

**RESOLUTION AGREEMENT**  
**Baird Independent School District**  
**OCR Complaint No. 06141100**

The Baird Independent School District (District) agrees to implement the following Resolution Agreement (Agreement) to resolve the above referenced complaint, which was opened for investigation by the U. S. Department of Education (Department), Office for Civil Rights, (OCR) pursuant to Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulations at 34 C.F.R. Part 106. The District is committed to complying fully with Title IX, and, accordingly, it has voluntarily agreed to take the steps outlined in this Agreement. The District understands that OCR has not made an investigatory finding that the District has violated Title IX, and the signing of this Agreement by the District does not constitute an admission by the District that it has violated Title IX.

1. The District will ensure that the 2013-2014 Baird High School (BHS) X---phrase redacted---X of the BHS Cheer team include the Student X---phrase redacted---X. The District may satisfy the requirement to include the Student XXXX XXXX XXXX XXXX by either: (1) XXXX XXXX XXXX XXXX or (2) XXXX XXXX XXXX XXXX XXXX that include the Student.

REPORTING REQUIREMENT 1: By **September 1, 2014**, the District will submit to OCR documentation evidencing completion of Action Item 1.

2. By **July 15, 2014**, the District will revise its Title IX grievance procedures, including procedures to address allegations of sex-based harassment. If the District chooses to have procedures used to address allegations of sex-based harassment (including harassment XXXX XXXX and other forms of sexual harassment, sexual assault, and sexual violence) separate from its procedures to address other allegations of discrimination under Title IX, it will ensure that such grievance procedure(s) also provide for the prompt and equitable resolution of such complaints. The revised procedures will address, at a minimum:
  - Notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
  - Application of the procedures to complaints alleging harassment carried out by employees, other students, and third parties;
  - Adequate, reliable, and impartial investigation of complaints, including the opportunity for both parties to present witnesses and other evidence;
  - Designated and reasonably prompt time frames for the major stages of the complaint process;
  - Written notice to parties of the outcome of the complaint;
  - An assurance that the school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the victim and others, if appropriate.

REPORTING REQUIREMENT 2: By **July 30, 2014**, the District will submit to OCR for review and approval the revised Title IX grievance procedures specified in Action Item 2.

3. **Within 15 calendar days** of the District's receipt of OCR's approval of the revised Title IX grievance procedures, the District will formally adopt the revised procedures and, no later than September 15, 2014, will provide all District students, parents/guardians and employees written notice regarding the new/revised grievance procedures, together with information on how to obtain a copy of the grievance procedures. The District will make this notification through the District's website; electronic mail messages to employees, and hard copies to students and their parents/guardians via any regularly issued publications (e.g. Student Handbook and Student Code of Conduct).

REPORTING REQUIREMENT 3: **Within 45 calendar days** of the District's receipt of OCR's approval of the revised Title IX grievance procedures, the District will submit to OCR documentation evidencing completion of Action Item 3.

4. By **October 15, 2014**, the District will provide Title IX training to its Title IX Coordinator and any District personnel who will be directly involved in processing, investigating, and/or resolving complaints of sex discrimination or who will otherwise coordinate the District's compliance with Title IX. The training will include: a review of the District's policies regarding XXXX XXXX participation in District programs and activities; the District's revised grievance procedures for Title IX complaints; instruction on preventing and recognizing sex-based discrimination and harassment; how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation and issues of confidentiality related to handling sexual harassment complaints; information with regard to prohibiting retaliation against the person who made the complaint (or was the subject of the harassment) and against those who provided information as witnesses; and information with regard to appropriately responding to allegations and complaints pursuant to Title IX.
5. By **October 30, 2014**, the District will provide training on the revised Title IX grievance procedures to all District employees and will emphasize the duty by all employees who suspect or receive notice that a student or group of students may have experienced sex-based harassment to immediately notify a designated District official and that retaliation against anyone involved in the complaint process is a violation of Title IX and District policy.
6. By **October 30, 2014**, the District will provide age-appropriate training to all District students on the prohibition of sex-based discrimination (which includes harassment XXXX XXXX and other forms of sexual harassment, sexual assault, and sexual violence) and how to utilize the revised Title IX grievance procedures to address complaints and concerns regarding sex-based discrimination.

REPORTING REQUIREMENT 4: By **July 30, 2014**, the District will provide to OCR, for its review and approval, the following information with regard to the training referenced in Action Items 4 – 6 above: (1) the anticipated name(s) and credentials of the individual(s) selected to conduct the trainings, a proposed plan for the training sessions (e.g., length of the training sessions, topics to be considered, etc.), and a general description of the training materials to be used by the trainer(s)

and/or provided to attendees during the training sessions. By **November 30, 2014**, the District will provide documentation to OCR evidencing that the training required by Action Items 4 – 6 have been completed, including the identity of the individual(s) conducting the training and the individual's qualifications, along with a copy of the materials used in such training and sign-in sheet(s) or other documentation showing the individuals who attended the training.

7. By **November 15, 2014**, the District's Title IX Coordinator (or another staff member with appropriate Title IX training) will conduct an investigation, consistent with the District's revised (OCR approved) Title IX grievance procedures, with regard to the following allegations raised by the complainant:
  - a. A XXXX told the Student (in the presence of other students) that the Student X---phrase redacted---X;
  - b. Members of the BHS Cheer team X---phrase redacted---X;
  - c. XXXX members of the BHS Cheer team X---phrase redacted---X; and
  - d. Members of the BHS student body X---phrase redacted---Xf.

The District's Title IX Coordinator will determine whether previously interviewed individuals (if applicable) need to be brought in for follow-up questioning, whether new witnesses need to be interviewed, and whether further documentation should be secured. The District will ensure that the investigation is adequate, reliable, and impartial, and will remind witnesses that retaliation against anyone involved in the complaint process is a violation of Title IX and District policy. The District's Title IX Coordinator will use a preponderance of the evidence standard in determining whether sex-based harassment occurred, and if so, will take steps to prevent the recurrence of the sex-based harassment by the alleged perpetrator(s) and remedy the effects of the sex-based harassment on the alleged victim.

REPORTING REQUIREMENT 5: By **November 30, 2014**, the District will submit to OCR for review and approval documentation of its determination pursuant to Item 7, including but not limited to the name, title, and qualifications of the investigator; copy of the investigatory file; and a copy of the investigator's written findings; a copy or summary of the data considered and witnesses interviewed. The District will also provide documentation of any recommendations to prevent recurrence of the harassment and any corrective steps determined necessary to address the discriminatory effects on the Student (where applicable); and a copy of its written correspondence to the parties informing them of the investigation's outcome.

8. By **January 30, 2015**, the District will develop a written plan, and, if applicable, will incorporate revisions required by OCR, for implementing any specific corrective actions determined to be necessary pursuant to Item 7 above including a date of completion. The District will provide the Student's parent(s) a copy of the plan, as well as written notice of the District's determination.

REPORTING REQUIREMENT 6: By **March 30, 2015**, the District will submit to OCR a copy of any plan developed to correct the discriminatory effects, if any, to the Student, and documentation that it provided the Student’s parent(s) a copy of the plan.

9. By **February 15, 2015**, the District will implement any specific corrective steps determined to be necessary pursuant to Item 7.

REPORTING REQUIREMENT 7: By **March 30, 2015**, the District will provide documentation to OCR demonstrating that it has implemented any corrective action(s) deemed necessary pursuant to Item 7. The documentation must include the dates, times, and locations that services were provided and the name(s) of the service provider(s).

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, 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 IX at 34 C.F.R. Part 106.

The District further 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 IX at 34 C.F.R. Part 106, which were at issue in this case.

Finally, 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.

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Mr. Jarod Bellar, Superintendent  
Baird Independent School District

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Date