

RESOLUTION AGREEMENT

I. INTRODUCTION

The Bandon School District 54 enters into this agreement to resolve the compliance issues identified by the U.S. Department of Education (OCR) in its investigation of OCR Reference No. 10161006, conducted under the authority of title IX of the Education Amendments of 1972 (Title IX).

II. GENERAL PROVISIONS

- A. This agreement resolves only those compliance issues identified by OCR in the investigation of OCR Reference No. 10161006.
- B. The district understands and acknowledges that, if it does not fully implement this agreement, OCR will take appropriate measures within its authority to effect compliance and 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 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.
- C. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner. 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 and is in compliance with the regulation implementing Title IX, at 34 C.F.R. Part 106, which was at issue in this case.
- D. The district understands that OCR will not close the monitoring of this agreement until OCR determines that the district has fulfilled the terms of this agreement and is in compliance with the regulations implementing Title IX, at 34 C.F.R. Part 106.

III. REMEDIAL PROVISIONS

A. Policies and Procedures

1. By November 22, 2016, 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 Title IX, 34 C.F.R. Part 106, and OCR's policy interpretations.
2. Within 30 calendar days of receiving OCR's approval of the draft policies and procedures, as described in the reporting section, below, 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, and contractors.

B. Notices

1. By November 22, 2016, the district will revise its notice of non-discrimination 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.
2. Within 30 calendar days of receiving OCR's approval of the revised notice of non-discrimination pursuant to section III.B.1. of this agreement, the district will adopt and publish the notice on the district website. Additionally, the district will incorporate the notice of non-discrimination into the district's student and employee handbooks and any bulletins, catalogs, or application forms the district uses in connection with the recruitment of students and employees. The district will also publicize the notice of non-discrimination in:

- a. all newsletters of the district;
- b. district student newspapers;
- c. district e-mail lists for employees and students and their parents; and
- d. memoranda or other letters distributed by the district to students and their parents and to district employees and contractors.

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 provide effective and age appropriate training for:
 - a. all district students;
 - b. district employees and contractors about the policies and procedures; and
 - c. all district employees and contractors designated as being responsible for, or having a role in, conducting investigations under the policies and procedures about how to conduct such investigations.

The district's 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, at a minimum, will cover the district's revised policies and procedures, including grievance procedures, relating to Title IX compliance, information about the district's Title IX coordinator and how to contact them and how to report complaints or concerns relating to harassment based on sex; 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. By November 22, 2016, the district will develop, for OCR's review and approval, a plan for providing ongoing and effective training of

all students, district employees and contractors about its sex discrimination and sexual harassment policies and procedures.

D. Title IX Coordinator

By October 11, 2016, 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 34 C.F.R. §106.8(a) and 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. By November 22, 2016, the district will compensate the student's parents for any and all expenses that the parents have incurred as a direct result of the district's actions or inactions relating to the report of sexual harassment that was received by the district in September of 2015, such as any out-of-pocket costs for counseling services related to the harassment, alternative educational placement, and any associated transportation costs. The district may require that the parents submit receipts for such expenses and an explanation for how the expenses incurred relate to the report of sexual harassment, and provide the parents up to 60 days to submit such. The district will not be obligated under this agreement to compensate the parents in an amount greater than \$2000.00.
2. Within 10 days of entering into this agreement, the district will make an offer to the parents that, if the student re-enrolls in the district, the district will provide counseling for the student to take place at the student's school to address any remaining or continuing concerns that the student has about attending school in the district; such counseling will be provided for up to 5 hours per week during the school year, and may be provided by a counselor employed by the district; the counselor will make reasonable efforts to coordinate these counseling services with the student's current non-district counselor and the parents to ensure that the services are consistent with the counseling services that the student has received during the 2015-2016 school year.
3. If the parents of the student elect to re-enroll the student at a district school, upon 5 days' notice from the parents of their intention to re-enroll the student, the district will ensure that it has in place a safety

plan prior to the date that the student resumes attending the school that ensures that the student is not subjected to harassment or retaliation by Student B, ensures that a staff member at the school is designated by the district as a resource for the student, and that ensures that the designated staff member will check in with the student on a regular basis to ensure that the student is not being subjected to additional harassment or retaliation. In developing the safety plan, the district agrees to contact the parent of the student for input regarding the specific provisions of the plan and will attempt to incorporate the parents' input it its development. The safety plan will not require the student to make adjustments to her schedule or activities to avoid contact with Student B but will place the onus on Student B to adjust his schedule and activities. The safety plan will also include a provision requiring district staff to meet with Student B prior to Student A's re-enrollment in order to ensure that Student B complies with the provision of the safety plan.

4. Within 10 days after entering into 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 enroll the student in the district for the 2016-2017 school year;
 - b. an assurance of the district's commitment to ensure that the student will have the safety plan described above in subsection III.E.3, in place within the timeframe described in that subsection;
 - c. respond appropriately to complaints of sex discrimination, sexual grooming, and sexual harassment;
 - d. 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;
 - e. a 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

- f. a statement that the district is committed to ongoing training based on a training plan being developed in accordance with section III.C.3. of this agreement.
5. Within 5 calendar days of receiving OCR's approval of the letter drafted pursuant to section III.E.3 of this agreement, the district will send the letter to the student's parents.

IV. REPORTING

A. Policies and Procedures

1. By November 22, 2016, 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. As promptly as possible, OCR will respond to the district about the district's draft policies and procedures submitted to OCR pursuant to section IV.A.1. of this agreement. If OCR responds with required changes to the policies and procedures, the district will make those changes and resubmit the policies and procedures to OCR within 30 days of receiving OCR's response. OCR and the district will repeat this procedure until OCR approves the 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 written report indicating that it has made revisions to its policies and procedures that are consistent with the changes proposed by OCR and that it has formally adopted revised policies and procedures consistent with those changes.
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 written 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 the individuals or groups to whom the policies and procedures were disseminated.

B. Notices

1. By November 22, 2016, the district will provide OCR with the draft notice of non-discrimination 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 non-discrimination submitted pursuant to section IV.B.1. of this agreement. If OCR responds with required changes to the draft notice of discrimination, the district will make those changes and resubmit the notice of discrimination to OCR within 30 days of receiving OCR's response. OCR and the district will repeat this procedure until OCR approves the notice of discrimination.
3. Within 30 calendar days of publishing its notice of non-discrimination pursuant to section III.B.2. of this agreement, the district will provide a detailed written report to OCR reflecting that it has disseminated its revised publications and notices as required by section III B. 2 of this agreement.

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 written 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. As promptly as possible, OCR will respond to the district about the district's draft training plan submitted to OCR pursuant to section IV.C.1. of this agreement. If OCR responds with required changes to the draft training plan, the district will make those changes and resubmit the training plan to OCR within 30 days of receiving OCR's response. OCR and the district will repeat this procedure 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 detailed written report to OCR about the trainings provided to its students, employees

and contractors. The report will include the identity and qualifications of the trainers, dates of the trainings, the grades and classes of students who have completed the training, the names and titles of the employee and contractor trainees, 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. By November 22, 2016, the district will provide OCR with a detailed written 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

By October 11, 2016, the district will provide a written report to OCR about the appointment of a Title IX coordinator with a detailed 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. By October 11, 2016, the district will provide a written report to OCR detailing the safety plan that it is prepared to put into effect if the parents of the student elect to re-enroll the student at a district school.
2. By November 22, 2016, the district will provide OCR with a detailed written report establishing that it has compensated the student's parents for their expenses, including information reflecting the amount requested by the parents, the amount that the district has provided and an explanation of any difference between the request and the actual compensation.
3. By November 22, 2016, the district will provide OCR with a detailed written report regarding whether the offer of counseling at the school has been accepted by the parents and, if so, will include in its report a detailed description of the arrangements for counseling that have been agreed to between the district and the parents.

4. By October 11, 2016, 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.
5. As promptly as possible, OCR will respond to the district about the draft letter submitted to OCR pursuant to section IV.E.3 of this agreement. If OCR responds with required changes to the draft letter, the district will make those changes and resubmit the draft letter to OCR within 7 days of receiving OCR's response. OCR and the district will repeat this procedure until OCR approves the letter.
6. Within 7 calendar days of sending the letter to the subject student's parents pursuant to section III.E.4. of this agreement, the district will provide OCR with a copy of the letter sent to the parents.

Signed:

/s/

October 4, 2016

Doug Adriana
Superintendent
Bandon School District 54

Date