

**RESOLUTION AGREEMENT**  
**Virgin Islands Department of Education**  
**OCR Case No. 02-15-1307**

In order to resolve Case No. 02-15-1307, the Virgin Islands Department of Education (VIDOE) 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 29, 2016, the VIDOE will provide training to all staff at the Raphael O. Wheatley Skill Center regarding how to respond to possible incidents of harassment on the bases of disability (the training may include other bases). The training will include, at a minimum in-depth instruction on what types of conduct constitute harassment on the basis of disability; the root causes of such harassment; the negative impact that such harassment has on the educational environment; available support services for students being harassed; the availability of anti-bullying programs; a focused review of the VIDOE's harassment policy and related grievance procedures; a review of how to report and monitor incidents of bullying and harassment, including cyberbullying; and, notice that failure to respond appropriately to notices of harassment on the basis of disability violates VIDOE policy and may result in the imposition of disciplinary sanctions.

**REPORTING REQUIREMENT:** By February 29, 2016, the VIDOE will provide documentation demonstrating that the training referenced in Action Item 1 was provided. This documentation will include, at a minimum, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including handouts, guides or other materials; and proof of attendance by relevant staff.

**Action Item 2:**

By February 29, 2016, the VIDOE will provide training to all staff at the Raphael O. Wheatley Skill Center who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination (the training may include other bases), including harassment complaints, and any counselors or other VIDOE personnel who are likely to receive reports of such discrimination or harassment. The training will review the VIDOE policies and procedures on disability discrimination, and include instruction on how to conduct and document discrimination and/or harassment investigations in an adequate, reliable and impartial manner; including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the anti-harassment policy.

**Reporting Requirements:**

- a) By February 29, 2016, the VIDOE will provide documentation to OCR demonstrating that the training referenced in Action Item 2 was provided to relevant staff. 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 staff directly involved in the processing, investigating and resolving of disability discrimination complaints.
- b) By September 15, 2016, the VIDOE will provide documentation to OCR concerning its responses to and handling of all disability discrimination and harassment incidents and/or complaints reported during school year 2015-2016, if any such incidents occurred, including a summary of all allegations reported to the VIDOE; information about the individual(s) who received and processed the initial complaints; the outcome of the investigations; and the outcome of any disciplinary matters related to the allegations.

The VIDOE understands that OCR will not close the monitoring of this agreement until OCR determines that the VIDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R § 104.7(b), and the ADA, at 28 C.F.R. § 35.107(b), which were at issue in this case. The VIDOE 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 VIDOE understands that during the monitoring of this agreement, if necessary, OCR may visit the VIDOE, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the VIDOE has fulfilled the terms of this agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R § 104.7(b), and the ADA, at 28 C.F.R. § 35.107(b), which were at issue in this case. The VIDOE 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 VIDOE written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Representative  
Virgin Island Department of Education