

## **RESOLUTION AGREEMENT**

### **I. INTRODUCTION**

Bend La-Pine School District 1 (“district”) enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education’s Office for Civil Rights (OCR) in its investigation of a complaint filed against the district, OCR Reference No. 10151044 (“the complaint”).

### **II. GENERAL PROVISIONS**

- A. This agreement resolves only the compliance issues identified by OCR in the investigation of the complaint, and does not constitute an admission by the district of any violation of Title IX of the Education Amendments of 1972 (“Title IX”), the Title IX regulations at 34 C.F.R. Part 106, or any other law.
- B. The district agrees to provide OCR with data, documents, records, and other information regarding its implementation of the agreement. Further, the district understands that during OCR’s monitoring of the district’s implementation of this agreement, OCR may visit the district’s office and schools, interview employees and students and their parents, and request such additional data, documents, records, and other information as OCR deems necessary to fulfill the terms of this agreement and for compliance with the regulations implementing Title IX at 34 C.F.R. 106.8 and 106.9.
- C. The district understands that OCR will monitor the district’s implementation of this agreement until OCR determines that the district has fulfilled the agreement’s provisions and is in compliance with the regulations implementing Title IX at 34 C.F.R. 106.8 and 106.9.
- D. It is understood that if the district does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance with Title IX and the Title IX regulations at 34 C.F.R. Part 106.
- E. The district acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this agreement. Before initiating administrative enforcement under the regulations at 34 C.F.R. 100.9 and 100.10 or judicial proceedings to enforce this agreement, OCR shall give the district written notice of the alleged breach and 60 calendar days to cure the alleged breach.

### **III. REMEDIAL ACTIONS**

#### **A. Policies and Procedures**

1. Within 90 calendar days after the execution of this agreement, the district will review and revise for OCR's review and approval its sex discrimination and sexual harassment policies and procedures to ensure that the policies and procedures comply with the grievance procedure requirements of 34 C.F.R. 106.8; OCR's Revised Sexual Harassment Guidance: Harassment of Students by School Employees, Other Students, or Third Parties, published at 66 Federal Register 5512, dated January 19, 2001; OCR's Title IX sexual harassment and sexual violence Dear Colleague Letter, published on OCR's website, dated April 4, 2011; and OCR's Questions and Answers on Title IX and Sexual Violence, published on OCR's website, dated April 29, 2014.
2. Within 45 calendar days after the district has received OCR's approval of the revised district policies and procedures drafted pursuant to section III.A.1. of this agreement, the district will adopt and implement the policies and procedures.
3. Within 15 calendar days of adopting its sex discrimination and sexual harassment policies and procedures pursuant to section III.A.2. of this agreement, the district will disseminate the policies and procedures to all district students and their parents, district employees, school resource officers, and contractors in accordance with 34 C.F.R. 106.9.

#### **B. Notices**

1. Within 30 calendar days after the execution of this agreement, the district will revise its notice of nondiscrimination for OCR's review and approval, to include the position title, office address, and telephone number and e-mail of the district's Title IX coordinator in accordance with 34 C.F.R. 106.9.
2. Within 30 calendar days of receiving OCR's approval of the revised notice of nondiscrimination pursuant to section III.B.2. of this agreement, the district will adopt and publish the notice on the district website and the websites for each of the district's schools. Additionally, the district will incorporate the notice of nondiscrimination into the district's student and employee handbooks, student and staff bulletin boards in each of the district's school buildings and administrative facilities, employment application forms, and employee newsletters issued by the district's central office and any bulletins, catalogs, or application forms the district uses in connection with the recruitment of students and employees.

C. Trainings

1. Within 30 calendar days of adopting its sex discrimination and sexual harassment policies and procedures pursuant to section III.A.2. of this agreement, the district will draft, for OCR's review and approval, a plan to train:
  - a. all district employees and school resource officers about the policies and procedures; and
  - b. all district employees and school resource officers designated as being responsible for, or having a role in, conducting investigations under the policies and procedures about how to conduct such investigations; and

The district's draft plan will ensure that the proposed trainers are knowledgeable about the requirements of Title IX, 34 C.F.R. Part 106, and OCR's sexual harassment and sexual violence policies. The plan will include any training materials intended to be used for the trainings and any visual aids intended to be used during the trainings.

2. Within 90 days of receiving OCR's approval of the training plan drafted pursuant to section III.C.1. of this agreement, the district will conduct the trainings as approved by OCR.

3. Within 30 calendar days of adopting its sex discrimination and sexual harassment policies and procedures pursuant to section III.A.2. of this agreement, the district will develop, for OCR’s review and approval, a plan for providing ongoing and effective training of all district employees and school resource officers about its sex discrimination and sexual harassment policies and procedures.

D. Title IX Coordinator

Within 15 calendar days after executing this agreement, the district will appoint a Title IX coordinator who has the requisite knowledge, and who lacks any conflict of interest, to fulfill the responsibilities of the district’s Title IX coordinator as described in OCR’s Dear Colleague Letter regarding Title IX coordinators, published on OCR’s website, dated April 24, 2015.

E. Individual Remedy for the Subject Student

1. Within 30 calendar days after executing this agreement, the district will draft a letter to the parents of the student who is the subject of the complaint, for OCR’s review and approval. The letter will include:
  - a. an invitation to apply for enrollment in any school in the district for the student’s remaining years of school per the district’s policies and procedures for application and enrollment in the desired school;
  - b. an assurance of the district’s commitment to respond appropriately to complaints of sex discrimination, sexual grooming, and sexual harassment;
  - c. a statement that the district is revising its sex discrimination and sexual harassment policies and procedures in accordance with section III.A.2. of this agreement and information about where those policies and procedures will be prominently posted on its website when they have been adopted;
  - d. a general description of the training the district has conducted or will conduct regarding its sex discrimination and sexual harassment policies and procedures in accordance with the requirements of section III.C.2. of this agreement; and

- e. a statement indicating the outcome of OCR’s investigation regarding each of the specific allegations set forth in the parents’ initial complaint to OCR.
2. Within 30 calendar days of receiving OCR’s approval of the letter drafted pursuant to section III.E.1. of this agreement, the district will send the letter to the student’s parents.

#### **IV. REPORTING**

##### **A. Policies and Procedures**

1. Within 90 calendar days of executing this agreement, the district will provide OCR with the draft sex discrimination and sexual harassment policies and procedures the district reviewed and revised pursuant to section III.A.1. of this agreement.
2. Upon receiving the district’s revised policies and procedures, OCR will approve the policies and procedures or notify the district that further revisions are required. If revisions are required, the District will, within 45 days of receiving notice of the need for revisions, resubmit revised policies and procedures to OCR. OCR and the district will follow the same process until OCR approves the revised policies and procedures. .
3. Within 30 calendar days of adopting the policies and procedures pursuant to section III.A.2. of this agreement, the district will provide OCR with a detailed report about its adoption and implementation of the policies and procedures. The report will include the method by which the policies and procedures were adopted, the date of the adoption, the district’s plan for implementation of the policies and procedures consistent with sections III.A.3, III.B, and III.C of this agreement, and a copy of the adopted policies and procedures.
4. Within 30 calendar days of disseminating the district’s sex discrimination and sexual harassment policies and procedures pursuant to section III.A.3. of this agreement, the district will provide OCR with a detailed report about its implementation of section III.A.3. that includes a description of how and where the policies and procedures were disseminated and a list of groups to whom the policies and procedures were disseminated.

B. Notices

1. Within 30 calendar days of execution of this agreement, the district will provide OCR with the draft notice of nondiscrimination the district revised pursuant to section III.B.1. of this agreement.
2. As promptly as possible, OCR will respond to the district about the draft notice of nondiscrimination submitted pursuant to section IV.B.1. of this agreement.
3. Within 30 calendar days of publishing its notice of nondiscrimination pursuant to section III.B.2. of this agreement, the district will provide a detailed report to OCR about the publication of the notice, including where the notice was or will be published, the target audience for each publication, and a copy of the notice.

C. Trainings

1. Within 30 calendar days of drafting the training plan required by section III.C.1. of this agreement, the district will provide OCR with a detailed report that includes the plan, the trainers proposed to be used for the trainings and their qualifications, and the proposed training materials and any visual aids intended to be used during the trainings. The plan will be accompanied by a report that lists the persons involved in drafting the plan and those individuals' qualifications.
2. Upon receiving the district's draft training plan, OCR will approve the plan or notify the district that further revisions are required. If revisions are required, the District will, within 45 days of receiving notice of the need for revisions, resubmit a revised training plan to OCR. OCR and the district will follow the same process until OCR approves the training plan. .
3. Within 30 calendar days of conducting the training required by section III.C.2. of this agreement, the district will submit a report to OCR about the trainings provided to its employees, school resource officers, and contractors. The report will include the identity and qualifications of the trainers, dates of the trainings, identification of the individuals or groups trained, a description of the information provided at the trainings, and copies of any visual aids used during the trainings and any handouts distributed to the trainees.

4. Within 30 calendar days of drafting the ongoing training plan required by section III.C.3. of this agreement, the district will provide OCR with a report about the draft plan for ongoing training developed pursuant to section III.C.3. of this agreement. The report will include a copy of the draft ongoing training plan, a detailed description of the methods used to develop the plan, the individuals involved in developing the plan, and the resources and information the district used in developing the plan.

D. Title IX Coordinator

Within 30 calendar days of executing this agreement, the district will provide a report to OCR about the appointment of a Title IX coordinator with a justification for the selection. The report will include information about the district's plan to provide ongoing support and training to its Title IX coordinator.

E. Individual Remedy for the Student

1. Within 30 calendar days of executing this agreement, the district will provide OCR with a draft of the letter it intends to send to the student's parents pursuant to section III.E.1. of this agreement.
2. Upon receiving the district's draft letter, OCR will approve the letter or notify the district that further revisions are required. If revisions are required, the District will, within 15 days of receiving notice of the need for revisions, resubmit a revised letter to OCR. OCR and the district will follow the same process until OCR approves the revised letter. .
3. Within 30 calendar days of sending the letter to the subject student's parents pursuant to section III.E.2. of this agreement, the district will provide OCR with a copy of the letter sent to the parents.

Signed:

\_\_\_\_\_/s/\_\_\_\_\_  
Mr. Shay Mikalson  
Superintendent  
Bend La-Pine School District 1

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September 6, 2016  
Date