



RESOLUTION AGREEMENT
Austin Independent School District
OCR Case Number: 06-14-1597

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Austin Independent School District (AISD, District, or recipient) enter into this agreement (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 OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations 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 regulations at 34 C.F.R. Part 100. Title IX and Title VI respectively prohibit discrimination on the basis of sex and on the basis of race, color, or national origin by recipients of Federal financial assistance.

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 action.

A. ACTION ITEMS & REPORTING REQUIREMENTS:

Action Item 1 – Conduct a Self-Assessment as to the Single-Sex Campuses:

1. **By September 30, 2018**, the District will complete a self-assessment (Self-Assessment) regarding its operation of Bertha Sadler Means Young Women's Leadership Academy (Means) and Gus Garcia Young Men's Leadership Academy (Garcia) from the 2017–2018 school year. As part of its Self-Assessment, the District will, at a minimum:
 - a. Evaluate its operation of Means and Garcia regarding each of the Substantially Equal Factors (SE Factors) listed in 34 C.F.R. § 106.34(c), including, but not limited to:
 - i. the educational benefits provided, including the quality and availability of books, instructional materials, and technology;
 - ii. geographic accessibility;
 - iii. the quality, accessibility, and availability of facilities and resources; and
 - iv. intangible features, such as reputation of faculty.
 - b. Consider whether any aspect of its operation of Means and Garcia does not or may not meet the requirements of the Title VI and Title IX implementing regulations respectively located at 34 C.F.R. §§ 100.3 and 106.34(c);
 - c. Consider what remedial steps it should take to eliminate any discrimination which resulted or may have resulted from its operation of Means and Garcia in a manner that does not or may not meet the requirements of the Title VI and Title IX implementing regulations respectively located at 34 C.F.R. §§ 100.3 and 106.34(c); and

- d. In a manner deemed appropriate by the District, gather information from students, parents/guardians, and staff employed at either Means or Garcia during the 2017–2018 school year to assist its assessment of whether the District’s operation of Means and Garcia does not or may not meet the requirements of the Title VI and Title IX implementing regulations respectively located at 34 C.F.R. §§ 100.3 and 106.34(c).

Reporting Requirement for Action Item 1:

- a. **By September 30, 2018**, the District will provide OCR with documentation, sufficient to show compliance with Action Item 1 of this Agreement, evincing how, when, and by what means the District conducted the Self-Assessment; disseminated to and collected related information from staff, students, and parents/guardians; and what the results were of such Self-Assessment.

Action Item 2 – Develop and Implement an Action Plan based on the Self-Assessment:

2. **By November 30, 2018**, the District will review the results of its Self-Assessment conducted pursuant to Action Item 1 of this Agreement and, based on such review, will develop and implement an Action Plan (Action Plan) for the 2018–2019 school year that identifies what actions, in addition to the requirements of this Agreement, the District will take regarding Means and Garcia. Further, the District will update as needed and provide to OCR its Action Plan through the 2020–2021 school year. Through each Action Plan, the District will ensure that, at a minimum:
 - a. Consistent with the Title VI implementing regulation located at 34 C.F.R. § 100.3, no individual is, on the ground of race, color, or national origin, denied the benefits of or otherwise subjected to discrimination with respect to the District’s operation of single-sex or coeducational campuses; and
 - b. Consistent with the Title IX implementing regulation located at 34 C.F.R. § 106.34, the District does not provide or otherwise carry out any of its education programs or activities separately on the basis of sex, or require or refuse participation therein by any of its students on the basis of sex, except as provided for in 34 C.F.R. § 106.34 or otherwise within the Title IX implementing regulations. If the District continues to operate Means and/or Garcia as single-sex schools, it will, at a minimum, offer a substantially equal education to students of the sex excluded from Means, and to students of the sex excluded from Garcia, in compliance with the Title IX implementing regulation located at 34 C.F.R. § 106.34(c), including as to each of the following SE Factors:
 - i. The policies and criteria of admission;
 - ii. the educational benefits provided, including:
 - a. the quality, range, and content of curriculum and other services and
 - b. the quality and availability of books, instructional materials, and technology;
 - iii. the quality and range of extracurricular offerings;

- iv. the qualifications of faculty and staff;
- v. geographic accessibility;
- vi. the quality, accessibility, and availability of facilities and resources; and
- vii. intangible features, such as reputation of faculty.

Reporting Requirements for Action Item 2:

- a. **By November 30, 2018; July 31, 2019; and July 31, 2020;** the District will provide OCR with a copy of its Action Plan referenced in Action Item 2, for OCR’s review and approval. The District’s Action Plan will contain such documentation and information sufficient to demonstrate that, for the remainder of the 2018–2019 school year, and for the forthcoming 2019–2020 and 2020–2021 school years, the District will operate Means and Garcia in compliance with the Title VI and Title IX implementing regulations respectively located at 34 C.F.R. §§ 100.3 and 106.34. OCR will review the Action Plan and convey to the District any deficiencies that need to be remediated. The Action Plan and related information reported to OCR shall include, at a minimum:
 - i. With respect to Means and Garcia, sufficient documentation to demonstrate compliance with 34 C.F.R. § 106.34; and
 - ii. What, if any, compensatory and/or remedial services the District determines are necessary, and a plan for timely providing such services, to eliminate any discrimination resulting from the District’s operation of Means and Garcia in a manner that does not or may not meet the requirements of the Title VI and Title IX implementing regulations respectively located at 34 C.F.R. §§ 100.3 and 106.34(c).
- b. **Within 30 days of receiving OCR’s approval,** the District shall begin implementation of the Action Plan. By the conclusion of the 2018–2019 school year, and annually thereafter until, and including, the conclusion of the 2020–2021 school year, the District shall submit documentation to OCR evincing how, when, and by what means the District implemented the Action Plan and disseminated related information to staff, students, and parents/guardians.

Action Item 3 – Train Staff:

- 3. **By December 31, 2018,** the District will determine what changes are needed to its current training plan for relevant District-level staff, and other appropriate staff based on the Self-Assessment results, regarding Means and Garcia; and will train appropriate staff accordingly. As part of this Action Item, and if not already included in the Action Plan referenced above, the District will develop training and ensure that appropriate staff receive, at a minimum:
 - a. Information about the circumstances in which the Title IX implementing regulation at 34 C.F.R. § 106.34 permits the District to provide or otherwise carry out its education

- programs or activities separately on the basis of sex, and the related regulatory requirements that it must meet;
- b. Information about the District’s obligation to comply with 34 C.F.R. § 100.3;
- c. The results of the Self-Assessment conducted pursuant to Action Item 1 of this Agreement; and
- d. Instruction on how the Action Plan, created pursuant to Action Item 2 of this Agreement, will be executed.

Reporting Requirement for Action Item 3:

- a. **By January 31, 2019**, the District will provide to OCR documentation demonstrating that it has provided training to District personnel in accordance with Action Item 3 of this Agreement, including: (a) the name(s) and title(s) of the individuals who conducted the training; (b) a list of the individuals who attended the training and their positions; (c) the date(s) the training was conducted; and (d) copies of any training materials disseminated.

B. GENERAL TERMS & PRINCIPLES:

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. Upon the District’s satisfaction of the commitments made under this Agreement, OCR will close the 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION:

This Agreement will become effective immediately upon the signature of the District’s representative below.

Printed Title & Name of Authorized District Official

Date

Signature of District Official