

**Resolution Agreement  
Sevier County Schools (TN)  
OCR Complaint # 04-13-1304**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated the above-referenced investigation of Sevier County Schools (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit recipients of Federal financial assistance from the Department from discriminating on the basis of disability; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

The District agrees to take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment, on the basis of disability, and to respond to allegations of harassment on the basis of disability. To this end, the District will promptly investigate all incidents and complaints of harassment of students on the basis of disability that are known or reasonably should have been known to the District and will take appropriate action to respond to complaints. Such action may include disciplinary action against staff or students found to have violated its anti-harassment policies and procedures or otherwise engaged in harassment in violation of Section 504 or Title II. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. The District will take prompt and effective responsive action reasonably designed to end the hostile environment, if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student(s). Accordingly, to ensure compliance with Section 504 and Title II and their respective implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

**Notice of Nondiscrimination**

1. By **November 15, 2014**, the District will publish its notice of nondiscrimination on the bases of race, color, national origin, disability, age, and sex, and the title, address, and phone number/email of the person(s) responsible for coordinating the District's compliance with Section 504 and Title II in its student handbook (print and any other media format which is available to students) and website.

**REPORTING REQUIREMENT:** By **November 30, 2014**, the District will provide a copy of its revised Student Handbook that includes its notice of nondiscrimination on the basis of race, color, national origin, disability, age, and sex, and the title, address, phone number/email of the person(s) responsible for coordinating compliance with Section 504, and Title II and a link to the website page containing the notice.

### **District Statement Regarding Harassment on the Basis of Disability**

2. By **November 30, 2014**, the Superintendent and School Board will issue a statement to the District's students, parents and staff that will be printed in the District's newsletter, website and student handbook and posted in prominent locations in the District, stating that the District does not tolerate harassment on the basis of disability. The statement will encourage any student who believes that he or she has been subjected to harassment on the basis of disability to report the harassment to the District, and note the District's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the individual designated to receive complaints of harassment on the basis of disability. The statement will warn that students or employees found to have engaged in acts of harassment on the basis of disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion for students or suspension or termination for employees. The statement will encourage students, parents and School staff to work together to prevent harassment on the basis of disability. The School will distribute this statement in languages other than English, as necessary.

REPORTING REQUIREMENT: By **December 15, 2014**, the District will provide OCR with a copy of the statement referred to in Item 2 along with a description of where the statement was published.

### **Grievance Procedures**

3. By **November 15, 2014**, the District will develop and submit to OCR for its review and approval draft grievance procedures to address discrimination and harassment complaints under Section 504 and Title II alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors). The District will ensure that these procedures provide for the prompt and effective resolution of all complaints and will include, at a minimum, the following:
  - a. notice to students, parents and employees of the procedures, including where complaints may be filed;
  - b. application of the procedures to complaints of discrimination (including harassment) carried out by employees, students or third parties;
  - c. provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
  - d. designated and reasonably prompt timeframes for the major stages of the investigation;
  - e. written notification to the complainant and subject of the complaint of the outcome of the investigation; and
  - f. an assurance that remedial action will be taken to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination will be taken; such remedial action may include, as appropriate, disciplinary sanctions up to and including termination of employment if the harasser is an employee, strategies to protect the individual subject to the harassment and any witnesses from retaliation, counseling for

the victim of the harassment, other steps to address any impact on the victim of the harassment, any witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

**REPORTING REQUIREMENT:** Within 45 days of OCR's approval of the procedures developed in accordance with Item 3 above, the District will adopt and publish its grievance procedures in accordance with the requirements of Section 504 and Title II.

### **Anti-Harassment Policy**

4. By **November 15, 2014**, the District will revise its anti-harassment in its student handbook (print and any other media format which is available to students), Policy Manual and website to include the prohibition of discrimination and/or harassment on the basis of disability.

**REPORTING REQUIREMENT:** By **November 30, 2014**, the District will provide a copy of its revised Student Handbook, Policy Manual and a link to the website page containing the anti-harassment policy revised in accordance with Item 4.

### **Training**

5. By **March 15, 2015**, or within 60 days of OCR's approval of the procedures developed in accordance with Item 3 above, whichever is later, the District will initiate annual training for students, administrators, faculty and staff regarding its new procedures developed in accordance with Item 3 of this Agreement and Section 504 and Title II legal standards prohibiting harassment on the basis of disability. The training will include examples of the types of conduct (e.g., physical, verbal, graphic, or written) which may create a hostile environment based on disability, cover the District's obligation to eliminate a hostile environment of which it has notice, including constructive notice based upon involvement of an employee in creating the hostile environment; and the obligation of faculty and staff to report any incidents of harassment under Section 504 and Title II to School/District administrators.

**REPORTING REQUIREMENT:** By **March 30, 2015**, the District will provide OCR with a report confirming the initiation of the annual training, including: (a) the background and qualifications of the presenters/trainers; (b) a copy of the transcript(s)/materials used for the training; (c) a sign in log with name and title of all administrators, faculty and staff who completed the training; and (d) for student training, a count of students attending the training at each school.

### **Training of Applicable Staff Regarding Proper Investigative Techniques**

6. By **March 15, 2015**, the District will initiate annual, mandatory training for all School administrators and staff responsible for conducting the investigations of complaints alleging discrimination or harassment on the basis of disability on (a) the duty to investigate such allegations (verbal or written), and (b) how to conduct the investigation of discrimination or harassment complaints or reports.

**REPORTING REQUIREMENT:** By **March 30, 2015**, the District will provide OCR with a report confirming the completion of the training required under Item 6 above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of applicable staff who participated in the training session; and (3) a copy of the agenda and training materials disseminated.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner to 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(a) and (b)(1)(i)-(ii) and (vii), and the regulation implementing Title II at 28 C.F.R. §§ 35.130(a) and (b)(1)(i)-(ii) and (vii).

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the recipient has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504, at 34 C.F.R. §§ 104.4(a) and (b)(1)(i)-(ii) and (vii), and the regulation implementing Title II at 28 C.F.R. §§ 35.130 (a) and (b)(1)(i)-(ii) and (vii), 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, 100.10), or judicial proceedings 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.

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**Superintendent or Designee**

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**Date**