

**OCONEE COUNTY SCHOOL DISTRICT
OCR Complaint #04-13-1696**

RESOLUTION AGREEMENT

The U.S. Department of Education, Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Oconee County School District (District), pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, 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 regulation, 28 C.F.R. Part 35. Prior to the completion of OCR's investigation, the District asked to resolve the complaint pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District voluntarily enters this Resolution Agreement (Agreement) to resolve the issues of this investigation.

NEUTRAL REFERENCE

1. By March 17, 2014, the District will provide the Complainant a neutral reference letter for potential employment. The District will also offer neutral comments about the Complainant to prospective employers.

REPORTING REQUIREMENT: By March 24, 2014, the District will provide OCR with a copy of the neutral reference letter provided to the Complainant. By March 24, 2014, the District will provide OCR with a written description of the steps the District has taken to ensure that the Complainant will be provided with a neutral reference for any verbal or written inquiries by potential employers.

PERSONNEL FILE EXPUNGEMENT

2. By March 17, 2014, the District will remove the "Employment Reference Request" form from the complainant's official personnel file.

REPORTING REQUIREMENT: By March 24, 2014, the District will provide OCR with a statement signed by the District's Chief Human Resources Officer stating that the "Employment Reference Request" form has been removed from the Complainant's official personnel file.

MEMORANDUM

3. By March 17, 2014, the District will issue a memorandum to all District personnel regarding the prohibition against retaliation set forth in the Section 504 implementing regulation at 34 C.F.R. §104.61 and the Title II at 28 C.F.R. §35.134 after an individual has engaged in protected activity.

Initials of District Superintendent or Designee _____

REPORTING REQUIREMENT: By March 24, 2014, the District will provide documentation to OCR demonstrating that the District sent the directive to all District personnel in accordance with Item 3 above. The documentation shall include, but not limited to (1) a copy of the directive, (2) the date the directive was mailed and/or emailed, and (3) a list of the names and job titles of each individual who received the directive.

TRAINING

4. By September 1, 2014, the District will conduct training on the Section 504 and Title II prohibition against retaliation all principals and assistant principals in the District. The training shall cover, but shall not be limited to (1) the definition of activities that are protected under the federal civil rights laws that are applicable to students and other beneficiaries of public school programs (including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990), and (2) an explanation that the District policy against retaliation protects employees, students, parents, and others who have engaged in a protected activity.

REPORTING REQUIREMENT: By September 8, 2014, the District will provide documentation to OCR demonstrating that the District conducted the training pursuant to Item 4 above. The documentation shall include, but shall not be limited to (1) the date of the training session; (2) a list of the names and job titles of the District's faculty and staff who participated in the training session; (3) a description of the presenter's background and qualifications; and (4) a copy of the training materials disseminated, or in the event of electronic training, provide the training content.

RECORDKEEPING

5. The District will retain all records, including but not limited to, letters, forms, emails, and notes from telephone class and/or in-person conversations, pertaining to employment reference requests and employment references for the Complainant for the 12-month period beginning March 1, 2014 and ending March 1, 2015. All verbal employment reference requests and employment references for the Complainant during this 12-month period must be reduced to writing.

REPORTING REQUIREMENT: By March 8, 2015, the District will provide OCR with a copy of all records pertaining to employment reference requests and employment references for the Complainant pursuant to Item 5 above.

* * *

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District schools, interview District staff, 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 Title VI at §§100.3(a) and (b)(i-iv); the regulations implementing Section 504 at §§ 104.4(a) and (b)(1), 104.7, and 104.61; and the Title II implementing regulation at 28 C.F.R. §§ 35.107, 35.130(a) and (b), and 35.134.

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.

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 Title VI at §§100.3(a) and (b)(i-iv); the regulations implementing Section 504 at §§ 104.4(a) and (b)(1), 104.7, and 104.61; and the Title II implementing regulation at 28 C.F.R. §§ 35.107, 35.130(a) and (b), and 35.134.

This Agreement will become effective immediately upon the signature of the Superintendent or his designee below.

Superintendent or Designee
Oconee County School District

Date