

RESOLUTION AGREEMENT
Marblehead School District
OCR Complaint No. 01-19-1185

The Marblehead School District (District) has entered into this agreement to resolve the allegations in the above-referenced complaint. The District assures that it will take the following actions.

The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*.

Action Item 1: Notice of Non-Discrimination

The District will review, revise and adopt its Notice of Non-Discrimination to ensure that it is fully consistent with the requirements of Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106. The District will disseminate the Notice of Non-Discrimination as required by Title IX.

Reporting Requirement:

By **September 20, 2019**, the District will provide OCR with a copy of the Notice of Non-Discrimination required by Action Item 1 and evidence of its dissemination.

Action Item 2: Title IX Coordinator(s)

- A. The District will designate a Title IX Coordinator(s) to coordinate its efforts to comply with and carry out its responsibilities under Title IX, including the resolution of complaints alleging sexual harassment by and against students and employees.
- B. The District will notify all students and employees of the name, office address, and telephone number of its Title IX Coordinator(s).

Reporting Requirement:

By **August 31, 2019**, the District will provide OCR with the name and contact information for the District's Title IX Coordinator(s) and evidence of the dissemination of this information to students and employees.

Action Item 3: Title IX Grievance Procedures

The District will review, revise and adopt its Title IX grievance procedure, as necessary, to ensure it is consistent with the requirements of Title IX to provide for the prompt and equitable resolution of student and employee complaints of discrimination based on sex, including, without limitation, interim measures and providing notice of outcome to the parties.

Reporting Requirement:

By **September 20, 2019**, the District will submit to OCR evidence that it has reviewed and revised, as necessary, and disseminated its Title IX grievance procedure, and will provide to OCR copies of any related policies and procedures, including student handbooks, that may be referenced in the Title IX grievance procedure.

Action Item 4: Training

The District will provide training on its revised Title IX grievance procedure, and on conducting timely and complete investigations, to its Title IX Coordinator(s) and related staff, Superintendent, school resource officers, principals, and any other District administrators or staff tasked with receiving, investigating, or adjudicating complaints of sexual harassment.

Reporting Requirement:

Within sixty (60) calendar days after the District adopts its revised Title IX grievance procedure, in accordance with Action Item 3, the District will provide OCR documentation of the training undertaken in accordance with Action Item 4, including:

- i. a list of the individuals who attended the training and their positions;
- ii. the date(s) the training was conducted; and
- iii. copies of any training materials disseminated.

Action Item 5: Individual Remedy for Student A

By **September 6, 2019**, the District will offer, in writing, the opportunity for Student A's parents/guardians to meet with the Superintendent, the Title IX Coordinator, and his XXX Principal to discuss the District's handling of the allegations made by and against Student A in December XXXX and January XXXX, Student A's parents/guardians concerns with the District's handling of the allegations, and any ongoing effects (if any) resulting from the District's response, or lack of response, to the allegations.

If the offer is accepted, during this meeting, the District will assess whether Student A needs any supports to restore his access to the educational program.

Reporting Requirements:

Within ten days of sending the letters required by Action Item 5, the District will provide OCR a copy of the letters it sent to Student A's parents/guardians, as well as evidence that the letter was sent. Within ten days of learning that the meeting offer is not accepted, the District will so notify OCR. If a meeting offer is accepted, within ten days of the meeting, the District will provide OCR with a narrative summary of topics discussed and any actions it has taken, e.g., documentation that the District met with the Student A's parents/guardians, supports discussed, and any next steps determined as a result of that meeting.

Action Item 6: Additional Assessment

By **September 20, 2019**, the Title IX Coordinator and/or Superintendent will assess whether, in resolving the complaint involving Student A, the District appropriately responded to additional complaints of sexual harassment in fall XXXX, including by or against Student B and Student C. In making this assessment, the District will review, without limitation, complaints and investigations involving Student B from November XXXX through January XXXX, and actions taken for all parties (e.g., XXX Student B (XXXXXXXXXXXXXXXXXX) to XXXXXXXXX and the XXXXX Student B and Student C missed at the District’s request in XXXXX) and assess whether supports are required for any student to ensure access to the educational program.

Reporting Requirements:

By **September 27, 2019**, the District will provide OCR with the results of its review, including: a summary of its considerations, and if additional steps are warranted, a description of additional steps taken and/or remedies put in place by the District as a result.

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 and obligations 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 proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR shall give the Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District’s representative below.

By: /s/ _____ Date: 8/28/19 _____
Name: William H. McAlduff, Jr.
Title: Interim Superintendent of Schools