

Resolution Agreement
OCR Case Number 06141404
Joaquin Independent School District

The Joaquin Independent School District (“JISD” or the “District”) submits this Resolution Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office. JISD commits to take the actions set forth below to ensure adherence to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. § 100.3, and Title IX of the Education Amendments of 1972 (Title IX), and its implementing regulation at 34 C.F.R. § 106.

Action Items Addressing Harassment Based on Race or National Origin

Action Item 1

The District will provide training, subject to OCR’s approval, to the Joaquin High School Principal (J. Jackson) (“JHS Principal”) on processing, investigating and resolving allegations of race-based discrimination (including racial harassment). The training will cover the District’s policies and procedures for race-based discrimination complaints and will provide attendees instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title VI. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title VI investigations, including the appropriate legal standards to apply in a Title VI investigation.

Reporting Requirement:

By XXXX XXXX, the District will provide for OCR review and approval the name and qualifications of the trainer(s) and the training materials to be used for the training required in Action Item 1.

Within 30 calendar days of OCR’s approval of the training materials and trainer, the District will conduct the training and provide OCR documentation demonstrating that it has provided the training, including the date(s) of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and proof of attendance by the JHS Principal.

Action Item 2

- A. By XXXX XXXX, JISD will offer, in writing, to XXXX XXXX, XXXX XXXX, XXXX XXXX, XXXX XXXX, XXXX XXXX, and XXXX XXXX (if they have reached the age of majority), or to their parents (if they have not reached the age of majority), the opportunity to be evaluated by a certified counseling professional (e.g., a certified counselor, psychologist, or psychiatrist knowledgeable about the effects of racial and national origin-based harassment on children of the same age as the Students) to determine if said students were negatively affecting by the hostile environment based on race or national origin

created by the Athletic Director (AD) during the XXXX school year at XXXX, and to determine if there is a need for counseling and/or additional counseling, or other measures to remedy the effects of the harassment on the students.

- B. By XXXX XXXX, JISD will make available the counseling or other remedial measures, if any are determined necessary, at its own expense.

Reporting Requirement:

By XXXX XXXX, JISD will provide documentation evidencing its completion of Action Item 2A, including a copy of the written offers to the above-referenced individuals and proof of mailing the written offers.

By XXXX XXXX, JISD will provide documentation of the acceptance or rejection of the offers, AND either: (a) provide documentation evidencing its completion of Action Item 2B or (b) provide a written statement projecting the date when Action Item 2B will be complete as determined in writing by the certified counseling professional(s) providing the services.

If applicable, within 14 days from the date the provision of services is complete, JISD will provide documentation evidencing its completion of Action Item 2B.

Action Items Addressing Sexual Harassment

Action Item 3

- A. The District will revise its Title IX grievance procedures, including procedures to address allegations of sex-based harassment, to include an assurance that the District “will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the victim and others, if appropriate.”
- B. The District will provide Title IX training to the District Title IX Coordinator and the JHS Principal on processing, investigating and resolving allegations of sex discrimination (including sexual harassment). The training will cover the District’s new grievance procedures for Title IX complaints and will provide attendees with instruction on preventing, recognizing and appropriately addressing allegations and complaints pursuant to Title IX, including sex discrimination/sexual harassment, and the District’s responsibilities under Title IX to address allegations of sexually inappropriate behaviors. Additionally, the training will include instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations

Reporting Requirement

By XXXX XXXX, the District will provide for OCR review and approval its draft revised Title IX grievance procedures as described in Action Item 3A.

Within 30 calendar days after receiving OCR's approval of the Title IX policy and grievance procedures described in Action Item 3A, JISD will: (1) provide OCR verification that the policies and procedures regarding sex-based harassment have been published in student and employee handbooks (and Student Code of Conduct, if separate from the Student Handbook) and have been posted in each school at a location where other compliance notices are posted and on the District website; and (2) submit for OCR review and approval the name and qualifications of the trainer(s) and the training materials to be used for the training required in Action Item 3B.

Within 45 calendar days of OCR's approval of the training materials and trainer, JISD will conduct the training and provide OCR documentation demonstrating that it has completed the actions described in Action Item 3B, including the date(s) of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and proof of attendance by the JHS Principal and the Title IX Coordinator.

Action Item 4

A. By XXXX XXXX, the JISD will offer, in writing, XXXX XXXX , XXXX XXXX , and XXXX XXXX XXXX counseling services regarding the statements AD made to them as cited in OCR's Letter of Finding in the above-referenced case.

B. By XXXX XXXX, JISD will make available the counseling services at its own expense.

Reporting Requirement

By XXXX XXXX, JISD will provide documentation evidencing its completion of Action Item 4A, including a copy of the written offers to the above-referenced individuals and proof of mailing the written offers.

By XXXX XXXX, JISD will provide documentation of the acceptance or rejection of the offers, AND either: (a) provide documentation evidencing its completion of Action Item 4B or (b) provide a written statement projecting the date when Action Item 4B will be complete as determined in writing by the certified counseling professional providing the services.

If applicable, within 14 days from the date the provision of services is complete, JISD will provide documentation evidencing its completion of Action Item 4B.

The JISD 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 JISD understands that during the monitoring of this agreement, if necessary, OCR

may visit the JISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the JISD has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title IX at 34 C.F.R. § 106.31, and Title VI at 34 C.F.R. § 100.3, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The JISD 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 JISD 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 JISD's representative below.

Superintendent (or designee)

Date