

Resolution Agreement
Achievement School District, Tennessee
OCR Docket Number #04-14-1673

The U.S. Department of Education, Office for Civil Rights (OCR) and the Achievement School District (the District) enter into this agreement to resolve the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. Sections 1681 et seq. and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex in any education program or activity receiving Federal financial assistance.

Pursuant to Section 303(b) of OCR's Case Processing Manual the District agrees to implement the following corrective actions.

Anti-Harassment Statement and Sexual Harassment Policies & Procedures

1. By **August 30, 2018**, the District will: **a)** subject to OCR's review and approval: i) issue a statement that it does not tolerate sexual harassment, including sexual violence, **and ii)** issue and utilize a definition of sexual harassment that includes harassing conduct based on sex that is sufficiently serious to deny or limit a student's ability to participate in or benefit from the District's program.

b) If the District chooses to retain its existing "Student Harassment, Intimidation, Bullying or Cyberbullying" policy (Student Handbook 2017-2018), it will **(a)** either (i) specify in the policy that it does not apply to sexual harassment or harassment based on sex and refer the reader to the policy that does apply to those types of harassment, **or** (ii) remove the word "substantially" from the phrase that currently reads "substantially interferes"; and **(b)** remove from the policy all references to school protocols for reporting and handling harassment, intimidation, bullying, or cyberbullying.

REPORTING REQUIREMENT: By **September 28, 2018**, the District will: **(a)** submit the proposed statement and definition to OCR for its review and approval; and **(b)** either demonstrate that it has rescinded the existing "Student Harassment, Intimidation, Bullying or Cyberbullying" policy or provide OCR a copy of the new or revised policy in accordance with subpart (b) of Item 1.

2. **Within 15 days of OCR's approval** of the statement and definitions proposed in accordance with Item 1 above, the District will publish the approved statement and definitions in its student handbooks and any other publication and post them on the District's website.

REPORTING REQUIREMENT: By **October 15, 2018**, the District will provide OCR with copies of the student handbooks and all other publications containing the approved statement and definitions and the date it was issued, as well as, a link to the statement and definitions on its website.

3. By **August 30, 2018**, the District will, subject to OCR’s review and approval, either develop new procedures for responding to sexual harassment/violence, or revise its existing parent and community grievance resolution process as necessary to establish a grievance procedure that provides for prompt and equitable resolution of complaints alleging sex discrimination, including sexual harassment or violence. The new or revised procedures: **(a)** will not include references to school policies or procedures in the absence of a separate school policy or procedure; however, in the event that separate school procedures are developed, the District will ensure that the school procedures comply with the requirements of Title IX; and **(b)** may specify that complaints should be filed with specified school staff and will incorporate the following elements:
 - a. Notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed. While the procedures may provide that complaints should be filed with specified school staff (unless the specified staff member is the alleged harasser) the District will retain responsibility for the response to the complaint and the procedures will not include language that states or suggests that the District does not have responsibility for addressing the complaint.
 - b. Application of the grievance procedures to complaints alleging harassment carried out by employees, other students, or third parties.
 - c. Provision for adequate, reliable and impartial investigation of complaints, including the opportunity to present witnesses and other evidence. While the procedures may provide that school level personnel have responsibility for conducting an investigation unless there is a conflict of interest, the procedures will make clear that the District will retain responsibility for the investigation.
 - d. Designated and reasonably prompt time frames for the major stages of the complaint process.
 - e. Notice to all parties of the outcome of the complaint.
 - f. Assurance that the District will take steps to prevent recurrence of any harassment and to remedy its discriminatory effects on the complainant and others, if appropriate.

REPORTING REQUIREMENT: By **September 28, 2018**, the District will submit the revised policy to OCR for its review and approval.

4. **Within 15 days of OCR’s approval of the new or revised procedures**, the District will publish the revised policy and post them on the District’s website.

REPORTING REQUIREMENT: **Within 15 days of publishing the revised policy**, the District will provide OCR with copies of the written documents containing the revised policy and the date it was issued, as well as a link to the policy on its website.

Staff Training

5. By **January 11, 2019**, the District will initiate annual training for all staff on the statement, definitions and procedures developed in accordance with this Agreement and how to recognize and appropriately address possible sexual harassment or sexual violence under Title IX. In addition to the foregoing topics, the Title IX Coordinator and any staff involved in receiving or investigating complaints of sexual harassment, including sexual violence, will be provided annual training on the District's Title IX responsibilities to address allegations of sexual harassment or sexual violence and how to conduct Title IX investigations. The training also will cover the prohibition of retaliation.

REPORTING REQUIREMENT: By **January 31, 2019**, the District will provide documentation to OCR demonstrating that the District has initiated annual training pursuant to Item 5 above. The documentation shall include: (1) the date of the training session(s); (2) a list of names and titles of District employees who participated in the training session; (3) a description of the presenter's background and qualifications with respect to implementing Title IX and the District's policies and procedures; and (4) a copy of the agenda and the training materials disseminated..

System for Tracking and Review of Sexual Harassment Complaints

6. By **October 15, 2018**, the District will develop, and submit to OCR for review and approval a record-keeping procedure for monitoring and tracking formal and informal complaints of sexual harassment or sexual violence directed toward students at all schools across the District. The District's procedure will track the following components:
 - (i) The date of the complaint and the relevant school;
 - (ii) a summary of the complaint allegation;
 - (iii) documentation related to the investigation, e.g., investigator notes, witness interviews, evidence submitted by the parties, investigative reports and summaries, any final disposition letters to the parties including the date of the letters, disciplinary records, and documentation regarding any appeals; and
 - (iv) any corrective actions taken and remedies provided by the District and/or School if sexual harassment or violence was determined to have occurred.

REPORTING REQUIREMENT: **Within 30 days of notice of approval by OCR**, the District will implement the record-keeping procedure District-wide. The District will provide written notice and documentation to OCR of the implementation of the procedure.

By **December 15, 2018 and May 15, 2019**, the District will compile and provide to OCR a report of all complaints of sexual harassment and sexual violence received from the School during the 2018-2019 school year, including a notation of the District's investigation with findings and actions taken in accordance with Item 3 above.

- 7. **By October 15, 2018**, if schools are given responsibility for the initial response to complaints, the District will develop and submit to OCR for review and approval a procedure that incorporates the District’s Title IX Coordinator’s oversight of sexual harassment complaints received at all District schools in order to ensure consistency in complying with the requirements of Title IX. The Title IX Coordinator’s role will include: ensuring that investigations are prompt, thorough and impartial; ensuring that, if sexual harassment is determined to have occurred, appropriate corrective actions are taken, steps are taken to prevent future occurrences, and the effects of harassment are remedied; and ensuring that the response to instances of harassment are thorough and complete, even if the students involved have transitioned out of the school where the harassment allegedly occurred between the time of the alleged harassment and the completion of the District’s response.

REPORTING REQUIREMENT: Within 30 days of notice of approval by OCR, the District will implement the procedure District-wide. The District will provide written notice and documentation to OCR of the implementation of the procedure.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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, 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 and is in compliance with Title IX and its implementing regulation. Upon completion of the obligations under this Agreement, OCR shall close this 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 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 District’s representative below.

/s/ _____
Superintendent or Designee

Date