

Resolution Agreement
OCR Complaint #03151228
Williamsport Area School District

Williamsport Area School District (the District) has agreed to resolve the allegations of disability discrimination raised in complaint #03151228 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District agrees to implement the following steps and to report the results of implementation to OCR. The Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

Anti-Harassment Statement

1. By January 15, 2016, the District will issue a memorandum to all District students, parents, and staff, that will be posted in prominent locations at each school, published on the District's website, and printed in any newsletters the District or individual schools distribute, stating that the District does not tolerate acts of discrimination or harassment based on based on disability. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on disability to report to the District the discrimination or harassment, and note the District's commitment to conducting a prompt investigation. The statement will include appropriate contact information for the designated staff members to whom students and parents may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is filed against the contact person. The statement will state that students or staff found to have engaged in acts of discrimination or harassment based on disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion (for students) and suspension or termination (for staff). The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind.

Reporting Requirement: By January 30, 2016, the District will submit to OCR a copy of the memorandum issued in accordance with Action Step #1 and a distribution list indicating who received the statement.

Training regarding Discrimination and Harassment under Section 504

2. By February 29, 2016, the District will provide training to all teachers (including substitute teachers), administrators, counselors, and any other District personnel charged with supervising students at XXXXXX (the School), or who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of disability discrimination, including harassment complaints. The training will review the District policies and procedures and include instruction on how to conduct and document disability discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the Harassment Policy in accordance with the District's Student Code of Conduct. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so to the designated staff person, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such harassment.

Reporting Requirement: By March 30, 2016, the District will submit to OCR documentation of the training it provided pursuant to Action Step #2. Specifically, the District will provide documentation indicating the dates of the trainings, name and title of the presenter(s)/trainer(s), the sign in sheets reflecting employee name and titles, the topics covered during the training sessions and copies of the materials used in the training.

Student-Focused Remedies for Disability Harassment

3. By February 15, 2016, the District will create a committee to discuss and address matters concerning discrimination or harassment on the basis of disability, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The committee will consist of District level administrators with knowledge, responsibilities and authority relevant to the duties of the committee, representative administrators, faculty members, and parents/guardians from the School and such other individuals as the District determines appropriate, such as students, volunteers guidance counselors, school nurses, or athletic coaches.
4. By February 15, 2016, the District shall devise a student forum for students to be facilitated by the designated person to be used on an annual basis for students to assess and discuss the presence and effect of harassment based on disability within the School and promptly and effectively address any concerns or problems raised by students regarding harassment, including disability-based harassment by initiating an investigation if a complaint has been raised or taking proactive steps to address the concerns raised by the students. The forum will provide an orientation program which will address harassment, including disability harassment, to promote respect and tolerance for others and to avert the establishment of a hostile environment based on disability for students.

Reporting Requirements: By March 30, 2016, the District will submit the committee's proposed recommendations developed pursuant to Action Step #3 to OCR, along with an explanation of how the District intends to implement the recommendations, as well as the names of the committee members and the name of the person delegated responsibility for the student forum.

By March 15, 2016, March 15, 2017 and March 15, 2018, the District will submit to OCR findings from its student forum discussion and a report demonstrating how the District responded to, or addressed any concerns raised in the student forum pursuant to Action Step #4.

Individual Remedy

5. x – paragraph redacted – x
6. x – paragraph redacted – x
x – paragraph redacted – x

Grievance Procedures

7. The District will revise its grievance procedures for addressing complaints of disability discrimination (including harassment) to include an assurance that the District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirements: By January 30, 2016, the District will submit to OCR for its review and approval, a copy of its grievance procedure revised pursuant to Action Step #7.

Within 60 calendar days of written approval from OCR that the revised disability grievance procedures referenced in Action Step #7 are consistent with Section 504, the District will provide OCR with documentation that it has implemented Action Step #7 above, including copies of the written notices issued to students and employees regarding the revised procedures and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the revised procedures are located.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this 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 of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.7(b) and Title II at 28 C.F.R. §§ 35.107(b) and 35.130, which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.4(a) and 104.7(b), and Title II at 28 C.F.R. §§ 35.107(b) and 35.130, which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9 and 100.10) or judicial proceeding to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/

Superintendent or Designee

December 16, 2015

Date