

**Pasco County School District
OCR Docket #04-15-1024
RESOLUTION AGREEMENT**

The U.S. Department of Education, Office for Civil Rights (OCR) and Pasco County School District enter into this Resolution Agreement (Agreement) to resolve the above-referenced complaint and to ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, and Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. Title IX and Title VI prohibit discrimination on the basis of sex, race, color or national origin, respectively, by recipients of Federal financial assistance. Accordingly, the District agrees to the following action steps:

Grievance Procedures

1. **By January 10, 2018**, the School will develop and adopt Anti-Harassment and Nondiscrimination Grievance Procedures (Procedures) or in the alternative adopt the District's Anti-Harassment and Nondiscrimination Grievance Procedures referenced as 5517.Anti-Harassment and 5517.01 Anti-Bullying

REPORTING REQUIREMENT:

Within 30 days of the School instituting its own Procedures or adopting the District's procedures the District will provide a copy of the procedures to OCR for review and approval. Approval will not be necessary if the School chooses to adopt the District's Procedures¹.

Within 30 days of OCR's approval of the Procedures or the School's adoption of the District's Procedures, the District will ensure that the School publishes and disseminates the Procedures to staff, students and parents and provide OCR with documentation, including a web link and locations where the Procedures have been published at the School (i.e. Student Handbook).

2. The District will maintain all documentation of Title VI and Title IX discrimination complaints and the investigation of such complaints filed with Daysprings Academy (School) or with the District regarding alleged discriminatory acts at the School. The documentation will include witness statements or records of witness interviews, investigator notes, evidence submitted by the parties, investigative reports and summaries, any final disposition letters, disciplinary records and documentation regarding any appeals. The District will maintain the complete investigative file for at least 3 years.

¹ The District's procedures were revised prior to the conclusion of this investigation and have been approved by OCR in reference to Complaint #04-12-1251.

REPORTING REQUIREMENT:

By December 30, 2018 and annually by that date thereafter until monitoring has been closed, with respect to the School, the District will submit to OCR, a copy of all documentation maintained in accordance with Action step #2 for complaints filed beginning in 2016.

REPORTING REQUIRMENT:

Training

District

4. **By January 31, 2018**, the District will initiate annual training for all its staff and all individuals who investigate complaints of discrimination on the basis of race, color, national origin or sex, and that are responsible for investigating complaints of harassment and individuals who advise the charter schools on their obligations under federal statutes and the District's policies and procedures. The training should include: a) the Title IX and Title VI legal standards prohibiting different treatment on the basis of sex, race, color or national origin; b) how to investigate complaints of discrimination and harassment; and c) the Procedures revised in accordance with this Agreement.

REPORTING REQUIREMENT:

By March 9, 2018, the District will provide documentation to OCR demonstrating that the appropriate faculty and staff have attended the training provided pursuant to this Item. The documentation shall include, but shall not be limited to: (1) the date(s) of the training session(s); (2) a list of the names and job titles of the staff who participated in the training session(s); (3) a description of the presenter's background and qualifications; and, (4) a copy of the training materials disseminated, or in the event of electronic training, provide the training content.

School

5. **By January 31, 2018**, the School will ensure that it provides annual training for all its staff and all individuals who investigate complaints of discrimination on the basis of race, color, national origin or sex, including individuals at the School that are responsible for investigating complaints of harassment. The training should include: a) the Title IX and Title VI legal standards prohibiting different treatment on the basis of sex, race, color or

national origin; b) how to investigate complaints of discrimination and harassment; and c) the Procedures revised in accordance with this Agreement.

REPORTING REQUIREMENT:

By March 9, 2018, the District will obtain documentation from the School and provide the documentation to OCR within 30 days of receipt demonstrating that the appropriate faculty and staff have attended the training provided pursuant to Item #5. The documentation shall include, but shall not be limited to: (1) the date(s) of the training session(s); (2) a list of the names and job titles of the staff who participated in the training session(s); (3) a description of the presenter's background and qualifications; and, (4) a copy of the training materials disseminated, or in the event of electronic training, provide the training content.

Student Remedy

7. **By December 30, 2017**, the referral to the Department of Children Protective Services and any other information regarding this incident will be removed from the Student's educational file.
8. **By December 30, 2017**, the Student's attendance record will be expunged for the two unexcused absences he received as a result of this incident. Once the absences are expunged the Student will be recognized for perfect attendance, if otherwise qualified.
9. **By December 30, 2017**, the Complainant will be offered counseling for the Student at the expense of the District for up to one calendar year as the need is determined by the Complainant and the counselor and for the amount of time per week determined by the Complainant and the counselor, as a remedy for the School and District's failure to conduct a prompt, impartial, and thorough Title IX sexual harassment investigation. The District will offer to provide academic tutoring to the Student up to 2 hours a week for 3 months to be completed by the end of the first semester of the 2018-2019 school year.

REPORTING REQUIREMENT: By January 30, 2018, the School will provide OCR:

- a. Documentation showing that the referral regarding the incident contained in the Student's education file has been removed from his school record;
- b. Documentation supporting that the Student's attendance records have been expunged of the two unexcused absences and documentation showing the Complainant was offered tutoring for the Student; if accepted by the Complainant, evidence that the Student received tutoring including the number of hours and the name and credentials

of the person providing the tutoring;

- c. Documentation supporting that the Student has been recognized for perfect attendance, if attendance criteria are otherwise met;
- d. Documentation confirming that the Student was offered counseling and, if the offer is accepted, evidence the counseling commenced including the name and credentials of the person who conducted the counseling, a brief synopsis of what the counseling entailed and the number of hours of counseling by the date stated above or at the conclusion of the counseling sessions.

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, if necessary, OCR may visit the District, interview staff and students, and request additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement. Upon the 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 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 sixty (60) calendar days to cure the alleged breach.

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

/s/

Superintendent
Pasco County School District

10/30/17

Date