

RESOLUTION AGREEMENT
SAU 87
OCR Complaint No. 01-17-1321 & 01-17-1322

SAU 87 (District) has voluntarily entered into this agreement to resolve the allegations in the above-referenced complaints. . This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District with regard to any issues raised. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Title IX of the Education Amendments Act of 1972, and its implementing regulation at 34 C.F.R. Part 106 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, or any other law enforced by the U.S. Department of Education (Department), Office for Civil Rights (OCR). The District agreed to resolve these complaints prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Item 1

The District shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities under Title IX. The District will also notify all District personnel, students and parents/guardians of District students of the name, office address, and telephone number of the designated coordinator.

Reporting Requirements

1. By October 1, 2018, the District will submit to OCR the name(s) of the person(s) it designates as its Title IX coordinator(s). If the District selects more than one person, it shall describe the roles and duties of each person, including specifying who is responsible for overall coordination and oversight of all sexual harassment complaints.
2. By October 1, 2018, the District shall provide documentation to OCR showing it has notified all District personnel, students and parents/guardians of District students of the name, office address, and telephone number of the designated coordinator. It shall also provide OCR with documentation showing where this information is available on its website (e.g., a link to the relevant webpages).

Action Item 2

The District will submit to OCR, for its review and approval, revised grievance procedures in compliance with 34 C.F.R. § 106.8(b). Once approved, the District will provide notice of said procedures to all District personnel, students, and parents/guardians of students in the District.

Reporting Requirements

1. By October 15, 2018, the District will submit to OCR for its review and approval grievance procedures in accordance with Action Item 1.
2. Within 90 days of OCR's approval, the District shall revise all school handbooks, and other documents containing prior versions of the grievance procedures, to include complete and accurate versions of the approved grievance procedures. The District shall also make any additional modifications to the handbooks or other documents as necessary to ensure clarity regarding which policies or procedures apply to complaints of sexual harassment, including sexual violence.
3. Within 120 days of OCR's approval, the District shall notify all District personnel, District students, and parents/guardians of District students about the approved grievance procedures. The District shall also provide documentation to OCR demonstrating that the policy is easily accessible on its website (e.g., by providing a link to the relevant webpage(s)).

Action Item 3

- A. The District will ensure that its Title IX Coordinator(s) and any other District staff directly involved in receiving, processing, investigating, adjudicating, or resolving complaints of sexual harassment, including sexual violence, or who will otherwise coordinate the District's compliance with Title IX (Responsible Staff), are adequately trained on what constitutes sexual harassment, including sexual violence, and the details of the District's grievance procedures, as revised in accordance with Action Item 2.
- B. The District will conduct training for all administrators on Title IX's prohibitions against retaliation. The training will include, at a minimum, a discussion of (i) what constitutes a protected activity; (ii) the prohibition against adverse actions in response to those protected activities; and (iii) recognizing acts of retaliation and intimidation, and their effects on individuals who engaged in protected activities.

Reporting Requirements

1. Within 120 days of OCR's approval of the procedure created in accordance with Action Item 2, the District shall:
 - a. Submit documentation demonstrating that the trainings required to comply with Action Item 3(A) have occurred. This documentation shall include, at a minimum, a list of attendees, the agenda, the name and qualification of the trainer(s), and all presentation materials (e.g., slides or handouts).
 - b. Submit a proposed plan, for OCR's review and approval, of its plan for ensuring that Responsible Staff are regularly trained on what constitutes sexual harassment, including sexual violence, and the details of the District's grievance procedures, as revised in accordance with Action Item 2.

2. Within 120 days of OCR’s approval, the District will submit documentation demonstrating that the trainings required to comply with Action Item 3(B) have occurred. This documentation shall include, at a minimum, a list of attendees, the agenda, the name and qualification of the trainer(s), and all presentation materials (e.g., slides or handouts).

Action Item 4

The District shall adopt the following process: When a student with a Section 504 plan or an Individualized Education Program (IEP) is either the alleged victim, alleged perpetrator, or witness in a complaint of sexual harassment, including sexual violence, the Title IX Coordinator shall notify the school district’s special education director who will determine if there is information suggesting that the student’s educational program is not meeting the student’s individual needs, due to the alleged incidents and/or investigation and, if that is the case, will convene a team meeting in a timely manner to review the matter.

Reporting Requirements

1. By October 15, 2018, the District shall submit to OCR for its review and approval the process created in satisfaction of Action Item 4.
2. Within 15 days of OCR’s approval, the District shall submit evidence that the process has been adopted.

Action Item 5

If the Students return to the District during the 2018-2019 school year, the District will convene team meetings for both Students A and B to consider (i) the effects, if any, of the alleged sexual harassment on their educational needs, (ii) the effects, if any, of the District’s response to the allegations of abuse on their educational needs, (iii) whether either of these factors lead to a denial of a free appropriate public education (FAPE) and, if so, what compensatory and/or remedial services, if any, will be offered to Students A and/or B to remedy said denial of FAPE.

Reporting Requirement

1. In the event the Students return to the District during the 2018-2019 school year, the District will convene the necessary team meetings to comply with Action Item 5 and provide OCR with a copy of the notes from said meetings, including a description of any compensatory services to be offered.
2. If, in accordance with Action Item 5, the team offers compensatory services, the District will provide documentation to OCR by September 1, 2019 that either it has provided said services or that the Students’ parents have rejected the offered services.

Action Item 6

If either Student A or Student B returns to the District during the 2018-2019 school year, and either Student A or B's IEP team considers recommending that Student A and/or B return to an in-District placement, the team must consider the impact of the alleged incidents of sexual harassment and the resulting environment on their disability-based needs when making determinations regarding the appropriate placement and services.

Reporting Requirement

1. By September 1, 2019, the District will submit documentation indicating whether or not either Student A or B returned to the District and, if so, if either Student A or Student B's team recommended a change for either student to an in-District placement. If either team considered such a placement, the District will submit copies of the notes from said meeting demonstrating that the team considered the alleged incidents of sexual harassment and the resulting environment before making its determination.

Action Item 7

In order to settle this matter, the School District will conduct an investigation to assess whether the alleged perpetrator created a sexually hostile environment for any student during the 2017-2018 school year. If the District concludes that such an environment existed, it shall assess whether such an environment still exists, take steps to remedy or prevent that environment, and prevent its recurrence.

Reporting Requirement

1. By November 1, 2019, the District will submit documentation demonstrating its compliance with Action Item 7 and outlining any measures taken or to be taken to address any sexually hostile environment that the District determines necessary to address said environment.

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 the 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

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

