

RESOLUTION AGREEMENT
Carroll County Public Schools
OCR Complaint Nos. 11-17-1342 and 11-17-1409

Carroll County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve the Office for Civil Rights (OCR) Complaint Nos. 11-17-1342 and 11-17-1409. This Agreement does not constitute an admission by the Division of a violation of Title IX of the Education Amendments of 1972 (Title IX), or any other law enforced by OCR.

Action Item 1: Student-Focused Remedy

Within 15 calendar days of the date of this Agreement, the Division will offer to the Student counseling services to address any harm the Student suffered resulting from the Student's/Complainant's Title IX complaints made during XXXX and XXXX, regarding the allegations that Division staff subjected the Student and other female students to discrimination on the basis of sex, including sex/gender-based harassment, different treatment, and retaliation.

Reporting Requirements:

- a. Within 30 days of the offer of counseling, the Division will submit to OCR documentation that it offered counseling services to the Complainant on behalf of the Student and documentation of the Complainant's response. If the Complainant accepts counseling services on behalf of the Student, the Division will submit a plan for providing those services to the Student, not to extend beyond June 30, 2018.
- b. If the Complainant accepts the Division's offer of counseling services on behalf of the Student, the Division will provide OCR with documentation that it provided those services, including the dates counseling was provided and the name of the counselor, by July 15, 2018.

Action Item 2: Investigation of the Student's/Complainant's Title IX Complaints

Within 45 calendar days of the date of this Agreement, the Division shall review its investigation of the Student's/Complainant's Title IX complaints made during XXXX and XXXX, regarding the allegations that Division staff subjected the Student and other female students to discrimination on the basis of sex, including sex/gender-based harassment, different treatment, and retaliation. If the Division makes changes based on its review, the Division shall issue a revised outcome letter, subject to OCR's review and approval, to the Complainant, the Student, and any named respondents explaining its finding and rationale for its decision, using appropriate legal standards, as well as recommending further remedies (in addition to those identified in Action Item 3 below) as appropriate.

Reporting Requirements:

- a. By December 1, 2017, the Division will provide to OCR documentation to show that it has reviewed the investigation described in Action Item 2 above. The documentation shall include information to support the Division's review of its investigation, analysis, and additional proposed remedies, such as investigator notes, additional evidence reviewed (if any), investigation reports and summaries, and legal standards used. The Division will also submit for OCR's review and approval a draft of the written outcome letter to the Complainant, Student, and any named respondents.
- b. Within fifteen (15) calendar days of receiving OCR's approval, the Division will send the written outcome letter to the Complainant, Student, and any named respondents. The Division will also provide OCR with a copy of such correspondence.
- c. By June 30, 2018, the Division will provide OCR with information and documentation indicating that it implemented any additional proposed remedies from its review, as described above.

Action Item 3: Implementation of Division's Recommendations

By December 5, 2017, the Division will implement the recommendations set forth in its existing XXXX Compliance Report and XXXX letter to the Complainant regarding its investigation of the Student's/Complainant's Title IX complaints made during XXXX and XXXX, regarding the allegations that Division staff subjected the Student and other female students to discrimination on the basis of sex, including sex/gender-based harassment, different treatment, and retaliation.

Reporting Requirements:

By December 20, 2017, the Division will submit documentation to OCR to demonstrate that it has completed the implementation of each of the recommendations highlighted in the Compliance Report and the XXXX letter resolving the Student's/Complainant's complaints. This documentation will include, among other items:

- a. Documentation showing the use of dodgeball as a physical education (P.E.) activity during the fall semester of the 2017-2018 school year and any alternatives offered during each period in which students played dodgeball;
- b. Documentation of the review of P.E. activities for possible gender inequities, including who conducted the review, when it was conducted, and the outcome;
- c. Documentation of participation expectations for P.E. and how P.E. teachers will grade participation;
- d. Documentation regarding P.E. teachers' modeling of the expected level of participation for each required activity;

- e. Training or other professional development provided to staff on sensitive subjects such as gender roles, including the name and qualifications of the presenter, the date of the presentation, a list of staff who attended, and a copy of materials or information provided to staff; and
- f. Training provided to teachers regarding students' right not to stand for the Pledge of Allegiance, including the name and qualifications of the presenter, the date of the presentation, a list of staff who attended, and a copy of materials or information provided to staff.

Action Item 4: Title IX Training

- A. By December 1, 2017, the Division will provide advanced Title IX training in investigative techniques to all Division staff who will be directly involved in processing, investigating and/or resolving complaints of sex discrimination (including gender-based or sexual harassment) and retaliation, or who will otherwise participate in the Division's compliance with Title IX. The staff will include but may not be limited to the Division's Title IX Coordinator and Deputy Title IX Coordinators, and any person who reviews, approves, and/or adopts the Title IX Coordinator's findings and recommendations, such as the Division Superintendent. The training will cover the Division's policies and grievance procedures pertaining to Title IX, and will provide attendees with instruction on recognizing and appropriately addressing allegations and complaints pursuant to Title IX. The training will also cover sex discrimination (including gender-based or sexual harassment) and retaliation, and the Division's responsibilities under Title IX to address allegations of gender-based or sexual harassment and retaliation. Additionally, the training will include advanced instruction on how to conduct and document adequate, reliable, and impartial Title IX investigations, including the appropriate legal standards to apply in a Title IX investigation.
- B. The Division will schedule Title IX training for all School administrators, teachers, faculty, and other staff who interact with students on a regular basis. The training will provide attendees with essential guidance and instruction on recognizing and appropriately addressing allegations and complaints of sex discrimination, including the differences between and examples of sex discrimination and gender-based or sexual harassment, as well as retaliation, and an understanding of the Division's responsibilities under Title IX to address such allegations and complaints. In addition, the training will cover the Division's policies and grievance procedures for Title IX complaints.

Reporting Requirements:

- a. By November 30, 2017, the Division will submit to OCR for its review and approval an outline of the content of each of the trainings and the name and credentials of the individual(s) who will provide the training.
- b. By January 15, 2018, the Division will submit documentation that the trainings required by Action Item 4 above, were provided, including the agenda or outlines

developed by the institution, and the names/titles of the attendees. The Division will also provide any applicable PowerPoint slides or other training materials created by the institution, as well as verification to OCR that the training materials used during these training sessions were disseminated to any individuals in attendance.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that during the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division 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. Upon completion of the obligations under this Agreement, OCR shall close this case.

The Division 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, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give the Division written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

By: _____/s/_____
Dr. Shirley A. Perry, Superintendent
Carroll County Public Schools

Date: _____10/05/2017_____