

## **RESOLUTION AGREEMENT**

### **Yonkers Public Schools OCR Case No. 02-17-1418**

In order to resolve Case No. 02-17-1418, the Yonkers Public Schools (the District) assures the U.S. Department of Education, 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; Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106; 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: Internal Investigation of Retaliation Allegation**

By February 1, 2018, the District will appoint independent counsel or a District administrator(s) to review all actions of District staff taken, or any lack of appropriate action taken, in response to all request(s) made by or on behalf of the complainant to have access to a XXXX and XXXX one of his students during the XXXX XX XXX XXXX XXXX XX at XXXXX XXXX's (the school's) 2017 XXXXX XXXXX, to determine whether any actions taken or not taken were in retaliation for the complainant's previous complaints filed with OCR. Following the review, the independent counsel or District administrator(s) will recommend to the District's Superintendent whether any action, up to and including disciplinary action, should be taken against any District staff member(s) regarding the District's response(s), or lack thereof, to the complainant's request(s).

#### **REPORTING REQUIREMENTS:**

- (a) By March 15, 2018, the District will provide documentation to OCR demonstrating that the District administrator(s) reviewed the actions of District staff in accordance with Action Item 1 above. The documentation will include, at a minimum, a description of the process the District administrator(s) utilized to conduct the review; whether the administrator(s) determined that retaliation occurred, and the reason(s) why or why not; the administrator(s)'s recommendation to the Superintendent regarding whether disciplinary or other action was warranted, and why; and, the action taken by the District in response to the administrator(s)'s recommendation.
- (b) If disciplinary or other action will be taken, then by March 15, 2018, the District will provide documentation to OCR demonstrating implementation of the action.

#### **ACTION ITEM 2: Training**

By April 15, 2018, the District will provide training to all District Principals and Central Office Administrators, regarding the District's obligation to refrain from engaging in retaliation,

pursuant to the regulations implementing Title VI, at 34 C.F.R. § 100.7, Title IX, at 34 C.F.R. § 106.71, Section 504, at 34 C.F.R. § 104.61, and the ADA, at 28 C.F.R. § 35.134. The training will cover the prohibition against retaliating against any individual because he or she has engaged in protected activity, such as advocating for rights guaranteed by the regulations OCR enforces. The training will also include a discussion of the following: (a) what constitutes a protected activity; (b) the prohibition against adverse actions in response to those protected activities; (c) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities; and (d) that effective action, including disciplinary action where appropriate, will be taken against administrators or staff found to have engaged in retaliatory conduct. The training may be combined with training concerning the District’s anti-discrimination policies and procedures. The training will take place in one session of not less than one hour in duration.

**REPORTING REQUIREMENT:** By April 30, 2018, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 2 above, including (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; (d) a summary of the material covered with District staff and (e) copies of any training materials disseminated.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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. § 100.7, Title IX, at 34 C.F.R. § 106.71, Section 504, at 34 C.F.R. § 104.61, and the ADA, at 28 C.F.R. § 35.134. Upon completion of the obligations under this Agreement, OCR shall close 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.

This Agreement will become effective immediately upon the signature of the District’s representative below.

\_\_\_\_\_  
12/22/2017  
Date

\_\_\_\_\_  
/s/  
Dr. Edwin Quezada  
Superintendent of Schools  
Yonkers Public Schools