

VOLUNTARY RESOLUTION AGREEMENT

Anchorage School District (district) enters into this agreement to resolve the allegations in OCR Reference Nos. 10171153, 10171339, and 10181059 filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Title IX of the Education Amendments of 1972 (Title IX), Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act of 1990 (Title II) identified by the U.S. Department of Education, Office for Civil Rights (OCR).

This agreement has been entered into voluntarily and does not constitute an admission that the district violated Title IX, Section 504, or Title II or any of those statutes' implementing regulations.

I. POLICIES AND PROCEDURES

A. District Grievance Procedures

1. The district will review, revise, and adopt, as necessary, its grievance procedures (revised grievance procedures) addressing sex-based discrimination (including sexual harassment). The revised grievance procedures will provide for the prompt and equitable resolution of sexual harassment complaints. If the district opts to adopt more than one policy addressing sex-based discrimination, the district will ensure that each such policy is internally consistent and consistent with all other policies available to a grievant. The revised grievance procedures will be written in language that is easily understood, be easily located, and be widely distributed. The revised grievance procedures will include: (a) notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed; (b) application of the grievance procedures to complaints alleging harassment carried out by employees, students, or third parties; (c) adequate, reliable, and impartial investigation of complaints, including the opportunity to present witnesses and other evidence; (d) designated and reasonably prompt timeframes for major stages of the complaint process; (e) notice to parties of the outcome of the complaint; (f) an assurance that the district will take steps to prevent recurrence of sexual harassment and to remedy its discriminatory effects, as appropriate; and (g) a statement that in assessing the need for a party to receive interim measures, a school may not rely on fixed rules or operating assumptions that favor one party over another, nor may a school make such measures available only to one

party. The district will ensure that, if the Winterberry Charter School (WCS) or any other district charter school has its own grievance procedures, the charter school will follow the district's revised grievance procedures.

2. Reporting Provisions:

- a) By October 1, 2018, the district will submit to OCR, for its review and approval, a copy of its revised grievance procedures developed in accordance with Section I.A.1. If OCR requires any changes to the revised grievance procedures, the district will re-submit the revised grievance procedures within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the revised grievance procedures.
- b) Within 60 calendar days of written notification from OCR of its approval of the revised grievance procedures, the district will provide documentation demonstrating that it has: (1) adopted the revised grievance procedures; (2) provided notification to students, parents, and employees of the revised grievance procedures; and (3) developed a plan to post the revised grievance procedures in district publications and on the district website. Inserts may be used pending reprinting of publications.

B. Section 504 Policies and Procedures

1. The district will review, revise, and adopt, as needed, its Section 504 policies, procedures, and practices (revised 504 procedures) to ensure that a qualified student with a disability who receives services under the Individuals with Disabilities in Education Act (IDEA) or Section 504 services and who is the target of bullying and/or harassment continues to receive a free and appropriate public education. The revised 504 procedures should state that as part of a school's appropriate response to bullying on any basis, the school should convene the student's Individualized Education Plan (IEP) or 504 team to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP or 504 plan is no longer designed to provide a meaningful educational benefit.

2. Reporting Provisions:

- a) By October 1, 2018, the district will submit to OCR, for its review and approval, a copy of its revised 504 procedures developed in accordance with Section I.B.1. If OCR requires any changes to the revised 504 procedures, the district will re-submit the revised 504 procedures within 30 calendar days of receiving notice of the required revisions from OCR. The district and OCR will continue this process until OCR approves the revised 504 procedures.
- b) Within 60 calendar days of written notification from OCR of its approval of the revised 504 procedures, the district will provide documentation demonstrating that it has: (1) adopted the revised 504 procedures; (2) provided notification to students, parents, and employees of the revised 504 procedures; and (3) developed a plan to post the updated revised 504 procedures in district publications and on the district website. Inserts may be used pending reprinting of publications.

II. STAFF TRAINING

A. District Title IX Training

1. The district will develop, implement, and monitor a continuing training plan for all employees, including employees of charter schools, who are tasked with investigating complaints of sexual harassment, including disciplining students found to have engaged in harassment. The training plan will be implemented by a trainer with expert knowledge and will include, at a minimum: (a) the district's revised grievance procedures for complaints of sexual harassment; (b) the district's responsibilities under Title IX to address allegations of sexual harassment, whether or not the actions are potentially criminal in nature; (c) how to determine and implement appropriate interim measures given the particular circumstances of each incident, without relying on fixed rules that favor one party over another; (d) how to determine the existence of a hostile environment and methods for eliminating and preventing the recurrence of a hostile environment; (e) how to recognize and appropriately respond to allegations of retaliation, intimidation, and coercion pursuant to Title IX;

(f) how to recognize and appropriately respond to the effect of sexual harassment on the campus climate; and (g) how to document and maintain records of findings.

2. Reporting Provisions:

- a) By ~~10~~ October 1, 2018, the district will provide to OCR, for its review and approval, a draft of the training plan that it developed in accordance with Section II.A.1. The training plan will include, at a minimum, the content of the proposed trainings, the name and qualification(s) of the individual who will be conducting the trainings, and any materials that will be provided as part of the trainings. OCR will review the training plan submitted by the district and notify the district if revisions are required. If OCR requires revisions to the training plan, the district will re-submit the training plan to OCR for review and approval within 30 calendar days of receiving the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's training plan.
- b) By March 1, 2019, the district will provide documentation to OCR demonstrating that it has implemented the training plan under Section II.A.1. The documentation will include, at a minimum, the dates of the trainings, the name(s), title(s) and qualifications of the trainer(s), a copy of any materials presented or distributed during the training, and a list of the names and position titles of the individuals who attended the training.

3. The district will provide a training on Title IX, including sexual harassment, to all other employees. The training will include instruction on recognizing, responding to, and preventing sex-based discrimination. The training will specifically include instruction on district staff responsibilities under Title IX to address sexually harassing behavior, observed or reported and the district's revised grievance procedures developed in accordance with Section I.A. The training will be conducted by someone who is qualified and has expertise in Title IX.

4. Reporting Provisions:

- a) By October 1, 2018, the district will submit to OCR, for its review and approval, a copy of the training materials and the name and qualification(s) of the individual who will be conducting the training under Section II.A.3. If OCR requires revisions to the training materials or the selection of the trainer, the district will re-submit the training materials or the selection of the trainer within 30 calendar days of receiving notice of the required revisions from OCR. OCR and the district will follow the same process until OCR approves the district's training materials and selection of the trainer.
- b) By March 1, 2019, the district will provide documentation to OCR demonstrating that it has conducted the training under Section II.A.3. The documentation will include, at a minimum, the dates of the training, a copy of any materials presented or distributed during the training, and a list of the names and position titles of the individuals who attended the training.

B. District Title II/Section 504 Training

1. The district will provide a mandatory training to all relevant district staff regarding the requirement to ensure that, for students with Section 504 plans or IEPs, as part of a school's appropriate response to bullying of those students on any basis, the school should convene a team of knowledgeable persons to determine whether, as a result of the effects of the bullying, the student's needs have changed such that the IEP/504 plan is no longer designed to provide a meaningful educational benefit. The training will include, at a minimum, information regarding: the district's revised 504 procedures pursuant to Section I.B.1 and the requirement that the district ensure that students receiving services under IEPs/504 plans who report harassment or bullying continue to receive a free and appropriate public education.
2. Reporting Provisions:
 - a. By October 1, 2018, the will submit to OCR, for its review and approval, a copy of the training materials and the name and qualification(s) of the individual who will be conducting the training under Section II.B.1. If OCR requires revisions to the

training materials or the selection of the trainer, the district will re-submit the training materials or the selection of the trainer within 30 calendar days of receiving notice of the required revisions from OCR. OCR and the district will follow the same process until OCR approves the district's training materials and selection of the trainer.

- b. By March 1, 2019, the district will provide documentation to OCR demonstrating that it has conducted the training under Section II.B.1. The documentation will include, at a minimum, the dates of the training, a copy of any materials presented or distributed during the training, and a list of the names and position titles of the individuals who attended the training.

III. STUDENT-FOCUSED OUTREACH AND REMEDIES

A. Student Education

1. The district will develop and implement an education plan (education plan) for students about issues related to sexual harassment at the XXXXX, XXXXXXXX, XXXXXXXX, and XXXXXXXX. The education plan will include: (a) what constitutes sexual harassment; (b) the effects of sexual harassment on individual students and the educational environment; (c) the prohibition of sexual harassment in the educational setting; (d) examples of prohibited conduct, (e) the importance of reporting harassment; (f) how and to whom to report incidents of harassment; (g) the district's obligation to respond promptly and effectively to all notice of sexual harassment; (h) the district's obligation to prohibit and respond to bullying and/or retaliation against individuals who report harassment and/or participate in an investigation of the harassment; and (i) potential consequences and corrective action if harassment is found. In developing the education plan as it relates to students, the district will consider a variety of age-appropriate approaches to student education, including, for example, small group student instruction, integration of relevant curriculum in the classrooms, and expansion of relevant programs already being provided. Educational outreach for parents may include, for example, evening classes, mailings sent home and posted in the schools, and collaboration with existing parent groups, such as Parent Teacher Associations (PTA).

Within 30 calendar days of receiving OCR's written approval of the education plan, the district will officially adopt and implement the education plan.

2. Reporting Provisions:

- a) By October 1, 2018, the district will submit to OCR, for its review and approval, a copy of the education plan developed in accordance with Section III.A.1. If OCR requires any changes to the education plan, the district will re-submit the education plan within 30 calendar days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the education plan.
- b) Within 60 calendar days of receiving OCR's written approval of the education plan, the district will submit to OCR the education plan, and documentation establishing that the approved education plan is being implemented. Reports will be due to OCR every six months thereafter until an implementation of the education plan has been completed at each school.

B. Remedial Services for Students A and B

1. The district will provide letters to the parents of Students A and B, which will: (1) inform them of the corrective actions being taken by the district pursuant to Sections I-III.A of this agreement; and (2) offer reimbursement for counseling, academic, and/or medical services for the direct effects of the district's alleged failure to respond appropriately to the sexual harassment and any subsequent retaliation of the students, either for services Students A and B have already obtained or will obtain in the one year following the date of the letters. Reimbursement, if any, will be limited to out-of-pocket expenses not to exceed \$5,000.00 for each student. The letters will inform the parents that they have 30 calendar days from the date of the letter to accept the reimbursement offer by providing written notice of their acceptance to the district. The letters will also inform the parents of the documentation (e.g., receipts) necessary for reimbursement and will request that parents explain the connection

between the reimbursement request and the district's response to a reported incident of sexual harassment or retaliation.

Within 30 calendar days of receiving OCR's written approval of the letters, the district will send the letters to the parents of Students A and B.

2. Reporting Provisions:

- a) By August 1, 2018, the district will submit to OCR, for its review and approval, drafts of the letters developed in accordance with Section III.B.1. If OCR requires any changes to the letters, the district will re-submit the letters within 30 calendar days of receiving notice of the required revisions from OCR. OCR and the district will repeat this process until OCR has approved the letters.
- b) Within 60 calendar days of receiving OCR's written approval of the letters, the district will provide OCR with documentation demonstrating that it has sent the letters to the parents of Students A and B in compliance with Section III.B.1.

3. If any parents accept the offer of reimbursement described in the letters, the district will provide reimbursement for the services described in Section III.B.1.

4. Reporting Provision: Within 30 calendar days of providing the reimbursement, the district will provide to OCR the parents' response and documentation demonstrating that it provided reimbursement. If reimbursement is not provided by the district for specific services, the district will provide OCR with documentation substantiating the reason for not providing the reimbursement. The district's reimbursement decisions will be accepted if reasonable and justified pursuant to the terms of this agreement and Title IX.

5. The reimbursement cap is limited to this agreement and does not impact parents' other remedies, if any.

C. Remedial Services for Incidents involving Student D

1. The district will review its response to each report of sexual harassment at

the Mirror Lake Middle School involving Student D during the 2016-2017 school year. The district will determine whether it provided an appropriate response to these reports by taking at least the following steps: conducting interviews and documenting or collecting other evidence as necessary to determine if there were shortcomings with the district's response that now must be addressed. If the district, determines that it failed to provide an appropriate response, the district will prepare a remedy plan to address any effects of its failure to provide an appropriate response.

Within 30 calendar days of receiving OCR's written approval of the remedy plan, if needed, the district will implement the remedy plan.

2. Reporting Provision:

- a) By November 1, 2018, the district will submit to OCR, for its review and approval, a copy of its determination with respect to whether its response was appropriate to reports of sexual harassment involving Student D, including any underlying documents the district relied on to make its determination, and, if relevant, the district's plan to remedy any effects of any failure to provide an appropriate response. The district's remedy plan will be accepted if reasonable and justified pursuant to the terms of this agreement and Title IX. If OCR requires any changes to the determination and/or remedy plan, the district will re-submit the determination and/or remedy plan within 30 calendar days of receiving OCR's notice of required revisions. OCR and the district will repeat this process until OCR has approved the determination and remedy plan.
- b) Within 30 calendar days of implementing the remedy plan, the district will provide a report to OCR documenting the implementation of the remedy plan.

D. Remedial Student Services for Student E

1. The district will provide to Student E's parents a letter which will (1) inform them of the corrective actions being taken by the district pursuant to Sections I-III.A of this agreement; and (2) offer

reimbursement for counseling, academic, and/or medical services for the direct effects of the district's alleged failure to respond appropriately to the sexual harassment and any subsequent retaliation of the student, either for services Student E has already obtained or will obtain in the one year following the date of the letter. Reimbursement, if any, will be limited to out-of-pocket expenses not to exceed \$5,000.00. The district's letter will inform Student E's parents that they have 30 calendar days from the date of the letter to accept the reimbursement offer by providing written notice of their acceptance to the district. The letter will also inform the parents of the documentation (e.g., receipts) necessary for reimbursement and will request that parents explain the connection between the reimbursement request and the district's response to a reported incident of sexual harassment or retaliation.

Within 30 calendar days of receiving OCR's written approval of the letter, the district will send the letter to the parents of Student E.

2. Reporting Provisions:
 - a) By August 1, 2018, the district will submit to OCR, for its review and approval, a draft of the letter developed in accordance with Section III.D.1. If OCR requires any changes to the letter, the district will re-submit the letter within 30 calendar days of receiving notice of the required revisions from OCR. OCR and the district will repeat this process until OCR has approved the letter.
 - b) Within 60 calendar days of receiving OCR's written approval of the letter, the district will provide OCR with documentation demonstrating that it has sent the letter to the parents of Student E in compliance with Section III.D.1.
3. If Student E's parents accept the offer of reimbursement described in the letter, the district will provide reimbursement for the services described in Section III.D.1.
4. Reporting Provision: Within 30 calendar days of providing the reimbursement, the district will provide to OCR the parents'

response and documentation demonstrating that it provided reimbursement. If reimbursement is not provided by the district for specific services, the district will provide OCR with documentation substantiating the reason for not providing the reimbursement. The district's reimbursement decisions will be accepted if reasonable and justified pursuant to the terms of this agreement and Title IX.

5. The reimbursement cap is limited to this agreement and does not impact parents' other remedies, if any.

E. Remedial Student Services for Student F

1. The district will provide to Student F's parents a letter which will: (1) inform them of the corrective actions being taken by the district; and (2) offer reimbursement for counseling, academic, and/or medical services for the direct effects of the district's alleged failure to respond appropriately to the sexual harassment and any subsequent retaliation of the student, either for services Student F has already obtained or will obtain in the one year following the date of the letter. Reimbursement, if any, will be limited to out-of-pocket expenses not to exceed \$5,000.00. The district's letter will inform Student F's parents that they have 30 calendar days from the date of the letter to accept the reimbursement offer by providing written notice of their acceptance to the district. The letter will also inform the parents of the documentation (e.g., receipts) necessary for reimbursement and will request that parents explain the connection between the reimbursement request and the district's response to a reported incident of sexual harassment or retaliation.

Within 30 calendar days of receiving OCR's written approval of the letter, the district will send the letter to the parents of Student F.

2. Reporting Provisions:

- a) By August 1, 2018, the district will submit to OCR, for its review and approval, a draft of the letter developed in accordance with Section III.E.1. If OCR requires any changes to the letter, the district will re-submit the letter within 30 calendar days of

receiving notice of the required revisions from OCR. OCR and the district will repeat this process until OCR has approved the letter.

- b) Within 60 calendar days of receiving OCR's written approval of the letter, the district will provide OCR with documentation demonstrating that it has sent the letter to the parents of Student F in compliance with Section III.E.1.
3. If Student F's parents accept the offer of reimbursement described in the letter, the district will provide reimbursement for the services described in Section III.E.1.
4. Reporting Provision: Within 30 calendar days of providing the reimbursement, the district will provide to OCR the parents' response and documentation demonstrating that it provided reimbursement. If reimbursement is not provided by the district for specific services, the district will provide OCR with documentation substantiating the reason for not providing the reimbursement. The district's reimbursement decisions will be accepted if reasonable and justified pursuant to the terms of this agreement and Title IX.
5. The reimbursement cap is limited to this agreement and does not impact parents' other remedies, if any.
6. The district will convene a team of knowledgeable persons to make an individual determination as to whether, as a result of the effects of sexual harassment and any subsequent retaliation in school, the student's needs have changed such that the IEP is no longer designed to provide a meaningful educational benefit. If the district determines that the Student F's needs have changed, the district will amend the student's plan and/or re-evaluate Student F for services. The determination and plan for Student F will include: the name and job title of the individuals who participated in each IEP team meeting; what information was considered in the determination of whether the plan should be amended and/or whether the student should be re-evaluated for services.
7. Reporting Provision: By October 1, 2018, the district will submit to OCR, for its review and approval, documentation of its determination as to whether Student F's IEP should be amended or whether Student F should

be re-evaluated for services. OCR will, prior to approving the district's determinations and plans for Student F, review documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations. If OCR requires changes to the determination, the district will re-submit the determination to OCR within 30 calendar days of receiving notice of the revisions required by OCR. OCR and the district will follow the same process until OCR approves the district's determination.

8. By October 1, 2018, if the district determines that Student F's existing plan was no longer designed to provide a meaningful educational benefit, after providing proper written notice to Student F's parents, a group of knowledgeable persons, including the parents, will determine whether Student F needs compensatory and/or remedial services as a result of the district's failure to provide appropriate regular and/or special education or related services during the 2017-2018 school year. If so, within 1 week of its determination, the group will develop a plan for providing timely compensatory and/or remedial services with a completion date not to extend beyond March 1, 2019. The district will provide Student F's parents notice of the procedural safeguards including the right to challenge the group's determination through an impartial due process hearing.

Within 30 calendar days of receiving OCR's written approval of the district's plan for compensatory and/or remedial services, if needed, the district will implement the plan for compensatory and/or remedial services.

9. Reporting Provisions:

- a) Within 2 weeks of the decision as to whether compensatory and/or remedial services are needed, the district will submit to OCR documentation supporting the district's decision. The documentation shall include: the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing any compensatory and/or remedial services (if any) to Student F. OCR will, prior to approving the district's decision and plan for providing the

proposed services, review the documentation to ensure that the district met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

- b) Within 60 calendar days of receiving OCR's written approval of the district's plan for compensatory and/or remedial services, the district will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s).

V. GENERAL MONITORING PRINCIPLES

- A. The district understands that by signing this agreement, it agrees to provide OCR data and other information in a timely manner in accordance with the reporting requirements of the agreement. Further, the district understands that during the monitoring of this 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 agreement. Upon the district's satisfaction of the commitments made under the agreement, OCR will close this case.
- B. The district 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 and 100.10), or judicial proceedings to enforce this agreement, OCR will give the district written notice of the alleged breach and 60 calendar days to cure the alleged breach.

Signed:

/s/

June 17, 2018

Dr. Deena Bishop Date
Superintendent
Anchorage School District