

**Resolution Agreement  
Big Spring School District  
OCR Complaint #03-16-1266**

OCR and the Big Spring School District (the District) enter into this agreement to resolve the allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the following actions to further comply with Title IX of the Education Amendments of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106, 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 (Title II) and its implementing regulation at 28 C.F.R. Part 35.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this 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 STEPS and REPORTING REQUIREMENTS**

***Sexual Discrimination/Sexual Harassment Complaint Procedures***

1. By November 15, 2017, the District will submit to OCR for its review and approval draft Title IX Complaint procedures to address complaints of sex discrimination (including sexual harassment, sexual assault, and sexual violence), as required by Title IX's implementing regulation at 34 C.F.R. § 106.8(b). The procedures will supplement the Complaint procedure outlined in Board Policy 248, Unlawful Harassment.
2. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints alleging sex discrimination and will include, at a minimum, the following:
  - a. notice to students and employees of the Complaint procedures, including where complaints may be filed;
  - b. application of the procedures to complaints filed by students or on their behalf alleging discrimination or sexual harassment carried out by employees, other students, or third parties;
  - c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
  - d. designated and reasonably prompt time frames for the completion of major stages of the complaint process;
  - e. written notice to the complainant and alleged perpetrator of the outcome of the complaint; and

- f. assurance that the District will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

**Reporting Requirement:** By November 15, 2017, the District will submit to OCR for its review and approval its Title IX Complaint procedures referenced in action steps #1 and #2.

Within 45 calendar days of written notification from OCR that the revised Complaint procedures are approved, the District will adopt, implement and publish the revised procedures and will provide all students, parents/guardians and District employees with written notice regarding the revised procedures for resolving Title IX complaints together with information on how to obtain a copy of the revised procedures. The District will make such notification through the District's website, electronic mail messages to employees and students, and issue building newsletters (in print or online), as well as by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Within 15 calendar days after the District adopts, implements and publishes the approved revised Complaint procedures, the District will provide OCR with copies of the written notices issued to all students, parents/guardians and employees regarding the revised procedures and a description of how the notices were distributed, building newsletters and a link to its webpage where the revised procedures is located. The District calendar and school handbooks will be updated to include this notice for the 2018-2019 school year.

### ***Notice of Nondiscrimination***

3. By November 15, 2017, the District will submit to OCR for its review and approval its notice of nondiscrimination pursuant to 34 C.F.R. §106.9, which will notify students, parents/guardians, employees, and other relevant persons that it does not discriminate on the basis of sex in the education programs or activities that it operates and that it is required by Title IX not to discriminate in such a manner. The notice will state that inquiries concerning the application of Title IX should be referred to the Title IX Coordinator, and it shall include the name, title, office address, and telephone number for the District's Title IX Coordinator. The District will publish this notice consistent with the requirements of Title IX at 34 C.F.R. §106.9. This notice will supplement Policy 103, Nondiscrimination in School and Classroom Practices, and Policy 248, Unlawful Harassment.
4. Within 45 calendar days of written notification from OCR that the District's notice of nondiscrimination complies with Title IX, the District will ensure that, to the extent required by Title IX at 34 C.F.R. §106.9, the notice is distributed by email to all employees and students, added to the District's website, and included in building newsletters. The District calendar and school handbooks will be updated to include this notice for the 2018-2019 school year.

**Reporting Requirement:** Within 60 calendar days after OCR’s approval of its notice of nondiscrimination referenced in Action Step #3, the District will provide OCR with documentation that it has implemented Action Step #4 above, for OCR’s review and approval, including links to the website and copies of the email and building newsletter announcements.

***Title IX Coordinator***

5. By November 15, 2017, the District will develop a job description for its Title IX Coordinator. The job description will set forth the responsibilities of the Title IX Coordinator to coordinate the District’s compliance with Title IX, including the District’s revised Complaint procedures, and to oversee the District’s responses to all complaints involving possible sex discrimination, including sexual harassment, which includes monitoring outcomes, identifying and addressing any patterns, and assessing effects on the student community. In addition, the Title IX Coordinator is responsible for developing and participating in activities designed to raise awareness within the District regarding sex discrimination, including sexual harassment.
6. By November 15, 2017, the District will ensure that it has designated one or more employees as the District’s Title IX Coordinator to coordinate the District’s efforts to comply with Title IX and will publish this individual’s name or title, office address, and telephone number consistent with the requirements of Title IX at 34 C.F.R. § 106.8(a). Such publication will occur on the District website, email message to employees and students, and building newsletters.

**Reporting Requirements:** By November 15, 2017, the District will provide OCR with the name and title of the person(s) designated as the Title IX Coordinator, including the address, contact information, and job description, in accordance with action steps #5 and #6. In addition, the District will provide OCR with documentation substantiating that it published this individual’s name and title, office address, telephone number, and email address.

***Training for Title IX Coordinator and District Personnel***

7. By November 15, 2017, and annually thereafter, the District will conduct training for its Title IX Coordinator and Administrative team. The training will cover the District’s revised Complaint procedure for Title IX complaints, and will provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, as well as sex discrimination, including sexual harassment/assault and violence, and the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors, whether or not the actions are potentially criminal in nature and to ensure that victims of sexual offenses that are criminal in nature are aware of the District’s Title IX obligations and its Title IX procedures. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation (which differ from a criminal investigation), and conducting interviews of victims of harassment in a fair, non-

biased, and objective manner. The District may request OCR Philadelphia staff to assist in providing the training.

8. By November 15, 2017, the District will revise its existing sexual harassment training or develop a new Title IX training program for all District employees. The training, which must be conducted annually, will provide essential guidance and instruction on preventing, recognizing and appropriately responding to allegations and complaints of sex discrimination, including sexual harassment and an understanding of the District's responsibilities under Title IX to address allegations of sexual harassment. In addition, the training will cover the District's revised procedure for Title IX complaints. The District shall require all District personnel and volunteer coaches to complete online training on an annual basis. Any District personnel hired, or new volunteer coaches, will be required to complete the online training, even if such individual(s) is in an acting capacity. The online training will be updated annually, if necessary, in order to reflect any changes to the law, District policy, and/or practice with respect to Title IX compliance. The District will notify District personnel of all such changes within 30 calendar days of such change.

**Reporting Requirements:** By November 15, 2017, the District will provide OCR, for review and approval, with documentation that it has conducted the training of its Title IX Coordinator and Administrative team, in accordance with action step #7, including the following information: the date the training was conducted; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and a list of all District staff who attended the training.

By November 15, 2017, the District will provide OCR with a copy of its proposed sexual harassment training for review and approval. Following OCR approval, the District will provide OCR with documentation demonstrating that the sexual harassment training was conducted in accordance with Action Step #8 no later than the end of the 2017-2018 school year, including the following information: the date the training was conducted; the name(s) of the individual(s) who conducted the training; copies of any written materials (i.e., slides, handouts) used or distributed during the training; and a list of all District staff who attended the training.

**XXXXXX**

9. XX – paragraphs redacted – XX
10. XX – paragraphs redacted – XX

***Record Keeping***

11. By December 1, 2017, the District will develop a centralized record-keeping process for documenting and tracking complaints of sexual harassment, including sexual assault. The process will require the District to maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, and the determination, including disciplinary actions, if any of all parties

involved. The District will also indicate the individual(s) responsible for maintaining and reviewing this information and the location where the records will be maintained.

**Reporting Requirement:** By December 15, 2017, the District will provide OCR with a description of its record-keeping process developed under Action Step #11.

12. The District recognizes its obligation under Section 504 and Title II to not treat qualified students with disabilities differently than similarly situated, non-disabled students with respect to the provision of District aids, benefits, or services. In addition, the District recognizes its obligation to apply the requirements of Title IX to qualified students with disabilities in the same manner in which it is applied to similarly situated, non-disabled students.

13. By November 15, 2017, the District will distribute a memorandum to all District employees reminding them of their obligations under Section 504, Title II, and Title IX as set forth in Action Step #12.

**Reporting Requirement:** By December 1, the District will provide OCR with documentation that it has distributed the memorandum required by Action Step #13.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the 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 the Agreement and is in compliance with the regulations implementing Title IX at 34 C.F.R. §§106.8(a), 106.8(b), 106.9, and 106.31, Section 504 at 34 C.F.R. §§104.4(a), and Title II at 28 C.F.R. §§ C.F.R. §§35.130(a), 35.130(b)(1)(ii), and 35.130(b)(1)(iii) which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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 the Agreement. Before initiating administrative enforcement (34 C.F.R. §§100.9, 100.10), or judicial proceedings, including to enforce the 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 District's representative below.

/s/

9/26/2017

\_\_\_\_\_  
Superintendent or Designee

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Date

/s/

9/26/2017

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U.S. Department of Education  
OCR Philadelphia Office Director

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Date