

**Resolution Agreement
Eastern Carver County Schools ISD 112
OCR Docket #05-16-1367**

Eastern Carver County Schools ISD 112 (the District) voluntarily submits this Resolution Agreement to the U.S. Department of Education (the Department), Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131–12134, and its implementing regulation at 28 C.F.R. Part 35, and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§1681–1688, and its implementing regulation at 34 C.F.R. Part 106. Nothing in this Agreement shall be construed as an admission of wrongdoing or liability by the District. The District agrees to take the following action steps:

Disability Discrimination

Free Appropriate Public Education (FAPE)

1. The District will accept the XXXXX XX, 20XX special education eligibility determination of XXXXX XXXXX, in which Student A voluntarily enrolled in XXXXX 20XX and attends for the 20XX-20XX school year, finding Student A to qualify for special education services under the category of XXXXX XXXXX XXXXX (XXXXX). By **March 15, 2017**, regardless of whether Student A reenrolls in the District, and after providing written meeting notice to Student A’s parent(s), the District will convene a group of knowledgeable persons, including Student A’s parent(s) (Individualized Education Program, or IEP, Team), to determine whether any compensatory actions, education, or related services will be offered to account for the District’s alleged failure to identify Student A as a student with a disability in need of special education or related services, evaluate Student A, and/or provide Student A with a FAPE during the 20XX-20XX school year.
 - a. At a minimum, the Team will consider the following:
 - i. Whether the behavior leading to Student A’s XXXXX and XXXXX XXXXX in XXXXX 20XX was a manifestation of Student A’s disability or the direct result of the District’s failure to identify Student A as a student with a disability in need of special education or related services, evaluate Student A, and/or provide Student A with a FAPE during the 20XX-20XX school year.
 - ii. If the Team answers the question in subparagraph (a)(i) in the affirmative, whether any remedies are warranted, including, but not limited to:
 1. Whether Student A should be XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX;
 2. Whether Student A’s XXXXX files should be amended XXXXX XXXXX XXXXX, XXXXX, and/or XXXXX;
 3. Whether Student A’s transcript and other documentation should be amended to remove reference to Student A’s XXXXX XX XXXXX from the XXXXX XXXXX XXXXX (“XXXXX”);

4. Whether Student A's grades should be amended and/or Student A should be provided the opportunity to complete work with necessary supports for courses in which Student A XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX XX X XXXXX XX XXX XXXXX XXXXX;
 5. Whether Student A's parents should be compensated for any costs associated with the District's failure to evaluate Student A, identify Student A as a student with a disability or provide him with a FAPE during the 20XX-XX school year (e.g., private evaluation costs, private therapeutic services).
- b. If the Team answers the question in subparagraph (a)(i) in the negative, or finds that any of the remedies identified in subparagraph (a)(ii) or otherwise sought by the parents at the Team meeting described in subparagraph (a) are not warranted, the District will provide Student A's parent with written notice of the Team's determinations and of the procedural safeguards required by 34 C.F.R. § 104.36 (that would apply to Student A if he was enrolled in the District).
 - c. If Student A XXXXX in the District, the District will schedule an IEP meeting within 10 school days of his XXXXX to discuss implementation and potential revisions to Student A's IEP pursuant to the Federal and state laws and regulations, and the District's policies and procedures, governing special education.

REPORTING REQUIREMENT:

1. Within two weeks of the Team's determinations required under Item #1, the District will submit to OCR a copy of the Team's determinations and documents supporting the Team's decisions. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.33, 104.34, 104.35 and 104.36, in making these determinations. The documentation provided to OCR shall include the following:
 - a. Documentation showing when the Team met, who was present and what was discussed;
 - b. The Team's decisions and the bases for those decisions, including a description of the information the Team considered;
 - c. A copy of any meeting minutes;
 - d. A copy of any plan developed for Student A, documenting input provided by Student A's parent and showing that procedural safeguards were provided to them;
 - e. If any, a copy of any compensatory education and other remedial services or actions which were offered, in writing, to Student A's parent or that were provided/will be provided to Student A, including the dates, times and locations that the compensatory education or other remedial services or actions were/are to be provided to Student A;

- f. The name(s) and title(s) of the individual who provided/will provide such services or actions to/for Student A;
 - g. Should the services and/or actions be rejected by Student A's parent, the District will provide OCR documentation of such rejection and documentation showing that it provided the parent with the written notice of procedural safeguards following the rejection; and,
 - h. A copy of any other documentation relevant to the determinations reached in the meeting.
2. By **June 30, 2017**, the District will provide documentation to OCR of the dates, times and locations that any compensatory education and remedial services or actions were provided to Student A under Item #1. The documentation shall include a description of what was provided and by whom.
2. By **March 15, 2017**, the District will review and revise its policies and procedures regarding the system of procedural safeguards pertaining to the identification, evaluation or educational placement of persons who, because of handicap, need or are believed to need special instruction or related services to ensure they meet the requirements of 34 C.F.R. § 104.36. These policies and procedures will be separate and apart from the District's grievance procedures adopted in accordance with 34 C.F.R. § 104.7, which provide for the prompt and equitable resolution of complaints of disability discrimination. The system of procedural safeguards will include notice, an opportunity to examine relevant records, an impartial due process hearing with opportunity for participation by the person's parents or guardian and a review procedure. The District will ensure that implementation of the system of procedural safeguards and the disability grievance procedures for claims of disability discrimination and harassment are internally consistent between all District policies and procedures and that such policies and procedures do not contain conflicting/contradictory information. Within 15 days of OCR's approval of the revisions, the District will widely publish the revised policies and procedures, including by posting them on the District's website, publishing them in its student handbooks, posting them in all District buildings and any other means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR for its review and approval the revised policies and procedures it proposes to publish. Within 30 days of OCR's approval of the revised policies and procedures, the District will provide OCR with documentation that the revised policies and procedures have been published, including copies of emails, relevant pages of the District's website, student handbooks and postings in District buildings.

3. By **September 1, 2017** and by **September 1** of each subsequent year this Agreement remains in effect, the District will provide training by an individual approved by OCR on the District's revised Section 504 policies and procedures and the Section 504 regulations at 34 C.F.R. § 104.33, 104.35 and 104.36, which require the District to (1) provide a FAPE in accordance with the requirements of 34 C.F.R. § 104; (2) conduct pre-placement evaluations, establish evaluation and re-evaluation procedures, as well as placement procedures, in accordance with the requirements of 34 C.F.R. § 104.35; and (3) establish and implement

procedural safeguards in accordance with 34 C.F.R. § 104.36. This training will be provided to all teachers and staff at Chanhassen High School and staff at the District's Special Services Office who are directly involved in the identification, evaluation, reevaluation and placement of students of disabilities.

REPORTING REQUIREMENT: By **September 15, 2017**, the District will submit to OCR information documenting implementation of Item #3 above, including the following: date(s) of the training(s); copies of the training agenda(s); copies of training materials used; the name, title and qualifications of the person(s) who provided the training(s); and sign-in sheets for each session, including the name and title of each attendee.

Grievance Procedures

4. By **March 15, 2017**, the District will review and revise its Section 504 Grievance Procedure to ensure that it meets the requirements of the regulations implementing Section 504, at 34 C.F.R. § 104.7, and Title II, at 28 C.F.R. § 35.107. The grievance procedures will apply to complaints alleging any action prohibited by Section 504 and Title II whether filed by or against students, parents/guardians, employees or third parties. The District will ensure that its grievance procedures include, at a minimum, the following:
 - a. An explanation of how to report disability discrimination and/or file a complaint, including the name or the individual who receives the reports and the address, phone number and email address for the District's Section 504/Title II Coordinator;
 - b. A description of the complaint procedure, including but not limited to:
 - i. Designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint and the process for extending the timeframes;
 - ii. An explanation that to the extent the parties are given an opportunity to present evidence, they will be provided an equal opportunity to do so;
 - iii. A requirement that written notice of the outcome of the complaint will be provided to both parties;
 - iv. A prohibition of retaliation against persons who report disability discrimination and/or participate in related hearings or investigations, and a statement that the District will discipline individuals who engage in retaliation; and
 - v. An assurance that the District will take action to stop disability discrimination, remedy its effects and prevent its recurrence.

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR for its review and approval its revised Section 504 Grievance Procedures referenced in this item. Within 15 days of OCR's approval, the District will widely publish the Section 504 Grievance Procedures by posting them on the District's website and in other materials that the District deems appropriate. The District will submit documentation that it published the Section 504 Grievance Procedures referenced in this item within 30 days of publication.

5. By **September 1, 2017** and by **September 1 annually thereafter**, the District will deliver training to all District personnel on its Section 504 Grievance Procedures adopted pursuant to Item #4 of this Agreement and, for newly hired staff, the District will provide the training referenced in this item within 90 days of the hiring date. The District will provide specialized training for staff who are directly involved in processing, investigating and/or resolving complaints or other reports of disability discrimination. The training will include instruction on how to conduct and document adequate, reliable and impartial disability discrimination investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By **September 15, 2017**, the District will submit to OCR information documenting implementation of Item #5 above, including the following: date(s) of the training(s); copies of the training agenda(s); copies of training materials used; the name, title and qualifications of the person(s) who provided the training(s); and sign-in sheets for each session, including the name and title of each attendee.

Sex-Based Harassment

Notice of Nondiscrimination and Anti-Harassment/Violence Policy

6. By **March 15, 2017**, the District will revise its notice of nondiscrimination and Anti-harassment and Violence Policy to: (a) clearly identify the individual(s) responsible for investigating complaints of sexual and gender based harassment; (b) contain time frames for completion of such investigations and notice to complainants; (c) clearly identify and provide the name and/or title, office address, email address and telephone number of each individual designated as Title IX Coordinator(s) under Item #5 below; and (d) state that inquiries concerning application of Title IX and its implementing regulation may be referred to the Title IX Coordinator(s) or to OCR. Within 15 days of OCR's approval of the statement, the District will widely publish the statement, including by posting it on the District's website, publishing it in its student handbooks, posting it in all District buildings and by any other means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR for its revised policy for review and approval. Within 15 days of OCR's approval of the statement, the District will provide OCR with documentation that the revised policy has been published, including copies of emails, relevant pages of the District's website, student handbooks and postings in District buildings.

Title IX Coordinator(s)

7. By **March 15, 2017**, the District will clearly designate as Title IX coordinator(s) the individual(s) responsible for coordinating its efforts to comply with and carry out its Title IX responsibilities in the District and provide the individual(s) effective training to ensure adequate and effective implementation of the District's policies and procedures prohibiting sexual and gender based harassment and adequate handling of investigations of complaints

alleging a violation of Title IX. The District will notify all students and employees of the identity, address, telephone number and email address of each individual the District has designated as its Title IX Coordinator(s) and will review its policies, procedures, student handbooks and other written materials available to the public identifying the Title IX coordinator(s) to ensure that they contain consistent information about each Title IX coordinator's identity and contact information and do not contain conflicting/contradictory information. The District will ensure that the Title IX Coordinator or Coordinators are knowledgeable in all aspects of Title IX's application to elementary and secondary schools.

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR the name and credentials of each Title IX Coordinator and a description of the training that individual or individuals have received to carry out their duties and responsibilities under Title IX. The District will also provide documentation to OCR that it has provided the required notice to students and employees and copies of policies, procedures, student handbooks and other written materials available to the public identifying the Title IX coordinator(s) for OCR's review and approval.

8. By **January 31, 2017**, the District will develop a statement of roles and responsibilities and mandatory training for its Title IX Coordinator(s), to include the following:
 - a. The Title IX Coordinator(s) will coordinate with appropriate central office and school building administrators, counseling staff, law enforcement, school resource officers (SROs) in the District and any other District personnel or staff responsible for receiving student complaints in order to identify and address any patterns or systemic problems under Title IX.
 - b. The Title IX Coordinator(s) will have expert knowledge of the District's Title IX grievance procedure(s) and oversee all investigations of and responses to Title IX complaints received by the Title IX Coordinator(s) and all other District administrators, staff and other individuals delegated the responsibility for receiving and/or investigating complaints of sex discrimination, including sexual and gender based harassment, and will address any patterns or systematic problems that arise during the review of such complaints and assess the overall efficacy of coordination and response by the District to sex discrimination, including the implementation and efficacy of interim measures taken to protect the parties during the grievance process, steps taken to stop sex discrimination found to have occurred and prevent its recurrence and eliminate any hostile environment that has been created for students and steps taken to remedy its discriminatory effects on the complainant and others, as appropriate.
 - c. The Title IX Coordinator(s) shall be responsible for ensuring that students and parents who file Title IX complaints are not discouraged from reporting or proceeding with such complaints and identifying and eliminating any barriers to reporting or proceeding. In addition, the Title IX Coordinator(s) or designee will be responsible for making a determination whether the District must override the complainant's request for confidentiality or decision not to proceed in order to meet its Title IX obligations.

- d. The Title IX Coordinator(s) will be responsible for coordinating the following actions for all investigations of sex and gender discrimination (including sexual and gender based harassment): advising students and parents of their rights to and limitations of remaining confidential during the District's investigation; the prompt and equitable investigation of complaints alleging sex or gender based discrimination; making findings as to sex or gender based discrimination occurred or not; identifying and ensuring the implementation of remedies (including interim measures) necessary to address the sex or gender based discrimination, eliminate any hostile environment and prevent its recurrence; and maintaining appropriate records.
- e. The Title IX Coordinator(s) will oversee the provision of initial and ongoing training on the substantive requirements of Title IX and how to investigate complaints under Title IX that allege sex or gender based discrimination, including sexual or gender based harassment, filed by students, parents, staff and faculty to any District personnel delegated the responsibility for receiving and/or investigating complaints of sex or gender based discrimination. The Title IX Coordinator(s) will also be responsible for the development, scheduling and implementation of necessary periodic Title IX training for other members of the District community (i.e., staff, teachers, counselors, coaches, students, etc.) and for surveying or otherwise monitoring the effectiveness of such training.
- f. The Title IX Coordinator(s) will have responsibility for the development, scheduling and implementation of regular events hosted by or supported by the District leadership to raise awareness in the District community about all forms of sex and gender based discrimination (including sexual harassment) and the District's policies and procedures regarding such matters, so as to reinforce to the District community the importance of this issue to the District administration.
- g. The Title IX Coordinator(s) will retain ultimate oversight responsibility for any individual the District designates to assist the Title IX Coordinator(s). The District also will develop specific statements of roles and responsibilities for each such individual designated to assist the Title IX Coordinator(s) that clearly delineate the scope of each individual's duties and their subordinate roles to the Title IX Coordinator.
- h. The Title IX Coordinator(s) will be responsible for providing information and training to students and employees regarding their Title IX rights and responsibilities, including information about the responsibility to report claims of or information about alleged sexual or gender based harassment pursuant to District policy, resources available both within and outside the District, the formal complaint process, the availability of interim measures and the ability to file a complaint with local law enforcement and a complaint with the District simultaneously.
- i. The Title IX Coordinator(s) will be responsible for periodic review and assessment of the District's Title IX procedures and any related policies and procedures including policies concerning the use of technology (e.g., Technology, Telecommunications and the Internet-Acceptable Use and Safety Policy) to ensure that they are consistent and consolidated to the maximum extent possible to provide an efficient resource for students, parents and staff.

- j. Neither the Title IX Coordinator(s) nor any individual designated by the District to assist the Title IX Coordinator(s) should have other job responsibilities that create a conflict of interest with regard to their duties and responsibilities under Title IX.
- k. The Title IX Coordinator(s) will be responsible for communicating with local law enforcement regarding the District's obligations under Title IX and serving as a resource on Title IX issues. The Title IX Coordinator(s) will be given access to any SRO records germane to Title IX investigations and will have supervisory authority over Title IX investigations conducted by SROs, so long as it does not compromise a criminal investigation or is not otherwise prohibited by law.
- l. The Title IX Coordinator(s) will be responsible for coordinating the development and implementation of annual assessments (i.e. surveys) of campus climate with regard to sex discrimination (including sexual harassment and sexual violence).

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR for its review and approval the statement drafted pursuant to this item. Within 10 calendar days of OCR's approval of the statement, the District will provide documentation to OCR that it has taken steps to ensure that the Title IX Coordinator or Coordinators are given information and support needed to fulfill the duties described in this item.

Review of Policies and Procedures

9. By **March 15, 2017**, the District will conduct a comprehensive review of all policies and procedures relating to sex or gender based discrimination (including sexual or gender based harassment) to ensure that they adequately address any incident of sex and gender based discrimination and provide for the prompt and equitable resolution of complaints alleging any form of sex and gender discrimination. The District will revise or eliminate the policies and procedures as appropriate, including revising or adding cross references and links between the various documents to ensure the policies and procedures, guidelines and other documents are internally consistent and do not contain conflicting/contradictory information and include the following:
 - a. a general notice of nondiscrimination consistent with the requirements of the Title IX regulation at 34 C.F.R. § 106.9 regarding notices of nondiscrimination;
 - b. a clear and consistent explanation of how and to whom to report sex and gender discrimination (including sexual and gender based harassment) and/or file a complaint (formally or informally) including the name, address, phone number and email address for the District's Title IX Coordinator(s);
 - c. an explanation of the interim measures that can be taken by the District before the final outcome of the investigation (e.g., a no contact order, changes to academic situations as appropriate with minimum burden on the complainant, counseling, health and mental health services and academic support) to respond to allegations of sex and gender based discrimination (including sexual and gender based harassment), an assurance that information about interim measures will be easy for students to locate and understand, an assurance that the Title IX Coordinator(s) or other specifically designated District employee will coordinate the provision of interim

- measures and an assurance that complainants will not be required to arrange such measures by themselves through multiple District administrators and/or offices;
- d. a description of the formal complaint procedures, including a complaint form, designated and reasonably prompt timeframes for major stages of the investigation and for completion of the investigation of a complaint, a requirement that written notice of the outcome be provided to the parties, a requirement that both parties will be given equal opportunity to present evidence, an assurance that both parties will receive periodic status updates, an appeal process for both parties conducted in an impartial manner by an impartial decision-maker with written appeal determinations issued to both parties and notice that the District will keep the complaint and investigation confidential to the extent possible;
 - e. an assurance that the District will not require a student who complains of sex or gender based harassment (including sexual or gender based harassment) to work out the problem directly with the alleged harasser, including through mediation, and a statement that allegations of sexual violence will not be mediated even on a voluntary basis;
 - f. identification of the means to investigate incidents of sex or gender based discrimination (including sexual or gender based harassment), including but not limited to the various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents and the District's standards for determining whether a hostile environment exists;
 - g. an assurance that the District uses in its investigation of complaints a preponderance of the evidence standard of review (i.e., it is more likely than not that sex or gender discrimination, including sexual or gender based harassment, occurred);
 - h. an assurance that, in determining whether sex or gender based discrimination (including sexual or gender based harassment) against a student resulted in a sexually hostile environment, the District will consider the conduct in question from both a subjective and objective perspective;
 - i. specific information as to the name or title and contact information (including office and email address and telephone number) for the District employee(s) responsible for receiving the complaint form and/or investigating reports of sex or gender based discrimination (including sexual or gender based harassment);
 - j. a prominent statement that the complainant has the option to pursue a criminal complaint with an appropriate law enforcement under the District's complaint procedures or to pursue both processes simultaneously, and that even if a criminal investigation is ongoing, the District will conduct its own Title IX investigation and will not wait for the conclusion of a criminal investigation or proceeding to begin its Title IX investigation;
 - k. a requirement that designated employee(s) at the District document all reports of incidents of sex and gender based discrimination (including sexual and gender based harassment) and that the District establish a protocol for recordkeeping of such incidents;
 - l. a statement that the District will take appropriate disciplinary action against students and staff who violate the District policies and procedures addressing and gender based discrimination (including sexual and gender based harassment) and examples of the range of possible disciplinary sanctions;

- m. a prohibition of retaliation against persons who report sex and gender based discrimination (including sexual and gender based harassment) or participate in related proceedings and a provision for discipline of individuals who engage in retaliation;
- n. an assurance that the District's primary concern is student safety and, to encourage reports of sex and gender discrimination (including sexual and gender based harassment), that the District will not discipline an individual who makes a good faith report of sex or gender based discrimination;
- o. a statement that the District will, where sex or gender based discrimination (including sexual and gender based harassment) is found to have occurred, take reasonable steps to remedy the harm caused by the sex or gender discrimination, including not only discipline against the harasser or steps to stop the discrimination, but also all steps necessary to prevent recurrence, to eliminate any hostile environment and to remedy the discriminatory effects of the harassment on the complainant and others, as appropriate. The statement shall also provide examples of the types of remedies available, including the provision of counseling to students who have been subjected to or who have engaged in sex or gender based discrimination and the provision of academic support, including recalculating any course grades if necessary.

REPORTING REQUIREMENT: By **April 10, 2017**, the District will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

10. Within 60 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in Item #7, the District will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policy, including its formal and informal complaint procedures, to the District community, including students, parents, administrators and staff. The District will make this notification available through the District's website, revised student handbooks and any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 days after the completion of Item #8, the District will provide OCR with documentation that it has completed this item, including copies of the written notices to students, parents/guardians, administrators and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located and documentation of any other additional means of notification used by the District.

Training of District Personnel

11. By **September 15, 2017** and by **September 15** of each subsequent year this Agreement remains in effect, the District will require all District administrators, teachers and relevant staff to complete effective training relating to the policies and procedures adopted pursuant to Item #7. The training will encompass the following:

- a. The District will remind all personnel of its commitment to having a District environment free sex and gender based discrimination (including sexual and gender based harassment) and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment as required by District policy and of the potential for discipline of employees who fail to report sex or gender based discrimination.
- b. The District will provide a general overview of Title IX, including how Title IX nondiscrimination provisions apply to students, the names and contact information for the designated employee(s) to whom students or others may report allegations of harassment, where to locate the District's harassment policies and procedures on the District's website and the existence of OCR and its authority to enforce Title IX.
- c. The District will explain its Title IX policies and procedures, what constitutes sex discrimination (including sexual and gender based harassment), the role of the Title IX Coordinator(s) and disciplinary sanctions related to findings of violations of the District's harassment policies and procedures, including the District's policy prohibiting retaliation and intimidation.

REPORTING REQUIRMENT: By **June 30, 2017**, the District will submit training materials to OCR for its review. OCR will review and approve the training materials by **July 31, 2017**, to ensure that they cover the items outlined in Item #8 a-c above. By **September 30, 2017** and by **September 30** each subsequent year this Agreement remains in effect the District will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training and a list of District employees who successfully completed the training.

12. By **September 30, 2017** and by **September 30** each subsequent year this Agreement remains in effect the District will provide effective training to all employees who are directly involved in receiving, processing, investigating and/or resolving complaints or other reports of sex discrimination (including sexual harassment), including any counselors, teachers and other District personnel who are likely to receive confidential reports of sex discrimination. The training will review the District policies and procedures referenced in Item #7 of this Agreement and include instructions on how to conduct and document adequate, reliable and impartial investigations of sex discrimination, including the appropriate legal standards to apply in such investigations, confidentiality requirements, record retention requirements, the District's proactive efforts to prevent sex discrimination and available resources for the complainant and respondent.

REPORTING REQUIRMENT: By **June 30, 2017**, the District will submit training materials to OCR for its review and OCR will review and approve the training materials by **July 31, 2017**, to ensure that they cover the items outlined in Item #9 above. By **September 30, 2017** and by **September 30** each subsequent year this Agreement remains in effect the District will provide OCR with documentation that it has provided appropriate District personnel with the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training and a sign-in sheet with the names and titles of the District personnel who attended the training.

Student Orientation and Training

13. Beginning with the 2017–2018 school year, and annually thereafter, the District will provide effective age-appropriate training by October 15 for new and returning students that includes the following components:
- a) A reminder to students of the District’s commitment to having a District environment free from all harassment and an explanation to students of what they should do if they believe they or other students have been subjected to sexual harassment.
 - b) An age-appropriate review of the District’s existing sexual harassment policies and procedures, including an explanation of what constitutes sexual or gender based harassment, as well as disciplinary sanctions related to findings of violations of the District’s harassment policies and procedures and/or the District’s policy prohibiting retaliation and intimidation.
 - c) The programs will provide an introduction of the Title IX Coordinator(s), an explanation of his/her/their role(s), the names and contact information for any other designated staff member(s) and alternate staff and/or counselors to whom students may report allegations of sexual or gender based harassment and an encouragement to students to report harassment they have experienced or observed.

REPORTING REQUIREMENT: By **September 30, 2017** and by **September 30** each subsequent year this Agreement remains in effect the District will provide OCR with documentation that it has implemented this item, including copies of the orientation schedule, the names and titles of employees who presented on the required topics and copies of any materials that were used or distributed regarding the required topics.

Title IX Investigation Regarding Student A

14. By **March 15, 2017**, the District will initiate an investigation under its investigative process, as revised under this Agreement, regarding Student A’s complaint alleging sex/gender harassment and determine whether harassment occurred and, if so, what, if any remedies are appropriate for Student A. The District will invite Student A and his parents to attend a meeting at the commencement of the investigation to provide the District with information about the alleged incidents of sex/gender harassment of Student A. The District will determine using the appropriate evidence standard, whether the District’s policies were violated and whether a hostile environment was created based on sex or gender. Remedial actions may include, but are not limited to, payment for future counseling, reimbursement for out-of-pocket costs for previously received private counseling, if any, related to the sexual harassment and the District’s response to Student A’s reports of sexual harassment. The District will provide Student A’s parent written notice of its determination of the outcome of the investigation, of whether remedial actions are necessary and of appeal rights. Within 1 week of its determination, the District will develop a plan for providing timely remedial action, if any, and will implement the remedial actions with a completion date not to extend beyond **June 1, 2017**.

REPORTING REQUIREMENT: By **April 15, 2017**, the District will provide OCR the name and credentials of the investigator, a copy of the investigator’s report and, for OCR’s review and approval, the steps the District proposes to take in response, including any remedies it proposes to take. Within 1 week of OCR approval, the District will implement the plan. By **June 15, 2017**, the District will provide documentation to OCR of the dates and a description of the remedial actions taken according to the plan.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this 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 this Agreement and is in compliance with the regulations implementing Section 504 and Title IX, at 34 C.F.R. §§ 104.7, 104.33, 104.34, 104.35, 104.36, 106.8, 106.9 and 106.31, and Title II, at 28 C.F.R. § 35.107, which were at issue in this complaint.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Section 504 and Title IX, at 34 C.F.R. §§ 104.7, 104.33, 104.34, 104.35, 104.36, 106.8, 106.9 and 106.31, and Title II, at 28 C.F.R. § 35.107, which were at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the District.

Superintendent or Designee

Date