

Resolution Agreement
Val Verde Unified School District
Compliance Review 09-15-5001

Val Verde Unified School District (the District) enters into this Resolution Agreement (Agreement) to resolve the areas of non-compliance and compliance concerns that the Office for Civil Rights (OCR) of the U.S. Department of Education (Department) identified in Compliance Review No. 09-15-5001. This review evaluated the District's compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681-1688, and its implementing regulations at 34 C.F.R. Part 106, with respect to its policies, procedures, and responses to student-to-student and employee-to-student sexual harassment. Title IX and its regulations prohibit discrimination on the basis of sex, including sexual harassment, in any education program or activity operated by a recipient of Federal financial assistance from the Department.

Each item of this Agreement applies to all District-operated schools, District-operated charter schools, contract schools, and/or alternative schools.

I. TITLE IX STRUCTURE

- A. By July 30, 2023, the District will ensure that the Title IX Coordinator is a District administrator, has the appropriate authority to effectively coordinate its compliance with Title IX, and coordinates all its Title IX investigations.
- B. By August 30, 2023, the District will issue a statement, distributed to all its employees, that District employees must promptly forward all Title IX reports or complaints of which they are aware to the Title IX Coordinator.
- C. By August 30, 2023, the Title IX Coordinator will develop a monitoring program to assess the effectiveness of the District's overall Title IX anti-discrimination efforts. At a minimum, the Title IX Coordinator or a qualified designee will annually: review all formal and informal complaints of discrimination on the basis of sex received; review all information collected during the climate surveys described below in Item VII; compile, evaluate, and analyze data collected, including an assessment of whether the reported incidents of harassment have increased or decreased in number and severity and whether there are any particular locations or programs in the District where a sex-based hostile climate might exist; and propose recommendations for improving the District's anti-harassment efforts and timelines for implementing the recommendations.

D. REPORTING

- 1. By July 30, 2023, the District will submit to OCR for its review and approval documentation indicating compliance with the requirements of Item I.A of this Agreement.
- 2. By August 30, 2023, the District will provide to OCR the statement required by Item I.B. for OCR's review and approval.

3. Within 30 calendar days of OCR’s approval, the District will submit to OCR documentation that the District distributed the approved statement in Item I.B to all employees, including a copy of the communication sent to all employees.
4. By September 30, 2023, the District will provide documentation to OCR of the proposed monitoring program required by Item I.C. By June 30, 2024, and June 30, 2025, the District will provide documentation to OCR demonstrating that the Title IX Coordinator completed the annual reviews. This documentation will include information about the complaints received, including: date filed, complainant’s name and status (e.g., student and/or employee), respondent’s name and status, location (e.g., school name or bus), the type of complaints (e.g., sexual assault, other sexual harassment, other sex discrimination, retaliation), and any trends or patterns identified among the complaints (e.g., a repeat respondent or school). This documentation also will include: a summary of information received from the climate survey, any actions taken in response to the survey results or any identified trends or patterns, and recommendations and timelines for improving the District’s anti-harassment efforts.

II. TITLE IX POLICY AND TITLE IX GRIEVANCE PROCEDURES

- A. By July 31, 2023, the District will review, revise, and provide to OCR for its review and approval its policies prohibiting sex discrimination, including sexual harassment, and its procedures for providing a prompt and equitable response to reports and formal complaints of student-on-student and employee-on-student sexual harassment, including but not limited to the Title IX Sexual Harassment Complaint Procedures and related student and employee complaint and discipline policies (hereafter collectively referred to as “the Title IX Policy and Grievance Procedures”). The District will ensure that its revised Title IX Policy and Grievance Procedures comply with the regulations implementing Title IX that are in place at the time of the revision. The District will ensure that its Title IX Policy and Grievance Procedures are cross-referenced, linked, internally consistent, and do not contain conflicting or contradictory information.

B. REPORTING

Within 60 calendar days of OCR’s approval, the District will submit to OCR documentation that the District has adopted and implemented the approved Title IX Policy and Grievance Procedures.

III. NOTICE OF NONDISCRIMINATION

- A. By September 30, 2023, the District will provide to OCR for review and approval a revised Notice of Nondiscrimination to all District students, parents, administrators, staff,

applicants for employment, and sources of referral of applicants for employment with the District that is compliant with the regulation implementing Title IX at 34 C.F.R. § 106.8(b).

- B. Within 60 calendar days of OCR’s approval, the District will widely distribute the Notice of Nondiscrimination, including by: (1) posting it in common areas throughout the District, including at every District school and office; (2) posting it on the District’s website and on every District school webpage; (3) sending an email or letter with a copy of the Notice of Nondiscrimination to the entire District community—including students, employees, parents, and volunteers; and (4) including the Notice of Nondiscrimination in its 2023-24 Student Handbook to be provided to all current students.

C. REPORTING

Within 90 calendar days of OCR’s approval, the District will submit to OCR documentation that the District distributed the approved Notice of Nondiscrimination as required by Item III.B.

IV. TRAINING FOR PERSONNEL

- A. For the duration of this Agreement, the District will ensure that a qualified trainer with expertise regarding the Title IX regulations applicable to sexual harassment provides annual training to the District’s Title IX Coordinator, school-level administrators, and other District employees who are designated to be responsible for any stage of the Title IX grievance procedures and Title IX grievance process for sexual harassment complaints, including processing, investigating, adjudicating and/or resolving reports and formal complaints of sexual harassment to ensure that investigations are addressed promptly and equitably. The training will review and include instruction on:
 - 1. the District’s Title IX Policy and Grievance Procedures developed under Item II above;
 - 2. how to identify what constitutes sexual harassment under the Title IX regulations;
 - 3. the scope of the District’s education program or activity;
 - 4. how to correctly code sexual harassment incidents in the District’s student information system (e.g. Aeries) to ensure that they are appropriately identified and that the District takes the steps required under the Title IX regulations applicable to sexual harassment;
 - 5. how to conduct an investigation and grievance process for complaints of sexual harassment, including hearings (as applicable), appeals, and informal resolution processes;

6. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
 7. for decision-makers, how to use any technology that will be utilized at a live hearing (as applicable) and on any issues of relevance of questions of evidence, including when questions and evidence about the complainant's sexual predispositions or prior sexual behavior are not relevant as described in the Title IX regulations;
 8. for investigators, how to assess relevance to create an investigative report that fairly summarizes relevant evidence;
 9. record retention requirements under 34 C.F.R. 106.45(b)(10);
 10. available supportive measures for the parties and remedies for the complainant;
 11. Title IX prohibitions on retaliation; and
 12. notice to all parties of the outcome of the investigation.
- B. For the duration of this Agreement, the District will provide annual training to all District staff that will cover:
1. its revised Title IX Policy and Grievance Procedures developed under Item II;
 2. how to identify what constitutes sexual harassment, including a hostile environment;
 3. the obligation of the District's employees to report sexual harassment to the designated site administrator and the Title IX Coordinator;
 4. the District's responsibilities under Title IX to respond to reports and formal complaints of sexual harassment; and
 5. the remedies available to students found to have been subject to sexual harassment.
- C. To monitor the effectiveness of the training, the District will administer a survey about the quality of each training to all trainees. The District will ensure that the Title IX Coordinator or a designee reviews the survey results and, as appropriate revise the training materials in response to the survey results to ensure the training's effectiveness.
- D. REPORTING
1. By August 30, 2023, the District will provide to OCR, for its review and approval, the name and qualification of its proposed trainer and a copy of all proposed training materials that it will deliver under Items IV.A and IV.B above.

2. After OCR approves the training materials, the District will deliver that training to District staff at the start of the 2023-2024 school year. Within 90 days of the start of the 2023-2024 school year, the District will provide OCR documentation that it has provided the approved training referenced in Items IV.A-B to the personnel required in Item IV.A, including the dates of the training, its delivery method (e.g., in person, online, or hybrid), the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and the training survey results.
3. The District will report its proposed revisions to the training in response to the survey results for OCR's review and approval when the District revises its training in response to the survey or otherwise.

V. TRAINING FOR STUDENTS

A. Annually for the duration of the Agreement, the District will provide age-appropriate training for District students that will cover:

1. the District's revised Title IX Policy and Grievance Procedures developed under Item II, including where to locate the procedures on the District's website, and the existence of OCR and its authority to enforce Title IX;
2. the District's Title IX Coordinator, (including current and complete contact information), as well as school administrators and their respective roles in coordinating the District's response to reports and formal complaints of sexual harassment;
3. what constitutes sexual harassment, the District's prohibition against sex discrimination, including sexual harassment, the District's commitment to having a District environment free from sexual harassment and other harassment based on sex, and a statement that harassment of students based on sex will not be tolerated;
4. what students should do if they believe they or other students have been subjected to sexual harassment, including how to report such harassment and file a formal complaint of such harassment with the Title IX Coordinator or their designee; and
5. the supportive measures available to students who report sexual harassment or retaliation, and the available remedies following a finding of sexual harassment and/or retaliation after an investigation.

B. REPORTING

1. By August 30, 2023, the District will provide to OCR, for its review and approval, the District's student training materials and its plan for delivery of the training.

2. After receipt of OCR's approval, the District will deliver that training to District students during the 2023-2024 school year. Within 90 days of implementing the approved student training materials, the District will provide OCR with a copy of the training materials that it delivered pursuant to Item V.A.1-5 above.

VI. MAINTENANCE OF RECORDS

- A. By August 30, 2023, the District will develop and implement a revised Title IX record-keeping system that adequately and accurately documents and preserves all records required by 34 C.F.R. 106.45(b)(10), including but not limited to reports and formal complaints of sexual harassment, along with the District's responses to such reports and investigations of such complaints, including any written documentation sent or received in relation to the report or complaint, interview notes, witness statements, and any relevant correspondence.
- B. The District's record-keeping procedures will require that the District:
 1. Track electronically all Title IX reports and formal complaints of sexual harassment in a manner that includes relevant information related to the report or complaint, including: the reporter's name and status for reports; the complainant's name and status for formal complaints, the respondent's name and status, a description of the alleged harassment (e.g., sexual assault), the names and status of all identified witnesses of the alleged harassment, the name and job title of the person receiving the report or complaint, the date, time, and location of the harassing incident(s), the date the District became aware of the incident(s), and the date the Title IX Coordinator received notice of the incident;
 2. Document all disciplinary sanctions issued to students or employees for violations of the Revised Title IX Policy and Title IX Grievance Procedures referenced in Item II;
 3. Where it was determined that an employee or contractor (e.g., School Resource Officer) engaged in sexual harassment, note in personnel files the final Title IX determination against the employee or contractor, consistent with the Title IX regulation, state and local laws, District policies, and applicable collective bargaining agreements. The notation will provide a summary of the nature of the allegations of sexual harassment, and an indication of whether the District found that the employee or contractor engaged in sexual harassment, including any violation of District policies, and, if so, the sanctions the District imposed on the employee or contractor.
 4. Maintain a copy of all written determinations regarding sexual harassment and notification letters provided to and received by the parties; and

5. Document any supportive measures offered to the parties and any remedies offered to the complainant after the completion of an investigation that finds the respondent sexually harassed the complainant.

C. REPORTING

1. By August 30, 2023, the District will provide OCR with a detailed description of its proposed record-keeping system and procedures for OCR's review and approval. Within 45 calendar days of OCR's approval of the proposed record-keeping system and procedures, the District will provide OCR with documentation that it has implemented the system and adopted and disseminated the procedures.
2. By February 28, 2024, and within 60 calendar days of the end of every semester until OCR closes its monitoring of this Agreement, the District will provide OCR an electronic, sortable file that includes a list of all reports and formal complaints of sexual harassment, and other reports and complaints of sex discrimination, that the District received during the preceding semester. The list will include separate fields for:
 - a. the name and status of the reporter (e.g., student, parent, employee);
 - b. the name and status of the complainant;
 - c. the name and status of the respondent;
 - d. the date of the report or complaint;
 - e. the date(s) of the harassing incident(s);
 - f. the nature of the alleged harassing conduct;
 - g. the school(s) involved;
 - h. the date the investigation commenced;
 - i. the date the investigation was completed;
 - j. the date of the notice of the investigation's outcome to the parties;
 - k. the date of any findings;
 - l. a summary of the findings (e.g., respondent sexually assaulted the complainant at a school event on X date and retaliated against the complainant on Y date);
 - m. the date of any appeal (if applicable);
 - n. the outcome of any appeal (if applicable);
 - o. any sanctions imposed on the respondent; and
 - p. any remedies offered to the complainant and any provided remedies.
3. Upon request, the District will provide to OCR within 15 calendar days a copy of the complete investigative file, including applicable school-level records, student disciplinary records, employee disciplinary records, and Human Resources/Personnel files. The data will be produced electronically in a mutually agreed format and will be organized as individual files, with all relevant documents for an incident in a discreetly labeled file.

VII. CLIMATE SURVEY

A. The District will administer a biannual school climate assessment to employees and students to evaluate the climate at each District school with respect to sex-based harassment and the extent to which the survey respondents are subjected to or witness sex-based harassment. Participation in the survey by students will be voluntary, and the survey will be conducted in a manner consistent with applicable law. The survey will inquire about the experience, knowledge, and perceptions of employees and students about the climate at each school with respect to sex-based harassment and will assess whether employees and students have sufficient information about the District's anti-harassment policies and are able to find the appropriate resources when necessary. The District will analyze the results of the climate assessment and provide OCR with a proposed plan of action(s) to address all concerns identified.

B. REPORTING

1. By August 30, 2023, the District will submit a draft plan for conducting the school climate assessment for OCR's review and approval. The draft plan will include an assessment timeline, the proposed student and employee survey instrument(s), and a description of how the assessment(s) will be conducted and data reviewed.
2. By December 15, 2023, and May 15, 2024, the District will provide OCR with documentation of the administration of the school climate assessment. The documentation will include, at a minimum, the date(s) the survey was administered, the survey results, the District's analysis of the survey results, and the proposed responsive actions the District will take to remedy the school climate results, for OCR review and approval.

Conclusion

By signing this Agreement, the District 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, 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. The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and the Title IX statutory and regulatory obligations at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or proceedings or refer this case to the Department of Justice (DOJ) for judicial proceedings in the event of breach to enforce the specific terms and obligations of this Agreement and/or the underlying Title IX statutory and regulatory obligations. Before initiating administrative

enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR will 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:

June 7, 2023
Date

/s/
Michael McCormick
Superintendent of Val Verde Unified School District