R. Part 106.

Action Item 1: Title IX and Section 504/ADA Coordinator(s)

By September 1, 2016, the District will take steps to ensure that all students, parents or guardians, and employees are notified of the name and/or title, office address, telephone number, and electronic mail (email) address of the person(s) designated to coordinate the District's efforts to comply with the requirements of Title IX, Section 504, the ADA and their implementing regulations. Notification may occur by the methods usually employed by the District for distributing District/School policies and procedures, including posting on the District/School's website.

Reporting Requirement: By October 1, 2016, the District will provide documentation to OCR demonstrating that the District has taken steps to ensure that all students, parents or guardians, and employees are notified of the name and/or title, office address, telephone number, and email address of the person(s) designated as the Title IX and Section 504/ADA coordinator(s); such as copies of the printed versions of publications disseminated to students, parents/guardians and employees containing the required information, copies of signs/posters, and printouts or a link to all on-line publications containing the required notification. Inserts may be used pending reprinting of publications.

Action Item 2: Notice of Nondiscrimination

By September 1, 2016, the District will adopt and publish a notice of nondiscrimination that complies with the regulations implementing Title IX, Section 504, and the ADA (the notice should also comply with the other regulations OCR enforces), including that the requirement not to discriminate extends to employment and admission. Additionally, the notice will identify the District's designated coordinator(s) and state that inquiries concerning the application of regulations prohibiting discrimination may be referred to the District's designated coordinator(s) or to OCR. The District will ensure that the notice of nondiscrimination is included in each announcement, bulletin, catalog, or application form which the District makes available to

students, parents, employees, applicants for employment, unions, and professional organizations holding collective bargaining or professional agreements with the District.

Reporting Requirements:

- (a) By August 1, 2016, the District will provide a copy of its proposed notice of nondiscrimination to OCR for review and approval.
- (b) Within 45 days of OCR’s approval of the revised notice of nondiscrimination, the District will provide documentation to OCR demonstrating that the approved notice has been adopted and published; including a list of the titles of the publications in which the notice of nondiscrimination appears (e.g. Student Handbook, Employee Handbook) and a copy of at least one publication disseminated to the campus community, or printouts or a link to an on-line publication containing the notice. Inserts may be used pending reprinting of these publications.

Action Item 3: Grievance Procedures

By September 15, 2016, the District will ensure that it has adopted and published a grievance procedure (or separate grievance procedures, based on differing statutory bases for relief) that provides for the prompt and equitable resolution of complaints alleging all forms of discrimination (including harassment) on the bases of sex and/or disability (and may include other bases). The District currently has multiple grievance procedures applicable to complaints of discrimination and/or harassment on the bases of sex and/or disability. If the District continues the use of multiple grievance procedures, the District will ensure that it is clear to complainants which procedure is applicable under which circumstances, and that the procedures include cross-references. All grievance procedures will be easily located (such as including links to these on the District’s website under the heading “grievance procedures”) and widely distributed, and include the following provisions at a minimum:

- Notice that the procedures apply to complaints alleging all forms of discrimination (including harassment) on the basis of sex and/or disability (and may include other bases) by employees, students, or third parties, or notice as to which basis of discrimination any individual procedure applies to together with cross references to other procedures;
- An explanation as to how to file a complaint pursuant to the procedures;
- The name, title, office address, email address, and telephone number of the individual(s) with whom to file a complaint;
- Definitions and examples of what types of actions may constitute discrimination (including harassment);
- Designated and reasonably prompt timeframes for major stages of the grievance process;
- The right of the parties to provide witnesses and other evidence;
- A statement indicating that the preponderance of the evidence standard will be used for investigating the allegations;
- Written notice to parties of the outcome;

- An assurance that the District will take steps to prevent the recurrence of discrimination and harassment, and to correct its discriminatory effects if appropriate;
- The range of possible disciplinary sanctions and the types of remedies available;
- A statement that the District prohibits retaliation against any individual who files a complaint or participates in a complaint investigation;
- A statement that responsible employees are expected to promptly report harassment that they observe or learn about;
- Provisions indicating the availability of interim measures during the District's investigation of possible harassment (such as how to obtain counseling and academic assistance, and what interim measures can be taken if the alleged perpetrator attends classes with the complainant), and that such interim measures will not disproportionately impact the complainant;
- Notice of the opportunity of both parties to appeal the findings, if the procedures allow appeals; and
- An assurance that any appeal will be conducted in an impartial manner by an impartial decision maker.

Reporting Requirements:

- (a) By August 1, 2016, the District will provide to OCR a draft of its grievance procedure(s) for OCR's review and approval.
- (b) Within thirty (45) calendar days after the District's receipt of OCR's approval of the grievance procedure(s), the District will provide documentation to OCR to demonstrate that it has adopted the OCR-approved procedure(s) and updated its printed publications and on-line publications with the procedure(s) (inserts may be used pending reprinting of these publications). This documentation will include at a minimum, (i) printouts or a link to all on-line publications containing the grievance procedure(s); and (ii) if not yet finalized, copies of inserts for printed publications. If inserts were used for any publications, then by October 1, 2016, the District will provide to OCR copies of the printed versions of all publications disseminated to students and employees containing the grievance procedure(s). Dissemination may occur by the methods usually employed by the District for distributing District/School policies and procedures, including posting on the District/School's website.

Action Item 4: Training for Staff

- A. By October 1, 2016, the District will provide training to relevant personnel regarding their responsibility to respond to complaints of discrimination (including harassment) based on national origin, race, color, sex, and/or disability (and may include other bases). At a minimum, the training will be provided to School Principals, Assistant Principals, Anti-Bullying Coordinators, Anti-Bullying Specialists, School Safety Team members, and special education directors. The training will cover the District's grievance procedures, and provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination on the basis of national origin,

race, color, sex, and/or disability (and may include other bases). The training will, at a minimum, cover the following: (1) the requirements of Title VI, Title IX, Section 504, and the ADA, including that discrimination and/or harassment based on national origin, race, color, sex and/or disability (and may include other bases) is prohibited and will not be tolerated; (2) the range of behaviors that constitute discrimination and/or harassment based on national origin, race, color, sex and disability (and may include other bases); (3) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on national origin, race, color, sex, and/or disability (and may include other bases); (4) the responsibility of staff to report incidents of possible discrimination and/or harassment and the procedures for doing so; and, (5) where, how and to whom instances of discrimination and/or harassment are to be reported. The District will distribute copies of its grievance procedures to all attendees. By November 8, 2016, the same training and materials shall be provided to teachers, guidance counselors, school social workers, and special education case managers.

- B.** By October 1, 2016, the District will provide training to its Title IX and Section 504/ADA Coordinators, Anti-Bullying Coordinators and Anti-Bullying Specialists, and any other District administrators and staff who are directly involved in processing, investigating and/or resolving complaints or other reports of discrimination on the bases of national origin, race, color, sex, or disability (the training may include other bases), including harassment complaints, and any counselors or other District personnel who are likely to receive reports of such discrimination or harassment. The training will cover, at a minimum, the District's obligations regarding the investigation of complaints; instruction on how to conduct and document adequate, reliable and impartial investigations; information on particular types of conduct that would constitute discrimination or harassment; the proper standard of review of allegations of discrimination or harassment (preponderance of the evidence); the need for remedial actions for the perpetrator, complainant, and school community; how to determine credibility; and, how to evaluate evidence and weigh it in an impartial manner.

Reporting Requirement: By November 15, 2016, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 4 above. 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 a list of the individuals who attended the training and their positions.

Action Item 5: Training for Students

By October 30, 2016, the District will provide training to all students at the Hauppauge High School, appropriate to the students' ages and disabilities, regarding the District's revised procedures for the prompt and equitable resolution of complaints alleging all forms of discrimination (including harassment), including on the bases of race, color, national origin, sex and/or disability (other bases may be included). The training will include, at a minimum, (a) the requirements of Title VI, Title IX, Section 504 and the ADA, including that discrimination and/or harassment is prohibited and will not be tolerated; (b) the range of behaviors that

constitute discrimination and/or harassment on the basis of race, color, national origin, sex and/or disability (other bases may be included); and (c) where, how, and to whom instances of discrimination and/or harassment are to be reported.

Reporting Requirement: By November 30, 2016, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 5 above. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; and, copies of any training materials used, including any handouts, guides, or other materials.

The District understands that OCR will not close the monitoring of this agreement until OCR determines 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, Section 504, at 34 C.F.R. §§104.7 and 104.8; the ADA, at 28 C.F.R. §§ 35.106 and 35.107; and, Title IX, at 34 C.F.R. §§ 106.8 and 106.9, 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, Section 504, at 34 C.F.R. §§ 104.7 and 104.8; the ADA, at 28 C.F.R. §§ 35.106 and 35.107; and, Title IX, at 34 C.F.R. §§ 106.8 and 106.9, 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 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.

6/14/16

Date

s/ Neil Lederer

Neil Lederer
Interim Superintendent of Schools
Hauppauge School District