

## **Resolution Agreement #05-14-1139**

The U.S. Department of Education, Office for Civil Rights (OCR) and Westfield-Washington Schools (the Corporation) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Corporation. Nothing contained in this Agreement shall be considered, construed as or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act by the Corporation with regard to the allegations in this complaint. The Corporation assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d – 2000d-7 (Title VI), and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin by a recipient of Federal financial assistance:

1. By September 1, 2018, the Corporation will provide access to a statement (Anti-Harassment Statement) to all of its parents, students, administrators, and staff, including sending it electronically to all parents, administrators, and staff, and will post the statement in prominent places at the Corporation and on its website, stating that the Corporation does not tolerate unlawful harassment in any Corporation program or activity, by any student or employee. The Anti-Harassment Statement will encourage any student who believes he or she has been subjected to harassment to report the incident(s) to the Corporation and note the Corporation's commitment to conducting a prompt investigation. The Anti-Harassment Statement will identify those responsible for investigating complaints of harassment, and will warn that students or employees who retaliate against individuals who report harassment will be promptly disciplined.

**REPORTING REQUIREMENT:** By September 16, 2018, the Corporation will provide documentation to OCR that the statement referenced in this item has been issued, including a copy of the message sent to all parents, administrators, and staff, relevant pages of the Corporation's website, and documentation of the postings in the Corporation.

2. By September 1, 2018, the Corporation will review and, as necessary, revise the relevant sections of its policy relating to racial harassment to ensure that they adequately address any incident of unlawful harassment prohibited by Title VI and provide for appropriate response to complaints alleging such harassment. The Corporation will also review and revise its procedures providing for prompt and effective response to student complaints alleging any action which would be prohibited by Title VI to ensure any responsive action is consistent with policy.

**REPORTING REQUIREMENT:** By September 16, 2018, the Corporation will submit its revisions, if any, to its policy and procedures to OCR. By October 15, 2018, the Corporation will provide documentation to OCR that it is implementing the revised policy and procedures and has provided access to the revised policy and

procedures to all Corporation students, parents, administrators, and staff, included them by reference in its student handbook, and posted them in a prominent location on the Corporation's website and has made them available at each Corporation school.

3. By September 1, 2018, the Corporation will take steps to determine whether the student who was the subject of this complaint (Student A) was subjected to harassment prohibited by Title VI on a school bus during the XXXXX academic year. If the Corporation determines that Title VI harassment of Student A did not occur, it will provide Student A's parent written notice of its determination and an opportunity to appeal the determination. The written notice may be provided to the last known mailing address of the parent. If the Corporation determines that Title VI harassment occurred and created a hostile environment, the Corporation will provide a written determination to Student A's parent and will invite Student A's parent to identify any remedial actions necessary as a result of the harassment. The Corporation will provide Student A's parent written notice of its determination of whether the remedial actions are necessary for Student A and of the timeframe for providing such actions, and will implement the remedial actions as specified in the timeframe.

**REPORTING REQUIREMENT:** By September 16, 2018, the Corporation will provide documentation to OCR that it has completed the actions required by this item, including an explanation for decisions made, and provide a description of and schedule for providing remedial actions to Student A, if any. By November 15, 2018, the Corporation will document that it has taken all remedial actions, if necessary, in response to the findings.

4. By September 1, 2018, the Corporation will provide effective professional development to all employees who are directly involved in the response to allegations of harassment prohibited by Title VI. The professional development will review the Corporation policies and procedures referenced in Item #2 of this Agreement.

**REPORTING REQUIREMENT:** By September 16, 2018, the Corporation will provide documentation to OCR that it has provided the professional development required by this item, including the dates of the professional development, the names and titles of those that facilitated the professional development, an outline of the substance covered during the professional development, and a list of Corporation employees who participated in the professional development.

The Corporation 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 the Agreement. Further, the Corporation understands that, during the monitoring of this Agreement, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation has fulfilled the terms of this Agreement. Upon the Corporation's satisfaction of the commitments made under this Agreement, OCR will dismiss this case.

The Corporation 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, 100.10) or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR will give the Corporation 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 Corporation's representative below.

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On Behalf of the Corporation

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Date