

**RESOLUTION AGREEMENT
SCOTTSBLUFF PUBLIC SCHOOLS
OFFICE FOR CIVIL RIGHTS DOCKET NUMBER 07121137**

The Scottsbluff Public Schools (District), Scottsbluff, Nebraska, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegations against the District in OCR Docket No. 07121137, and to ensure compliance with Title IX of the Education Amendments of 1972 (Title IX), 20 United States Code (U.S.C.) § 1681, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 106; and Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code (U.S.C.) § 2000d, and its implementing regulation at 34 C.F.R. Part 100. Prior to the completion of OCR's investigation, the District asked to resolve the allegations pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to ensure compliance with Title IX and Title VI and/or their implementing regulations, the District voluntarily agrees to take the following actions:

I. GENERAL PROVISIONS

- This Agreement resolves OCR Docket No. 07121137 and does not constitute an admission by the District of any violation of Title IX or Title VI, or any other law.
- OCR agrees to discontinue its investigation of OCR Docket No. 07121137 based upon the District's commitment to take the actions specified in this Agreement which, when fully implemented, will resolve the allegation in OCR Docket No. 07121137.
- In the event the District fails to implement any provision of this Agreement, OCR may resume its investigation of the complaint or take other appropriate measures within its authority to effect compliance with Title IX or Title VI.
- The District 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 this 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 and is in compliance with the regulations implementing Title IX or Title VI.
- 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 or Title VI.

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

II. RESOLUTION PROVISIONS

NOTICE OF NONDISCRIMINATION AND DISSEMINATION

1. The District will ensure it has met the identification, notification, and publication requirements set forth in the OCR publication, *Notice of Non-Discrimination* (August 2010). The publication is available at: <http://www2.ed.gov/about/offices/list/ocr/docs/nondisc.html>. The notice of nondiscrimination must include the name or title, address, and telephone number of the District employee(s) designated to coordinate efforts to comply with and carry out responsibilities under Title IX; Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. § 12131, and its implementing regulation at 28 C.F.R. Part 35; the Age Discrimination Act of 1975, 42 U.S.C. § 6101, and its implementing regulation at 34 C.F.R. Part 110; and the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905, and its implementing regulation at 34 C.F.R. Part 108. If more than one person is designated to coordinate compliance under these laws, the District shall specify which coordinator is responsible for each law. OCR is available to provide technical assistance to the District upon request.

REPORTING REQUIREMENT: By December 1, 2012, the District will provide OCR with a revised version of its combined notice of nondiscrimination, which meets the requirements set forth in this Agreement, for OCR's review and approval.

2. Upon receiving approval from OCR of its revised notice of nondiscrimination, the District will adopt, publish and prominently display its revised combined notice of nondiscrimination in student, parent and employee hard-copy and/or online handbooks. If possible, the District will also include the notice of nondiscrimination on the District's website.

REPORTING REQUIREMENT: Within 60 days of receiving approval of its revised notice of nondiscrimination from OCR, the District will provide OCR with documentation demonstrating the notice has been adopted by the District and copies (or links to the information if it is available on the District's website) of the District's student, parent and

employee handbooks evidencing its dissemination and publication of the approved notice of nondiscrimination.

TRAINING

3. The District will work with the Midwest Equity Assistance Center or other similarly qualified expert (expert) to provide mandatory trainings on harassment to all students and employees, which will occur annually for the term of this Agreement, as follows:
 - a. For all students in grades 6 through 12, and all District-level and school-based administrators, faculty, certified staff, and other staff who interact with students at any grade level, training on harassment, with an emphasis on sex-based harassment, including sexual and gender-based harassment. The purpose of the trainings is to ensure that all students and employees understand their rights and obligations under the District's policies and procedures, as revised. Trainings for students and employees will take place separately.
 - b. For all students in grades kindergarten through fifth, training designed to promote an inclusive and safe educational environment for all students, which will include, but not be limited to, anti-bullying training.
 - c. The District will work with the expert to develop curricula for the trainings required herein.

REPORTING REQUIREMENT: By November 1, 2012, the District will provide documentation that the expert has been retained for the purposes established above.

REPORTING REQUIREMENT: By March 1, 2013, the District will provide OCR documentation showing it has completed the training described above. The documentation must identify: 1) the date, time, and location of the training; 2) the topics addressed at the training (the District may provide OCR an outline of the training and/or a copy of the materials disseminated at the training); 3) the name(s), title(s), and credentials of the individual(s) who conducted the training; and 4) in the form of a sign-in sheet, the name, title, and work location of each District employee who attended the training. In addition to providing the name, title, and work location of each attendee on a sign-in sheet, the District will also provide a complete list of District administrators, faculty, and staff so that OCR may verify complete participation by the necessary District staff members. OCR suggests the District use a typed list of District administrators, faculty, and staff as the training

sign-in sheet. The District is not required to submit documentation of subsequent training required by item 3 unless OCR requests the District provide that documentation.

4. By March 1, 2013, the District will ensure the District's Title IX coordinator, District principals and counselors receive annual training on the District's grievance procedures for sex-based harassment. The training will include: a) information regarding discrimination and harassment under Title IX; b) strategies for conducting a thorough investigation, including documentation and identification of information that should be gathered; c) requirements for creating a report summarizing the investigation and findings; and d) requirements that allegations of harassment be processed without regard to an individual's race, color, national origin, sex, disability status or age.

REPORTING REQUIREMENT: By April 1, 2013, the District will provide OCR documentation showing it has completed the training described above. The documentation must identify: 1) the date, time and location of the training; 2) the topics addressed at the training (the District may provide OCR an outline of the training and/or a copy of the materials disseminated at the training); 3) the name(s), title(s), and credentials of the individual(s) who conducted the training; and 4) in the form of a sign-in sheet, the name, title and work location of each District employee who attended the training. In addition to providing the name, title and work location of each attendee on a sign-in sheet, the District will also provide a complete list of the participants required by item 4, specifically, the Title IX coordinator, District principals and counselors, and the District's grievance committee members, so that OCR may verify complete participation by the necessary District staff members. OCR suggests the District use a typed list of the participants required by item 4 as the training sign-in sheet. The District is not required to submit documentation of subsequent training required by item 4 unless OCR requests the District provide that documentation.

CLIMATE SURVEY

5. By November 1, 2012, the District will provide OCR with a copy of the District's climate survey currently used by the District for OCR's review. OCR will review the climate survey and make suggested revisions, as necessary. The District agrees to conduct a climate survey by March 31, 2014. The District will use the climate survey as revised, if applicable, by OCR. The District will review the results of the survey within 30 days of its administration. Based on a review of the results of the surveys, the District will take appropriate corrective actions to address all climate issues related to harassment, including sex-based harassment, identified

through the surveys and the analysis. The corrective action, if necessary, will be implemented within 60 days of the completion of the survey review.

REPORTING REQUIREMENT: Within 30 days of the identification of the corrective action to be taken (or the determination that no corrective action is necessary), the District will provide OCR with a copy of the results of the survey and corrective action plan.

TITLE IX GRIEVANCE PROCEDURES

6. By December 1, 2012, the District will expand the scope of its current policy and grievance procedure regarding harassment so that, in addition to sexual harassment, the grievance procedure applies to gender-based harassment. This will entail the following:
 - a. The District will identify the first reference to sexual harassment in the anti-harassment policy (policy) and the grievance procedures (procedures) regarding complaints of harassment and will add the following after sexual harassment: gender-based harassment (sex-based harassment). The term sex-based harassment will replace all subsequent references to sexual harassment.
 - b. In the revised policy, the District will add an item that will, similar to the existing language on sexual harassment, separately define and provide examples of gender-based harassment.
7. By February 1, 2013, the District will revise its current procedures for sex-based harassment to include provisions for prompt, thorough investigations and equitable resolutions of allegations of sex-based harassment to include a requirement that:
 - a. administrators will refer complaints to law enforcement authorities where appropriate;
 - b. the District follow the procedures regardless of whether the alleged harassment is also being investigated by another agency, including a law enforcement agency, unless particular procedural steps would directly impede an investigation;
 - c. the District utilize a preponderance of the evidence to evaluate sex-based harassment complaints (*i.e.*, whether it is more likely than not that sex-based harassment occurred);
 - d. all persons involved in conducting investigations have training or

experience in handling complaints of sex-based harassment and in the applicable District policies and procedures; and

- e. the District will, upon making a determination that harassment has occurred, determine the remedial action necessary to address and resolve an incident. The procedure will include examples of the corrective action that may be appropriate, including: the provision of resources, including the provision of counseling to students who have been subjected to harassment and counseling to the harasser as a means to prevent recurrence of future harassment, discipline, strategies to protect the individual subject to the harassment and witnesses from retaliation, other steps to address any impact on the individual harassed, witnesses and the broader student body, and any other necessary steps reasonably calculated to prevent future occurrences of harassment.

REPORTING REQUIREMENT: By March 1, 2013, the District will provide OCR for its review and approval a copy of a draft of its revised policy and procedure.

8. Upon receiving approval from OCR, the District will publish the revised policy and procedures in the District's board policies.

REPORTING REQUIREMENT: Within 60 days of receiving approval of its revised policy and procedures from OCR, the District will provide OCR with copies (or links to the information if it is available on the District's website) of the District's board policies where the grievance procedure is published. The District will also provide documentation demonstrating how the location of the board policies is communicated to students, parents and employees.

RECORDING INSTANCES OF REPORTED HARASSMENT

9. By October 1, 2012, the District will revise its record-keeping for instances of reported harassment to include the identity of the alleged victim or victims. The counselor at each building will have the responsibility for ensuring that the known identity of alleged victims of reported harassment is documented in the counselor's record-keeping system.

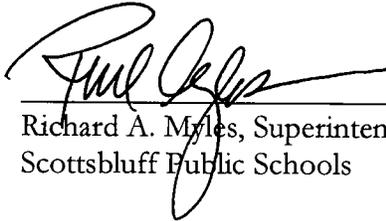
REPORTING REQUIREMENT: By November 1, 2012, the District will provide OCR a copy of its revised record-keeping system to reflect identification of the alleged victim or victims. By February 1, 2013, the District will provide OCR a copy of an example of its records for alleged instances of reported harassment from the beginning of the 2012-13

school year through December 31, 2012, to demonstrate its revised record-keeping.

INDIVIDUAL REMEDY

10. By October 1, 2012, the District will, in consultation with the complainant, identify a District staff person who will serve as a contact for the complainant's son (student). The student and the complainant will be notified as to the identity of this individual and will be notified that this person may be contacted directly if the student feels that he has been or is being harassed.

REPORTING REQUIREMENT: By November 1, 2012, the District will provide OCR with the name and contact information of the person identified in item 10 above. The District will provide documentation demonstrating that the information has been communicated to the student and the complainant.


Richard A. Myles, Superintendent
Scottsbluff Public Schools

9/4/12
Date