

RESOLUTION AGREEMENT

Harrison Central School District Case No. 02-20-1272

In order to resolve Case No. 02-20-1272, the Harrison 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 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: Individual Remedies for the Student

- A. By December 31, 2020, the District will reopen and complete its investigation of the Student's report, made on XXXX XX, 2020, that students subjected her to harassment because of her disability. The investigation of the Student's report will involve, at a minimum, the following: providing the Student and her parents an opportunity to provide to the District specific details regarding the alleged harassment or any other information in support of the Student's report; conducting a detailed review of all information provided by the Student and her parents to the District; providing the Student with an opportunity to identify any relevant witnesses; interviewing students or other witnesses to the alleged conduct, as appropriate; and making a determination regarding whether the evidence presented supports a finding that disability-based harassment occurred that created a hostile environment for the Student. If so, the District will take prompt and effective action reasonably calculated to stop the harassment; prevent its recurrence; and as appropriate, remedy its effects. The outcome of the investigation will be communicated to the parties.
- B. By January 15, 2021, if the District's investigation substantiates the Student's allegation that she was subjected to discrimination or harassment because of her disability, the District will convene a Committee on Special Education (CSE) meeting for the Student, and invite the Student's parents to participate, to determine whether the District should provide any remedial and/or compensatory services to the Student to remedy the effects of the discrimination or harassment on the provision of a free appropriate public education for Student. If the CSE determines that remedial and/or compensatory services are necessary, the CSE will develop a plan for providing those services.

Reporting Requirements:

- a) By January 15, 2021, the District will submit to OCR a report documenting the investigation outlined in Action Item 1(A), including information regarding witnesses interviewed; a description of the information witnesses provided; and the outcome of the investigation. The District will also provide to OCR a copy of all documentation obtained during the course of the investigation, and documentation demonstrating that notice of the outcome was provided to all parties. In addition, the District will provide to OCR a description of any remedies that the District deems necessary for the Student, and/or any

other individuals; any disciplinary action pursued against the respondents (and the result of such action, if completed); and other actions taken to stop the discrimination and/or harassment, prevent its recurrence, and as appropriate, remedy its effects. In the event that the District determines that no remedial action is required, the District will provide an explanation for its determination.

- b) If applicable, by January 31, 2021, the District will provide to OCR a summary of the CSE meeting held in connection with Action Item 1(B) above, including a description of any action taken or to be taken, with timelines; the plan for providing any remedial and/or compensatory services to the Student, if determined necessary; and documentation demonstrating that the District provided notice of and invited the Student's parents to the meeting.
- c) If applicable, by June 15, 2021, the District will provide documentation to OCR demonstrating that the District has provided to the Student any remedial and/or compensatory services deemed necessary. The documentation will include the dates, times, and locations that services were provided; and the name(s) of the service provider(s).

Action Item 2: Training

By December 31, 2020, the District will provide additional training to staff members and administrators at XXXXXXXXXXXXXXXXXXXX (the School) who are likely to receive reports of bullying or harassment based on a student's disability, or who are involved in processing, investigating, or resolving such reports; including counselors, principals and assistant principals. Such additional training will include, at a minimum, the District's obligations to address disability-based harassment, what types of conduct constitute disability-based harassment, staff member responsibilities to identify and report incidents of disability-based harassment, and the District's obligation to take immediate and appropriate action to investigate reports of disability-based harassment or otherwise determine what occurred.

Reporting Requirement: By January 15, 2021, the District will submit documentation to OCR demonstrating that the District provided additional training in accordance with Action Item 2 above, including the name and credentials of the trainer(s); the date(s) of the training; the agenda and/or a summary of the material covered; copies of any training materials distributed; and a list of attendees, by name and title.

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 the resolution 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.

November 24, 2020

/s/

Date

Dr. Louis N. Wool
Superintendent
Harrison Central School District