

**Resolution Agreement
Washington County Schools (TN)
OCR Complaint # 04-17-1422**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Washington County Schools (District), enter into this 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; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d et seq., and its implementing regulation, 34 C.F.R. Part 100.

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

Student Focused Remedies

1. By **November 1, 2017**, the District will remove all documents and entries related to the disciplinary referrals that the Student received XXXXXXXXXXXX, from her educational file.

REPORTING REQUIREMENT: By **November 15, 2017**, the District will submit to OCR documents, which confirm that all documents and entries related to the two referrals were removed from her educational file.

2. By **November 1, 2017**, the District will request that XXXXXXXXX.

REPORTING REQUIREMENT: By **November 15, 2017**, the District will submit to OCR documentation or information to support that the District made the request.

3. By **December 30, 2017**, the District will conduct an investigation to determine whether students and staff engaged in behavior that created a hostile environment for the Student based on her race or disability. The investigation will not be limited to formally reported incidents and will proceed in accordance with applicable Section 504 and Title VI standards. The investigation will include interviews with the Complainant and witnesses she identifies, staff members, and current and former students. The District will prepare written findings and notify the Complainants concerning the outcome of the investigation by January 31, 2018. If the District determines that a hostile environment existed, the District will offer counseling and, in addition, academic or other support services to the Student to remedy the effects of the environment. The amount of time these services are to be provided will be determined by the service provider. If the Complainant consents to such services, the District will immediately begin providing the services. In addition, if applicable, the District in consultation with the Complainant and Student will assess whether any hostile environment

has been fully eliminated and, if needed, develop a plan to protect the Student from any form of future harassment. If the District determines that a staff member harassed the student, the District shall take appropriate disciplinary action against the staff member.

REPORTING REQUIREMENT: By **March 31, 2018**, the District will provide OCR with information indicating that an investigation outlined in Item 3 was conducted along with the findings of the investigation. The District shall also on this date provide to OCR the recommendations that were made regarding counseling services for the Student.

Student Focused Remedies/Compensatory Education

4. By **November 1, 2017**, after providing proper written notice to the Student's parents, a group of knowledgeable persons, including the parents, will determine whether the Student needs compensatory and/or remedial services for the second semester of the 2016-2017 school year as a result of the alleged harassment and bullying.
5. By **November 8, 2017**, if the group determines that compensatory and/or remedial educational services are needed, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond **May 30, 2018**. The plan will identify the type of services to be provided to the Student, including who will provide the services, when the services will be provided, and the starting and projected ending dates of the services. The District will provide the Student's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

REPORTING REQUIREMENT: By **November 15, 2017**, the District will submit to OCR documents supporting the group's decision. The documentation submitted shall include documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to the Student. OCR will, prior to approving the District's decision and plan for providing the proposed services, review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

6. By **May 30, 2018**, the District will provide any compensatory services referenced in Item 5 above.

REPORTING REQUIREMENT: By **June 15, 2018**, the District will provide OCR with applicable documentation demonstrating that compensatory and/or remedial services were provided, a description of the services provided, and the name(s) of the service provider(s).

Training

7. By **April 30, 2018**, the District will initiate annual training of the XXXXXX School administrators, faculty and staff, by OCR or alternatively the Tennessee Department of Education at an agreed upon time and place, on the Section 504, Title II and Title VI prohibitions against discrimination and harassment based on race or disability and retaliation.

REPORTING REQUIREMENT: By **May 15, 2018**, the District will arrange for OCR to provide the initial training required by this Item of the agreement, or alternatively provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of names and titles of the School administrators, faculty, and staff who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of Section 504, Title II, and Title VI; and (4) a copy of the agenda and the training materials disseminated.

8. By **April 30, 2018**, the District will provide training to XXXXX Staff on the District's revised internal grievance procedures referenced in Item 11, below.
9. By **April 30, 2018**, the District will provide training for all employees at XXXXXX School, who are responsible for investigating complaints of harassment or bullying based on race or disability, on how to conduct the investigation of such internal complaints or grievances.

REPORTING REQUIREMENT: By **May 15, 2018**, the District will provide documentation to OCR demonstrating that the District initiated the training described above in Items #7 and #8. The documentation shall include: (1) the date of the training session; and (2) a list of names and titles of the participants in the training sessions.

10. By **April 30, 2018**, the District will initiate annual training for all students at XXXXXXXX School regarding bullying and harassment, including harassment on the basis of race or national origin.

REPORTING REQUIREMENT: By **May 15, 2018**, the District will provide documentation to OCR demonstrating that the District initiated the annual training described above. The documentation shall include: (1) the date of the training session; (2) a list of total number of students, by each grade level, who participated in the training session; (3) a description of the presenter's background and qualifications with respect to knowledge of bullying and harassment based on disability; and (4) a copy of the agenda and the training materials disseminated.

Grievance Procedures & Other Policies

11. By **January 15, 2018**, 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.
- g. Revise the procedures to remove “unreasonably” from prong one of the definition of “discrimination/harassment” in Board Policy 6.305.

REPORTING REQUIREMENT: Within 45 days of OCR’s approval of the procedures developed in accordance with Item 11 above, the District will adopt and publish its grievance procedures in accordance with the requirements of Section 504 and Title II.

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 Section 504 implementing regulation at 34 C.F.R. § 34 C.F.R. § 104.4(a),(b)(1)(i)-(vii); Title II implementing regulation at 28 C.F.R. § 35.130 (a); and the Title VI implementing regulation at 34 C.F.R. § 100.3(a), (b)(1)-(2). 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.

Superintendent or Designee

Date