

**Resolution Agreement
Middleton School District 134
OCR Complaint No. 10131040**

The U.S. Department of Education (Department), Office for Civil Rights (OCR), initiated an investigation of the above-referenced complaint filed against the Middleton School District 134 (District), pursuant to Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. Sections 1681 *et seq.*, and its implementing regulation, 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any educational program or activity operated by a recipient of Federal financial assistance. As a recipient of Federal financial assistance from the Department, the District is subject to the provisions of Title IX. Accordingly, to ensure compliance with the above-referenced statute and to resolve this complaint, the District voluntarily agrees to take the following actions:

1. ACTION ITEM: Supporting Documentation

The District commits to documenting its decision to discontinue offering single-sex classes XXXXXXXXX Elementary School for the 2016-2017 school year. The District further commits that if it implements single-sex classes or activities during the monitoring of this Agreement, those classes and activities will be developed in accordance with the requirements of the Title IX regulation at 34 C.F.R. § 106.34(b).

REPORTING REQUIREMENT: By November 30, 2016, the District will provide OCR with documentation, satisfactory to OCR, that shows that the District has discontinued its single-sex classes at XXXXXXXXX for the 2016-2017 school year, such as a copy of the official minutes of the school board meeting approving the change, other official record to indicate the change has been implemented, and any formal notification that went to parents regarding the change. OCR will notify the District if it requires additional documentation to confirm that the District eliminated the single-sex classes, and the District will provide the documentation within 14 days of OCR's request.

By October 15, 2017, 2018 and 2019, the District will provide OCR with a report indicating whether the District determined to offer single-sex classes during that school year (2017-2018, 2018-2019 and 2019-2020, respectively). If it determined not to offer single-sex classes or activities during that school year, the report will indicate such. If the District determined to offer single-sex classes during that school year, the report will provide to OCR the information and documentation the District relied on in making the determination that the program was in compliance with the requirements of the Title IX regulation at 34 C.F.R. § 106.34(b), as well as all communications with parents regarding the implementation of and student assignment to single-sex classes. OCR will review the materials for compliance with Title IX requirements. If OCR determines that the materials do not support each single-sex classroom or activity program, then within 60 days of receiving notice from OCR, the District will provide additional information and documentation that addresses the concerns identified by OCR. If the District does not address all of OCR's concerns by the end of that school year, the District will discontinue the program and not offer single-sex classes in the following school year unless it undertakes wholly new efforts to comply with Title IX regulations.

2. ACTION ITEM: Notice

a. Website Notice: The District will provide notice on its publicly accessible website that it has discontinued offering single-sex classes at XXXXXXXXX for the 2016-2017 school year, and that if it determines to offer single-sex classes in the future, it will ensure that the classes meet the legal requirements of the Title IX regulation at 34 C.F.R. § 106.34(b).

REPORTING REQUIREMENT: By November 30, 2016, the District will provide OCR, for its review and approval, a draft of the proposed notice to be posted on the District's publicly accessible website. OCR will review the notice and notify the District whether the notice is approved. If OCR requires revisions, then within 14 days of receiving such notice from OCR, the District will make the revisions and will provide the revised draft notice to OCR. The District and OCR will repeat this procedure until OCR approves the notice. Within 14 days of receiving OCR's approval, the District will post the notice on its website.

b. Written Notice: The District will provide written notice of the requirements that must be met in order to offer single-sex classrooms, as outlined in the Title IX regulation at 34 C.F.R. §106.34(b), to the Superintendent, Director of Instruction and Student Achievement, District Title IX coordinators, Board of Trustees, and all XXXXXXXXX administrators and teaching staff. Specifically, the notice will address the following requirements for offering single-sex classes or extracurricular activities:

- Identify beforehand, for each class or activity, an important educational objective to be achieved (such as improving academic achievement);
- Demonstrate beforehand, for each class or activity, that the single-sex nature of the class or activity is substantially related to achieving the specified objective;
- Ensure that enrollment in the single-sex class is completely voluntary (through an opt-in, rather than an opt-out, process);
- Offer a substantially equal coed class in the same subject;
- Offer single-sex classes evenhandedly to male and female students;
- Conduct periodic evaluations at least every two years to ensure that the classes continue to comply with Title IX;
- Avoid relying on gender stereotypes;
- Provide equitable access to single-sex classes to students with disabilities and English language learners; and
- Avoid discriminating against faculty members based on gender when assigning educators to single-sex classrooms.

REPORTING REQUIREMENT: By November 30, 2016, the District will provide OCR, for its review and approval, a draft of the proposed notice to be sent to staff. OCR will review the notice and notify the District whether the notice is approved. If OCR

requires revisions, then within 14 days of receiving such notice from OCR, the District will make the revisions and will provide the revised draft notice to OCR. The District and OCR will repeat this procedure until OCR approves the notice. Within 14 days of receiving OCR's approval, the District will send the notice to the individuals listed in item 2.b above.

3. ACTION ITEM: Training

If the district decides to consider adding any single-sex classes or activities, the District will provide training to the Superintendent, Director of Instruction and Student Achievement, District Title IX coordinators, Board of Trustees, and all administrators and teaching staff at the school(s) for which single-sex classes and activities are being considered on the requirements that must be met in order to offer single-sex classrooms, as outlined in the Title IX regulation at 34 C.F.R. §106.34(b). Specifically, the training will address the following requirements for offering single-sex classes or extracurricular activities:

- Identify beforehand, for each class or activity, an important educational objective to be achieved (such as improving academic achievement);
- Demonstrate beforehand, for each class or activity, that the single-sex nature of the class or activity is substantially related to achieving the specified objective;
- Ensure that enrollment in the single-sex class is completely voluntary (through an opt-in, rather than an opt-out, process);
- Offer a substantially equal coed class in the same subject;
- Offer single-sex classes evenhandedly to male and female students;
- Conduct periodic evaluations at least every two years to ensure that the classes continue to comply with Title IX;
- Avoid relying on gender stereotypes;
- Provide equitable access to single-sex classes to students with disabilities and English language learners; and
- Avoid discriminating against faculty members based on gender when assigning educators to single-sex classrooms.

The district will provide the training no less than four months in advance of taking any steps to implement single-sex classes, including steps to conduct a study or otherwise determine whether the single-sex nature of a class or activity is substantially related to achieving a specified objective.

REPORTING REQUIREMENT: By June 15, 2017, 2018, and 2019, the District will provide OCR with a report indicating whether the District plans to offer single-sex classes during the upcoming school year (2017-2018, 2018-2019 and 2019-2020, respectively), as stated in the reporting for Action Item 1, above. If the District plans to offer single-sex classes or activities during the upcoming school year, the report will include information demonstrating that the District has completed the above training

regarding single-sex classes. The report will include the date(s) of the training, a sign-in sheet listing the attendees by name and position, a copy of the training agenda, a copy of the training materials, and the name, title and qualifications of the trainer(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, 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 the Title IX implementing regulation at 34 C.F.R. § 106.34 that was at issue in this case.

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 Title IX implementing regulation at 34 C.F.R. § 106.34 that was at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings, including 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, including to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

/s/

October 31, 2016

Dr. Josh J. Middleton
Superintendent
Middleton School District 134

Date