

Resolution Agreement
East Orange School District
OCR Case No. 02-15-1455

In order to resolve Case No. 02-15-1455, the East Orange School District (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 applicable 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.

The District will 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 harassment on the bases of race, color or national origin. To this end, the District will conduct prompt, adequate, reliable, and impartial investigations of all incidents of harassment that are known or reasonably should be known to the District 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 the affected students.

Action Item 1: Investigate the Complainant's Allegations of Bullying/Harassment

By April 30, 2016, the District will complete an investigation of the complainant's allegations of bullying and harassment/discrimination of the Student, including to determine whether the incidents that occurred in XXXXX and XXXXX 2014 were related to or because of the Student's race and/or national origin. The District will ensure that the investigation complies with regulations implementing Title VI. Specifically, the investigation of the complainant's allegations will involve a detailed review by the District of all information previously provided to School staff; a review of all evidence, including disciplinary records and police and medical reports available to District staff; interviewing or re-interviewing witnesses, as appropriate; an opportunity for the complainant and Student to provide any additional information or witnesses to the District relevant to the complaints; an opportunity for the perpetrators in the incidents to provide information or witnesses; a review of such information and/or, as appropriate, interviews of such additional witnesses; and a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports a finding of a hostile environment based on race and/or national origin. The outcome of the investigation will be communicated to the complainant and the parents/guardians of the perpetrators, in writing. The District will ensure that it responds to any additional alleged incidents of harassment involving the Student of which it has notice, in a prompt and effective manner; with action that is reasonably calculated to stop the harassment, prevent its recurrence, and as appropriate, remedy its effects.

Reporting Requirements:

- a) By May 15, 2016, the District will submit to OCR, for review and approval, a report documenting the procedures used to conduct its investigation as outlined in

Action Item 1 above, as well as the outcome of the investigation; any corrective actions deemed necessary; and a timeline for implementation of the corrective actions, if necessary. The District will also provide documentation supporting the investigation.

- b) By June 30, 2016, the District will report to OCR any incidents of alleged race, color, and/or national origin discrimination and/or harassment that occurred during school year 2015-2016 involving the Student and any other student, of which it had 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 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.
- c) By August 31, 2017, and thereafter, by August 31, 2018, the District will provide to OCR documentation of all informal (including oral) and formal complaints of harassment on the bases of race, color, and/or national origin made during the previous twelve months. 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 complaints on the bases of race, color, and/or national origin have been made.

Action Item 2: Offer of Counseling

By April 30, 2016 the District will extend a written offer of counseling to the Student, to remedy any effects of any alleged incidents of harassment on the bases of race/national origin. This counseling may be provided by qualified District staff.

Reporting Requirements:

- a) By May 31, 2016, the District will provide a copy of the written offer of counseling, as well as documentation indicating the complainant's response to the offer.
- b) By August 31, 2016, and thereafter, as appropriate, the District will provide documentation to OCR indicating that it provided the Student with counseling pursuant to Action Item 2, if accepted by the complainant.

Action Item 3: Training for Staff

By August 31, 2016, 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 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. The training will 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. Additionally, the training will 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 August 31, 2016, the District will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 3 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 4: Training for Students

By September 30, 2016, and periodically thereafter, the District will provide training to all students at the School, appropriate to the students' ages and disabilities, regarding discrimination, including harassment, on the bases of race, color, and/or national origin and may include other bases. At a minimum, the training will include and/or add 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; and (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.

Reporting Requirement: By October 31, 2016, the School 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, proof of attendance by students at the School.

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 Title VI at 34 C.F.R. § 100.3. 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 CFR§ 100.3 which was 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.

Date

Dr. Gloria Calhoun Scott
Superintendent
East Orange School District