

RESOLUTION AGREEMENT

Zapata County ISD
OCR Complaint Number 06171237

The Zapata County Independent School District (the District) agrees to implement the following Resolution Agreement (Agreement) to resolve an issue investigated in the above referenced complaint, filed with the U.S. Department of Education (Department), Office for Civil Rights (OCR), and opened pursuant to Title IX of the Education Amendments Act of 1972 (Title IX) and its implementing regulation at 34 C.F.R. Part 106.

The District is committed to complying fully with Title IX and has voluntarily agreed to take the steps outlined in this Agreement. The signing of this Agreement by the District does not constitute an admission by the District that it has violated Title IX.

ACTION ITEM 1: Individual Remedies

By June 30, 2017, the District will make a written offer to provide counseling services to the Student. The District's written offer to provide counseling services must provide the Student with 30 calendar days to indicate acceptance of the offer.

REPORTING REQUIREMENT 1a: Within 45 days of making its written offer, the District will submit to OCR documentation indicating that it has done so as well as whether the Student accepted the written offer.

REPORTING REQUIREMENT 1b: If the Student accepts the above-referenced offer of counseling services, by November 30, 2017, the District will provide OCR with evidence that it provided such counseling services.

ACTION ITEM 2: Policies and Procedures

By September 30, 2017, the District will evaluate and/or revise its policies and procedures with regard to investigating sex discrimination, sexual harassment, sexual violence, or any Title IX complaints to ensure it provides for a prompt and equitable response to complaints received, and for the maintenance of documents generated by the investigation of all complaints received regarding Title IX, sexual harassment, sexual violence, and sex discrimination. The District will submit its revised policies and procedures to OCR for OCR's review and approval. The evaluation will determine the process necessary to ensure that the District takes all steps reasonably designed to ensure that students enrolled in the District are not subjected to sex discrimination, sexual harassment, sexual violence, or other discrimination prohibited by Title IX, and to respond promptly and appropriately to all allegations of sexual harassment, sexual violence, and discrimination on the basis of sex. The revised policies and procedures must, at a minimum, amend the District's current grievance procedure to provide the following:

- i. an adequate, reliable, and impartial investigation, including an equal opportunity to present witnesses and relevant evidence; and

- ii. an assurance that the District will take steps to prevent recurrence of harassment and to make whole any victims of harassment, if appropriate.

REPORTING REQUIREMENT 2

- a. By September 30, 2017, the District will provide OCR with draft revised grievance policies and procedures regarding Title IX complaints, as required in Action Item 2 above, for OCR's review and approval.
- b. Within 60 calendar days of OCR's approval of the District's revised Title IX grievance procedures, the District will adopt and implement the revised procedures and will provide students and employees with written notice regarding the revised grievance procedures for resolving Title IX complaints, together with information on how to obtain or locate a copy of the revised grievance procedures. The District will make this notification through the District's website and future student and employee handbooks.
- c. Within 15 days of the District's adoption of its revised Title IX grievance procedures, it will provide written verification to OCR that it has adopted and implemented its revised Title IX grievance procedures and has provided the notice to students and employees.

ACTION ITEM 3: Response to Future Complaints

The District will take all reasonable steps to ensure that students enrolled in the District are not subject to sexual harassment. To this end, the District will promptly respond to all complaints (both formal¹ and informal²) of sexual harassment, and all incidents which are known or reasonably should be known to the District. The District will take prompt and effective responsive action reasonably designed to end the harassment; prevent its recurrence; and, where appropriate, take steps to remedy the effects of the harassment on the student(s) and the larger school community.

REPORTING REQUIREMENT 3:

By June 30, 2017, 2018, and 2019, the District will provide documentation to OCR of all informal and formal complaints of sexual harassment filed by students during the preceding school year. This documentation will include copies of each complaint; a description of the complaint; the District's response; and the resolution, including the report of any investigation conducted and any disciplinary sanctions issued, remedial efforts offered or provided, and all interim and permanent action taken to prevent recurrence. If the District received no complaints of sexual harassment during the relevant school year, the District will certify in writing that no sexual harassment complaints were made.

¹ Formal complaints are defined as those that are presented in written form.

² Informal complaints include those that are reported verbally to a responsible employee; i.e., an employee who has the authority to take action to redress the harassment; who has been given the duty of reporting incidents of harassment or any other misconduct by students or employees to an appropriate school designee; or whom a student or parent could reasonably believe has this authority or duty.

ACTION ITEM 4: Training for Staff

The District will provide training to all teachers and administrators that covers recognizing and appropriately responding to complaints and incidents of discrimination and harassment based on sex. The training will address, at a minimum, the definition of sexual harassment, examples of sexual harassment, and the District’s obligation to conduct adequate, prompt, reliable, and impartial investigations, and to take steps reasonably calculated to end the harassment, prevent its recurrence, and make whole any victims of the harassment.

By September 15, 2017, the District will provide OCR, for review and approval via email, with a copy of the training module and/or outline of the training materials that the District will utilize; the name, credentials, and contact information for the person(s) who will conduct the training; and a description and/or copy of the notification that the District will use to inform attendees of the mandatory training.

REPORTING REQUIREMENT 4:

Within one month of receiving OCR’s approval of the training module referenced in Action Item 3 above, the District will provide OCR with documentation demonstrating that the training referenced above was provided. This documentation will include, at a minimum, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including handouts, guides, or other materials; and proof of attendance by relevant staff.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of the 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 the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. The District understands that OCR will not close the monitoring of the Agreement until such time that OCR determines that the District has fulfilled the terms of the Agreement and is in compliance with the statute(s) and regulations that were at issue in this case. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

For Zapata County Independent School District:

Mr. Carlos Gonzalez, Superintendent

Date