

**Resolution Agreement  
Cabell County Schools  
OCR Complaint # 03161263**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Cabell County Schools (the District) enter into this Agreement to resolve Allegation 1 in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Prior to the completion of OCR's investigation of Allegation 1, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issue in Allegation 1 of this investigation, the District agrees to take the following actions.

**Action Step 1**

1. The District will review and revise its grievance procedures to address complaints of disability discrimination, as required by the regulations implementing Section 504 at 34 C.F.R. § 104.7(b) and Title II at 28 C.F.R. § 35.107(b). The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging disability discrimination and will include, at a minimum, the following:
  - a. notice to students 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 employees, other students, or third parties (such as visitors to the District's schools, contractors and volunteers);
  - c. adequate, reliable, and impartial investigation, including the opportunity for both parties 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
  - f. an assurance that the appropriate office will take steps to prevent the recurrence of any discrimination and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirements:**

1. By November 1, 2017, the District will provide OCR with a copy of any revised grievance procedures developed in accordance with Action Step #1 above, for OCR's review and approval.
2. Within 60 calendar days of receiving written notification from OCR of its approval of the District's revised grievance procedures, the District will adopt and implement any revised policies and procedures. The District will, at a minimum, make this notification through the District's website, as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.
3. Within 90 calendar days of OCR's approval of the revised policies and procedures, the District will provide to OCR the URL for the location on the District's website where the policies and procedures are published, and a description of all locations on at the District's schools where copies of the policies and procedures can be obtained.

**Action Step 2**

1. Within 90 days of OCR's approval of the revised policies and procedures, the District will provide training to all staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination, including disability harassment complaints, and any counselors or other personnel who are likely to receive reports of disability discrimination and harassment. The training will review the District policies and procedures referenced in Action Step 1 of this Agreement and include instruction on how to conduct and document disability discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures.

**Reporting Requirements:**

1. Within 30 days after this training has occurred, the District will provide to OCR a report describing the training, including the date, trainer, sign in sheets reflecting the employee names and titles, and copies of the materials used in the training.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulation at 34 C.F.R. § 104.7(b) and Title II at 28 C.F.R. § 35.107(b). Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District 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 District's representative below.

/s/

8/16/2017

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District Superintendent or Designee

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Date

/s/

8/22/2017

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OCR Director or Designee

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Date