

Resolution Agreement
Kern High School District
OCR Case No. 09-14-1338

In order to resolve the issues raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title IX of the Education Amendments of 1972 (Title IX), the Kern High School District (District), without admitting any violation of federal law, agrees to take the actions outlined in this Resolution Agreement.

I. Consultant(s)

The District will engage a consultant(s) with expertise in child and adolescent gender identity, including discrimination against Lesbian Gay Bisexual Transgender Queer (LGBTQ) youth, to support and assist the District in implementing this Resolution Agreement, including the development of the applicable District policies and procedures, professional development training for District personnel in these areas, and the development of and response to climate surveys provided for herein.

Reporting Requirements:

- a. By May 27, 2016, the District will provide the name(s) and description of the areas of expertise of the consultant(s) the District wishes to retain for OCR review and approval, including a description of the proposed arrangement for the role of the consultant(s) under this Resolution Agreement.
- b. Within 15 days of receiving OCR approval, the District will provide OCR with a formal confirmation of the consultant(s)' role under the Resolution Agreement.
- c. By June 30, 2017, the District will provide OCR with confirmation of the efforts completed, receipt of professional development from the consultant(s) by District personnel, and any materials distributed or created as part of the scope of work of the consultant(s).

II. District Policies and Procedures

- a. The District will review its policies, procedures, and regulations applicable to or governing student participation in all programs and activities offered by the District, and make any necessary revisions or modifications to ensure that all students, including students who do not conform to sex stereotypes, are provided an equal opportunity to participate in all such programs and activities in a manner that does not discriminate based on sex, gender identity or gender expression.
- b. The District will ensure that its policies and administrative regulations applicable to sexual and gender-based harassment complaints, and related documents and materials, are aligned with each other and reflect Title IX legal and investigatory standards, including the appropriate legal standards, interim measures, investigative steps, and potential remedies, and to eliminate any confusion about which procedures will be used to resolve such complaints. This includes ensuring a prompt and equitable process is used, including during any informal resolution processes made available under the policies and regulations.

Reporting Requirements:

- i. By July 1, 2016 the District will provide OCR with a draft of the revised and updated Administrative Regulations under Board Policies 1312.3, 5145.3, 5145.7, and 4119.11 describing the procedural and practical application of the aforementioned Board Policies and demonstrate to OCR how the policies and administrative regulations are aligned under Section II(a)-(b) of this Agreement.
- ii. Within thirty (30) days of OCR approval, the District will submit the revised administrative regulations to the Superintendent for approval.
- iii. Within thirty (30) days of the Superintendent's approval, the District will provide documentation to OCR showing that it has updated its website, notice documents, internal guidance, and other family/student notice of the District's amended administrative regulations under this Section.

III. Professional Development

By June 30, 2017, the District, in consultation with its consultant(s), will conduct mandatory training on issues related to gender nonconformance and gender-based harassment for District and school-site administrators with responsibility for investigating or supervising the investigation of gender-based harassment complaints and implementing other relevant anti-discrimination policies and procedures regarding LGBTQ students. The training will be tailored to ensure that employees understand their obligations, in the context of their particular position, for identifying and responding to gender-based harassment and providing LGBTQ students with equal access to and equal opportunity to participate in the District's programs and activities. The training will include, at a minimum:

- a. comprehensive information on gender identity and nonconformance, gender stereotypes and gender-based harassment, and the negative impact that such harassment has on the educational environment; and
- b. a review of the policies, complaint procedures and regulations adopted, modified or revised under this Resolution Agreement, and applicable legal obligations pertaining to gender-based harassment and the provision of equitable opportunities for gender non-conforming students.

Starting with the 2016-2017 school year, and while this Resolution Agreement is in effect, the District will ensure that information regarding the District's obligations to prevent and address gender-based discrimination; an overview of the District's complaint procedures that apply to sexual and gender based harassment complaint; and best practices for creating a nondiscriminatory school environment for LGBTQ students is incorporated into its mandatory sexual harassment and other relevant trainings for all faculty, certified staff, and other staff who interact with students at any grade level.

Reporting Requirements:

- i. By July 1, 2016, the District will submit confirmation of the training developed in accordance with Section III above, including the training date(s), the name and description of relevant expertise of each presenter, a description of the training content, and a description of the intended audience(s).

- ii. By June 30, 2017, the District will provide OCR with documentation of the implementation of the District wide administrator and staff training(s). The documentation will include, at a minimum, the date of the training(s), and a copy of the materials provided to staff and a list of attendees.

IV. School Climate

The District, in consultation with its consultant(s), will revise its school climate assessment administered to teachers, students and families to evaluate the extent to which the survey respondents are subjected to or witness sexual and gender-based harassment. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

Reporting Requirements:

- a. By October 30, 2016, the District will submit a draft plan for school climate assessments developed in accordance with Sections IV above, for OCR review and approval, including an assessment timeline, the teacher, student and parent survey instrument and a description of how the assessment will be conducted and data reviewed within the scope of this Resolution Agreement.
- b. By March 30, 2017, the District will provide OCR with documentation of the administration of the school climate assessment at Shafter High School and Central Valley High School. The documentation will include, at a minimum, the date(s) the survey was administered, the survey results pertaining to the scope of this Resolution Agreement, and the District's analysis and any relevant recommendations or responsive actions the District took or will take to remedy the school climate at these two school sites, including its plan to provide classroom instruction under Section IV.c., below.
- c. If such steps are supported by the results of the survey at Shafter High School and Central Valley High School, starting with the 2016-2017 school year, and annually for the term of this Resolution Agreement, the District, in consultation with its consultant(s), will incorporate age-appropriate instruction into its curriculum and activities for all students on gender identity, gender-based discrimination and examples of prohibited conduct, including harassment, in various school-related contexts. The District will submit its plan for the student instruction, including a timeline for the delivery of the instruction and a description of the content for each grade level, along with its response to IV.b., above.

VI. Monitoring

The District understands that OCR will not close the monitoring of this Resolution Agreement until OCR determines that the District has fulfilled its terms and is in compliance with the regulation implementing Title IX, at 34 C.F.R. §106.31, which was at issue in this case.

The District further understands that during the monitoring of this Resolution 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 Resolution Agreement and is in compliance with the regulation implementing Title IX, at 34 C.F.R. §106.31, which was at issue in this case. By signing this Resolution Agreement, the District agrees to provide data and

other information in a timely manner in accordance with the reporting requirements of this Resolution Agreement.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Bryon Schaefer, Ed.D.
Superintendent

04/27/2016
Date