

**Resolution Agreement
Sylacauga City School District
Complaint #04-13-1724**

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against Sylacauga City School District (District) alleging disability harassment and retaliation at Sylacauga High School (School) pursuant to 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), as amended, 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District asked to resolve the compliance concerns of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Section 504 and Title II and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

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 disability harassment. To this end, the District will promptly investigate all incidents and complaints of disability harassment of students the District knows of or reasonably should be known to the District, and the District will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff found to have violated its anti-harassment policies and procedures. 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, the District agrees to the following:

Individual Remedies:

1. **By May 14, 2014**, the District will conduct an investigation of the allegations of disability harassment against the Student as alleged in this complaint. The District will interview students from the Student's football team and other witnesses to the alleged harassment in accordance with the revised and OCR-approved grievance procedures detailed in the resolution agreement for complaint #04-11-1080. The District will allow the Student and/or Complainant, and the alleged harasser to provide witness names in accordance with the revised and OCR-approved grievance procedure detailed in the resolution agreement for complaint #04-11-1080. If the District finds that any harassment or a hostile environment occurred with respect to the Student as alleged, it will take appropriate remedial action to end the harassment and prevent its recurrence.

REPORTING REQUIREMENT: By **May 23, 2014**, the District will submit for OCR's review and approval a copy of all documents related to its investigation detailed in Item #1 above, including the resolution or conclusions it reached in the

investigation, the rationale behind its conclusions, and documentation regarding any actions taken to remedy and prevent any found harassment and hostile environment. The District will also provide a copy of any documentation pertaining to the discipline and counseling of the alleged harasser.

2. By May 14, 2014, the District will send a letter via certified mail to the Complainant:

- A) explaining that the District will be conducting a thorough investigation of her complaints of disability harassment raised during August 2013;
- B) offering to provide counseling services to the Student through District counseling services, or alternatively, at the discretion of the District, other qualified counseling services, with services to begin no later than May 30, 2014 and continuing through the summer and next school year (2014-2015); and
- C) requesting the Complainant to identify within 30 days, a School/District official, staff member or faculty who the Student wishes to be his designated contact person to whom he can feel comfortable to report any harassing conduct, and the District will designate this person as the Student's liaison.

REPORTING REQUIREMENT: By **May 23, 2014**, the District will provide OCR with a copy of the letter sent to the Complainant and documentation showing the identity of the person(s) who will provide the counseling, a summary of that individual's qualifications, and the planned date(s) for each session, as well as documentation showing the name and contact information for the person designated as the Student's contact person.

REPORTING REQUIREMENT: By **May 1, 2015**, the District will submit a report to OCR showing a schedule of all the counseling services provided to the Student.

Training:

3. By September 2, 2014, in addition to the student training required by the resolution agreement for complaint #04-11-1080, the District will provide training for all students at the School on disability harassment, including examples of the type of conduct that may constitute such harassment, the District policy and federal law prohibiting such conduct and the consequences for violations, as well as the appropriate way to report such conduct.

REPORTING REQUIREMENT: By **October 7, 2014**, the District will provide OCR with 1) the date of the training, 2) a list of names of students who attended the training, 3) a description of the presenter's background and qualifications with respect to knowledge of Section 504/Title II and 4) a copy of the agenda and training materials disseminated.

4. By **September 30, 2014**, in addition to the staff training required by the resolution agreement for complaint #04-11-1080, the District will provide training for all teaching and administrative staff at the School on disability harassment, including what constitutes notice of a complaint (verbal or written) of disability harassment, how to identify disability harassment, how to report such complaints, how such complaints should be investigated including interviews, following up on any remedial action taken, and creating a record of the investigations and the results of investigations. This training will also address the fact that retaliation for filing complaints is prohibited by law and District policy.

REPORTING REQUIREMENT: By **October 7, 2014**, the District will provide OCR with 1) the date of the training, 2) a list of names of employees who attended the training, 3) a description of the presenter's background and qualifications with respect to knowledge of Section 504/Title II and 4) a copy of the agenda and training materials disseminated.

System for Tracking and Review of Section 504 Discrimination/Harassment Complaints

5. By **May 14, 2014**, the District will implement a procedure of monitoring and tracking formal and informal complaints of disability discrimination and harassment against students. The monitoring system will track the following components:
 - A) The date of the complaint.
 - B) Description of the complaint (harassment, disparate treatment, etc.).
 - C) Relationship of the complainant and alleged perpetrator.
 - D) Documentation of the response to the complaint, including the investigation findings and reports, steps taken to remedy or prevent harassment and the notification to the parties of the result of the process.
 - E) Date of response to the complainant.

REPORTING REQUIREMENT: By **September 2, 2014**, the District will provide OCR a copy of the form it will use to track responses to complaints alleging discrimination and/or harassment on the basis of disability used in the system of monitoring and tracking formal and informal complaints described in Item #5.

6. By **May 30, 2015**, the District will compile a report of all complaints of disability-based harassment received until that time, including a notation of the District's investigation with findings and actions taken in accordance with Item #5 above.

REPORTING REQUIREMENT: By **June 16, 2015**, the District will provide OCR a copy of the compiled report.

Educational Climate

7. **By September 2, 2014** the District will initiate annual climate surveys at the High School to assess student and staff perceptions concerning the environment at the High School as it relates to disability-based harassment concerns.
- A) The District will develop one or more surveys for all students and staff to assess the presence and effect of harassment, including disability-based harassment, at the High School. The District will develop the proposed survey(s) and submit them to OCR for review and approval;¹
 - B) Upon OCR's approval of the proposed survey(s), the District will administer the Climate Survey to all students and staff at the High School, to be performed annually thereafter, and will encourage participation;
 - C) The District will submit an analysis of the results of the survey(s) to OCR within sixty (60) days of the date the surveys are first administered. Based on the results of the climate survey(s) and any recommendations of OCR, the District will work together in good faith with OCR to agree on appropriate corrective actions by the District to address all climate issues related to disability-based harassment identified through the survey. The District will implement the agreed upon actions and notify OCR of its actions as detailed below.

REPORTING REQUIREMENT: By September 30, 2014 or within 30 days of completion of all items in Item #7, whichever is later, the District will provide to OCR a summary report of the substance of the responses, the response rate by students and teachers/staff for the first annual administration of the survey(s), the District's analysis of the survey results, and the actions agreed upon and implemented by the District to address any found disability-based harassment or hostile environment.

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. Section 104.4(a), (b)(1)(i)-(iv), and 104.61, and the regulations implementing Title II at 28 C.F.R. Section 35.130(a), (b)(1)(i)-(iv), and 35.134 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 recipient has fulfilled the terms of this agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. Section 104.4(a), (b)(1)(i)-(iv), and 104.61, and with the regulation implementing Title II at 28 C.F.R. Section 35.130(a), (b)(1)(i)-(iv), and 35.134 which were at issue in this case.

¹ OCR can provide assistance with a sample survey or template.

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.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or Designee

Date