

RESOLUTION AGREEMENT
Queens Grant High School
OCR Case No. 11-16-1240

The Queens Grant High School, a public charter school (the School), agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-16-1240. This Agreement does not constitute an admission by the School of a violation of Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act of 1990 (Title II), or any other law enforced by OCR.

SECTION 504 POLICY AND PROCEDURES

1. By December 1, 2016, in accordance with 34 C.F.R Section 104.7(b) and 28 C.F.R Section 35.107, the School will develop a grievance procedure, to be incorporated into its Student Handbook (the Handbook), to provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504 or by Title II, including harassment, and will include, at a minimum:
 - a. a notice that the procedure applies to complaints of disability discrimination, including disability harassment;
 - b. a notice that explains against whom a complaint may be filed and if different based on status (employee, student, third party), then describe in detail how to file based on the respondent's status;
 - c. an explanation of how to file a complaint under the procedure; if required that a complaint must be written, provide a notice that assistance will be provided and how to obtain that assistance;
 - d. the name or title, office address, and telephone number of the individual with whom to file a complaint; if more than one procedure applies, provide a clear written description of each procedure along with the name or title, office address, and telephone number of the individual with whom to file a complaint;
 - e. an assurance that the School will put in place when applicable interim measures while investigating a complaint along with examples of what might be appropriate interim measures;
 - f. an assurance that the School will take steps to prevent recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate; including in instances where the same or similar external complaints have been filed; and,
 - g. a statement discussing confidentiality of the process.

REPORTING REQUIREMENT: By October 21, 2016, the School will submit for OCR's review and approval a draft of its grievance procedure.

2. Within 15 days of OCR's approval of the grievance procedure, the School will widely publicize the procedure by: revising the Student Handbook, either online or in print form; sending written notification to the School community, including teachers, staff, administrators, students, and parents; at the next regular printing of publications, publishing

the procedure; and posting a link to the procedure in an easily accessible location on the School's website. In so doing, the School will ensure that there is a clear explanation, including cross-referencing related policies and procedures, for how an individual may file a complaint of disability discrimination, including harassment, at the School and what the procedure will be if an individual does so.

REPORTING REQUIREMENT: Within 30 days of finalizing the new or revised procedure, the School will submit to OCR documentation that it has publicized the procedure, including an email link to its website evidencing publication of the procedure and a copy of the written notice to students, employees, and guests.

TRAINING ON THE SCHOOL'S SECTION 504/TITLE II RESPONSIBILITIES

1. By December 16, 2016, the School will provide the teachers, staff, and administrators, training on the requirements of Title II and Section 504 related to addressing allegations of disability discrimination, including on the School's revised grievance procedures.

REPORTING REQUIREMENTS:

- a. By November 30, 2016, the School will submit to OCR for review and approval the proposed training program, including the name and qualifications of the trainer and the training materials, prior to conducting the training.
- b. By January 31, 2017, the School will provide OCR with a report confirming completion of the required training, including: (a) the date of the training session(s); (b) copies of the sign-in sheet(s) with the names and titles of the School personnel who participated in the training session(s); (c) the name, title and qualifications of the staff who provided the training to the School staff; and (d) copies of the agenda and a description of the content of the training, including any training materials disseminated at the training session(s).

TITLE IX POLICY AND PROCEDURES

1. By December 1, 2016, the School will review its sex discrimination-related policies and procedures, to ensure that these policies and procedures provide for prompt and equitable resolution of allegations of sex discrimination, including sexual harassment and gender-based harassment, as required by Title IX. If multiple resolution processes are enumerated in regards to addressing allegations of sexual and gender harassment, the School will provide a description of which procedure is applicable in which situations or cross-reference to the relevant resolution process. The School will revise its existing policies and procedures as necessary, or develop new policies and procedures to, at a minimum, provide for:
 - a. The definition of sexual and gender-based harassment;
 - b. Notice and scope of the procedures, including who may file and who is subject to the procedures;
 - c. To whom an allegation of sexual or gender-based harassment should be addressed, including name, title, and contact information;

- d. Mandatory reporting by teachers, administrators, and staff of alleged sex discrimination of which they become aware, including sexual harassment;
- e. Reasonably prompt timeframes for all major steps in the procedure, including, the investigation;
- f. Adequate, reliable, impartial investigation;
- g. Interim measures pending the outcome of an investigation;
- h. Protection against retaliation;
- i. Confidentiality;
- j. An assurance that the School will take steps to prevent the recurrence of any sexual and gender-based harassment and correct its discriminatory effects on the complainant, and others if appropriate, and eliminate any hostile environment;
- k. Written notice to the parties of the outcome of the investigation;
- l. If the process includes an appeal, equitable appeal rights for the parties;
- m. The name, title, and contact information at the School for the individual designated to answer questions related to the School's Title IX policy and procedures; and
- n. The name, title, and contact information for the School's Title IX Coordinator.

REPORTING REQUIREMENT: No later than **October 21, 2016**, the School will provide OCR with its proposed procedure for review and approval.

2. Within 15 days of OCR's approval of the revised policies and procedures as provided in the previous section (TITLE IX POLICY AND PROCEDURES, Item 1), the School will widely publicize the policies and procedures by: updating its Student Handbook, either online or in print form; sending written notification to students, parents, and employees; at the next regular printing of publications directed at students and parents, publishing the policies and procedures; and posting a link to the policies and procedures in an easily accessible location on the School's web site. In so doing, the School will also provide a clear explanation, including cross-referencing related policies and procedures, for how a parent or student may file a complaint of sexual harassment in the School and what the procedure will be if a parent or student does so.

REPORTING REQUIREMENT: Within 30 days of publicizing the policies and procedures pursuant to the preceding paragraph, the School will submit to OCR documentation that it has publicized these policies and procedures, including an email linking to its website evidencing publication of the policies and procedures and a copy of the written notice to students, parents and employees.

3. By no later than December 1, 2016, the School will develop a written procedure for the Title IX Coordinator and other designated School administrators on how to investigate and respond to complaints of sexual and gender-based harassment. The procedure will include:
 - a. The definition of sexual and gender-based harassment;
 - b. A clarification that mediation is not an appropriate approach for resolving complaints of sexual and gender-based harassment unless it is mutually agreeable and the allegations do not involve complaints of assaults and other sexual violence;

- c. A statement that the School’s obligation to respond to complaints of sexual and gender-based harassment does not change when the alleged student victim withdraws or graduates from the School;
- d. A process for investigating and documenting sexual and gender-based harassment allegations, including how to conduct interviews with the alleged harasser, victim, and other witnesses; the responsibility to keep the parties informed about the status of the investigation; the implementation of any interim measures; applying a preponderance of the evidence standard for determining whether harassment occurred; and notifying the parties of the outcome;
- e. A direction to follow the investigative procedure regardless of whether the alleged harassment is also being investigated by a law enforcement agency, unless the fact-finding process would impede the law enforcement investigation; in such cases the School will implement appropriate interim steps to provide for the safety of the victim and the school community and the avoidance of retaliation; the School will promptly resume its Title IX investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering portion of its proceeding;
- f. A plan, outlining steps and associated time frames, for the creation of a centralized database in the School in which documentation of School investigations and outcomes of sexual and gender-based harassment allegations are compiled and maintained (the Plan);
- g. The creation of an interim system of centralized data collection that documents School investigations and outcomes of sexual and gender-based harassment allegations. The School will implement this interim system until the plan required in provision 3.f. of the Policies and Procedures section is fully implemented and the centralized database operational;
- h. The steps necessary to ensure that the school environment is free from harassment, including disciplinary measures for the harasser, remedies for the victim (such as counseling, expunging disciplinary records, tutoring services, and separating the students), and environmental measures for the student body; and
The School personnel (by name and title), including that of the Title IX Coordinator, responsible for coordinating the School’s responses to complaints of sexual and gender-based harassment.

REPORTING REQUIREMENT: By October 21, 2016, the School will provide OCR with its proposed written procedure and its proposed Plan, referenced in Provision 3.f of the Policies and Procedures section, and a description of its interim system, referenced in Provision 3.g of the Policies and Procedures section, for OCR’s review and approval.

4. Within 15 days of OCR’s approval of the procedure, the School will post this procedure on its website and distribute this procedure to the Title IX Coordinator, all administrators, and any individuals responsible for investigating and/or responding to sexual and gender-based harassment complaints.

REPORTING REQUIREMENT: Within 30 days of OCR’s approval of the procedure, the School will provide documentation to OCR that it posted this procedure on its website and distributed this procedure to the Title IX Coordinator, all administrators, and any

individuals responsible for investigating and/or responding to sexual and gender-based harassment complaints.

5. Immediately upon OCR's approval of the interim system referenced in Provision 3.g of the Policies and Procedures section, the School will begin implementation of the interim system and then implement the Plan once it is approved by OCR and the centralized database is operational.

REPORTING REQUIREMENT: Within 30 days of OCR's approval of the Plan, the School will provide OCR with documentation regarding a status update on implementation of the Plan.

6. By December 1, 2016, the School will develop a description of the Title IX Coordinator's responsibilities and training requirements (or, if such a description already exists, ensure that its description includes), at a minimum, the coordination of investigations of all Title IX complaints, and regularly developing and participating in activities designed to raise awareness in the School's community about student-to-student sexual and gender-based discrimination and harassment. If the School does not already have such a description, the School will develop one. If the School decides to designate these responsibilities to another employee, it will make clear the scope of each designated individual's duties and will ensure that the Title IX Coordinator has ultimate oversight responsibility over such issues.

REPORTING REQUIREMENTS:

- a. By December 15, 2016, the School will provide OCR with documentation that it has implemented this item, including the name and title of the Title IX Coordinator or designee(s) and a copy of the job descriptions and training requirements for the position(s) for review and approval.
- b. Within 15 days of OCR's approval of the Title IX Coordinator's description, the School will provide OCR with documentation that the School's Title IX Coordinator has met these requirements.

TITLE IX EDUCATION AND TRAINING

1. By December 16, 2016, the School will provide mandatory Title IX training (including training on sexual and gender-based harassment, how to conduct and document a sexual harassment investigation, the appropriate standards to determine whether a sexually hostile environment exists and how to formulate any corrective actions) to its Title IX Coordinator and all School personnel involved in processing, investigating, and/or resolving complaints of sexual harassment, including, but not limited to the principal and assistant principals, or any other individual who will otherwise coordinate the School's compliance with Title IX regarding complaint investigations.
2. By December 16, 2016, the School will provide Title IX training to all School instructional, paraprofessional, and counseling staff. At a minimum, the training will include:
 - a. Guidance to increase awareness of what constitutes sexual harassment and gender-

based harassment among students or involving a student victim, including the hostile environment theory;

- b. A review of the School’s responsibility under its own revised Title IX policies and procedures to address allegations of harassment, including specific guidance on the School’s grievance procedures, the School’s responsibility for responding to sexual harassment whether or not a grievance is filed and regardless of whether the actions are potentially criminal in nature, how to report possible harassment, and how to respond to harassment; and,
- c. Notice that failure to respond appropriately to sexual harassment violates the School’s policy and federal law.

REPORTING REQUIREMENTS:

- a. By November 30, 2016, the School will provide OCR with the name and qualifications of the trainer and an outline of the training content for OCR approval.
- b. By January 31, 2017, the School will provide copies of sign-in sheets or other documentation of participation from each training session.

The School understands that OCR will not close the monitoring of this Agreement until OCR determines that the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, Title IX, Section 504, and Title II, at 34 C.F.R. Part 100, 34 C.F.R. Part 106, 34 C.F.R. Part 104, 28 C.F.R. Part 35.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that during the monitoring of this Agreement, OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the School has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, Title IX, Section 504, and Title II, at 34 C.F.R. Part 100, 34 C.F.R. Part 106, 34 C.F.R. Part 104, 28 C.F.R. Part 35, which was at issue in this case.

The School 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 this Agreement, OCR shall give the School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/S/_____ Date: _____9/29/16_____

Dr. Michael Smith, Principal