

Resolution Agreement
Hononegah Community High School District 207
OCR Docket #05-14-1200

Hononegah Community High School District 207 (District) submits the following agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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, 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation raised in the above-referenced complaint.

By voluntarily entering into this Agreement with OCR, the District admits no wrongdoing and has at no time relevant hereto been subject to a finding of violation by OCR. This Agreement is a free and voluntary act which may not be used or construed to suggest that the District has violated Section 504, Title II or its implementing regulations. The District agrees to take the following actions in response to disputed claims as a means of amicably resolving this matter.

The District agrees to take the following actions:

Policies and Procedures

1. Effective immediately, the District will take all steps necessary to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of disability or any other protected class. To this end, by no later than March 20, 2015, the District will review, and revise as appropriate, its anti-harassment and bullying policies and complaint procedures to ensure that once it has notice of possible harassment of students, the District will take immediate and appropriate steps to investigate or otherwise determine what occurred, take prompt and effective steps reasonably calculated to end any harassment, eliminate a hostile environment if one has been created, and prevent harassment from occurring again. The anti-harassment and bullying policies and procedures will include:
 - a. a prohibition of harassment with examples, including disability harassment;
 - b. a description of its grievance procedures and directions how to file a complaint, if appropriate;
 - c. a statement of the application of the policies and procedures to employees, students, or third parties and to incidents that occur on school grounds during and after school hours, at school sponsored events, or at events off school grounds that cause a hostile environment on school grounds;
 - d. a statement that the District will promptly and impartially investigate all incidents of harassment on the basis of disability of which it has notice using a preponderance of the evidence standard;
 - e. a description of designated and prompt time frames for major stages of the investigation;
 - f. a description of interim measures it may take for the person who is the target of the harassment;
 - g. notice that it will provide both parties a written description of the outcome of the investigation;

- h. notice that it will take appropriate action against the individual(s) found to have engaged in harassing behavior, including discipline, counseling, or other actions as appropriate, and will provide an appropriate remedy to the person who is the target of the harassment including counseling and other resources; and
- i. notice of its prohibition against retaliation and intimidation.
- j. a description of the process for how the District will determine whether alleged harassment was based on a protected class, such as disability, rather than general bullying.

REPORTING REQUIREMENT: By March 20, 2015, the District will submit its revised policies and procedures to OCR for review and approval.

- 2. By March 20, 2015, the District will review, and revise as necessary, its policies and procedures to ensure that, if the District has reason to believe that a student may be a student with a disability, the District will adhere to the identification, evaluation, placement and due process procedures in the regulation implementing Section 504 at 35 C.F.R §§ 104.35 and 104.36.

REPORTING REQUIREMENT: By March 20, 2015, the District will submit its revised policies and procedures to OCR for review and approval.

- 3. Within 30 calendar days of written notification of OCR's approval of the revised policies and procedures developed in accordance with Items 1 and 2, the District will adopt and implement the policies and procedures and will provide all administrators, teachers, staff, coaches and athletic staff, students and parents with written notice regarding the new policies and procedures. The revised policies and procedures will also be placed on the District's website and included in the 2015-2016 Handbook.

REPORTING REQUIREMENT: By May 20, 2015, the District will provide OCR with documentation that it has implemented Item 3, including copies of the written notices issued to administrators, teachers, staff, students and parents and a link to the revised policies and procedures on its website.

- 4. By March 20, 2015, the District will review and revise its Student Athletic Handbook to provide that all awards given to a team member by coaches or other team members are consistent with the District's non-discrimination policies and procedures, and will include examples of what is and is not appropriate.

REPORTING REQUIREMENT: By March 20, 2015, the District will provide OCR a copy of the revised section of the Student Athlete Handbook addressing awards for review and approval.

- 5. Within 15 calendar days of written notification of OCR's approval of the modification to the awards requirements, the District will inform all administrators, athletic coaches and staff, and athletes for the spring 2015 season of the change to award section the Student Athletic

Handbook. The revised awards policy will be included in the 2015-2016 Student Athletic Handbook.

REPORTING REQUIREMENT: By May 20, 2015, the District will provide OCR a copy of the notification provided to all administrators, athletic coaches and staff, and athletes required by Item 5. This may include a copy of all letters provided to staff and athletes, a copy of an email identifying the names of everyone who received the email, or a meeting agenda with copies of the sign-in sheet verifying attendance and understanding of the change, or other means determined by the District.

Anti-Harassment Statement

6. By no later than May 20, 2015, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be published on the District's website, and posted in prominent locations in the District's school buildings, stating that the District does not tolerate acts of bullying and harassment on any prohibited basis, including acts of harassment based on disability. The statement will encourage any person who believes he or she has been subjected to harassment or a hostile environment to report the harassment or hostile environment to the District and will note the District's commitment to conducting a prompt investigation. The statement will warn that persons found to have engaged in acts of harassment or other acts that create a hostile environment will be promptly disciplined in a manner consistent with the District's anti-harassment and bullying policies and the student code of conduct. The statement will include a link on the District's website to the District's revised anti-harassment and bullying policies and complaint procedures and will encourage students, parents, and District staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By May 20, 2015, the District will provide OCR with documentation that it has implemented Item 6, including copies of the statement, locations of postings, and the link to statement placed on its website.

Staff Training

7. By September 1, 2015, the District will provide training to all administrators, teachers, staff, and coaches and athletic staff responsible for supervising students regarding the District's anti-harassment and bullying policies and procedures and Uniform Grievance Procedure. The training will specifically address the responsibility of staff to report incidents of possible harassment or complaints of harassment of which they become aware and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent, and respond appropriately to harassment, including disability harassment. The training will also provide examples of disability harassment.

REPORTING REQUIREMENT: By September 15, 2015, the District will provide OCR with documentation that it has provided all administrators, teachers, staff, and coaches and athletic staff responsible for supervising students with the training required in Item 7, 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.

8. By September 1, 2015, the District will provide training to all staff directly involved in processing, investigating and/or resolving complaints of discrimination or reports of harassment and bullying. The training will specifically address the appropriate techniques for promptly responding to and investigating allegations of harassment including timelines and individual responsibilities, documenting investigations including interviewing victims, the accused, witnesses, etc., analyzing the information obtained during investigations and making findings using the preponderance of evidence standard, and responding to the complainant in writing with respect to its determination. This training shall include a reminder of the provision in the District's anti-harassment and bullying policies that states that alleged harassment must be promptly investigated by the District. This training will provide examples of disability harassment.

REPORTING REQUIREMENT: By September 15, 2015, the District will provide OCR with documentation that it has provided the training required in Item 8, 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.

9. By September 1, 2015, the District will provide training to all administrators, teachers, coaches/athletic staff, and relevant staff responsible for the identification, evaluation, and placement of students with disabilities regarding the identification, evaluation, placement and due process procedures in the regulation implementing Section 504 at 35 C.F.R §§ 104.35 and 104.36. The training will specifically address when it is appropriate to refer a student for an evaluation under Section 504.

REPORTING REQUIREMENT: By September 15, 2015, the District will provide OCR with documentation that it has provided all administrators, teachers, coaches/athletic staff and relevant staff with the training required in Item 9, 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.

Individual Remedies

10. By March 1, 2015, the District will offer to conduct, with parental consent, an evaluation of Student A to determine whether Student A is an individual with a disability under Section 504. In its letter of offer, the District will assure Student A's parents that the team will consider all information provided by the parents, outside medical providers and counselors, and any additional information. If Student A's parents accept the offer, the evaluation will be conducted in accordance with District's Section 504 policies and procedures within 60 (days) and compensatory services (i.e., counseling or other support services), if any, will in place by June 1, 2015. Student A's parent will be provided with procedural safeguards. If Student A's parents decline the offer of an evaluation, the District will document the parent's refusal in Student A's educational file.

REPORTING REQUIREMENT: By June 15, 2015, the District will provide OCR with a copy of the letter sent to Student A's parents regarding Item 10. If Student A's parents elect to pursue an evaluation, the District will provide OCR with documentation of the team's determination. The District will provide OCR with documentation of the compensatory services determined appropriate for Student A and the bases for that determination, and, if applicable, the services provided, including the type, amount, and the name and title of the individual(s) who provided the services.

- 11. By March 1, 2014, the District will offer to and will provide Student A, if accepted, counseling and/or psychological support, as needed.
- 12. REPORTING REQUIREMENT: By March 20, 2015, the District will provide OCR documentation (e.g., a copy of the letter sent to Student A's parents) regarding Item 11. The District will document the parent's decision to accept or decline the offer of counseling in Student A's educational file and the District will provide OCR confirmation of same upon receipt.

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 employees 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, 104.35, and 104.36 and Title II at 28 C.F.R §§ 35.104 and 35.130 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 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, 104.35, 104.36, and Title II at 28 C.F.R. §§ 35.104 and 35.130, 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.

Approved and agreed to on behalf of the Hononegah Community High School District 207.



Superintendent or Designee



Date