



RESOLUTION AGREEMENT

Huntsville School District
OCR Case Number: 06-17-1192

A. GENERAL TERMS & PRINCIPLES:

Huntsville School District (District or recipient) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the District commits to the following actions, consistent with the requirements of Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulations at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulations at 28 C.F.R. Part 35, to resolve the compliance concerns raised by the complainant's allegations.

The recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the recipient understands that, during the monitoring of the Agreement, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the recipient has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case.

The recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement does not constitute an admission by the District that it discriminated or otherwise engaged in any wrongdoing. The District hereby voluntarily commits to these General Terms and Principles, and to the following Action Items and Reporting Requirements.

B. ACTION ITEMS & REPORTING REQUIREMENTS:

STUDENT-SPECIFIC REMEDIES:

Action Item 1

By April 21, 2017, the District will issue a letter to apology, by certified mail return receipt requested, to the Student regarding the incidents that are at issue in this OCR complaint.

Reporting Requirements: Action Item 1

By April 28, 2017, the District will provide OCR with a copy of the letter of apology that it sent to the Student.

Action Item 2

- a. **By April 14, 2017**, the District will complete an investigation into the allegations of disability-based harassment that the complainant reported. As part of the investigation, if the complainant makes herself and the Student available, the District will meet with and interview the Student and the complainant and provide them with the opportunity to identify alleged witnesses and any other information. The District will interview any alleged witnesses they identify. If the District determines that the allegations are substantiated, in whole or in part, the District will take actions necessary to appropriately address the disability-based harassment. In addition, the District will take steps to prevent any recurrence of the harassment and offer to remedy the effects of the disability-based harassment toward the Student.
- b. **By April 21, 2017**, the District will provide written notice to the complainant of the outcome of its investigation, by certified mail return receipt requested, and, if the District substantiates the harassment as a result of the investigation, the District will issue, by certified mail return receipt requested, a written offer to the Student to provide counseling/academic/therapy services for the assessment and/or treatment of any psychological harm or any of the lingering effects from the harassment. The District's letter will inform the Student and the complainant that they have ten (10) calendar days from the date of the letter to accept the offer by providing written notice of their acceptance.

Reporting Requirements: Action Item 2

- a. **By April 28, 2017**, the District will provide documentation (e.g., witness statements, investigatory notes, and requests to interview the complainant/Student) to OCR indicating findings of the investigation required by Action Item 2(a).
- b. **By April 28, 2017**, the District will provide OCR with a copy of the letter to the complainant required by Action Item 2(b).

SCHOOL-WIDE REMEDIES:

Action Item 3

The District shall review and if necessary revise its policies and procedures concerning complaints of disability discrimination, as contained in the District's Board Policies, XXXX XXXX XXXX Student Handbook, and in any other relevant policy or procedures documents to indicate Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of disability, including disability-based harassment, and provide procedures for disability-based harassment complaints, including, but not limited to, reporting incidents of alleged disability-based harassment, investigation of complaints, interviewing of witnesses, and resolution of complaints. The District's procedures must 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. provisions 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. notice to the complainant and alleged perpetrator of the outcome of the complaint; and
- vi. assurance that the District will take steps to prevent recurrence of any discrimination/harassment and remedy discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement: Action Item 3

- a. **By June 22, 2017**, the District will submit to OCR, for its review and approval, a copy of the revised policies and procedures as required by Action Item 3. If the District determines that revision of policies and procedures is not necessary, the District will indicate this determination to OCR and provide the bases for this determination.
- b. **Within 30 days of receipt of written notification from OCR of its approval of the revised policies and procedures** as required by Action Item 3, the District will provide documentation to OCR evidencing that the policies and procedures have been fully implemented and that informative communications have been provided to all District staff notifying them of said policies and procedures.

Action Item 4

- a. **By August 14, 2017**, the District will provide training, by a qualified individual, to all staff and volunteers at XXXX XXXX XXXX (XXXX) who are directly involved in processing, investigating, and/or resolving complainants or other reports of disability harassment and any counselors, teachers, coaches, or other XXXX personnel or volunteers who are likely to receive reports of disability harassment. The training should include instruction regarding:
 - i. In-depth instruction on what type of conduct constitutes disability-based harassment, including addressing examples of disability-based harassment, and a discussion about the negative impact that such harassment has on the educational environment;
 - ii. The District's responsibility under Section 504 and Title II to address disability-based incidents of harassment about which it knows or reasonably should have known;
 - iii. Identification of designated District staff member(s) who is/are available to answer questions or concerns regarding the District's policies, practices, regulations, or other issues related to disability-based harassment;

- iv. The District’s responsibility to take immediate and appropriate action to investigate incidents of disability harassment;
 - v. How to conduct disability harassment investigations in an adequate, reliable, and impartial manner, including the appropriate standards to apply in such investigations, and an outline of the appropriate disciplinary measures for violations of the District’s anti-harassment policy;
 - vi. If an investigation reveals that discriminatory harassment has occurred, the District’s responsibility to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring;
 - vii. The duty of the District to respond to incidents of disability harassment even if the misconduct is also covered by an anti-bullying policy, and regardless of whether the student has complained, asked the school to take action, or identified the harassment as a form of discrimination; and
 - viii. Notice of the existence and substance of OCR’s July 25, 2000, Dear Colleague Letter (available at: <http://www2.ed.gov/ocr/docs/disabharassltr.html>) and OCR’s October 26, 2010, Dear Colleague Letter (available at: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>) addressing the responsibilities of the District related to disability-based harassment and harassment more generally (providing printed copies of said Letters to all trainees, including its http:// citation).
- b. **By May 25, 2017**, the District will provide training to all XXXX students addressing harassment, including but not limited to, disability-based harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on disability for students enrolled in the District. This training may be provided either as an independent assembly, class presentation, or as part of the School’s current curriculum/enrichment programs or lessons (e.g., Student Orientation). The training will include:
- i. A reminder of the District’s commitment to having a school environment free from all harassment and an explanation regarding what students should do if they believe they or other students are being harassed;
 - ii. A review of the District’s harassment policies and procedures, including an explanation of what disability-based harassment is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation;
 - iii. The name and contact information of a District employee, such as a counselor, who the students may contact if they wish to confidentially discuss any concerns they have; and
 - iv. Distribution of written materials during the program that contain the information discussed.

Reporting Requirement: Action Item 4

- a. **By July 14, 2017**, and prior to the training that Action Item 4(a) requires, the District will provide OCR, for review and approval, a copy of the training module and/or outline of the training materials that the District will use; the name, title, credentials,

and contact information for the person(s) who will conduct the training; and a description or copy of the notification that the District will use to inform attendees of the mandatory training.

- b. **By April 25, 2017**, and prior to the training that Action Item 4(b) requires, the District will provide OCR, for review and approval, a copy of the training module and/or outline of the training materials that the District will use; the name, title, credentials, and contact information for the person(s) who will conduct the training; and a description or copy of the notification that the District will use to inform attendees of the mandatory training.
- c. **By August 28, 2017**, the District will provide OCR with detailed information regarding the training that Action Item 4(a) requires. The District will provide OCR with sign-in sheets or other documentation for all training sessions showing all individuals who attended the training; the date of the training session(s); a copy of the training materials used; and the name, title, credentials, and contact information of the person(s) who provided the training.
- d. **By June 8, 2017**, the District will provide OCR with detailed information regarding the training that Action Item 4(b) requires. The District will provide OCR with sign-in sheets or other documentation for all training sessions showing all individuals who attended the training; the date of the training session(s); a copy of the training materials used; and the name, title, credentials, and contact information of the person(s) who provided the training.

Action Item 5:

By June 22, 2017, the District will gather narratives, or copies, of any written or oral complaints made by students, or on their behalf, regarding disability harassment that occurred during the 2016-17 school year. The District will maintain a copy of each investigative file that includes, at a minimum, the factual allegations, the investigative component, witness statements, findings, and actions taken to resolve and prevent the alleged disability harassment.

Reporting Requirement: Action Item 5

By June 22, 2017, the District will forward to OCR a copy of all narratives and written complaints made by students, or on their behalf, regarding disability harassment that occurred during the 2016-17 school year. The District will also forward to OCR a copy of each 2016-17 school year investigative file that includes, at a minimum, the factual allegations, the investigative component, witness statements, findings, and actions taken to resolve and prevent the alleged harassment.

C. EXECUTION:

On behalf of Huntsville School District, I hereby agree to and voluntarily submit this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights, Dallas Enforcement

Office, and commit to the general terms, principles, action items, and reporting requirements contained herein.

Signature of Authorized Official
Huntsville School District

Date

Print Name & Title of Authorized Official