

**Resolution Agreement**  
**Elliott County Board of Education**  
**OCR Docket #03-17-1343**

The United States Department of Education, Office for Civil Rights (OCR) and the Elliott County Board of Education (the District) enter into this Agreement to resolve 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) and Title II of the Americans with Disabilities Act of 1990 (the 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 by recipients of Federal financial assistance.

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

**Action Steps**

**Staff Training**

1. By May 1, 2018, the District will provide training to all administrators and staff at the District's XXXXXX who are responsible for receiving reports of and processing, investigating and/or resolving complaints of disability discrimination and/or reports of harassment and bullying based on disability. This training will specifically address how to recognize when a complaint of disability harassment/discrimination is being made and will identify the District's policies and procedures that are used to file and investigate these complaints. The training will address the responsibility of staff and administrators to investigate all incidents of possible disability harassment or complaints of disability harassment of which they become aware. The training will also specifically address the appropriate techniques for promptly responding to and investigating allegations of harassment in accordance with the District's policies and procedures, including timelines, responsibilities, documentation, interviewing victims, the accused, and witnesses, analyzing the information obtained during investigations, making findings and providing notice of its determination to the parties in the complaint. The training will also address steps that can be taken to prevent and respond appropriately to disability harassment grievances which have been filed under the District's anti-harassment and bullying policies and procedures, including the provision of appropriate relief where such complaints have been substantiated.

REPORTING REQUIREMENT: By June 1, 2018, the District will provide OCR with documentation indicating that it has provided the District personnel identified in Action Step 1 with the training required in Action Step 1, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

XXXXXX

2. XX – paragraphs redacted – XX

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 regulations at 34 C.F.R. §104.4(a) and (b), and Title II implementing regulation at 28 C.F.R. §35.130 (a) and (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/

1/17/2018

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date

/s/

1/23/2018

\_\_\_\_\_  
Philadelphia OCR Director

\_\_\_\_\_  
Date