

**Proposed Resolution Agreement
Bedford County School District, Tennessee
OCR Docket Number 04-16-1584**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Bedford County School District (District), Tennessee enter into this Resolution Agreement (Agreement) to resolve the allegations 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. § 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. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

Procedures for Nondiscrimination

1. By **June 30, 2018**, the District will, subject to OCR's review and approval, revise the definition of "Harassment" as set forth in Board Policy 6.304, so that it complies with OCR standards.
2. By **June 30, 2018**, the District will, subject to OCR's review and approval, revise the District's grievance procedures contained in Board Policy 6.304 and 6.305 as necessary to ensure that they include the following elements: (i) notice of the grievance procedures, including where complaints may be filed; (ii) application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination/harassment carried out by employees, other students, or third parties; (iii) provision for adequate, reliable and impartial investigation of written and oral complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence; (iv) designated and reasonably prompt time frames for the major stages of the complaint process; (v) written notice to the complainant and alleged perpetrator of the outcome of the complaint; and (vi) assurance that the school will take steps to prevent recurrence of any discrimination/harassment and remedy discriminatory effects on the complainant and others, if appropriate.
3. Within 60 days of OCR's approval of the revisions to Board Policy 6.304 and 6.305, the District will adopt, publish and disseminate the revised policy, procedures and notice of nondiscrimination in its electronic and printed materials. For printed materials, inserts may be used pending reprinting.
4. By **November 30, 2018**, if the District complied with paragraph 3 above by using inserts for printed materials, the District will reprint the revised Board Policy 6.304 and 6.305 and will publish and disseminate the reprinted materials.

Reporting Requirements:

- (a) By **June 30, 2018**, the District will provide OCR a draft of the revisions to Board Policy 6.304 and 6.305 for review and approval;
- (b) Within 60 days of OCR's approval of the revisions, the District will provide OCR with evidence of publication and distribution of the revisions, including a link to materials published on the District's website; and, evidence that the District provided notice of the revisions to all of the District's faculty, staff and students; and,
- (c) By November 30, 2018, if the District complied with paragraph 3 above by using inserts for printed materials, the District will provide OCR with a copy of the materials that were reprinted as provided in paragraph 4 above and evidence of publication and distribution of the reprinted materials.

Staff Training

- 5. By **November 30, 2018**, the District will provide training to all faculty and staff regarding its new grievance procedures. At a minimum, the training must address: (a) the requirements of Section 504 and Title II, including the obligation to respond to complaints of disability discrimination/harassment; (b) how the District will address disability discrimination/harassment complaints filed under the grievance procedures; and (c) who to contact with questions about the District's process for reporting or addressing complaints of discrimination and harassment on the basis of disability. The training shall be conducted by a qualified person with expertise in Section 504 and Title II.

Reporting Requirements:

By **November 30, 2018**, the District will provide OCR with documentation demonstrating that the District provided training pursuant to this Action Item #5. The documentation shall include, at a minimum, the following: a) the date, time and location of the training(s); b) an outline of the training and/or copy of the materials disseminated at the training; c) the name(s), title(s), and credentials of the individual(s) who conducted the training; d) the name and title of each individual who attended the training (including dated sign-in sheets with the attendees' names, titles, and work locations); and, e) the total number of staff members not in attendance and the measures taken by the District to ensure that each staff member received the training materials and an opportunity to ask questions to clarify the materials.

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, 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 complied with the terms of this Agreement and is in compliance with the regulation implementing Section 504 at 34 C.F.R. §§ 104.33, 104.35, and 104.36, and Title II at 28 C.F.R. §§ 35.130. 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.

The person signing for the District represents that s/he is authorized to bind the District to this Agreement. This Agreement becomes effective the date of the signature below.

For the Bedford County School District:

Date

Director of Schools
Bedford County School District

Print Name