

Voluntary Resolution Agreement
Jefferson County Schools
OCR # 03171055, 03171118, 03181343

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Jefferson County Schools (the District) enter into this Agreement to resolve the above-referenced complaints. 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) and Title II of the Americans with Disabilities Act of 1990 (ADA) and their implementing regulations, at 34 C.F.R. Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability and retaliation, and specifically, the following provisions which were at issue in these allegations: 34 C.F.R. §§ 100.7(e), 104.4(a), 104.61, and 28 C.F.R. §§ 35.130(a), 35.134(a), and 35.134(b).

Prior to the completion of OCR's investigation, the District agreed to resolve complaints 03171055 (allegation 5), 03171118 (allegations 1 and 3), and 03181343 pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve these allegations, the District agrees to take the following actions.

Action Step # 1 - Issuance of Memorandum

The District acknowledges its obligation not to retaliate against the Complainant with respect to her employment at the District generally and, more specifically, in any application(s) for employment with the District.

The District confirms that it complies with the following provision of the Section 504 implementing regulations prohibiting retaliation:

No recipient or other person shall intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by [Section 504], or because he has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under this part.

See 34 C.F.R. § 100.7(e), incorporated by reference into Section 504 at 34 C.F.R. § 104.61. The District also confirms that it complies with the following provision of the ADA implementing regulations prohibiting retaliation at 35.134(a), and 35.134(b):

(a) No private or public entity shall discriminate against any individual because that individual has opposed any act or practice made unlawful by this part, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under [Title II of the ADA].

(b) No private or public entity shall coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having

exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by [Title II of the ADA].

By September 30, 2019, the District shall disseminate a memorandum to all District-level employees and to all administrators, teachers and staff at XXXXXXXXXXXXXXXX, stating the following:

- The District and its employees shall not retaliate, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Section 504 or Title II of the ADA, or because the individual has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing under Section 504 or Title II of the ADA;
- The District and its employees shall not discriminate or retaliate against any individual because that individual has opposed any act or practice made unlawful by Section 504 or Title II of the ADA;
- The protections against retaliation apply to any individual, including students, persons who act on their behalf and employees; and
- The District shall include an express statement in this memo indicating that it will not retaliate against individuals with respect to their employment at the District generally and, more specifically, in any application(s) for employment with the District.

Reporting Requirement

Within 14 days disseminating the memorandum, the District shall submit to OCR a copy of the memorandum, a list of the names and titles of the persons who received the memorandum, an explanation of the manner in which it was distributed and the date it was disseminated.

Action Step #2 – Anti-Harassment Training for XXXXXXXX

By September 30, 2019, the District will provide anti-harassment training for the XXXXXXXX XXXXXXXXXXXXXXXXXXXXXXXX. The District's Section 504 Coordinator, or an individual trained on Section 504 and the ADA, will train XXXXX on the meaning of disability harassment, including the definition of disability and examples of disability harassment.

Reporting Requirement

Within 14 days of the training, the District shall submit to OCR an explanation of the training provided to XXXXXX, including the name, title and qualifications of the individual who provided the training as well as any materials used during the training.

XX – Paragraphs Redacted – XX

Conclusion

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 the 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 and obligations of this Agreement and is in compliance with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (ADA) and their implementing regulations, at 34 C.F.R Part 104 and 28 C.F.R. Part 35, which prohibit discrimination based on disability and retaliation, and specifically, the following provisions which were at issue in these allegations: 34 C.F.R. §§ 100.7(e), 104.4(a), 104.61, and 28 C.F.R. §§ 35.130(a), 35.134(a), and 35.134(b). Upon the District's satisfaction of the commitments made under the Agreement, OCR will close and dismiss this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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/

Superintendent or Designee

7/17/19

Date