

Resolution Agreement

Kirbyville Consolidated Independent School District OCR Complaint #06-17-1271

The U.S. Department of Education, Office for Civil Rights, (OCR) and the Kirbyville Consolidated Independent School District (the District) enter into this resolution agreement (Agreement) to voluntarily resolve the above-referenced complaint. 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), 20 U.S.C. §1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibits discrimination on the basis of sex, and Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. Section 794 and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. Sections 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively. Title IX, Section 504 and Title II also prohibit retaliation.

Prior to the completion of OCR's investigation, the District agreed to voluntarily resolve the complaint under investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, the District agrees to take the following actions.

Action Item #1 – Training

The District will provide training to the faculty and staff at the Kirbyville Junior High School regarding its obligations under Section 504, Title II, and Title IX, which shall address, at a minimum, 1) the prohibition on of harassment on the basis of sex and/or gender and the District's obligations to prevent and respond to claims of such harassment, pursuant to Title IX, at 34 C.F.R. § 106.31, and 2) the District's obligation to protect individuals from retaliation pursuant to Title IX, at 34 C.F.R. § 106.71, Section 504, at 34 C.F.R. § 104.61, and Title II, at 28 C.F.R. § 35.134. The training will be conducted by individuals knowledgeable about the laws and issues pertaining to sex and disability discrimination.

Reporting Requirement #1

- a) **Within 60 days** of the signing of this Agreement, the District will submit to OCR, for review and approval, its proposal for complying with Action Item 1 above. Specifically, the District will provide to OCR the name(s) and credentials of the individual(s) who it proposes to conduct the training session(s), and copies of the proposed materials the District intends to use at the training session(s).
- b) **Within 60 days** of OCR's approval of the individual(s) and materials referenced in Reporting Requirement 1(a), the District will provide the training listed in Action Item 1 above.

- c) **Within 30 days** of the completion of the training referenced in Reporting Requirement 1(b), the District will provide OCR with documentation demonstrating that it has timely completed Action Item 1 above. Specifically, the District will provide to OCR the names of all individuals who attended the training session(s) provided pursuant to Action Item 1, the date(s) and time(s) the training session(s) occurred, the name(s) and credentials of the individual(s) who conducted the training session(s), and copies of the materials disseminated at the training session(s).

Action Item #2 – Review of National Elementary Honor Society Candidacy

The District shall review the candidacy of the Complainant's [XXXX] (Student B) for inclusion into the District's [X---phrase redacted---X], hereinafter referred to as the [X---phrase redacted---X]. This review shall adhere to the bylaws adopted by the [XXXX], as approved by the [XXXX], pertaining to membership eligibility and selection.

Reporting Requirement #2

- a) **Within 30 days** of the signing of this Agreement, the District will submit to OCR documentation evidencing the [XXXX] review of Student B's candidacy for membership and its final determination. Upon review, if the District determines that Student B should have been admitted into the [XXXX], the District will also submit documentation evidencing that Student B's official academic records have been amended to reflect membership in the [XXXX] with a beginning date retroactive to the original date of application.

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX, Section 504, and Title II.

The District also 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 the Agreement. Further, the District understands that during the monitoring of the Agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as necessary for OCR to determine whether the District has fulfilled the terms of the Agreement. Upon the District's satisfaction of the commitments made under the 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 proceeding to enforce this agreement, OCR shall give the District 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 District's representative below.

Dr. Thomas Wallis, Superintendent
Kirbyville Consolidated Independent School District

Date