

RESOLUTION AGREEMENT
Smyth County Public Schools
OCR Complaint No. 11-18-1199

Smyth County Public Schools (the Division) agrees to fully implement this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-18-1199. 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 A: The Student

1. Within 30 calendar days of the date of this agreement, and with the assistance of the Division's/School's designated Title IX Coordinator, the Division shall review its investigation of incidents of sex-based harassment and bullying of the Student by other students at the XXXXX School (the School) during the 2017-2018 school year, from approximately XXXXX through XXXXX. In particular, the Division will assess whether any further investigation is required with respect to incidents that allegedly occurred on XXXXX and XXXXX, which the Complainant reported on XXXXX. The Division will submit to OCR the results of its assessment for review and approval.
2. Upon OCR's review and approval, and if the Division determines that further investigation is required, it will ensure that the investigation is conducted promptly and equitably, such that it will: provide the Student and the responding student(s) with the opportunity to present witnesses and other evidence; maintain documentation regarding its investigation; and take steps to prevent the recurrence of any sex-based harassment or bullying at the School and address any hostile environment created by any harassment/bullying at the School. The Division will also assess and determine whether there are any appropriate interim or final remedies for the Student, the responding student(s), and/or other students. Lastly, the Division will provide to OCR, for its review and approval, proposed written notice to all parties of the outcome of the investigation.

Reporting Requirements:

- a. By October 30, 2018, the Division will provide to OCR for review and approval, the results of its assessment and any additional proposed action, pursuant to Action Item A(1).
- b. Within 10 school days of OCR's review and approval, the Division will take and document any actions as a result of its assessment, including further investigation, as described above in Action Item A(2). If further investigation is required, the documentation shall include information to support the Division's investigation, such as: witness interviews; investigator notes; evidence submitted; investigation reports and summaries; legal standards used; and any proposed corrective action(s) to be taken, including any disciplinary action. The Division will also submit for OCR's

review and approval a draft of the written outcome letters to the Complainant and to the parents/guardians of any named respondents.

- c. Within 15 school days of receiving OCR's approval, the Division will send the written outcome letters to the Complainant and to the parents/guardians of any named respondents. The Division will also provide OCR with a copy of such correspondence.
- d. By June 30, 2019, 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 B: Title IX Staff Training

1. By December 15, 2018, and with the assistance of the Division's/School's designated Title IX Coordinator(s), the Division will schedule and conduct Title IX training for all School principals, assistant principals, central office administrators, guidance counselors, school resource/safety officers, and nurses. The training will cover the Division's policies and grievance procedures pertaining to Title IX, and will provide attendees with essential guidance and instruction on recognizing and appropriately addressing incidents, allegations, and complaints/reports of sex discrimination (including gender-based or sexual harassment) and retaliation, and the Division's responsibilities under Title IX to address such incidents, allegations, and complaints/reports. In addition, the training will include 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.

Reporting Requirements:

- a. By November 1, 2018, the Division will submit to OCR for its review and approval, an outline of the content of the training and the name and credentials of the individual(s) who will provide the training.
 - b. By January 15, 2019, the Division will submit documentation that the training required by Action Item B(1) above, was provided, including the agenda, outlines, and the names/titles of the attendees.
2. By December 15, 2018, and with the assistance of the Division's/School's designated Title IX Coordinator(s), the Division will circulate a memorandum to all remaining teachers, teacher assistants, classroom aides, hallway and lunchroom monitors, and any other relevant staff. The memorandum will summarize the Division's policies and grievance procedures pertaining to Title IX, and will provide guidance on recognizing incidents, allegations, and complaints/reports of sex discrimination (including gender-based or sexual harassment) and retaliation, and the Division's responsibilities under Title IX to address such incidents, allegations, and complaints/reports. In addition, the memorandum will instruct the above-named staff to report such incidents, allegations,

and complaints/reports to the Division’s/School’s designated Title IX Coordinator or to a School administrator, guidance counselor, or nurse.

Reporting Requirements:

- a. By November 1, 2018, the Division will submit to OCR for its review and approval, a draft of the memorandum.
- b. By January 15, 2019, the Division will submit documentation that the memorandum was disseminated to School staff, as required by Action Item B(2) above.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the Division understands that during the monitoring of this Agreement, if necessary, 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. Upon the Division’s satisfaction of the commitments made under this Agreement, OCR will 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 will give the Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

By: _____ Date: 9/21/18
Dr. Dennis Carter
Superintendent (or Designee)
Smyth County Schools