

RESOLUTION AGREEMENT
Park City School District
OCR Case Numbers 08-23-1193, 08-23-1236, 08-23-1250,
08-23-1359, 08-23-1433, 08-23-1462, and 08-23-1543

The Park City School District (the District) executes this Resolution Agreement (the Agreement) to resolve the violations and compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR) in its Letter of Findings for the above-referenced complaints under the following laws: Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations at 34 C.F.R. Part 100; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulations 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 regulations 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 regulations at 28 C.F.R. Part 35. This Agreement has been entered into voluntarily by the District and does not constitute an admission by the District that it is not in compliance with Title VI, Title IX, Section 504, Title II, or their regulations.

I. Individual Remedies for Harassed Students

A. Review of Harassment Incidents from School Year 2022-23

1. The District will review incidents of student-to-student harassment based on race, national origin, sex, and disability during school year (SY) 2022-23 using a list of incidents provided by OCR and other relevant information.
2. In its review, the District will determine – through records reviews, interviews, etc. – what further action, if any, is needed to provide an equitable resolution of each incident. Such further action may include offering remedies for individuals affected by a hostile environment in the District’s education programs or activities resulting from harassment based on race, national origin, sex, or disability.
3. The District will complete this review within 60 days of OCR providing to the District a list of incidents.

B. Further Actions

The District will take the identified further actions within 30 days of completing its review.

C. Reporting

1. Within 90 days of OCR providing the District with a list of incidents to review, the District will submit to OCR the following for each incident:

- a. a summary of the District’s review, including who conducted the review and how the review was conducted (e.g., what records and other information were considered);
 - b. a determination regarding whether student(s) experienced a hostile environment as a result of the incident(s);
 - c. a description of corrective steps the District took, if any (e.g., administering discipline, creating a safety plan, implementing a no-contact order, providing an escort, offering counseling or compensatory services, etc.); and
 - d. the name(s) and job title(s) of the employee(s) responsible for providing the corrective steps, if any.
2. If OCR notifies the District that further corrective steps are needed for one or more reported incidents, the District will take those actions and provide documentation of having taken them to OCR within 60 days of OCR’s notice.

II. Harassment Policies and Procedures

A. Review and Revise Policies and Procedures

The District will review and revise, as necessary, its policies and procedures governing student-to-student harassment. The District may choose to have separate policies and procedures for different types of harassment – i.e., harassment based on race, color, or national origin; harassment based on sex; and harassment based on disability. Regardless, all policies and procedures regarding sexual harassment must be consistent with the Title IX regulations. At a minimum, the District will ensure that its policies and procedures:

1. explain that Title VI prohibits the District from discriminating based on race, color, and national origin and that this prohibition includes a District duty to respond promptly and effectively to actual and constructive notice that student-to-student harassment on these bases is creating a hostile educational environment for students, including by stopping the harassment, preventing its recurrence, eliminating the hostile environment, and remedying its effects, as appropriate;
2. define actual notice and constructive notice;
3. explain that Title VI protects students from harassment based on race, color, and national origin – including based on their actual or perceived shared ancestry or ethnic characteristics (e.g., shared Jewish ancestry), or citizenship or residency in a country with a dominant religion or distinct religious identity (e.g., shared Muslim ancestry) – that creates a hostile educational environment for them (and define hostile environment);
4. include examples of student-to-student harassment based on race, color, and national origin, including harassment based on shared ancestry;
5. explain that Title IX prohibits the District from discriminating on the basis of sex and requires the District to adopt and publish prompt and equitable grievance procedures for complaints alleging sex discrimination covered by Title IX;

6. explain that Section 504 prohibits the District from discriminating on the basis of disability and that this prohibition includes a District duty to respond promptly and effectively to actual and constructive notice that student-to-student harassment based on disability is creating a hostile educational environment for students, including by stopping the harassment, preventing its recurrence, eliminating the hostile environment, and remedy its effects as appropriate;
7. explain that student-to-student disability-based harassment is covered by Section 504 if the harassment creates a hostile environment (and define hostile environment);
8. explain that harassment of a student with a disability on any basis can result in a denial of a free appropriate public education (FAPE) that must be appropriately remedied by the District (e.g., with compensatory education);
9. provide examples of supportive measures that the District may offer to students reported to have been harassed while the District investigates the alleged harassment;
10. provide examples of District responses to a determination that a student harassed another student based on race, color, national origin, sex, or disability (e.g., disciplinary sanctions, no-contact orders, counseling, and assemblies); and
11. expressly prohibit retaliation, define retaliation, provide examples of student-to-student retaliation, and identify consequences for retaliation.

B. Disseminate Revised Policies and Procedures

The District will disseminate the revised policies and procedures by:

1. posting them on the District's Board Policies website;
2. including them, or at least a link to them, in all District schools' student or parent handbooks;
3. including a link to them on all District schools' websites;
4. including a link to them on the District's "ADAA/Non Discrimination Compliance," "Section 504," and "Title IX" webpages;
5. including an announcement, with a link to them, in the District's monthly newsletter;
6. including an announcement, with a link to them, on the District's social media; and
7. emailing an announcement, with a link to them, to all District employees, students, and parents. (For purposes of this Agreement, "parents" include guardians and other caretakers of District students.)

C. Reporting

1. Within 90 days of the District signing this Agreement, the District will submit to OCR for review and approval drafts of the revised policies and procedures. The submission will indicate (e.g., with tracked changes) what text is different or new compared to existing District policies and procedures.

2. Within 30 days of OCR notifying the District that the revised policies and procedures are approved, the District will disseminate them as required and submit supporting documentation to OCR.

III. Recordkeeping

A. Forms

1. The District will develop and use a standard form for employees, students, and parents to report or file a complaint about harassment of students based on race, color, national origin, sex, and disability (Form 1); and a standard form for designated employees to use when responding to such reports or complaints (Form 2).
2. Form 1 will include, at a minimum, fields for:
 - a. the name and status/position (e.g., employee, student, or parent) of the individual making the report;
 - b. the date of the report;
 - c. the name(s), school(s), and grade(s) of the student(s) who was/were harassed;
 - d. the name(s), school(s), and grade(s) of the student(s) who engaged in harassment;
 - e. the basis or bases for the harassment (e.g., race, color, national origin, sex, and/or disability);
 - f. a description of the harassment, including the nature, location(s), date(s), and approximate time(s) of the harassment;
 - g. the name(s) and status(es) of any witness(es) to the harassment; and
 - h. the impact(s) of the harassment on the student(s) who was/were harassed.
3. Form 2 will include fields for at least the following information:
 - a. the name and title of the employee who received the report or complaint of harassment;
 - b. the date the employee received the report or complaint;
 - c. the name and title of the employee who responded to the report or complaint;
 - d. whether the District's Title IX Coordinator or Section 504 Coordinator was notified of the alleged harassment, and if so, the date of the notice and what role the coordinator played, if any, in responding to the alleged harassment;
 - e. the name and status of the individual who made the report or complaint;
 - f. the name(s) and school(s) of the student(s) who was/were allegedly harassed;
 - g. the name(s) and status(es) of the individual(s) who allegedly engaged in harassment;
 - h. the steps taken to investigate the alleged harassment (e.g., interviewing witnesses, obtaining witness statements, and reviewing video footage, photographs, screenshots, and communications, and the date that each step was taken);

Resolution Agreement for OCR Cases

08-23-1193, 08-23-1236, 08-23-1250, 08-23-1359, 08-23-1433, 08-23-1462, and 08-23-1543

- i. a description of any interim or supportive measures offered and implemented for the students involved (e.g., a safety plan, physical escorts, no contact order, etc.);
 - j. a determination regarding whether the student(s) was/were harassed based on race, color, national origin, sex, and/or disability, and if so, a determination regarding whether the harassment created a hostile environment;
 - k. the date(s) the determination(s) was/were made;
 - l. an explanation for the determination(s) made;
 - m. the names and positions of the individuals who were notified of the outcome of the investigation and the date each individual was notified; and
 - n. a description of any remedial measures taken by the District, including measures taken to eliminate the hostile environment, prevent its recurrence, and remedy its effects (e.g., disciplining the harasser, providing counseling to students, and holding an assembly).
4. For allegations of sexual harassment under Title IX, Form 2 will also include:
- a. the date(s) the Title IX Coordinator contacted the complainant to discuss the availability of supportive measures with or without the filing of a formal complaint, and to explain the process for filing a formal complaint;
 - b. the supportive measures offered to the complainant;
 - c. the supportive measures requested by the complainant, and if any requests were denied, why they were denied; and
 - d. the supportive measures provided to the complainant.

B. Policies and Procedures

The District will develop and implement policies and procedures designed to help ensure that employees adequately and accurately document and preserve all reports and complaints of and responses to harassment based on race, color, national origin, sex, and disability. The recordkeeping policies and procedures will include, at a minimum:

1. a requirement that Forms 1 and 2 be readily available and consistently used;
2. a description of what records and information must be maintained (including, but not limited to, Forms 1 and 2, witness statements, interview notes, and other evidence);
3. a description of how records and information must be maintained, including which student information system (SIS) must be used, which relevant codes in the SIS must be used, and how long records must be maintained;
4. who is responsible for maintaining specific records and information;
5. how the District will meet other recordkeeping requirements in the Title IX regulations; and
6. how the District will ensure that the record-keeping policies and procedures will be followed with fidelity (e.g., periodic reviews and audits for each District school).

C. Dissemination

1. The District will make Form 1 available:
 - a. on the District's website;
 - b. on each District school's website;
 - c. via a link in each school's student or parent handbook; and
 - d. in the front office and counseling office of each District school.
2. The District will disseminate Form 2 to all employees who are authorized to handle reports of harassment based on race, color, national origin, sex, or disability by:
 - a. emailing it to them;
 - b. disseminating hardcopies of it at a staff meeting at each school; and
 - c. posting it on any shared drives or cloud storage used by employees.
3. The District will disseminate the record-keeping policies and procedures by:
 - a. emailing them to all employees;
 - b. disseminating hardcopies of them at a staff meeting at each school; and
 - c. posting them on any shared drives or cloud storage used by employees.

D. Reporting

1. Within 90 days of the District signing this Agreement, the District will submit to OCR for review and approval:
 1. a draft of Form 1;
 2. a draft of Form 2; and
 3. a draft of the recordkeeping policies and procedures.
2. Within 30 days of OCR notifying the District that the Form 1, Form 2, and the record-keeping policies and procedures are approved, the District will disseminate them as required and submit supporting documentation to OCR.

IV. Coordination of Compliance with Title IX through the Title IX Coordinator

A. Job Description

The District will develop a Title IX Coordinator job description that includes, at a minimum:

1. coordinating implementation of the District's Title IX grievance procedures;
2. coordinating investigations and outcomes of sexual harassment reports and Title IX complaints;

3. helping to identify and address patterns of sexual harassment; and
4. being involved in drafting, reviewing, and revising Title IX-related policies, grievance procedures, and forms.

B. Designation

The District will identify one or more employees to serve as its Title IX Coordinator.

C. Plan

The District will develop a plan to ensure the proposed Title IX Coordinator has the authority, knowledge, and time necessary to effectively fulfill their duties as Title IX Coordinator.

D. Reporting

Within 60 days of the District signing this Agreement, the District will submit to OCR for review and approval:

1. a draft job description;
2. the name, title, and existing job responsibilities of the proposed Title IX Coordinator; and
3. a draft plan to ensure the proposed Title IX Coordinator has the authority, knowledge, and time necessary to effectively fulfill their duties as Title IX Coordinator.

V. Notice of Nondiscrimination

A. Content

The District will draft a notice that includes:

1. a statement that it does not discriminate based on race, color, national origin, sex, or disability;
2. a link to the District's harassment policies and procedures approved (see Term II);
3. a link to Form 1 (see Term III);
4. the name or title, office address, email address, and telephone number of the District's Title IX Coordinator (see Term IV); and
5. the name or title, office address, email address, and telephone number of the District's Section 504 Coordinator.

B. Dissemination

The District will disseminate the notice to all employees, students, and parents by at a minimum:

1. posting the notice in common areas throughout all District schools;
2. posting the notice on the homepages of the District's website and each District school's website;
3. emailing the notice to all employees, students, and parents;
4. including the notice in (at least) the first District newsletter each school year; and
5. including the notice in all student and parent handbooks.

C. Reporting

1. Within 30 days of OCR notifying the District that no further reporting is required for Terms II-IV, the District will submit to OCR for review and approval a draft notice.
2. Within 30 days of OCR notifying the District that the notice is approved, the District will disseminate the approved notice as required and submit supporting documentation to OCR.

VI. Climate Surveys

A. Administration

During SY 2024-25, and for such period of time as compliance with this Agreement is being monitored, the District will administer an age-appropriate climate survey of employees, grade 3-12 students, and parents.¹

B. Content

The survey will include topics related to harassment of students based on race, color, national origin (including antisemitism), sex (including based on LGBTQI+ status), and disability. The survey will include notice to survey takers that they may file a complaint regarding harassment based on race, color, national origin, sex, or disability, as well as a link to the form approved pursuant to Term III. Survey topics will include:

1. the prevalence of such harassment;
2. employees', students', and parents' willingness to report such harassment;

¹ OCR recognizes the District's need to comply with state law in the administration of surveys, including changes required by H.B. 182, as adopted by the Utah Legislature during the 2024 session, with an effective date of July 1, 2024.

3. whether employees, students, and parents have sufficient access to, and information about, the District's policies and procedures regarding such harassment, including how to report it;
4. employees', students', and parents' perceptions of the District's and schools' responses to reports of such harassment; and
5. employees', students', and parents' suggestions for reducing incidents of such harassment in the District and improving the District's response to reports of such harassment.

C. Analysis and Planning

Within 60 days of conducting the annual surveys during monitoring of this Agreement, the District will:

1. analyze the results; and
2. use the results to develop an action plan, if necessary, which will be implemented to address the concerns identified (e.g., further revise policies and procedures, provide additional training, etc.).

D. Reporting

1. Within 120 days of the District signing this Agreement, the District will submit to OCR for review and approval a plan for the SY 2024-25 survey. The plan will include proposals for:
 - a. survey opening and closing dates;
 - b. disseminating and publicizing the survey;
 - c. survey questions for employees, for students, and for parents;
 - d. the survey tool(s); and
 - e. the names(s) and title(s) of the individual(s) who will be charge of administering the survey.
2. Within 90 days of conducting the SY 2024-25 survey, the District will submit to OCR for review and approval the required analysis and, if necessary, the action plan.

VII. Training for the Title IX Coordinators, Investigators, Decision-makers, and Any Person Who Facilitates an Informal Resolution Process

A. Training

1. The District will ensure that its Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on the following, as required by 34 C.F.R. § 106.45(b)(1)(iii):
 - a. the definition of sexual harassment in § 106.30;

- b. the scope of the recipient’s education program or activity;
 - c. how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable; and
 - d. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
2. The District will ensure that Title IX investigators also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

B. Reporting

1. Within 60 days of OCR notifying the District that no further reporting is required for Terms II-IV, the District will submit to OCR for review and approval:
 - a. draft training materials;
 - b. the name(s), job title(s), and qualifications of one or more proposed individuals to provide the training;
 - c. a description of how the training will be delivered (“delivery method”);
 - d. a proposed date for the SY 2024-25 training; and
 - e. a proposed list of individuals to be trained, including the name and title or position for each individual.
2. Within 30 days of conducting the training for SY 2024-25, the District will submit to OCR:
 - a. the date of the training; and
 - b. confirmation that the approved trainer(s) used the approved training materials and delivery method and that the approved trainees participated.

The District will promptly and fully address OCR’s concerns, if any, about this reporting until the District receives notice from OCR that no further reporting is required.

VIII. Training for All Employees

A. Training Content and Evaluation

1. Starting in SY 2024-25, and for such time as compliance with this Agreement is being monitored, within 20 days of the start of each school year, the District will train all current employees regarding:
 - a. the District’s harassment policies and procedures addressing harassment based on race, color, national origin, sex, and disability (see Term II);

- b. recognizing, reporting, and responding to harassment based on race, color, national origin, sex, and disability, including the use of Forms 1 and 2 (see Term III);
 - c. the District's record-keeping policies and procedures (see Term III); and
 - d. involving the Title IX Coordinator (see Term IV) and Section 504 Coordinator.
2. The District will survey trainees about the training and use the feedback to improve future trainings.

B. Reporting

1. Within 60 days of OCR notifying the District that no further reporting is required for Terms II-IV, the District will submit to OCR for review and approval:
 - a. draft training materials;
 - b. the name(s), job title(s), and qualifications of one or more proposed individuals to provide the training;
 - c. a description of the delivery method, which need not be the same delivery method for all classifications of employees;
 - d. proposed date(s) for the SY 2024-25 training; and
 - e. a draft trainee survey.
2. Within 30 days of conducting the training for SY 2024-25, the District will submit to OCR:
 - a. the date(s) of the training;
 - b. confirmation that the approved trainer(s) used the approved training materials and delivery method;
 - c. the names, job titles or positions, and school/assigned location of employees who did not complete the training and a plan to train each person within 30 days;
 - d. the trainee survey results; and
 - e. the District's proposed changes to the training for SY 2025-26 to account for survey feedback, trends in the District, and other factors.

The District will promptly and fully address OCR's concerns, if any, about this reporting until the District receives notice from OCR that no further reporting is required.

IX. Training for Students and Parents

A. Training Content and Evaluation

1. The District will, annually, provide developmentally appropriate training for grades 3-12 students and their parents regarding:

Resolution Agreement for OCR Cases

08-23-1193, 08-23-1236, 08-23-1250, 08-23-1359, 08-23-1433, 08-23-1462, and 08-23-1543

- a. the definition and examples of harassment based on race, color, national origin, sex, and disability;
 - b. how to recognize and report harassment based on race, color, national origin, sex, and disability;
 - c. a summary of the District's policies and procedures regarding discrimination and harassment based on race, color, national origin, sex, and disability, including responsibilities of District employees in responding to harassment based on same;
 - d. the possible consequences for students who engage in harassment based on race, color, national origin, sex, and disability;
 - e. steps students may take if they believe employees are not responding appropriately to harassment (e.g., contacting a District Central Office senior administrator, filing a complaint with OCR, etc.); and
 - f. protections from retaliation under Title VI, Title IX, Section 504, and District policies and procedures.
2. The District will survey trainees about the training and use the feedback to improve future trainings.

B. Reporting

1. Within 60 days of OCR notifying the District that no further reporting is required for Terms II-IV, the District will submit to OCR for review and approval:
 - a. draft training materials;
 - b. the name(s), job title(s), and qualifications of one or more proposed individuals to provide the trainings;
 - c. a description of the delivery method;
 - d. proposed dates for the SY 2024-25 trainings; and
 - e. draft trainee surveys.
2. Within 30 days of conducting the trainings for SY 2024-25, the District will submit to OCR:
 - a. the dates of the trainings;
 - b. confirmation that the approved trainer(s) used the approved training materials and delivery method;
 - c. the trainee survey results; and
 - d. the District's proposed changes to the training for SY 2025-26 to reflect survey feedback, trends in the District, and other factors.

The District will promptly and fully address OCR's concerns, if any, about this reporting until the District receives notice from OCR that no further reporting is required.

X. Audits for School Years 2024-25 and 2025-26

A. Audit

The District will report to OCR on reported student harassment based on race, color, national origin, sex, and disability during SYs 2024-25 and 2025-26.

B. Reporting

Within 30 days of the end of SY 2024-25 and the end of SY 2025-26, the District will submit to OCR completed Forms 1 and 2 (see Term III) for each report or complaint of harassment based on race, color, national origin, sex, or disability. If any reports or complaints do not have associated forms, the District will provide a written description of the report or complaint and the District's response to the report or complaint and an explanation for the lack of forms. The District will promptly and fully address OCR's concerns, if any, about the submissions until OCR notifies the District that no further reporting is required.

XI. General Terms and Principles

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of this Agreement. 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.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of this Agreement and the obligations under Title VI, Title IX, Section 504, Title II, and their implementing regulations at issue in these cases.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice (DOJ) for judicial proceedings in the event of breach to enforce the specific terms of this Agreement and the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

For the District:

/s/
Jill Gildea, Superintendent

March 20, 2024
Date