

Resolution Agreement
Los Angeles County Office of Education
Case No. 09-13-1033

The Los Angeles County Office of Education (LACOE), without admitting to any violation of state or federal law, agrees to implement this Resolution Agreement (Agreement), in order to resolve the issues investigated by the U.S. Department of Education Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 in the above referenced case.

I. Sexual Harassment Procedures.

LACOE will revise its sexual harassment procedure and related discrimination procedures to include the elements below. LACOE will also consult with OCR during this process.

- a. The procedure will state that LACOE is responsible under Title IX for responding appropriately to notice of sexual assault and sexual harassment, even if a formal complaint is not filed.
- b. The procedure will state the name of the Title IX coordinator who is responsible for coordinating LACOE's compliance with Title IX. The Title IX coordinator will have training or experience in handling complaints of sexual assault and sexual harassment and in LACOE's sexual harassment procedure.
- c. The procedure will describe LACOE's obligation to:
 - i. Identify, investigate and document alleged incidents of possible sexual assault and sexual harassment, including information that comes to the attention of LACOE staff without a formal complaint.
 - ii. Provide for the adequate, reliable, and impartial investigation of all complaints within a reasonably prompt timeframe, including the opportunity for parties to present witnesses and other evidence. LACOE will assign appropriately trained administrators to conduct investigations. In addition, LACOE will assign administrators with appropriate knowledge and experience concerning students with cognitive disabilities with the responsibility for conducting investigations, when such students are victims, perpetrators or witnesses. The designated individual will interview all relevant witnesses, including the alleged harasser, the student allegedly assaulted or harassed and others with knowledge of the incident, and will document all interviews. The investigation will determine, based on a preponderance of the evidence, whether the alleged harassment did or did not occur; the identity of the student engaged in the

conduct; and the remedies needed to address the effects of the assault or harassment on the victim, if any. The designated individual will document the investigative findings and the specific steps he or she took in conducting the investigation in reaching conclusions.

- iii. Take interim measures during the investigation to ensure the safety of the reporting student and the larger school community, to address any ongoing harassment and to prevent retaliation against the reporting student.
 - iv. Determine the remedial action necessary to address and resolve an incident, including as appropriate, provision of educational resources and counseling for the student who was assaulted or harassed and the perpetrator, other steps to address any impact on the student sexually assaulted or sexually harassed, witnesses and the broader student body, and any other necessary steps to protect the individual student and witnesses from harassment and retaliation, as well as other steps reasonably calculated to prevent future incidents of any sexual assault or sexual harassment, including discipline of the perpetrator.
 - v. Follow the procedures set forth in its sexual harassment procedure regardless of whether the alleged harassment is also being investigated by another agency, unless the fact-finding process would impede a law enforcement investigation; in such a case LACOE will implement appropriate interim steps to provide for the safety of the reporting student and the school community; LACOE will promptly resume its Title IX investigation as soon as notified by law enforcement agency that it has completed the evidence gathering portion of its proceedings.
- d. The procedure will describe what will be included in the investigative report. The investigative report will include at a minimum:
- i. A statement of the allegation.
 - ii. The facts gathered during the investigation relevant to the allegation.
 - iii. The determination as to whether sexual assault or sexual harassment occurred and the basis for the determination with an analysis of the evidence.
 - iv. If the investigation finds that sexual harassment or assault took place, the report will specify the necessary and appropriate corrective actions that will be taken to end the sexual harassment, address the effects of the sexual assault or sexual harassment on the student(s) affected and prevent future reoccurrence.
- e. The procedure will state that copies of all witness statements and interview notes will indicate the name of the interviewer, the witness, and date of the interview and will be maintained as part of the investigative file. Notes taken during interviews need not be

maintained as part of the investigative file if the file contains detailed typed summaries of the notes.

- f. The procedure will specify time frames within which:
 - i. LACOE will complete a full investigation and complete the investigative report.
 - ii. Notify the parties of the outcome of the investigation.
 - iii. The process for extending time frames, when necessary.
- g. The procedure will contain a statement that if sexual assault or sexual harassment has been found to have occurred, LACOE will take prompt and effective steps to end the sexual assault or sexual harassment, prevent its recurrence, and address its effects, whether or not the sexual assault is the subject of a criminal investigation.
- h. The procedure will describe how LACOE will notify the complainant of the outcome of the investigation in writing and the steps taken to resolve the complaint. The complainant will be informed about the sanctions imposed on the perpetrator when the sanction directly relates to the student who was sexually assaulted or sexually harassed. This includes whether an order that the perpetrator stay away from the sexually assaulted or sexually harassed student, or that the perpetrator is prohibited from attending school for a period of time, or transfers to other classes or another school site.
- i. The procedure will describe how the complainant can appeal LACOE's investigative findings including time frames for filing an appeal.

LACOE has advised OCR of its intention to adopt the California School Boards Association (CSBA) Model Sexual Harassment and/or Uniform Complaint Procedures which are anticipated to be issued within several months of this agreement. At the time the procedures are issued, LACOE will notify OCR of the anticipated schedule for adoption, and OCR will notify LACOE of any modifications to the model procedures that are needed to ensure that the District's procedures comply with Title IX and this Agreement.

In the interim, LACOE will issue a Guidance Memorandum to all school sites and programs that will set forth the requirements of Sections I (a)-(i) above and state that, pending the adoption of new sexual harassment and related complaint procedures, these requirements are to be incorporated into the existing LACOE procedures. This Guidance Memorandum will remain in effect until LACOE's revised sexual harassment procedures are approved by OCR and formally adopted by the County Board of Education.

Reporting Requirement:

By September 30, 2014, LACOE will provide OCR with a draft of the Guidance Memorandum. Within 30 days of OCR's approval, LACOE will distribute the Memorandum to all school sites and notify OCR that it has done so.

By December 31, 2014, LACOE will provide OCR with a draft of its revised sexual harassment and related procedure for review. Once OCR approves the revised procedures, LACOE will formally adopt the revised sexual harassment procedure at its next board meeting and notify OCR that it has done so. Within 30 days of adoption, LACOE will disseminate the revised procedure to LACOE staff, administrators, and notify OCR that it has done so in writing along with copies of the notices.

II. Notice

LACOE will provide notice to students, parents/guardians and staff members of the revised sexual harassment procedure referred to in Item I. At a minimum, the notice will take the form of:

- a. Posting the procedure and the Title IX Coordinator's contact information on a readily accessible portion of LACOE's website.
- b. Posting information about the procedure and the Title IX Coordinator's contact information in areas clearly visible to students, parents/guardians and staff members at each school site attended by LACOE students.
- c. Including the procedure and the Title IX Coordinator's contact information in the Annual Notification, Principal's Handbook and any equivalent publication for staff members.

Reporting Requirements:

Within 30 days of adopting the new sexual harassment procedure, LACOE will post notice of its revised sexual harassment procedure and the Title IX Coordinator's contact information on its website and at each school site attended by LACOE students and notify OCR that it has done so, along with providing a link to the online procedure.

LACOE will also include its revised sexual harassment procedure and the Title IX Coordinator's contact information in its next publication of the Annual Notification, Principal's Handbook and any equivalent publication for staff members, and it will deliver copies of such publications to OCR.

III. Staff Training.

- a. LACOE will retain the services of a consultant with expertise in investigating cases of sexual assault and sexual harassment involving persons with cognitive disabilities to develop training for LACOE's Division of Special Education ("DSE") administrators, and site administrators, who work with the students in LACOE's XXXXX XXXXXXXXXXXX programs on how to respond to and prevent sexual assault and sexual harassment between students. The training will be presented annually during LACOE's summer training for administrators beginning in summer 2014. The consultant will conduct the first training during a professional development meeting with DSE site administrators and may be presented by a trained LACOE administrator using the consultant's materials in subsequent years. The training will include at a minimum the following:
 - i. In-depth instruction on what types of conduct constitute sexual assault and sexual harassment and the negative impact that such conduct has on the educational environment;
 - ii. How to appropriately discuss sexual issues and sexual behavior with students of different ages, XXXXXXXXXXX XXXXXX, who have cognitive disabilities;
 - iii. LACOE's responsibility for responding to an allegation of sexual assault or sexual harassment;
 - iv. A review of LACOE's procedure for responding to reports and complaints of sexual harassment and sexual assault, including the special responsibilities of site administrators under the procedure.
 - v. How to conduct and document adequate, prompt, reliable, and impartial investigations involving students with cognitive disabilities, how to interview students with cognitive disabilities, including consultation with school psychologists, and the appropriate standards to apply in reaching determinations.
- b. In collaboration with the consultant, LACOE will also develop a training module that will be used on an annual basis to train LACOE's XXXXX XXXXXXXXXXXX site staff, including school psychologists, teachers and classroom aides, on identifying and reporting on complaints of sexual harassment and assault. The training may be presented by a trained LACOE administrator using the consultant's materials beginning in Fall 2014 and in subsequent years. The training will include the following:
 - i. A review of LACOE's procedure for responding to reports and complaints of sexual harassment and sexual assault, including the responsibilities of site staff who observe or learn of sexual harassment or assault allegations.

- ii. Staff member's responsibilities to actively monitor students and to ensure that an appropriate level of supervision is provided to each student when they leave the classroom to use the restroom or visit another class.

Reporting Requirements:

By September 30, 2014, LACOE will provide written documentation to OCR that confirms that it has retained a consultant with appropriate expertise to provide the training described in Item III(a) and to assist LACOE in developing the training materials. LACOE will also provide written information to OCR describing the information that will be covered during the training sessions, including providing copies of any slide presentation and materials that will be distributed.

By December 31, 2014, LACOE will provide OCR with documentation showing that the two trainings described under Item III (a) and (b) have taken place, including a description of the information that was covered during both trainings, and the names and titles of the LACOE administrators who attended the training with the consultant, the dates of the trainings held for the site staff, and the names and titles of the staff members who attended the trainings.

IV. Training for Students.

LACOE will provide information specifically designed to inform students in XXX XXXXX XXXXXXXXXXXX programs, who have cognitive disabilities, about appropriate social and relationship boundaries and how to recognize and avoid sexually harassing interactions and relations. The information will be designed to address the unique learning needs of students with cognitive disabilities and will be provided to the appropriate students starting with the 2014-15 school year. DSE site administrators may notify parents, guardians, and conservators who have educational rights for a student of the training.

Reporting Requirement:

By September 30, 2014, the LACOE will provide OCR a written description of the information of that will be provided to the students in Item IV.

By December 31, 2014, the LACOE will provide OCR with a written report documenting full implementation of Item IV.

V. Collaboration with Other School Districts.

LACOE will develop a procedure that will clarify how LACOE will keep the Division of Special Education, for a student alleging sexual assault or harassment, informed about any investigations involving that particular student that has occurred while that student was

placed in a LACOE program. The procedure will also include timeframes as to when LACOE will provide the Division of Special Education with its investigative report.

Reporting Requirement:

By September 30, 2014, LACOE will provide OCR with a copy of the procedure described above.

LACOE understands that by signing this Agreement, it agrees to provide data and other information a timely manner. Further LACOE understands that during the monitoring of this Agreement, OCR may visit LACOE, interview staff and students request such additional reports or data as are necessary for OCR to determine whether LACOE has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IX of the Education Amendments Act of 1972 which was at issue in this compliance review.

LACOE understands that OCR will not close the monitoring of this Agreement until OCR determines that LACOE has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title IX of the Education Amendments Act of 1972.

LACOE 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 or enforce this Agreement, OCR shall give LACOE written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Arturo Delgado, Ed D.
Superintendent

_____08/27/2014_____
Date