

**RESOLUTION AGREEMENT**  
**Sioux Falls School District 49-5**  
**Complaint Number 07161224**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Sioux Falls School District 49-5 (District), Sioux Falls, South Dakota, 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, 20 United States Code (U.S.C.) § 1681(Title IX), and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 106, which prohibit discrimination based on sex by a recipient of Federal financial assistance (FFA). The District, as a recipient of FFA, is subject to the requirements of Title IX.

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 actions.

1. The District will revise its Nondiscrimination Policy/Statement to include the Boy Scouts of America Equal Access Act of 2001, 20 U.S.C. Section 7905, 34 C.F.R. Part 108.

**Reporting Requirements: During negotiation of the Agreement, the District provided the OCR, the draft of the revised Notice of Nondiscrimination Statement for review and approval on October 26, 2017. OCR approved the revised Notice of Nondiscrimination Statement and notified the District October 31, 2017.**

2. Based on OCR's approval of the revised Notice of Nondiscrimination, the District shall immediately update its electronic Annual Notifications document, and feature this update on the District's homepage and policy page. The District shall then update its Nondiscrimination policy, AC/AC-R, presenting the update at the January 23, 2018, Board meeting for first reading. All school handbooks and the annual publication of the notices to all residences will be updated for the printed publication for the 2018-2019 school year.

**Reporting Requirements: Within 15 days of OCR's approval of its revised Notice of Nondiscrimination Statement, the District will provide OCR with evidence that the revised electronic version of the Annual Notifications document has been published online. By September 30, 2018, the District will provide evidence that the annual mailed publication, including the Notice of Nondiscrimination, has been revised. At this time, the District will also provide an example of an updated Student Handbook.**

3. During the District's 2018-2019 Annual Policy Review, the District will ensure that all District staff are trained on the District's policies and procedures prohibiting unlawful

discrimination, placing emphasis on Title IX and inappropriate comments regarding gender stereotypes that could be discriminatory.

**Reporting Requirement: By September 30, 2018**, the District will submit to OCR documentation that demonstrates completion of the training of current staff required in Item 3 of this Agreement. Such documentation should include the date(s) of the training session(s), a copy of the outline of the lesson plan and any handouts, the name and title of the trainer(s), the trainer's credentials, and a print out of employees acknowledging completion of the video training from the District's electronic HR Records System. The District will also submit to the OCR at the same time, a written procedure establishing the requirement that all staff hired to work in the District will receive such training.

4. The District will ensure that all students in the District will be made aware of its policies and procedures prohibiting unlawful discrimination on the basis of sex, including harassment.

**Reporting Requirement: By September 30, 2018**, the District will submit to OCR documentation that demonstrates that students have been made aware of the District policies and procedures as required in Item 4 of this Agreement. Such documentation should include a description of the way in which such awareness has been accomplished. If written materials are made available to students, the District should provide OCR with a copy of such materials, or if they are available online, a link to such materials. The District will also submit to OCR at the same time a written procedure establishing the requirement that all students will receive such information at the beginning of each school year.

5. If the Student attends school in the District during the 2017-18 school year, the District will, by **December 15, 2017**, designate a specific counselor with whom the Student may meet if he has any concerns regarding harassment or bullying by other students. In addition to meeting with the Student at the Student's request, the designated counselor will periodically ask the Student, in a private setting, if he has any concerns regarding harassment or bullying by other students that he would like to report. The designated counselor will keep documentation of each meeting with the Student at which harassment or bullying by one or more students was discussed. At a minimum, the documentation must provide the date and time of each of the counselor's meetings with the Student, a summary of any concerns shared by the Student during the meeting, and the District's action(s) to address such concerns.

**Reporting Requirement: By March 31, 2018**, the District will provide OCR a copy of the documentation required by item 5 of this Agreement, if applicable, or will advise OCR in writing that the Student did not attend school in the District during the 2017-18 school year.

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 and is in compliance with Title IX and its implementing regulation at 34 C.F.R. Part 106. Upon completion of the obligations under this Agreement, OCR shall close this 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. §§ 106.3 and 106.4) or judicial proceedings 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.

/s/  
\_\_\_\_\_  
Dr. Brian Maher, Superintendent

11/15/2017  
\_\_\_\_\_  
Date