

**Resolution Agreement**  
**OCR Complaint #03141121**  
**Jefferson County Public Schools**

Jefferson County Public Schools (the District) has agreed to resolve the allegations of disability discrimination raised in complaint #03141121 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 of any violation of our regulations by the District.

1. The District recognizes its obligation under Section 504 and Title II to ensure that no person, on the basis of disability, be excluded from participation in, be denied the benefits of, be treated differently from another person, or otherwise be discriminated against in any program or activity. By August 31, 2014, the District will distribute a memorandum to all faculty, staff, and administrators at the xxxxxx xxxxxx xxxxxx which explains that different treatment of students on the basis of disability is a violation of Section 504 and Title II, including their implementing regulations at 34 C.F.R. § 104.4 and 28 C.F.R. § 35.130. The memorandum may be distributed electronically.
2. In accordance with Section 504 at 34 C.F.R. § 104.7(b), the District will submit to OCR for its review a copy of the District's Section 504 grievance procedures, which incorporate appropriate due process standards and provide for the prompt and equitable resolution of complaints alleging any prohibited actions under Section 504. The District's Section 504 grievance procedures should contain the following elements:
  - a. notice to students, parents, and employees of the procedure, including how and where to file a complaint;
  - b. application of the procedure to complaints alleging disability discrimination carried out by students, employees, or third parties;
  - c. adequate, reliable, and impartial investigation, including the opportunity to present witnesses and other evidence;
  - d. designated and reasonably prompt timeframes for the major stages of the complaint process;
  - e. notice to the parties of the outcome of the complaint, and the basis for the decision; and
  - f. an assurance that the recipient will take steps to prevent the recurrence of any prohibited actions and to correct its discriminatory effects on the complainant and others, if appropriate.
3. By August 31, 2014, the District will issue a letter to the Complainant, by certified mail:

- a. Offering counseling services for the Student (evaluation and treatment) xx x xxxxxx xx xxx xxxxx xx, xxxx xxxxxxxx. The letter will inform the Complainant that she has fifteen (15) calendar days from the date of the letter to accept the offer by providing written notice of acceptance to the District.
  - b. Notifying the Complainant of her right to file a complaint of disability discrimination under the District's grievance procedures and providing information about where and how to file such a complaint.
  - c. It is understood that the above offer does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR of any violation of OCR regulations by the District.
4. By September 30, 2014, the District will review the xxxxxxxx xx xxx xxxxx xxxxxx xxxxxxxx xx xxx xxxxx xx, xxxx xxxxxxxx, xxx xxxx xxxxxxxxxxxxxx xxxxx xxxxxxxxxxxxxx xxxxx xxx xxxxxxxxxxxxxx xxxxxxxxx xxx xxxxxxxxxx, xx xxx xxxxxx xxxx xxxx xxxxxxxx xxxx xxx xxxxxxxx xxxx xxxxx.

**Reporting Requirements:**

1. By September 30, 2014, the District will provide OCR with:
  - a. a copy of the memorandum required in Action Step 1, a list of individuals by name and title who received the memorandum;
  - b. a copy of its grievance procedures for OCR's review in accordance with Action Step 2
  - c. a copy of the letter sent to the Complainant, the response (if any), and documentation that counseling was provided (if the offer was accepted), in accordance with Action Step 3; and
  - d. a description of xxx xxxxx xxxxx, xxxxxxxxxxx xxxxxxx xx xxxxxxxxxxx xxxxxxxx xxx xxx xxxxxxxxxxxxxx xxxxxxx xx xxx xxxxx xxxxxx xx xxxxxxxx xx xxxxxxx xxxx, in accordance with Action Step 4.
2. Within 45 calendar days after OCR's approval of the Section 504 grievance procedures, the District will provide OCR with documentation that it has implemented the procedures, including copies of written notices issued to students and employees regarding the approved Section 504 procedures and a description of how the notices were distributed; copies of its approved student and employee handbooks and any other publications where these procedures are published; and a link to its webpage where the approved Section 504 procedures are located. The District will also provide to OCR documentation of its notification to the Complainant of her right to file a disability discrimination complaint.

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 and 104.7, and Title II at 28 C.F.R. §§ 35.107 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 and 104.7 and Title II at 28 C.F.R. §§ 35.107 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 a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_8/21/14\_\_\_\_\_  
Date