

RESOLUTION AGREEMENT

Greenburgh Central School District Case No. 02-19-1444

In order to resolve Case No. 02-19-1444, the Greenburgh Central School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions pursuant to 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 I – Individual Remedies for the Student

- A. By March 15, 2020, the District will make a written offer to the Complainant to allow her an opportunity to request appropriate actions to remedy the effects of the Teacher's alleged behavior upon the Student. The District will provide the Complainant a minimum of 30 calendar days to respond and will inform the Complainant of the timeframe when the District makes the offer. The District will also inform the complainant that she must provide written consent for the implementation of any agreed-upon services.
- B. By April 30, 2020, the District will review the Complainant's requests, if any; consider other actions it believes it could take to remedy the effects of the Teacher's alleged behavior upon the Student, including offering counseling services to the Student and any other appropriate remedy; and, develop a plan to take such actions, if any. The District is not obligated to adopt any requests by the Complainant in an action plan that are not reasonably calculated to remedy the effects of the Teacher's alleged behavior upon the Student; however, the District must provide a written explanation to OCR for any of the Complainant's requests that were not accepted.
- C. The District's obligation to provide services per Action Item I.A and I.B, is contingent on receiving written signed consent from the Complainant for the implementation of any agreed upon service.

Reporting Requirements:

- 1) By March 31, 2020, the District will provide documentation to OCR demonstrating that it made the written offer to the Complainant, consistent with Action Item I.A.
- 2) By May 15, 2020, the District will provide to OCR a copy of the Complainant's response to the written offer made consistent with Action Item I.A., if any; and, a copy of the District's action plan, created consistent with Action Item I.B., for remedying the effects, if any, of the Teacher's alleged behavior upon the Student. This documentation will include an explanation for the decisions made, along with the names and titles of the individuals who made the decisions. OCR will review any action plan and respond within thirty (30) calendar days of receiving the District's action plan. OCR will consider whether

the District's action plan is reasonably calculated to redress the effects of the Teacher's alleged behavior upon the Student in assessing the appropriateness of the District's proposed action plan.

By July 31, 2020, the District will provide documentation to OCR demonstrating that it implemented the action plan created consistent with Action Item I.B., if any.

Action Item 2 - Training

- A. By May 30, 2020, the District will provide training to any District administrators and staff in the Summer Program who will be directly involved in processing, investigating, and/or resolving complaints of disability harassment, including, but not limited to: the Superintendent, Dignity Act Coordinators, and building and Summer Program principals. The training will cover, at a minimum, the District's current grievance procedures; instruction on recognizing and appropriately addressing allegations and complaints of disability harassment, including how to recognize and identify disability harassment and/or a hostile environment on account of disability; the District's responsibilities to address such discrimination/harassment; the relevant resources available; and, documenting reports/complaints of disability harassment and the District's response to such reports/complaints.
- B. By May 30, 2020, the District will provide training to all staff at the Early Childhood Program, including the Summer Program, regarding the District's obligation to address allegations of disability harassment. The training will cover, at a minimum, the District's current grievance procedures; recognizing and appropriately reporting allegations and complaints of disability harassment; appropriate actions to take to stop the harassment and prevent recurrence; the remedies available to address the effects of harassment on students; and, the prohibition against retaliation for those who report/complain of disability harassment.

Reporting Requirements:

- 1) By June 15, 2020, the District will provide documentation to OCR demonstrating that the training referenced in Action Item 2 was provided. 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 those listed in Action Item 2.
- 2) By August 30, 2021, the District will submit to OCR complete copies of its files for summer 2020 and school year 2020-2021 documenting the District's responses to any complaints/reports of disability harassment at the Early Childhood Program, including during the Summer Program. Along with such files, the District will submit a tracking report that will include, at a minimum: the names of the respondents; the conduct alleged; the name and position of the individual(s) who received and processed the initial complaints; the status of the case (e.g., investigation is ongoing, the District is

assessing discipline to be imposed, etc.); the outcome of all completed investigations; and, the outcome of any disciplinary matters related to the investigation. If the District submits any files before the case is complete, the District will flag those files as incomplete and, upon request, re-submit those files once the case is completed.

The District understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This resolution agreement will become effective immediately upon the signature of the District's representative below.

March 5, 2020
Date

_____/s/_____
Tahira A. DuPree
Superintendent of Schools
Greenburgh Central School District