

RESOLUTION AGREEMENT

Douglas County School District RE-1 08-20-1229

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and Douglas County School District 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. 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), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

- A. **Investigation.** The District will conduct an investigation of the Complainant's disability discrimination complaint regarding alleged harassment by the Student's coach. The investigation report must: a) demonstrate that the District reviewed relevant information; b) include the legal standard by which the District determined whether a hostile environment existed; c) provide a pertinent analysis and discussion thereof; and, d) if applicable, proposed remedies if discrimination is found. The District must provide its findings to the Complainant, which must include a notice of the right to appeal the District's determination pursuant to the District's policies.

Reporting Requirement: Within sixty (60) days of signing this Agreement, the District will provide OCR with documentation that demonstrates it has complied with the requirements set forth in Paragraph A.

- B. **Training.** No later than sixty (60) days after the beginning of the 2020-21 school year, the District will develop and provide training to XX High School (School) staff, which must include, but is not limited to, the administrators and coaching staff. The training, which may be provided by digital instruction, will include, but need not be limited to, the following:
- i. The District's policies and procedures addressing the requirement to report and investigate complaints of disability harassment, pursuant to Section 504;
 - ii. An explanation of the prohibition against discrimination and retaliation;
 - iii. The contact information for the District's Section 504 compliance coordinator; and,
 - iv. Information regarding how to file a complaint of discrimination, both with the District and OCR.

Reporting Requirement: Within fifteen (15) calendar days of conducting the training described in Paragraph B, the District will provide to OCR the name(s) and credentials of

the individual(s) who conducted the training; a list of individuals, by name and title, who attended the training; and a copy of any training materials (e.g., pamphlets, presentation materials, etc.).

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Section 504 and its implementing regulations at 34 C.F.R part 104 and Title II and its implementing regulation at 28 C.F.R. part 35, which were at issue in this case. 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 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 District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

/s/ _____
Dr. Thomas Tucker
Superintendent
For Douglas County School District RE-1

07/14/2020
_____ Date