

VOLUNTARY RESOLUTION AGREEMENT

Locust Valley Central School District Case No. 02-20-1181

In order to resolve Case No. 02-20-1181, the Locust Valley Central School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to comply with 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, which prohibit discrimination on the basis of race, color and national origin by recipients of Federal financial assistance.

Action Item 1: Supplemental Investigation

By September 30, 2020, the District will complete a supplemental impartial investigation of the Complainant's allegations of racial/color-based harassment made on XXXX, 2020. Specifically, the District will investigate the Complainant's allegation that another student at Ann MacArthur Primary School (the School) subjected her daughter (the Student) to racial and/or color-based harassment by XXXX on XXXX, 2020, and that other students at the School had subjected the Student to racial and/or color-based harassment during school years 2018-2019 and 2019-2020. The investigation of the Complainant's allegations will be conducted by an impartial person or persons trained in investigating complaints of discrimination. The supplemental investigation will involve providing the Complainant and/or Student an opportunity to provide additional information to support their allegations of racial and/or color-based harassment; a detailed review by the District of all information previously provided to District staff; interviewing or re-interviewing witnesses, as appropriate; and making a determination of whether the evidence presented supports the allegations of racial and/or color-based harassment. If the District's investigation of the Complainant's allegations substantiate the allegations of racial and/or color-based harassment, the District will take all remedial actions deemed necessary, including taking corrective action against all students and staff involved; offering the Student counseling; and assessing whether the Student requires other services (e.g., safety plan, tutoring) to remedy the effects of such harassment; and if so, the District's plan for providing such services. The outcome of the investigation will be communicated to the Complainant in writing.

Reporting Requirement: By September 30, 2020, the District will submit to OCR a report documenting the procedures used to conduct its supplemental investigation as outlined in Action Item 1 above, as well as the outcome of the supplemental investigation; any actions deemed necessary; and a timeline for implementation of the actions, if necessary. The District will also provide to OCR documentation supporting the outcome of the supplemental investigation.

Action Item 2: Review of XXXX Incident

By September 30, 2020, the District will conduct a review of the Student's reported behavior on XXXX, 2020, to determine whether she was subjected to discrimination based on race and/or color, and/or retaliation, concerning the incident. In conducting this review, the District will

review its policies and procedures relating to student behavioral expectations for the XXXX and preceding circumstances/incidents on the XXXX, to determine whether the suspension imposed on the Student was consistent with the District's policies and procedures; consistent with the consequences imposed on students of other races who engaged in similar behavior; and consistent with the consequences imposed on students whose parents/guardians had not engaged in protected activity.¹ If the District determines that the Student received a harsher consequence than students of other races who engaged in similar behavior and/or students whose parents/guardians had not engaged in protected activity, the District will take remedial action; including expunging the records regarding the incident and providing the Complainant with written notification of the change to the Student's records.

Reporting Requirement: By September 30, 2020, the District will provide a written statement to OCR of its analysis and determination, and as applicable, a description of any corrective actions taken; including any corrective correspondence issued to the Complainant. If the District determines that the Student's disciplinary sanction was consistent with its policies/practices and the treatment of similarly-situated students of other races and/or students whose parents/guardians had not engaged in protected activity, it will provide a full explanation to OCR, including copies of all documents relied upon in making the determination.

Action Item 3: Staff Training

By October 31, 2020, the District will provide additional training to all District and School staff directly involved in processing, investigating, and/or resolving complaints of racial and/or color-based discrimination/harassment; including, but not limited to: the superintendent, Dignity Act Coordinators, building principals, and building assistant principals. The training will cover, at a minimum, the District's current grievance procedures; instruction on recognizing and appropriately addressing allegations and complaints of racial and/or color-based discrimination/harassment, including how to recognize and identify racial and/or color-based discrimination/harassment and/or a racially/color-based hostile environment; the District's responsibilities to address such discrimination/harassment; the relevant resources available; best practices regarding documenting reports/complaints of racial and/or color-based discrimination/harassment and the District's response to such reports/complaints; and the prohibition against retaliation for those who report/complain of racial and/or color-based discrimination/harassment. The training will also review the District's policies and procedures for investigating discrimination/harassment complaints; and include instruction on how to conduct and document investigations in an adequate, reliable, and impartial manner; including the appropriate legal standards to apply in such investigations and the range of possible disciplinary sanctions and remedial actions. During the training, the District will provide copies of its grievance procedures to all attendees or refer them to their location within the publications they already possess.

¹ A protected activity involves making a complaint, testifying, assisting or participating in any manner in an investigation, proceeding or hearing under the regulations OCR enforces or similar activities, such as advocating for rights guaranteed by these regulations, or expressing opposition to any practice made unlawful by the statutes and regulations OCR enforces.

Reporting Requirement: By November 15, 2020, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item 3 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; and (d) copies of any training materials disseminated.

The District understands that by signing this resolution agreement (the Agreement), it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the 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 and obligations of this Agreement. Upon the District's satisfaction of the commitments made under this 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 agreement will become effective immediately upon the signature of the District's representative below.

Date: __8/14/2020__

Signed: /s/
[Authorized Representative]
Locust Valley Central School District