

RESOLUTION AGREEMENT
Plainedge Public Schools
OCR Case No. 02-15-1091

In order to resolve the compliance concerns identified in Case No. 02-15-1091, the Plainedge Public Schools (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 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: 504/ADA Coordinator

By July 15, 2015, the District will designate at least one person to coordinate its efforts to comply with the requirements of Section 504, the ADA and their implementing regulations.

Reporting Requirement: By July 30, 2015, the District will provide documentation to OCR of its compliance with Action Item 1, including the name of the coordinator(s).

Action Item 2: Notice of Nondiscrimination

By July 30, 2015, the District will revise its existing notice of nondiscrimination to state that the District does not discriminate on the basis of disability (the notice may include other bases) in its programs and activities; and, that this requirement not to discriminate extends to employment and admission, as applicable. Additionally, the notice will state that inquiries concerning the application of regulations prohibiting discrimination may be referred to the person(s) designated to coordinate the District's efforts to comply with all aspects of the regulations prohibiting discrimination, 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. The District also will ensure that it notifies students, parents and employees of 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 the regulations prohibiting discrimination.

Reporting Requirements:

- a) By July 15, 2015, the District will provide a copy of its proposed notice of non-discrimination to OCR for review and approval.
- b) By July 30, 2015, the District will provide documentation to OCR demonstrating that the approved notice has been provided consistent with Action Item 2 above; such as a copy of revised materials and publications containing the notice of nondiscrimination, 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 3: Grievance Procedures

By August 30, 2015 or within 30 days of OCR's approval of these grievance procedures, whichever is later, the District will adopt and publish revised grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging discrimination or harassment on the basis of disability (the procedures may apply to discrimination or harassment on other bases) filed by students, employees, and third parties. The District will ensure that these grievance procedures contain, at a minimum, the provisions listed below (if not already included):

- a statement setting forth the District's commitment to having an environment free from all discrimination and harassment. The statement will explain that the District prohibits discrimination and harassment in the school environment, including all academic, athletic and school-sponsored activities. The statement will also specify that the District will investigate all formal and informal complaints of discrimination and harassment;
- a statement that all employees are expected to promptly report harassment that they observe or learn about;
- notice of the procedure and how to file a complaint that is easily understood, easily located and widely distributed; such notice must include the contact information (name or title, office address, email address and telephone number) for the individual with whom complaints may be filed;
- definitions and examples of what types of actions may constitute discrimination or harassment based on disability (and may include other bases), and of the disciplinary sanctions that may be imposed on the harasser;
- the various steps the District will take to conduct an adequate, reliable, and impartial investigation of all complaints, including the interim preventative steps the District will take to ensure the safety of the complainant and the larger school community during the investigation;
- an opportunity for the parties to identify witnesses and provide or identify evidence;
- designated and reasonably prompt timeframes for the major stages of the grievance process;
- a requirement that an investigatory report be filed at the conclusion of the investigation;

- an assurance that the District will inform the parties of his/her rights and provide the parties with an opportunity to discuss available resources;
- an assurance that the District will offer counseling and academic support services, as necessary and appropriate, to any person found to be subjected to discrimination or harassment, and where appropriate, counseling to the person(s) who committed the discrimination or harassment;
- written notice to the parties of the outcome;
- notice of the opportunity for both parties to appeal the findings, if an appeal is allowed;
- an assurance that any appeal will be conducted in an impartial manner by an impartial decision-maker; the District will have discretion to appoint the decision-maker with the understanding that the appointed individual will be impartial;
- an assurance and the action steps the District will take to prevent recurrence of discrimination or harassment and to correct its discriminatory effects, if appropriate; and
- a statement that the District prohibits retaliation against any individual who files an informal or formal complaint or participates in a complaint investigation.

Reporting Requirements:

- a) By July 30, 2015, the District will provide for OCR's review and approval, copies of all revised grievance procedures it proposes to utilize for students, employees, and third parties to file complaints of discrimination or harassment on the basis of disability (which may include other bases).
- b) Within 30 days of OCR's approval of these grievance procedures or by August 30, 2015, whichever is later, the District will provide documentation to OCR demonstrating that it has formally adopted the grievance procedures; updated any printed publications and on-line publications that contain the procedures (inserts may be used pending reprinting of these publications); and electronically disseminated the grievance procedures to students, faculty 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, faculty and staff; and (iii) if not yet finalized, copies of inserts for printed publications, if any.
- c) By September 30, 2015, the District will provide to OCR copies of the printed versions, if any, of all publications disseminated to students, faculty, and staff containing the grievance procedures or will provide an electronic copy of such publication.

Action Item 4: Training

By October 30, 2015, and annually thereafter, the District will provide training to all personnel, including administrators, responsible for investigating complaints of disability discrimination and harassment. The training, at a minimum, will cover the District's revised policies and grievance procedures; the role and duties of the Section 504/ADA Coordinator; how to recognize and appropriately address incidents and complaints, including where and with whom to report such incidents; how to identify disability discrimination and harassment; the District's responsibilities to address such allegations; and information on the relevant resources available to complainants. The training will also include instruction on how to conduct and document adequate, reliable, and impartial investigations, as well as a reminder of the policy prohibiting retaliation and intimidation. In addition, the training will include information regarding the provision of related aids and services to students with disabilities for extracurricular and other activities, and the obligation to afford students with disabilities an equal opportunity to participate in extracurricular and other activities.

Reporting Requirement: By October 30, 2015, the District will provide documentation to OCR demonstrating that the District provided the training referenced in Action Item 4 above. This documentation will include: (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 and their positions and proof of their attendance; and (d) a list of all training materials used and disseminated, including handouts, guides, or other materials.

Action Item 5:

By June 30, 2016, the District will demonstrate to OCR that during school year 2015-2016, it ensured that any alleged incidents of disability discrimination or harassment of which it had notice were responded to in a prompt and effective manner, with action that was reasonably calculated to stop the discrimination or harassment, prevent its recurrence, and as appropriate, remedy its effects.

Reporting Requirement: By June 30, 2016, the District will provide a report to OCR regarding any oral and/or written complaints of disability discrimination or harassment made during school year 2015-2016. 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 disability discrimination 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.

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(a), 104.7(b), 104.8(a), and 104.8(b); and the ADA, at 28 C.F.R. §§ 35.106, 35.107(a), and 107(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 regulations implementing Section 504, at 34 C.F.R. §§ 104.7(a), 104.7(b), 104.8(a), and 104.8(b); and the ADA, at 28 C.F.R. §§ 35.106, 35.107(a), and 35.107(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 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.

5/29/2015 _____
Date

_____/s/_____
Edward Salina, Jr.
Superintendent of Schools
Plainedge Public Schools