

**Voluntary Resolution Agreement  
Union County Public Schools  
OCR Complaint No. 11-13-1185**

Union County Public Schools (the District) voluntarily agrees to enter this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-1185. The District's determination to enter into the Agreement is not an admission that the District has violated Title II or Section 504. The District denies it has violated the law, and OCR has not made any findings that the District is in violation of the law. OCR's case processing manual provides that a complaint may be resolved before the conclusion of an investigation when a recipient of federal funding expresses an interest in resolving the complaint. In this case, OCR and the District have entered this Agreement based on the District's expressed desire to expeditiously resolve the complaint, and OCR's and the District's common interest in promptly, thoroughly, and impartially investigating and addressing allegations of disability-based harassment. OCR acknowledges and appreciates the affirmative steps the District has taken and will continue to take to address these concerns.

**ANTI-HARASSMENT STATEMENT AND RECORD KEEPING PROCEDURES**

1. The District will post in prominent locations at the District's schools, and publish on the District's website, a statement that the District does not tolerate acts of harassment, including acts of harassment based on disability. The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on disability to report these allegations to the District, and will acknowledge the District's commitment to conducting a prompt, thorough, and impartial investigation. The statement will include the appropriate contact information for the designated staff member to whom students and parents may report. The statement will warn that anyone found to have engaged in acts in violation of the District's policy prohibiting harassment or other acts that create a hostile environment based on disability will be dealt with promptly, including suspension or expulsion. The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind.

**REPORTING REQUIREMENT:** By **December 15, 2013**, the District will provide OCR with its anti-harassment statement for OCR's review and approval. By **February 15, 2014**, the District will provide OCR with documentation that the statement was posted and published, as described above.

2. The District will develop a centralized recordkeeping process for documenting and tracking complaints of disability harassment. The process will require District personnel to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, and the determination, including any corrective and/or disciplinary action taken. The District will also indicate the individual(s) responsible for maintaining and reviewing this information.

**REPORTING REQUIREMENT:** By **March 15, 2014**, the District will provide OCR with its proposed recordkeeping process for OCR's review and approval.

**REPORTING REQUIREMENT:** Within 60 days of OCR's approval of the recordkeeping process, the District will provide training on the approved recordkeeping process to the Section

504 Coordinator, District/School administrators, and instructional staff responsible for investigating and/or responding to disability harassment complaints.

**REPORTING REQUIREMENT:** By **July 1, 2014**, the District will provide to OCR the information in paragraph 2 above regarding each incident of alleged disability harassment which occurred in the 2013-2014 school year.

**REPORTING REQUIREMENT:** Within 30 days of the end of each semester until the monitoring of this Agreement ends, the District will provide OCR with the information described above pertaining to the immediately preceding semester.

## TRAINING

1. The District will develop a Section 504 training program it will provide to District/School administrators, instructional staff, and other appropriate District personnel involved in processing, investigating, and/or resolving complaints of disability harassment. The training will occur during the 2013-14 school year, and annually thereafter, and be targeted to specific school levels and staff responsibilities. At a minimum, the training will include:
  - a. In-depth guidance as to what constitutes disability harassment and the negative impact that it has on the educational environment;
  - b. A focused review of the District's Section 504 grievance procedures, including how to conduct and document an appropriate investigation under appropriate legal standards; and
  - c. Notice that failure to respond appropriately to incidents of disability harassment violates District policy and federal law.

**REPORTING REQUIREMENT:** By **February 15, 2014**, the District will provide to OCR for review and approval, an outline of the training program, along with the name and qualifications of the trainer(s).

**REPORTING REQUIREMENT:** Within 10 days of OCR's approval of the above training, the District will schedule the training. Within 10 days following each training, the District will provide copies of sign-in sheets from each training session.

## INDIVIDUAL STUDENT RELIEF

Within 15 days of the execution of this Agreement, the District will contact the parents of each student who was in the Student's pre-kindergarten class at the School and who is still enrolled in the District and offer to convene an IEP or Section 504 meeting (as appropriate) to assess the student's need for compensatory educational or other services (such as counseling) as a result of the student's experiences in the pre-kindergarten class.

**REPORTING REQUIREMENT:** By **January 1, 2014**, the District will provide OCR a copy of each such letter and notify OCR of each parent's response to the District's offers.

**REPORTING REQUIREMENT:** By **March 3, 2014**, for each student whose parent accepted the offer of an assessment for compensatory services, the District will provide an explanation of its determination of whether the student is eligible to receive compensatory educational services. This explanation shall include copies of all meeting notes where these

issues were addressed; the names and titles of all meeting participants; the information that the District considered in making this determination; the rationale for the determination; and, if applicable, any proposed compensatory educational services designed to address any educational deficiencies (including a proposed timetable for delivery of those services).

**REPORTING REQUIREMENT:** If applicable, 15 days after OCR's review and approval of this information, the District will offer approved compensatory educational services to the parent(s). Within 15 days of offering the compensatory services to the parent(s), the District will submit to OCR a copy of its offer to the parent(s), and any response from the parent(s) to the offer. If any parent(s) accepts any offer for compensatory educational services, by **May 1, 2014**, the District will provide OCR with documentation of its provision of services to the student or any attempts made to deliver such services.

### GRIEVANCE PROCEDURES

The District will revise the procedures to be used to address allegations of disability harassment in educational programs or activities under Section 504 and Title II. The procedures(s) will provide for the prompt and equitable resolution of complaints alleging disability harassment; will include designated and reasonably prompt timeframes for the major stages of the complaint process; will ensure that an adequate, reliable, and impartial investigation is conducted; and will provide the complainant an opportunity to present evidence and witnesses.

**REPORTING REQUIREMENT:** By **February 15, 2014**, the District will submit for OCR's review and comment draft revised procedures as described above. OCR will provide comments within 20 calendar days of the District's submission.

**REPORTING REQUIREMENT:** By **March 15, 2014**, the District will submit to OCR a copy of the final procedures adopted by the District.

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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case. 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 regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case.

