

VOLUNTARY RESOLUTION AGREEMENT
Hewlett-Woodmere Public Schools
Case No. 02-21-1202

The Hewlett-Woodmere Public Schools (the District) enters into this voluntary Resolution Agreement (the Agreement) to resolve the compliance concerns identified by the U.S. Department of Education (the Department), Office for Civil Rights (OCR), in Case No. 02-21-1202. The District assures 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 regulations at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, and national origin by recipients of federal financial assistance from the Department.

Action Item 1: Individual Remedies

By November 1, 2023, the District will offer counseling to the Student and Student A in connection with the reported racial harassment; and assess whether the Student and/or Student A requires other remedial services.

Reporting Requirements: By June 30, 2024, the District will provide documentation to OCR that the District offered individual counseling and additional remedial services, if applicable, for the Student and Student A. If the parents/guardians accept the District's offer of counseling and/or additional remedial services, the District will provide documentation of counseling and/or additional remedial services provided to the Student and/or Student A in accordance with a schedule the District provides to the parents/guardians and OCR by December 1, 2023.

Action Item 2: Expunging the Student's Record

By November 1, 2023, the District will expunge from the Student's record all entries and notations related to the two-day out-of-school suspension issued to the Student on [redacted content], 2021, and provide written confirmation to the Complainant that all references to the suspension have been removed from the Student's record.

Reporting Requirements: By December 1, 2023, the District will provide documentation to OCR that the District has complied with Action Item 2.

Action Item 3: Training for Staff

By January 1, 2024, and again during the 2024-2025 school year by October 31, 2024, the District will train the Superintendent, all other District administrators, and all staff at the District's [redacted content] (the School) who are directly involved in processing, investigating, and/or resolving complaints of racial discrimination, including harassment. At a minimum, the training will cover (i) the District's duties under Title VI not to discriminate based on race, color, and/or national origin; the definition of harassment based on race, color, and/or national origin; (ii) examples of such harassment and how such harassment can create a hostile educational environment for students; (iii) the District's policies and procedures for resolving complaints of

discrimination, including harassment, based on race, color, and/or national origin; (iv) the responsibilities of District and School employees to recognize, report and respond to such complaints, whether written or oral; (v) how and to whom students may report such discrimination, including harassment; (vi) interim and remedial measures that may be taken in response to alleged discrimination, including harassment (e.g., offers of counseling and class assignment changes); (vii) cultural competency and implicit racial bias; and (viii) and the District's prohibition against retaliation for making such complaints, including the responsibilities of District and School employees to recognize and respond to such protected activity. During the training, the District will provide copies of its policies and procedures for resolving complaints of discrimination, including harassment, to all attendees or refer them to their location within the publications they already possess.

Reporting Requirement: By February 1, 2024, the District will provide documentation to OCR demonstrating that it provided training in accordance 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.

Action Item 4: Training for Students

By February 1, 2024, and again during the 2024-2025 school year by October 31, 2024, the District will provide training to all School students regarding discrimination, including harassment, on the bases of race, color, and/or national origin. The training may include other bases. At a minimum, the training will include: (1) the requirements of Title VI including that discrimination, including harassment, on the bases of race, color, and/or national origin is prohibited and will not be tolerated; (2) the range of behaviors that constitute discrimination, including harassment, on the bases of race, color, and/or national origin; (3) examples of interim and remedial measures that may be taken in response to such harassment (e.g., offering counseling and class assignment changes); (4) the disciplinary sanctions applicable to students who engage in discrimination, including harassment, on the bases of race, color, and/or national origin; (5) where, how, and to whom students should report instances of discrimination, including harassment, on the bases of race, color, and/or national origin; and (6) the prohibition against retaliation for complaining of discrimination, including harassment, based on race, color, and/or national origin.

Reporting Requirement: By March 1, 2024, the District will provide documentation to OCR demonstrating that it provided training in accordance with Action Item 4 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) proof of attendance by students; (c) the date(s) the training was conducted; and (d) copies of any training materials used, including any handouts, guides, or other materials.

Action Item 5: Letter to Students and Parents/Guardians

By November 1, 2023, the District will send written notice to all students in the School and their parents/guardians: (1) that the District's policies and procedures prohibit discrimination, including harassment, on the bases of race, color, and/or national origin in all District programs and activities, with a weblink to the District's applicable policies and procedures; (2) that students,

parents, and guardians should promptly report to the District any discrimination, including harassment, on the bases of race, color, and/or national origin occurring in a District program or activity; and (3) that explains the reporting process and provides a weblink to the complaint form.

Reporting Requirement: By December 1, 2023, the District will provide documentation to OCR that it distributed the written notice in accordance with Action Item 5.

Action Item 6: School Climate Assessment

The District will administer a school climate assessment to staff, students, and parents/guardians in the School to evaluate the climate with respect to race, color, and national origin and the extent to which students are subjected to, or witness race, color-, and/or national origin-based discrimination, including harassment. Participation in the survey by students and parents will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law. The survey shall specifically inquire about the experience, knowledge, and perceptions of employees, students, and parents/guardians about the climate at the School with respect to race, color, and/or national origin, and will assess whether employees, students, and parents/guardians have sufficient information about the District's anti-discrimination policies and are able to find the appropriate resources when necessary. The District will analyze the results of the assessment, including perceptions among students of different racial or ethnic groups and will provide a proposed action plan to address any concerns identified based on the results.

Reporting Requirements:

- a) By December 15, 2023, the District will provide OCR with a draft of the climate assessment described above. Within 60 days of approval from OCR, the District will provide documentation to OCR that it has administered the climate assessment.
- b) Within 60 days after the assessment has been administered, the District will provide to OCR the results of the assessment and any proposed action plan based on the results.
- c) By July 31, 2024, the District will provide documentation to OCR of its implementation of the action plan developed based on the results of the climate assessment.

Action Item 7: Reports of Racial Discrimination, Including Harassment

By July 31, 2024, the District will report to OCR all formal and informal complaints (including oral reports) that involve any allegation of racial discrimination and/or harassment at the School during school year 2023-2024. The report will include the following information for each incident in an electronic sortable file: (i) the date(s) of the alleged discrimination and/or harassment; (ii) a description of the alleged discrimination and/or harassment; (iii) the name(s)/position(s) of the individual(s) who received the allegation(s), made the allegation, investigated the allegation(s), on whose behalf the allegation(s) was filed, and against whom the allegation(s) was filed; (iv) the name(s) of any witnesses and date(s) of interview(s); (v) the outcome of the investigation (i.e., the

determination of whether the alleged discrimination, including harassment, took place; and if so, whether the discrimination/harassment was based on race, color, and/or national origin; and if so, whether it created a hostile environment for the student); (vi) the date the parties were notified of the outcome of the investigation; (vii) the date(s) and description(s) of any corrective actions taken to stop the discrimination/harassment and prevent its recurrence (e.g., disciplinary action or no contact directive); and (viii) the date(s) and description(s) of any remedial measures taken to address the effects of the discrimination/harassment on the student (e.g., offers of counseling or class assignment changes).

Reporting Requirement: By July 31, 2024, the District will provide to OCR its report under Action Item 7. For each incident reported as required by Action Item 7, the District will promptly and fully address any concerns OCR brings to the District's attention until OCR notifies the District that no further reporting is required for Action Item 7.

The District does not admit, and specifically denies, any wrongdoing or violation of any law, statute, regulation or policy, and is entering into this Agreement for purposes of amicably resolving this complaint.

OCR Monitoring

By signing this resolution agreement (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 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 or 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: 9/29/23

Signed: /s/
Hewlett-Woodmere Public Schools
Ralph Marino, Jr., Ed.D., Superintendent