

**Detroit Public Schools Community District  
Resolution Agreement  
OCR Docket #15-16-1041**

Detroit Public Schools Community District (the District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint filed against Detroit Public Schools, and now open against the District, alleging violations of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131 *et seq.*, and its implementing regulation at 28 C.F.R. Part 35. The District agrees to implement the action steps described below.

**I. Designation of Title IX Coordinator and Notice of Nondiscrimination**

- A. By January 26, 2018, the District will develop and/or revise, for OCR's review and approval, its notice(s) of non-discrimination used throughout District departments/programs to ensure that it consistently meets the requirements of the regulation implementing Title IX at 34 C.F.R. §§ 106.8-106.9, including at a minimum notice that the District does not discriminate on the basis of sex in the educational programs and activities which it operates, that it is required by Title IX not to discriminate in such a manner, and that the requirement not to discriminate in the education program or activity extends to employment therein and admission thereto; the name, title, and contact information (e.g., telephone number, office address, and e-mail address) for its Title IX coordinator; and a statement that inquiries concerning the application of Title IX to the District may be referred to the Title IX coordinator. The District will also develop an internal statement of duties for its Title IX coordinator.
- B. Within 30 calendar days of OCR's approval of the notice of nondiscrimination, the District will broadly publish its revised notice of nondiscrimination, including it on the District's website and in its printed publications (inserts may be used pending reprinting), promotional materials, student and employee handbooks, and other published materials in accordance with 34 C.F.R. § 106.9(a). The notice may be combined with other required notices concerning non-discrimination based on sex, race, national origin, color, and age as described in that publication. The District may provide such notice in publications by referencing its nondiscrimination statement, including its Title IX coordinator information, on its website. The District will further electronically disseminate the revised notice to students, parents, employees, and other appropriate District community members.

**Reporting Requirements:** By January 26, 2018, the District will provide OCR with copies of all versions of its developed and/or revised notice of nondiscrimination and its Title IX coordinator statement of duties for review and approval.

Within 30 calendar days of OCR’s approval of the notice of nondiscrimination, the District will provide OCR with a list of the titles of the publications in which the notice appears, as well as copies of a sampling of publications or links to online publications containing the notice (or, if not yet finalized, a copy of the insert for printed publications).

## **II. Title IX Grievance Procedures**

- A. By March 1, 2018, the District will develop and/or revise, for OCR’s review and approval, Title IX grievance procedures designed to address complaints of discrimination on the basis of sex (including sexual harassment and sexual assault) so that such procedures provide for the prompt and equitable resolution of complaints by students, employees, and third parties alleging all forms of sex discrimination (including sexual harassment and sexual assault) against students, employees, and third parties, and otherwise fully comply with Title IX and its implementing regulation at 34 C.F.R. § 106.8(b). The procedures will include, at a minimum:
1. notice that the procedures apply to complaints alleging all forms of sex discrimination against employees, students, and third parties;
  2. notice of the grievance procedures and how to file a complaint that is easily understood, easily located and widely distributed; such notice must include the contact information (name or title, office address, e-mail address, and telephone number) for each individual with whom complaints may be filed;
  3. the name, title, and contact information (phone number, office address, and e-mail address) for the District’s Title IX coordinator and notice regarding the role and duties of the Title IX coordinator in the processing of sex discrimination complaints;
  4. a statement that all District employees are expected to promptly report incidents of sex discrimination that they observe or learn about;
  5. provisions for the prompt, adequate, reliable, and impartial investigation of complaints, including the opportunity for the parties to identify witnesses and other evidence;
  6. designated and reasonably prompt timeframes for the major stages of the grievance process, including any provisions for extensions of time, that apply equally to the parties;
  7. written notice of the outcome of the complaint, and any appeals, to all parties, including the respondent, the alleged victim and, if different, the complainant;
  8. an assurance that the District will take prompt and effective steps to end sex discrimination found to have occurred; eliminate any hostile environment; prevent its recurrence; and remedy the discriminatory effects on the victim and others as appropriate;

9. appropriate definitions and examples of what types of actions may constitute sex discrimination;
10. a provision notifying complainant, and the complainant's parents/guardians if the complainant is a minor, that they may pursue a complaint with the District and the police simultaneously; that the District may need to briefly suspend the fact-finding aspect of a Title IX investigation at the request of law enforcement while the law enforcement agency is in the process of gathering evidence; that the District will maintain regular contact with law enforcement to determine when it may begin its investigation; that the District will promptly resume its investigation as soon as notified by the law enforcement agency that it has completed the evidence gathering process, or sooner if the District determines that the evidence gathering process will be lengthy or delayed; and that the District will not delay its investigation until the ultimate outcome of the criminal investigation;
11. a provision indicating that the District will implement appropriate interim measures during its investigation, including during any law enforcement agency's investigative period when the District has temporarily deferred its investigation, to assist and protect the safety of the complainant(s) and the District community and to prevent retaliation;
12. a statement that the District will notify the parties, and any party's parents/guardians if the party is a minor, in writing, that interim measures are available during the District's investigation and any appeals (such as changes in class schedules, counseling, academic assistance, etc.); where and how to request such interim measures; that the District will take steps to ensure that appropriate interim measures are taken or provided; and that the District will take steps to ensure, where possible and as supported by the available information, that such interim measures minimize the burden on the complainant;
13. a description of possible disciplinary or other applicable sanctions, including suspension, expulsion, or termination, that might result from a finding of sex discrimination; and a statement of the types of remedies that the District can provide to complainants and others as a result of sex discrimination and additional steps the District might take to prevent recurrence and remedy any hostile climate based on sex;
14. a statement that any incidents of sex discrimination that come to the District's attention through a disciplinary matter, as opposed to a formal grievance, will be promptly addressed consistent with this procedure; and
15. a statement that in cases where sex discrimination is found to have occurred, the District will determine appropriate, enforceable sanctions reasonably calculated to stop the discrimination and prevent its recurrence; eliminate any hostile environment; and remedy the discriminatory effects on the complainant and others as appropriate.

**Reporting Requirement:** By March 1, 2018, the District will provide for OCR’s review and approval a draft of the developed and/or revised procedures and any additional policies or informational documents that address complaints or incidents alleging discrimination on the basis of sex (including sexual harassment and sexual assault). OCR will review these grievance procedures and related materials in order to ensure that these comply with Title IX and this Agreement.

- B. Within 30 calendar days of OCR’s approval of the procedures developed and/or revised under Action Step II.A. above and any related materials, the District’s Title IX coordinator will certify to OCR that the District has formally adopted the documents; updated all printed publications and online publications with the revised documents (inserts may be used pending reprinting of these publications); and electronically or otherwise disseminated the revised grievance procedures to students, parents, employees, and other appropriate District community members.

**Reporting Requirement:** Within 30 calendar days of OCR’s approval of the procedures developed and/or revised under Action Step II.A. above and any related materials, the District will provide to OCR its Title IX coordinator’s certification that the District has formally adopted the developed and/or revised documents; updated copies of all printed publications and online publications with the developed and/or revised documents (inserts may be used pending reprinting of these publications); and electronically or otherwise disseminated the developed and/or revised grievance procedures to students, parents, employees, and other appropriate District community members. This documentation will include evidence of the electronic or other dissemination of the developed and/or revised procedures to students, parents, employees, and other appropriate District community members, a list of the titles of the publications in which the information appears (e.g. website, student handbook) as well as a copy of any such publications or a link to an online publication containing the developed and/or revised procedures; and if not yet finalized, a copy of the insert for printed publications. The District will also provide documentation of how the developed and/or revised procedures were distributed; and that the Title IX coordinator, District staff, students, parents, employees and other appropriate District community members have access to the procedures and know where copies may be obtained.

### **III. Title IX Training for Title IX Coordinator and Other Employees and Administrators Who Participate in Title IX Investigations**

- A. Within 60 school days of OCR’s approval of the District’s grievance procedures, the District will provide copies of its proposed training materials for the Title IX Coordinator and other employees and administrators who participate in Title IX investigations for OCR’s approval.
- B. Within 90 school days of OCR’s approval of the District’s grievance procedures, the District will provide initial, and thereafter annual, mandatory training to its Title IX coordinator and other employees and administrators who participate in Title IX investigations (e.g., principals, assistant principals) regarding the identification and investigation of Title IX complaints. During the training, the District will provide copies of its developed and/or revised Title IX grievance procedures to all attendees,

or refer them to their location within the publications they already possess or on the District’s website. The training, at a minimum, will cover:

1. the District’s developed and/or revised procedures;
2. the role and duties of the Title IX coordinator;
3. how to recognize and appropriately address incidents and complaints under Title IX, including where and with whom to report such incidents;
4. how to identify sex discrimination (including sexual harassment and sexual assault) and the District’s responsibilities under Title IX to address such allegations;
5. information on the relevant resources available to the parties;
6. how to conduct and document adequate, reliable, and impartial Title IX investigations;
7. coordination with law enforcement authorities as appropriate, and consistent with the District’s Memorandum of Understanding with law enforcement authorities and related protocols, as described in Action Step VI below;
8. what to do in response to additional incidents of alleged sex discrimination and retaliation and intimidation that the District receives notice of during an investigation;
9. instruction by a qualified individual regarding the impacts of trauma due to sex discrimination (including sexual harassment and sexual assault), and on trauma-informed communication; and
10. how to handle alleged sexual harassment against a student with a disability and appropriate consultation and referral to other District offices and employees as necessary to ensure a student with a disability is not denied a free appropriate public education (FAPE) as a result of a Title IX violation or pending investigation.

**Reporting Requirements:** Within 60 school days of OCR’s approval of the Title IX grievance procedures developed and/or revised under Action Step II.A above, the District will submit its proposed training materials to OCR.

Within 90 school days of OCR’s approval of the Title IX grievance procedures, the District will provide documentation to OCR demonstrating that training was provided by the District in accordance with Action Item III.B above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of audience; sign-in sheets for each session with the names and titles of those attending; and copies of any training materials distributed.

#### **IV. Title IX Training for District Staff and Agents**

- A. Within 60 school days of OCR’s approval of the District’s grievance procedures, the District will provide copies of its proposed training materials for District staff and agents for OCR’s approval.
- B. Within 120 school days of OCR’s approval of the District’s grievance procedures, the District will provide annual, in person or online, mandatory Title IX training to all District administrators, teachers, and other staff, and persons acting (or who would appear to a reasonable person to be acting) in the context of carrying out the District’s responsibility to provide aid, benefits, and services (e.g., bus drivers, substitute teachers, onsite interpreters) to District students (collectively, employees and agents). During the training, the District will provide copies of its nondiscrimination notice and Title IX grievance procedures to all attendees, or refer them to their location within the publications they already possess or on the District’s website. The District will provide each new employee and new agent with the above-referenced training within 30 days of his or her start date. The training, at a minimum, will cover:
1. the District’s developed and/or revised policies and grievance procedures;
  2. the role and duties of the Title IX coordinator;
  3. how to recognize incidents of sex discrimination (including sexual harassment and sexual assault);
  4. how to appropriately address incidents and complaints under Title IX (including sexual harassment and sexual assault), as well as how, where, and with whom to report such incidents;
  5. the District’s responsibilities under Title IX to address such incidents, even without a formal Title IX complaint;
  6. the consequences for violating the District’s policy against sex discrimination (including sexual harassment and sexual assault);
  7. resources available to students who have been subjected to sex discrimination (including sexual harassment and sexual assault) and students who have been accused of sex discrimination; and
  8. the importance of properly identifying such incidents in student disciplinary situations, and treating such incidents as Title IX matters (e.g., providing interim measures and remedies for the alleged victim and others as appropriate, issuing findings regarding whether sexual harassment occurred, etc.), as opposed to simply disciplining the accused student.

**Reporting Requirements:** Within 60 school days of OCR’s approval of the Title IX grievance procedures developed and/or revised under Action Step II.A above, the District will submit its proposed training materials to OCR.

Within 120 school days of OCR's approval of the Title IX grievance procedures above, the District will provide documentation to OCR demonstrating that training was provided by the District in accordance with Action Item IV.B above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); a description of each training; the type of audience; sign-in sheets for each session with the names, titles, and employers (if the attendee is an agent) of those attending; and copies of any training materials distributed.

By June 30, 2019, the District will provide documentation to OCR regarding any such training provided during the 2018-2019 academic year, including any training provided to new employees and new agents.

## **V. Documenting Complaints**

- A. By January 26, 2018, the District will develop and submit to OCR for its review and approval, a procedure to document each incident or complaint of discrimination on the basis of sex (including sexual harassment and sexual assault) received by the District, whether formal or informal, written or verbal. The procedure shall require, at a minimum:
1. documentation describing the incident or complaint;
  2. a record of when and how the incident or complaint was brought to the District's attention (e.g., incidents that come to light as a result of a disciplinary matter);
  3. documentation indicating the date the Title IX coordinator was notified of the incident;
  4. documentation regarding any investigation conducted by the District, including: witnesses interviewed; documents reviewed; and transcripts, recordings and other information considered related to the investigation;
  5. documentation of any interim measures offered to the parties pending the District's investigation; documentation of any interim measures used by the parties during the investigative process; and documentation that the parties, and the parties' parents/guardians if they are minors, were provided with notice of the District resources available and that the District took steps to ensure that these were provided, (e.g., academic support, counseling, etc.); documentation of information reviewed by the investigator;
  6. documentation describing the District's disposition of the complaint or incident, which includes the date of the disposition, the basis for the disposition and a description of any personal sanctions imposed, individual and/or systemic remedies applied, and/or other District action taken;
  7. documentation that the District promptly provided the parties written copies of any decisions, including any appeals, regarding the complaint or incident;

8. documentation regarding any contacts with law enforcement regarding each incident or complaint, and any actions taken by law enforcement, if known to the District;
9. any other relevant official District records related to the case; and
10. where sex discrimination is found to have occurred, documentation that the District followed up with the complainant, and the complainant's parents/guardians if the complainant is a minor, and any other persons as appropriate, to ensure the discrimination has stopped and has not recurred, any hostile environment has been eliminated, and that the discriminatory effects of the harassment have been remedied.

**Reporting Requirements:** By January 26, 2018, the District will provide OCR with a copy of the procedure developed under Action Step V.A. above, for review and approval.

By June 30, 2018, and June 30, 2019, the District will submit to OCR documentation verifying that the written protocol developed under Action Step V.A. above is being followed. This documentation must include copies of all incidents or complaints of discrimination on the basis of sex (including sexual harassment and sexual assault) filed with the District during the 2017-2018 and 2018-2019 school years, respectively, whether formal, informal, written or verbal, the District's investigative report for each complaint, and documentation (or a District prepared summary) regarding any steps taken by the District to stop discrimination on the basis of sex (if determined to have occurred), eliminate any hostile environment, prevent recurrence of the harassment, and remedy its effects. Pursuant to this requirement, the District will provide to OCR, should OCR specifically make such a request, additional documentation related to the investigation of any of the complaints.

- B. Within 60 calendar days of OCR's approval of the procedure developed under Action Step V.A. above, the District will adopt the procedure as part of its Title IX complaint processing procedures, distribute copies of the procedure, and provide training on the procedure to its Title IX coordinator and other employees and administrators who participate in Title IX investigations (e.g., principals, assistant principals).

**Reporting Requirement:** Within 60 calendar days of OCR's approval of the procedure developed under Action Step IV.A. above, the District will provide OCR with information or documentation confirming that the procedure has been distributed, the Title IX coordinator and other employees and administrators who participate in Title IX investigations (e.g., principals, assistant principals) have received training on the procedure, and the procedure is being used in the District's processing of Title IX complaints.

## **VI. Memorandum of Understanding (MOU) with Law Enforcement Authorities and Written Protocol**

- A. By March 31, 2018, the District will conduct an internal review to examine whether the District and the Detroit Public Schools Police Department (the DPSPD) are implementing the MOU between the District, the DPSPD, and the Detroit Police Department (the DPD), as currently written. The District will document the results of

the internal review and develop a corrective action plan based on the internal review findings that include relevant timeframes for completion.

- B. By June 28, 2018, the District and the DPSPD will make good-faith efforts to work with the DPD to revise the MOU to incorporate the following:
1. clearly indicate that the District is a party to the MOU;
  2. clearly outline how the District, the DPSPD, and the DPD will coordinate in cases regarding reports of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct) that occurred on District property or as part of a District or District-sponsored program, activity, service, or event, with clear policies on when the District and/or the DPSPD will refer a matter to the DPD;
  3. provide that, when such incidents are reported to the DPSPD and/or the DPD, the complainants, and the complainant's parents/guardians if the complainant is a minor, will be notified that they may pursue a criminal action with the DPSPD and/or the DPD and a sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct) complaint through the District at the same time regarding the same incident and that, where feasible and applicable, the DPSPD and the DPD will assist the District in obtaining relevant evidence that could be determinative of outcomes in sex discrimination cases (including but not limited to sexual harassment, sexual assault, and sexual misconduct);
  4. provide that when such incidents are investigated by the DPD, the DPD will submit, for each incident, periodic written reports to the DPSPD summarizing the DPD's investigation and determinations (a copy of the DPD's working investigative file may be provided in lieu of a written summary);
  5. confirm the parties' understanding that any investigation by DPD is separate from and does not absolve the District from its obligations to promptly and effectively respond to incidents pursuant to Title IX; and
  6. provide that the DPSPD will have access to review the DPD's investigative file (including but not limited to the initial report, supplemental reports, victim interviews, suspect interviews, witness interviews, evidence collected, results of all evidence analyses, and investigative determinations) during and after the completion of the DPD's investigation of incidents involving sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct) that occurred on District property or as part of a District or District-sponsored program, activity, service, or event.
- C. By July 28, 2018, the District will publish and electronically disseminate the current or revised MOU to employees and other appropriate District community members.

- D. Further, the District affirms that it will periodically review the terms of the MOU and engage in open dialogue with the DPSPD and the DPD to improve communication and coordination and address the protocols and procedures for referring allegations of sexual harassment and sexual assault, sharing information, and conducting contemporaneous investigations.

**Reporting Requirements:** By March 31, 2018, the District will provide OCR with copies of the internal review results and corrective action plan developed under Action Step VI.A. above. The District will further provide OCR with a written status update regarding its implementation of Action Step VI.B. above, which shall include the following: the status of the revised MOU; the date(s) that the District, the DPSPD, and the DPD met to discuss proposed revisions to the MOU; a copy of all proposed revisions to the MOU made by the District, the DPSPD, and the DPD; and any responses to the proposed revisions to the MOU from the District, the DPSPD, and the DPD.

By July 28, 2018, the District will provide OCR with documentation confirming complete implementation of the corrective action plan developed under Action Step VI.A. above. The District will further provide OCR with a copy of its revised MOU developed under Action Step VI.A. above, between the District, the DPSPD, and the DPD, and documentation verifying its dissemination to employees and other appropriate District community members. If a revised MOU is not developed by July 28, 2018, the District will provide OCR with a written summary documenting the following, if not previously submitted to OCR: the date(s) that the District, the DPSPD, and the DPD met to discuss proposed revisions to the MOU; a copy of all proposed revisions to the MOU made by the District, the DPSPD, and the DPD; and any responses to the proposed revisions to the MOU from the District, the DPSPD, and the DPD.

By December 31, 2018, and June 30, 2019, the District will submit to OCR documentation from the Title IX coordinator verifying that the revised or current MOU developed under Action Steps VI.A and VI.B. above, is being followed as written.

- E. By July 28, 2018, the District will develop a written protocol between the District's Title IX coordinator, the DPSPD, and the DPD that will, at a minimum:
1. designate a contact person (name, title, telephone number, office address, and e-mail address) for the DPSPD and the DPD;
  2. outline how the parties will promptly notify each other when a party receives a complaint of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct);
  3. clarify to what extent the DPSPD and the DPD will coordinate efforts on behalf of the District to promptly and equitably respond to complaints of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct);
  4. outline how each party will document efforts to promptly and equitably respond to complaints of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct), including all investigatory steps taken;

5. set forth a procedure to document and track DPSPD and DPD investigations regarding incidents of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct) at any District property or within any District service, program, activity, or event; and
6. outline how the DPSPD will obtain periodic summaries of investigations pertaining to complaints of sex discrimination (including but not limited to sexual harassment, sexual assault, and sexual misconduct) from the DPD, and how often the DPSPD will obtain periodic summaries from the DPD.

**Reporting Requirements:** By July 28, 2018, the District will provide OCR with a copy of its written protocol developed under Action Step VI.E. above.

By December 31, 2018, and June 30, 2019, the District will submit to OCR documentation from the Title IX coordinator verifying that the written protocol developed under Action Step VI.E. above is being followed.

## **VII. Title IX Coordinator: Monitoring Program**

- A. By June 30, 2018, and annually thereafter, the Title IX coordinator will implement a monitoring program to assess the effectiveness of the District's overall Title IX anti-discrimination efforts. At a minimum, the Title IX coordinator or a qualified designee will annually: review all disciplinary reports, incidents and complaints, whether formal or informal, involving discrimination on the basis of sex (including sexual harassment and sexual assault) received; compile, evaluate, and analyze data collected, including a disaggregated assessment of whether the reported incidents of sex discrimination (including sexual harassment and sexual assault) have increased or decreased in number and severity and whether there are any particular locations, or programs at the District where a sexually hostile climate might exist; conduct age-appropriate climate assessments within District schools and programs; and propose recommendations for improvement of the District's anti-discrimination efforts and timelines for implementation of the recommendations.

**Reporting Requirements:** By January 26, 2018, the District will provide documentation to OCR of its proposed monitoring program developed under Action Step VII.A. above.

By June 30, 2018, the District will provide documentation to OCR demonstrating that the Title IX coordinator, or a qualified designee, completed the annual review referenced in Action Step VII.A. above. This documentation will include information about the incidents reported, the type of incidents (sexual discrimination, sexual harassment, sexual assault, etc.), any trends or patterns identified, any climate assessment results, and any actions taken in response to the trends or patterns identified.

By June 30, 2019, the District will provide documentation to OCR demonstrating that the Title IX coordinator, or a qualified designee, completed the annual review referenced in Action Step VII.A. above. This documentation will include information about the incidents reported, the type of incidents (sexual discrimination, sexual harassment, sexual assault, etc.), any trends or patterns identified, and any actions taken in response to the trends or patterns identified.

### **VIII. Individual Remedies for the Student**

- A. By January 8, 2018, the District will send the parent of the student identified in OCR Docket #15-16-1041 (the Student), a certified letter offering:
1. to provide the Student, at the District's expense, with counseling during the 2017-2018 and 2018-2019 school years, to address any emotional, academic, or other issues the Student faced as a result of the September 23, 2015, incident and any District failure to appropriately investigate and address the incident;
  2. reimbursement to the Student's parent for the period of September 23, 2015, through the date of the District's letter, for any documented out-of-pocket expenses incurred as a result of counseling for the Student to address any emotional, academic, or other issues the Student faced as a result of the September 23, 2015, incident and any District failure to appropriately investigate and address the incident; and
  3. requesting verification of out-of-pocket expenses incurred from September 23, 2015, through the date of the District's letter, as a result of counseling for the Student to address any emotional, academic, or other issues the Student faced as a result of the September 23, 2015, incident and any District failure to appropriately investigate and address the incident. The letter will notify the Student's parent that verification must be received by March 31, 2018. The letter will further provide the name and contact information (telephone number, office address, and e-mail address) of a designated District employee whom she may contact regarding questions related to verification of her out-of-pocket expenses and reimbursement.

**Reporting Requirements:** By January 26, 2018, the District will provide documentation to OCR demonstrating its implementation of Action Step VIII.A. above, including a copy of the certified letter sent to the Student's parent.

By June 30, 2018, December 31, 2018, and June 30, 2019, the District will provide documentation to OCR verifying its provision of counseling to the Student as described in Action Step VIII.A.1 above.

- B. Within 30 calendar days of signing this Agreement, and after providing proper written notice to the Student's parent, including an invitation to participate, the District will convene the Student's Individualized Education Program (IEP) team (the Team), including the Student's parent, to determine what type and amount of compensatory education and other remedial services are appropriate for the Student for the time period from September 24, 2015, through the date the Student resumed regular attendance at the District in 2016, during which the Student did not receive educational instruction. The Team will develop a written plan for providing the Student with the compensatory education and other remedial services. The plan will identify the nature and amount of the services to be provided at no cost to the Student's parent, by whom the services will be provided, and when the services will be provided, and will become part of the Student's IEP. The District will provide the

Student’s parent with a meaningful opportunity to provide input into these determinations, notice of the determinations made, and notice of the procedural safeguards available to her under 34 C.F.R. § 104.36, including the right to challenge such determinations through an impartial due process hearing should she disagree.

**Reporting Requirements:** Within 30 calendar days of signing this Agreement, the District will submit to OCR documentation showing implementation of Action Step VIII.B. above, including: documentation verifying the date that the Student resumed regular attendance at the District (*i.e.*, enrollment forms, attendance records for 90 days following the date that the Student resumed regular attendance at the District, etc.); a copy of the any meeting minutes; a copy of any plan developed for the Student; documentation of any input provided by the Student’s parent and showing that notice of the determination and procedural safeguards were provided to the Student’s parent; and any other documentation relevant to the determinations reached in accordance with Action Step VIII.B. above. OCR will review the documentation submitted 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.

By June 30, 2018, the District will provide documentation to OCR of the dates, times, and locations that the compensatory education and other remedial services were provided to the Student, including the name(s) and title(s) of the service provider(s).

- C. By June 30, 2018, the District will reimburse the Student’s parent for documented out-of-pocket expenses incurred from September 23, 2015, through the date of the District’s letter described in Action Step VIII.A above, as a result of counseling for the Student to address any emotional, academic, or other issues the Student faced as a result of the September 23, 2015, and any District failure to appropriately investigate and address the incident.

**Reporting Requirement:** By June 30, 2018, the District will provide OCR with documentation verifying its implementation of Action Step VIII.C. above, such as a copy of a cancelled check. If the Student’s parent failed to provide verification of expenses incurred pursuant to Action Step VIII.C. above, the District will provide OCR with a signed statement certifying such. If the District rejects and/or disputes the reimbursement amount sought by Student’s parent, the District will submit to OCR all documentation provided by the Student’s parent, the information considered, and an explanation for the determination. OCR will review this information and resolve the dispute between the parties.

**IX. Investigation and Resolution of any Sexually Hostile Climate Related to the XXXXX, Incident**

- A. By January 8, 2018, the District’s Title IX coordinator, or a designee under the oversight of the District’s Title IX coordinator, will begin a thorough, impartial investigation of the XXXXXX, incident and whether there is any ongoing sexually hostile climate for any student. The District will immediately take any and all actions necessary to eliminate any such hostile climate, prevent its recurrence, and remedy its discriminatory effects on the student(s) and others as appropriate.

