

RESOLUTION AGREEMENT

Lindenhurst Union Free School District Case No. 02-21-1147

To resolve the allegations of discrimination based on race, sex, and disability in Case No. 02-21-1147, the Lindenhurst Union Free School District (the District) assures the U.S. Department of Education (the Department), Office for Civil Rights (OCR), that the District will take the actions detailed below in this resolution agreement (the Agreement) to comply with the requirements of: Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulations at 34 C.F.R. Part 100; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulations 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 regulations at 34 C.F.R. Part 104; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35. Title VI prohibits discrimination based on race, color, and national origin in programs and activities receiving federal financial assistance. Title IX prohibits discrimination based on sex in education programs and activities operated by recipients of federal financial assistance. Section 504 prohibits discrimination based on disability in programs and activities receiving federal financial assistance. Title II prohibits discrimination based on disability by public entities.

- A. By October 2, 2023, the District will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX and refer to this employee as the Title IX Coordinator. The District will ensure that the Title IX Coordinator(s), and any other designated employee(s) as appropriate, will be responsible for ensuring appropriate coordination and oversight of the District's compliance with Title IX, including but not limited to: coordination of the District's resolution of reports and complaints of sexual harassment filed against students, employees, and/or third parties, consistent with the requirements of the Title IX regulations; the implementation of its Title IX grievance procedures required by Action Item 2 below; the monitoring of outcomes of schools' investigations of complaints of sex discrimination, including sexual harassment, to ensure compliance with Title IX and the District's revised grievance procedures; and proposing recommendations for improving the District's anti-harassment efforts with proposed timelines.
- B. By October 2, 2023, the District will take steps to clearly and adequately notify all new and existing students, parents or legal guardians, employees, applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of the name, title, office address, telephone number, and email address of the Title IX Coordinator(s) and any other designated employee(s).
- C. The District will notify all of its employees, in writing, that they must promptly notify the Title IX Coordinator of all Title IX reports or complaints of which they are aware.

Reporting Requirements: Within 30 days of signing the Agreement, the District will provide OCR with documentation demonstrating: the designation of one or more Title IX

Coordinator(s) with the duties required by Action Item 1.A above; a list of the titles of the publications and website links in which the contact information for the Title IX Coordinator(s) appears, as required by Action Item 1.B above; and its written notice to all employees required by Action Item 1.C above.

Action Item 2: Grievance Procedures

A. Title IX

By October 31, 2023, the District will adopt and publish revised grievance procedures that conform to the Title IX regulation at 34 C.F.R. Part 106.

B. Section 504

By October 31, 2023, the District will adopt and publish revised grievance procedures to prohibit discrimination, including harassment, based on disability and notify all students and their parents or legal guardians about how to file a complaint of such discrimination with the District. The policies will state the District's commitment to investigate promptly all reports of discrimination, including harassment, based on disability and the District's prohibition against retaliation for complaining of such discrimination.

C. Reporting Requirements:

1. By October 2, 2023, the District will provide for OCR's review and approval drafts of the revised grievance procedures for the resolution of complaints of discrimination, including harassment, that fall under Title IX and Section 504.
2. Within 30 days of OCR's approval of the revised Title IX and Section 504 grievance procedures, the District will provide documentation to OCR to demonstrate that it has adopted the OCR-approved procedures, updated its printed publications and online publications to include the revised grievance procedures, linked to the revised grievance procedures on each school's website, and formally announced to the District community (e.g., via email, student portal notification, employee portal notification, etc.) that the District has adopted the grievance procedures. Such announcement will include link(s) to the revised grievance procedures on the District's website.

Action Item 3: Training for District Administrators and Staff

- A. By December 31, 2023, the District will provide additional training to all District staff involved in processing, investigating, and/or resolving complaints of discrimination, including harassment, based on disability, race, color, national origin, and sex, including the Superintendent, Dignity for All Students Act Coordinators, Title IX Coordinator(s), Section 504 Coordinator(s), building principals, and building assistant principals. At a minimum, the training will cover:

1. the District's revised grievance procedures for Title IX and Section 504;

2. instruction on recognizing and appropriately responding to allegations and complaints of discrimination, including harassment, based on disability, race, color, national origin, and/or sex;
3. the District's responsibilities to address such discrimination, including harassment;
4. the resources available to District employees regarding Section 504, Title II, Title VI, Title IX, and the District's related policies, grievance procedures, and forms;
5. documenting reports and complaints of discrimination, including harassment, based on disability, race, color, national origin, and/or sex and the District's response to such reports and complaints;
6. the prohibition against retaliation for those who report or complain of discrimination, including harassment, based on disability, race, color, national origin, and/or sex; and
7. how to conduct and document prompt, adequate, reliable, and impartial investigations of allegations of discrimination, including harassment, based on disability, race, color, national origin, and/or sex for those charged with investigative duties, including the appropriate legal standards to apply in such investigations, the provision of supportive and corrective measures, and the range of possible disciplinary sanctions and remedial actions.

During the training, the District will disseminate its grievance procedures to all attendees or refer them to their location within the publications they already possess.

Reporting Requirements:

1. By November 1, 2023, the District will provide for OCR's review and approval the name(s) and credentials of the trainer(s), as well as copies of any training materials that will be distributed.
2. By January 15, 2024, the District will submit to OCR documentation demonstrating the provision of the training in accordance with Action Item 3.A above. At a minimum, the documentation will include the name(s) and credentials of the trainer(s), the date(s) and time(s) of the training(s), the names and job titles of staff in attendance, confirmation that all relevant employees have been trained (and if not, how many remain to be trained and when they will be trained), and confirmation that the training materials were distributed.
3. Within 10 business days of the provision of the training, the District will publish on its website all materials used to train Title IX Coordinators, investigators, decision-makers, and any person facilitating an informal resolution process in accordance with the Title IX regulations.

Action Item 4: Maintenance of Documentation and Submission of New Complaints

- A. Effective immediately, the District agrees to maintain documents relating to complaints or other reports of harassment on the bases of disability, race, color, national origin, and/or sex to ensure that its files contain all information necessary to process complaints under Title VI, Section 504, Title II, and Title IX, including the recordkeeping requirements at 34 C.F.R. § 106.45(b)(10).
- B. By August 31, 2024, the District will submit to OCR an electronic sortable spreadsheet or

other file of the District's responses to all complaints and oral reports of harassment on the bases of disability, race, color, national origin, and/or sex made during school year 2023-2024, pursuant to the District's revised grievance procedures. At a minimum, the spreadsheet will include separate fields for:

1. the date(s) of receipt of the written complaint or oral report;
 2. the name of the person who provided notice to the District ("the reporter");
 3. the status of the reporter (e.g., teacher, parent, student);
 4. the name of the student who was allegedly discriminated against/harassed ("the complainant" under the Title IX regulation at 34 C.F.R. § 106.30(a));
 5. the grade of the student who was allegedly discriminated against/harassed;
 6. the name(s) of the individual(s) who engaged in discrimination/harassment ("the respondent(s)")
 7. the respondent's grade (if a student) or job title (if an employee);
 8. the basis or bases of the alleged harassment (i.e., disability, race, color, national origin, or sex)
 9. the nature of the alleged harassment (e.g., verbal harassment by students using racial slurs or sexual assault of a student by an employee);
 10. the date(s) of the alleged harassment;
 11. the location(s) of the alleged harassment (e.g., school name, parking lot, football field);
 12. the names of any witnesses;
 13. the name(s) and job title(s) of the individual(s) who received and processed the complaint or oral report;
 14. the date the investigation commenced;
 15. any supportive measures offered to the complainant, respondent, and/or other person;
 16. the status of the investigation of the complaint or oral report;
 17. the date the investigation was completed, if applicable;
 18. the outcome of all completed investigations (i.e., the determination regarding whether or not discrimination, including harassment, on the bases of disability, race, color, national origin, and/or sex took place; and if so, whether the conduct created a hostile environment);
 19. a description of the disciplinary sanctions imposed, if any;
 20. a description of the remedial measures taken, including the remedies offered and provided to the complainant and/or other individual;
 21. a description of any steps the District took to eliminate and/or prevent the recurrence of a hostile environment created by the incident;
 22. the date(s) on which the District provided written notice of the outcome of the investigation to the parties;
 23. the date of any appeal;
 24. the outcome of any appeal;
 25. the date of any mandatory dismissal of a formal complaint of sexual harassment;
 26. the basis for any mandatory dismissal of a formal complaint of sexual harassment;
 27. the date of any discretionary dismissal of a formal complaint of sexual harassment; and
 28. the basis for any discretionary dismissal of a formal complaint of sexual harassment.
- C. Upon request, the District will provide to OCR within 15 calendar days a copy of the complete investigative file(s), including applicable District/school records, student

disciplinary records, employee disciplinary records, and human resources/personnel files. The data will be produced electronically in a mutually agreed format and will be organized and labeled as individual files, with all relevant documents for an incident.

Reporting Requirement: By August 30, 2024, the District will provide to OCR a copy of the Excel spreadsheet and accompanying documentation as required by Action Item 4.

Action Item 5: Section 504/Title II Coordinator

- A. By October 2, 2023, the District will designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and Title II and refer to this employee as the Section 504/Title II Coordinator. The District will ensure that the Section 504/Title II Coordinator(s), and any other designated employee(s) as appropriate, will be responsible for ensuring appropriate coordination and oversight of the District's compliance consistent with the Section 504 and Title II regulations.
- B. The District will take steps to clearly and adequately notify all new and existing students, parents or legal guardians, employees, applicants for admission and employment, and all unions or professional organizations holding collective bargaining or professional agreements with the District of the name, title, office address, telephone number, and email address of the Section 504/Title II Coordinator(s) and any other designated employee(s).

Reporting Requirements: Within 30 days of signing the Agreement, the District will provide documentation to OCR demonstrating its compliance with Action Item 5, including the name(s) of the coordinator(s) and a list of the titles of the publications and website links in which the contact information for the Section 504/Title II Coordinator(s) appears.

Action Item 6: Notice of Non-Discrimination

- A. Within 30 calendar days of signing the Agreement, the District will provide to OCR for review and approval a revised Notice of Nondiscrimination to be issued to all District students, parents and guardians, administrators, employees, unions or professional organizations holding collective bargaining or professional agreements with the recipient, applicants for employment, and sources of referral of applicants for employment with the District that is compliant with the Title IX regulation at 34 C.F.R. § 106.8(b), Section 504 regulation at 34 C.F.R. §104.8(b), Title II regulation at 28 C.F.R. § 35.106, and Title VI regulation, at 34 C.F.R. §100.6(d).
- B. Within 30 calendar days of OCR's approval of the Notice of Nondiscrimination, the District will widely distribute the Notice of Nondiscrimination, including by:
 - 1. posting it in common areas throughout the District, including at every District school and office;
 - 2. posting it on the District's website and on every District school webpage;
 - 3. sending an email or letter with a copy of the Notice of Nondiscrimination to the entire District community, including students, employees, parents and guardians, and volunteers; and

4. including the Notice of Nondiscrimination in its 2023-2024 Student Handbook (or any similar publication) to be provided to all current students.

Reporting Requirement: Within 60 calendar days of OCR’s approval of the Notice of Nondiscrimination, the District will submit to OCR documentation that the District distributed and published the approved Notice of Nondiscrimination as required by Action Item 6.B.

By signing the Agreement, the District understands and 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 the 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 the Agreement.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title IX and its implementing regulation at 34 C.F.R. Part 106, Section 504 and its implementing regulations at 34 C.F.R. Part 104, Title II and its implementing regulations at 28 C.F.R. Part 35, and Title VI and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this case.

The District understands that OCR may initiate administrative enforcement proceedings to refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of a breach to enforce the specific terms and obligations of the 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 60 calendar days to cure the alleged breach.

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

Date: 9/27/2023

Signed: /s/

[Authorized Representative]
Lindenhurst Union Free School District