

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JM and AM, etc., et. al.

Plaintiffs,

vs.

LAKELAND CENTRAL SCHOOL DISTRICT,
et. al.,

Defendants.

Civil Action 05-CV- 733
(CLB)

SETTLEMENT AGREEMENT
AND ORDER

WHEREAS the plaintiffs commenced the above-referenced action on Jan. 21, 2005, by Complaint alleging that the defendants failed to properly address instances of student-on-student gender discrimination or anti-Semitism involving the student plaintiffs, and

WHEREAS the defendants have answered the Complaint and have denied that they failed to properly address instances of student-on-student gender discrimination or anti-Semitism involving the plaintiffs or otherwise, and

WHEREAS the parties have reached an amicable resolution of the underlying dispute in the above-referenced action ,

IT IS HEREBY STIPULATED AND AGREED by the undersigned parties to this action, by and through their counsel, and ORDERED by the Court as follows:

1. To the extent that it has not already done so, no later than 60 days after the so ordering of this Stipulation by the Court, the defendant Lakeland Central School District (hereinafter "District") will adopt and implement a policy that specifically prohibits discrimination and/or harassment on the basis of gender, race, religion and/or national origin, including but not limited to discrimination or

harassment based upon anti-Semitism; which policy will specifically prohibit such acts of discrimination or harassment by students upon other students, as well as by staff and faculty against students.

2. Commencing no later than during the 2006-2007 school year and continuing for a period of no less than two years thereafter, the District will conduct a program of in-service training of all its personnel designed to educate them on how to avoid, recognize and address acts of discrimination or harassment based upon gender, race, religion and/or national origin, including but not limited to discrimination or harassment based upon anti-Semitism.

3. Commencing no later than during the 2006-2007 school year, the District will conduct a program of in-school training and education of students in its middle school(s) and high schools designed to educate them on how to avoid, recognize and address acts of discrimination or harassment based upon gender, race, religion and/or national origin, including but not limited to discrimination or harassment based upon anti-Semitism. A model for such a program is acknowledged by the parties to be represented by the World of Difference Institute Peer Training Program that the District has already contracted for with the Anti-Defamation League of B'nai B'rith.

4. The in-service program for personnel and the in-school program for students referred to, respectively, in paragraphs 2 and 3 above will include among its particulars a focus upon treating all forms of discrimination or harassment based upon gender, race, religion and/or national origin, including but not limited to discrimination or harassment based upon anti-Semitism, with equal seriousness and responsiveness, and how to identify, prevent, address and report incidents of any and all such discrimination or harassment.

5. The policy referred to in paragraph 1 above and the in-service program for personnel and

the in-school program for students referred to, respectively, in paragraphs 2 and 3 above will include a directive that students and District personnel are obligated and required to report any and all incidents of discrimination or harassment based upon gender, race, religion and/or national origin, including but not limited to discrimination or harassment based upon anti-Semitism, through procedures that the District shall maintain and publish in its Student Handbook and/or the student's Code of Conduct and other appropriate school handbooks and/or codes. These publications shall specifically set forth the aforesaid policy.

6. The District shall, to the extent it has not already done so, establish, and shall maintain, a complaint procedure to address incidents of discrimination or harassment based upon gender, race, religion and/or national origin, including but not limited to discrimination or harassment based upon anti-Semitism, which shall include a formal complaint procedure by which students, parents and/or personnel may report such incidents, a procedure by which such complaints can be investigated and determined and a penalty recommended for consideration by the District, a methodology by which the alleged victim and perpetrator of the incident may be notified of the results of any investigation and of any determination, and an avenue of appeal by either the complainant or the alleged perpetrator to the Superintendent of Schools or his designee.

7. The implementation of the in-service program for personnel and the in-school program for students referred to, respectively, in paragraphs 2 and 3 above shall be subject to oversight during the period between the Court's so ordering this Stipulation and the conclusion of the 2008-2009 school year by the Court (i.e., on or about June 30, 2009), either by the Hon. Charles L. Brieant, U.S.D.J. or such other judicial officer of the Court as the Court may designate. The Court shall be authorized to make such orders as are required to assure the District's compliance with the

undertakings set forth herein.

8. The District shall report to the Court and counsel for the plaintiffs no later than January 1 of each year commencing January 1, 2007 and ending January 1, 2009 upon the actions it has taken to comply with the undertakings set forth herein. The report shall include an identification and description of the in-service program for personnel and the in-school program for students referred to, respectively, in paragraphs 2 and 3 that was implemented and the dates on which it was held.

9. The defendants shall pay to counsel for the plaintiffs the sum of \$ [REDACTED] as and for the plaintiff's reasonable attorney fees and costs.


10. The entry into this Stipulation shall not be considered an admission by the defendants, or any of them, that they engaged in any violation of any law or regulation, but shall be considered an effort by the defendants to amicably resolve the plaintiffs' dispute with them.

CRB/USD 11. The plaintiffs shall each execute a general release in the form ^{*reasonably approved by Defendants*} attached hereto by which ^{*attorney*} they shall release the defendants from any and all claims they have or may have against the defendants as of the date of the execution of this Stipulation.

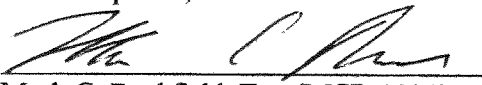
12. The Court is hereby authorized to enter an order dismissing this action with prejudice.

WHEREFORE, the agreement of the parties is evidenced by the signatures of their counsel below.

Dated: April 7, 2006


Peter D. Hoffman, Esq. (PH8306)
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Dated: April 7, 2006


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SO ORDERED
on April 7, 2006

Charles L. Briant

Hon. Charles L. Briant, U.S.D.J.