

## **RESOLUTION AGREEMENT**

### **Skaneateles Central School District Case Number 02-13-1290**

In order to resolve Case No. 02-13-1290, the Skaneateles Central School District (the District) assures the U.S. Department of Education, New York Office for Civil Rights (OCR), that it will take the following actions pursuant to the requirements of 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, and 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.

#### **Action Item 1:**

By February 28, 2014, the District will revise all recruitment materials and publications containing general information that it makes available to students, parents, employees, applicants and other beneficiaries, to include a notice of nondiscrimination that states that the District does not discriminate on the basis of disability in its programs and activities (the notice may include other bases, including but not limited to, race, color, national origin, sex, and age). The notice of nondiscrimination shall contain the name and/or title, office address, electronic mail (email) address, and telephone number of the person(s) designated to coordinate the District's efforts to comply with all aspects of Section 504 and the ADA.

**Reporting Requirement:** By February 28, 2014, the District will provide documentation to OCR demonstrating its compliance with Action Item 1 above, such as a copy of the revised materials and publications, and/or a link to the on-line version of the materials and publications. Inserts may be used pending reprinting of the materials and publications.

#### **Action Item 2:**

By May 31, 2014, the District will adopt grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of all complaints alleging discrimination and/or harassment on the basis of disability (the procedures may be applicable to discrimination and/or harassment on other bases as well, such as race, national origin, color, sex and age). The District will ensure that these procedures include, at a minimum:

- a statement setting forth the District's commitment to schools free from all discrimination and harassment on the basis of disability. The statement will explain that the District prohibits discrimination and harassment in all programs and activities, including in all academic, athletic and school-sponsored activities. The statement shall also specify that the District will investigate all formal and informal complaints of harassment;
- notice that the procedures apply to complaints alleging discrimination and harassment based on disability filed against employees, students, or third parties;

- an explanation of 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 harassment based on disability, and of the disciplinary sanctions that may be imposed on the harasser;
- a statement that responsible employees are expected to promptly report harassment based on disability that they observe or learn about ;
- provisions providing for the prompt, adequate, reliable, and impartial investigation of all complaints, including the opportunity for the parties to present witnesses and other evidence; and, the interim preventative steps the District will take to ensure the safety of the complainant and the larger school community during the investigation;
- provisions providing both parties an opportunity to submit witnesses and evidence;
- designated and reasonably prompt timeframes for the major stages of the grievance process that apply equally to the parties of the complaint, including the investigation, complaint resolution, and appeal processes, if any;
- a provision requiring written notification to both parties of the outcome;
- notice of the opportunity for both parties to appeal the findings, if the procedures allow appeals;
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision-maker;
- a provision requiring notification to both parties of the outcome of any appeal;
- examples of the range of possible disciplinary sanctions, and the types of remedies available to complainant and others;
- an assurance that the District will offer counseling and academic support services, as necessary and appropriate, to any person found to be subjected to harassment, and where appropriate, counseling to the person(s) who committed the harassment;
- a statement that retaliation is prohibited against any individual who files a discrimination complaint or participates in a complaint investigation in any way; and,
- an assurance and the action steps the District will take to prevent recurrence of harassment and to correct its discriminatory effects, if appropriate.

**Reporting Requirements:**

- a) By February 28, 2014, the District will provide the draft grievance procedures to OCR for review and approval.
- b) Within 30 days of OCR's approval of the draft grievance procedures, the District will provide documentation to OCR demonstrating that it has formally adopted the grievance procedures; updated its printed publications and/or on-line publications with the newly adopted procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the grievance procedures to students, parents, administrators and staff. This documentation will include, at a minimum: (i) printouts or a link to all on-line publications containing the grievance procedures; (ii) evidence of the electronic dissemination of the grievance procedures to students, parents, administrators and staff; and (iii) if not yet finalized, copies of inserts for printed publications.
- c) By August 31, 2014, the District will provide to OCR copies of the printed versions of all publications disseminated to students, administrators and staff containing the grievance procedures.

**Action Item 3:**

By June 30, 2014, and periodically thereafter, the District will provide training to personnel responsible for investigating complaints of disability discrimination, and all District administrators, regarding the appropriate procedure to follow if notified of allegations of harassment/discrimination on the basis of disability and the prohibitions regarding retaliation. The District will also distribute copies of its newly adopted grievance procedures to these personnel.

**Reporting Requirement:** By July 15, 2014, the District will provide documentation to OCR demonstrating that the District provided training to the employees referenced in Action Item 3 above, regarding the District's policies for responding to complaints of harassment/discrimination on the basis of disability and prohibitions against retaliation. This documentation will include, at a minimum: (a) the date(s) the training was conducted; (b) the name(s), title(s), and credentials of the individual(s) who conducted the training; (c) a list of the individuals who attended the training, their positions and proof of their attendance; and (d) copies of all training materials used and disseminated, including handouts, guides, or other materials.

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 regulations implementing Section 504 at 34 C.F.R. §§104.7 and 104.8, and Title II of the ADA, at 28 C.F.R. §§35.107(a) and (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 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 Section 504 at 34 C.F.R. §§104.7 and 104.8, and Title II of the ADA, at 28 C.F.R. §§35.107(a) and (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.

January 21, 2014  
Date

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[Authorized Official]  
Skaneateles Central School District