

**Voluntary Resolution Agreement
York County Public School Division
OCR Complaint No. 11-14-1045**

York County Public School Division (the Division) agrees to fully implement this voluntary resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-14-1045.

REVISED GRIEVANCE PROCEDURES

1. The Division will revise the “Prohibition Against Harassment and Retaliation” procedure (the Revised Procedure) to ensure that the Procedure applies to all types of disability discrimination complaints, including but not limited to disability harassment.

REPORTING REQUIREMENT: By **June 2, 2014**, the Division will provide OCR with a Revised Procedure for OCR’s review and approval.

REPORTING REQUIREMENT: Within **30** days of OCR’s approval of the Revised Procedure, the Division will provide documentation to OCR that it posted the Revised Procedure on its website and distributed the Revised Procedure to the Section 504 Coordinator, all administrators, and any individuals responsible for investigating and/or responding to disability discrimination complaints.

2. The Division will ensure that its description of the Section 504 Coordinator’s responsibilities and corresponding training requirements include the coordination of investigations of all Section 504 complaints and implementation of the Procedure as it relates to complaints of disability discrimination, including harassment. If the Division decides to designate these responsibilities to another employee, it will make clear the scope of each deputy individual’s duties and will ensure that the Section 504 Coordinator has ultimate oversight responsibility over any deputy individuals.

REPORTING REQUIREMENT: By **June 2, 2014**, the Division will provide OCR with documentation that it has implemented this item, a copy of the job descriptions and training requirements for the position(s) for OCR’s review and approval.

REPORTING REQUIREMENT: Within **30** days of OCR’s approval of the Section 504 Coordinator’s description, the Division will provide OCR with documentation that the Division’s Section 504 Coordinator has met these requirements.

TRAINING

1. Prior to the beginning of the 2014-2015 school year, the Division will provide Section 504 training (including training on disability discrimination, including disability harassment, how to conduct a disability harassment investigation, and the Revised Procedure) to its Section 504 Coordinator and all other Division personnel involved in processing, investigating, and/or resolving complaints of disability discrimination, including disability harassment, or who will otherwise coordinate the Division’s compliance with Section 504.

REPORTING REQUIREMENT: Within **30** days before the training, the Division will provide OCR with the name and qualifications of the trainer, and an outline of the training content for OCR review and approval.

REPORTING REQUIREMENT: Within **15** days after the training, the Division will provide copies of sign-in sheets.

2. During the 2014-2015 school year, the Division will provide age-appropriate student education/training designed to increase awareness of disability discrimination, including disability harassment, inform students of the consequences of disability harassment, explain to students what they should do if they believe they or another student is being harassed based on disability, and encourage students to report disability harassment under the Revised Procedure.

REPORTING REQUIREMENT: By **October 1, 2014**, the Division will provide OCR with an outline of the proposed instruction or the name and description of the education/training, for review and approval.

REPORTING REQUIREMENT: Within **30** days of OCR's approval of the School's education/training, the Division will provide confirmation to OCR that the training occurred.

DISABILITY HARASSMENT COMPLAINT

1. Within **5** calendar days of the date of this agreement, the Division will notify the Complainant in writing acknowledging that it did not properly respond to the earlier allegations of disability harassment, stating that it is conducting an investigation.
2. Within **10** calendar days of the date of this agreement, the Division will conduct an investigation into the allegation of disability harassment. The investigation will include the opportunity for the Student and his parent to present witnesses and other evidence, will be documented, and will consider whether the Teacher's alleged conduct was based on disability and was sufficiently serious to deny or limit the Student's ability to participate in the educational program under both a subjective and objective standard.
3. Within **5** calendar days after OCR reviews and approves the Division's investigation and any proposed remedies, if applicable, the Division will provide written notice to the parties of the outcome of the complaint and the steps it will take to prevent the recurrence of any discrimination and to correct its discriminatory effects on the Student.

REPORTING REQUIREMENT: Within **5** calendar days of the date of this agreement, the Division will provide OCR with documentation of the written notice that it provided to the Complainant, as described in Provision 1, for OCR's review and approval.

REPORTING REQUIREMENT: Within **5** calendar days of the completion of its investigation, the Division will provide OCR with documentation of its investigation, findings, rationale for findings, and if it determines that disability harassment occurred, any actions it proposes to take to prevent further incidents of such harassment and to correct the effects on the Student, for OCR's review and approval.

REPORTING REQUIREMENT: Within **5** calendar days of OCR's approval of the investigation, the Division will provide OCR with documentation of any actions that it took, including providing the Student's parent with written notice of the outcome of its investigation.

The Division understands that OCR will not close the monitoring of this agreement until OCR determines that the Division has fulfilled the terms of this agreement and is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R.

Part 35, which were at issue in this case. The Division 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 Division understands that during the monitoring of this agreement, if necessary, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this agreement and is in compliance with the regulation implementing the provisions of Section 504, at 34 C.F.R. Part 104 and Title II, at 28 C.F.R. Part 35, which were at issue in this case, which were at issue in this case.

The Division 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 School written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Signed May 15, 2014

Superintendent or designee
York County Public School Division

Date