



RESOLUTION AGREEMENT
Pflugerville Independent School District
Complaint Number 06-19-1726

The U.S. Department of Education (Department), Office for Civil Rights (OCR), and Pflugerville Independent School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), as amended, 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), as amended, 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.

A. ACTION ITEMS AND REPORTING REQUIREMENTS

Title IX

Action Item 1- Title IX Coordinator

The District will identify one employee as the Title IX Coordinator who is designated as having ultimate coordination and oversight responsibility of all Title IX complaints received by the District to ensure consistent practices and standards in handling complaints.

Reporting Requirement

By **September 15, 2023**, the District will provide OCR with the name, office address, telephone number, and electronic mail address of the employee it has designated in accordance with Action Item 1.

Action Item 2 – Conduct Title IX Training for Relevant District Staff

The District will provide Title IX training to all [redacted content] High School ([redacted content] or the School) employees; each Title IX Coordinator; and all other District investigators to include decisionmakers, and any other persons designated by the District (including third-party contractors, as applicable) to receive, process, investigate, and/or resolve complaints of sex discrimination, including sexual harassment. The training will be conducted by (an) individual(s) knowledgeable about the laws and issues pertaining to Title IX and may be delivered in multiple sessions and/or an electronic format. At a minimum, the training will review and include instruction on the following items:

- a) the role and duties of the Title IX Coordinator;
- b) how to recognize and appropriately address incidents and complaints under Title IX, including where and with whom to report such incidents;
- c) how to identify sex discrimination (including sexual harassment and sexual assault) and the District’s responsibilities under Title IX to address such allegations;
- d) information on the duty to report potential sexual harassment or discrimination of which an employee is on notice of or otherwise aware of to the Title IX Coordinator;
- e) information on the relevant resources and interim measures available to the parties;
- f) how to conduct and document adequate, reliable, and impartial Title IX investigations; and
- g) the requirement to provide notice of the outcome to both parties.

Reporting Requirements

- i. **By September 15, 2023**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the Title IX training described in Action Item 2 of this Agreement. This information will include, but not be limited to, a copy of all training module(s), handout(s), and material(s) that will be disseminated or otherwise utilized during the training session(s); the name(s), credentials, and contact information of the individual(s) who will conduct the training(s); and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed).
- ii. **Within sixty (60) calendar days** after OCR approves the training-based information described in Reporting Requirement (a) for Action Item 1 of this Agreement, the District will provide documentation to OCR demonstrating that the District provided Title IX training in accordance with Action Item 1 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 brief description of each training; the names and titles of those who attended the training(s); copies of any training materials distributed; a list of staff who remain to be trained; and copies of participant surveys pertaining to training quality.

Action Item 3—Title IX Complaint Review

For the **2021-2022** and **2022-2023** school years, the District will provide OCR with a listing or log of all written complaints of sexual harassment (as defined by the Title IX regulation) that were resolved or are pending as of **May 31, 2023**.

- a. The listing or log shall include: (i) a case number coded to protect individual privacy and the current status of each report of sexual harassment, including sexual violence; (ii) whether the District was able to meet the timeframes specified in the District’s Title IX complaint procedures for investigation (and if the District was not able to meet its timeframes, include an explanation as to the cause); (iii) all supportive measures that were considered for the student victim/complainant/witness, indicating the basis for the determination (e.g., discussion with student), the supportive measures provided and an explanation as to any supportive measures which were not provided despite a student/complainant/witness’s request; and (iv) the final remedies that were provided to complainants/victims/witnesses, and any steps taken by the District to prevent recurrence of sexual harassment and to remedy its discriminatory effects, as appropriate, if a violation was found.
- b. The District will also provide OCR with the investigation report for every Title IX investigation completed during the time period and a self-assessment of whether the resolution to each report was prompt and equitable.

Reporting Requirements

- i. **By January 15, 2024**, the District will provide for OCR’s review and approval the listing or log of reports as described in Action Item 3(a) of this Agreement and the reports and self-assessment as described in Action Item 3(b) of this Agreement for its high school campuses. The District will subsequently provide the above information for all remaining campuses by **June 30, 2024**.
- ii. For each of the above reporting dates, the District will provide any proposals for addressing concerns identified as a result of the review to OCR for review and approval.
- iii. In conjunction with the above reporting dates, the District will designate the Title IX Coordinator to review and discuss the documentation with OCR by **February 15, 2024, and August 1, 2024, respectively**. The District understands that following OCR’s review of the submitted documentation, OCR may request additional information regarding the complaints identified in Action Item 3 of this Agreement to ensure that the District is providing a prompt and equitable response. Additional information requested under this Action Item will be within the scope of this Agreement and will not be used to expand or continue investigation of this matter.

If OCR concludes that any of the above documentation or information (e.g., individual complaint files) indicates that the District did not respond to an allegation of sexual harassment in compliance with the Title IX regulation, OCR shall provide notice of these concerns to the District, and the District will promptly remedy the concerns identified by OCR. The District will also promptly provide information regarding the resolution of any such concerns to OCR as requested.

Action Item 4 – Climate Survey

The District will develop and conduct a climate survey to be distributed to [redacted content] students as relates to sexual harassment, including sexual assault. The information gathered in these surveys will be used to inform District actions with respect to its Title IX compliance, including whether any student or other training is needed to further improve the school climate. The survey will allow for respondents to answer the survey anonymously and include questions designed to gather information regarding:

- a) level of perceived safety;
- b) knowledge of the process by which students might make reports of sexual harassment;
- c) the prevalence of sexual harassment in the School;
- d) the willingness to report incidents of sexual harassment to District personnel;
- e) the perception of the District’s handling of reports and complaints of sexual harassment; and
- f) suggestions for reducing incidents of sexual harassment in the School and improving the District’s response to reports and complaints of sexual harassment.

Reporting Requirements

- i. **By December 15, 2023**, the District will provide to OCR for review and approval a copy of the proposed school climate survey, along with the District’s explanation of how the District plans to administer the climate survey.
- ii. **Within sixty (60) calendar days** of OCR’s approval of the climate survey (for the 2023-2024 school year), the District will administer the climate survey.
- iii. **Within sixty (60) calendar days** after the climate survey is conducted, the District will provide OCR a report summarizing the results of the survey. The District will also provide to OCR for review and approval, a description of any actions recommended in response to the survey results.
- iv. **Within ninety (90) calendar days** of receiving OCR’s approval, the District will provide OCR with documentation of its implementation of the approved actions.

Action Item 5 – Remedies Regarding Title IX Response to the Student’s Allegation

By **September 1, 2023**, the District will provide the complainant with written notice via certified mail offering an opportunity for the complainant and the Student to meet with the Title IX Coordinator, the Principal and/or Superintendent and/or their designee(s) to discuss the handling of the sexual assault allegation made on behalf of the Student and ongoing effects (if any) resulting from the District’s response, or lack of response, to the allegations. In the written notice, the District will also offer to reimburse the complainant for any out-of-pocket expenses (up to [redacted content]) for counseling services received by Student in the 2018-19 and 2019-20 school years to address the effects of the District’s response to the alleged sexual assault, contingent upon submission of documentation of such counseling. The written notice will allow the complainant **forty-five (45) calendar days** from the date of the notice to request the above meeting and/or reimbursement for the described counseling with submission of supporting documentation (e.g., receipts).

Reporting Requirements

- i. By **September 15, 2023**, the District will provide OCR with documentation that it has provided the complainant with the written notice described in Action Item 5. If the complainant does **not** respond to the written notice **within forty-five (45) calendar days** of the date of the notice, OCR will **not** require the District to report any additional information regarding Action Item 5.
- ii. If the complainant accepts the meeting offer **within forty-five (45) calendar days** of the date of the written notice described in this action item, **within thirty (30) calendar days** of the above meeting, the District will provide OCR with a narrative summary of topics discussed and any actions taken, if any, as a result of that meeting.
- iii. If, **within forty-five (45) calendar days** of the date of the above written notice, the complainant requests reimbursement of the described counseling expenses and provides supporting documentation, the District will reimburse her **within thirty (30) calendar days** of the request. **Within an additional thirty (30) calendar days**, the District will provide OCR with documentation of the complainant’s request and the District’s reimbursement.

Action Item 6—Maintaining Title IX Grievances and Compliance Records

By **September 15, 2023**, the District will develop and implement a record-keeping system and procedures that adequately and accurately document and preserve all complaints of sexual harassment, and the District’s responses to and investigations of complaints of sex discrimination, including any written documentation sent to or received in relation to the complaint, interview notes, witness statements, and any relevant correspondence.

Reporting Requirement

By **October 15, 2023**, the District will provide OCR with a detailed description of its proposed record-keeping system and procedures, and documentation showing that it has implemented the system and adopted and disseminated the procedures.

Section 504/Title II

Action Item 7 – Conduct Section 504/Title II Training for Relevant District Staff

The District will provide Section 504 and Title II training to its Section 504/Title II Coordinator and all [redacted content] employees who are either responsible for ensuring the District's compliance with Section 504 and/or Title II or directly involved in servicing individuals with disabilities. The training will be conducted by (an) individual(s) knowledgeable about the laws and issues pertaining to Section 504 and Title II and may be delivered in multiple sessions and/or an electronic format. At a minimum, the training will review and include instruction on the following items pursuant to the Section 504 and Title II implementing regulations respectively located at 34 C.F.R. § 104.33 and 28 C.F.R. § 35.130:

- a. The District's responsibility to provide a free appropriate public education (FAPE) to qualified students with disabilities residing within the District's jurisdiction; and
- b. As part of its responsibility to provide a FAPE, the District must provide to students with disabilities within its jurisdiction those regular or special education and related aids and services that (i) are designed to meet the individual educational needs of students with disabilities as adequately as the needs of students without disabilities are met, and (ii) are based upon adherence to procedures that satisfy the requirements of 34 C.F.R. §§ 104.34–104.36 (i.e., the District must implement all placements, aids, and services deemed necessary for students with disabilities as reflected in the applicable Section 504 plans and Individualized Education Programs (IEPs) for such students, and the District may not require students to request aids and services in their Section 504 plans and IEPs).

Reporting Requirements

- i. By **December 15, 2023**, the District will provide OCR, for review and approval via email prior to conducting the training, information about the Section 504 and Title II training described in Action Item 7 of this Agreement. This information will include, but not be limited to, a copy of all training module(s), handout(s), and material(s) that will be disseminated or otherwise utilized during the training session(s); the name(s), credentials, and contact information of the individual(s) who will conduct the training(s); and a proposed plan/notification that the District will use to inform attendees of the mandatory training session(s) (e.g., topics to be discussed).

- ii. **Within sixty (60) calendar days** after OCR approves the training-based information described in Reporting Requirement (i) for Action Item 7 of this Agreement, the District will provide documentation to OCR demonstrating that the District provided Section 504 and Title II training in accordance with Action Item 7 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 brief description of each training; the names and titles of those who attended the training(s); copies of any training materials distributed; a list of staff who remain to be trained; and copies of participant surveys pertaining to training quality.

B. GENERAL TERMS & PRINCIPLES

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 and obligations of this Agreement. The District also understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Section 504 and its implementing regulations at 34 C.F.R. Part 104, Title II and its implementing regulations at 28 C.F.R. Part 35, and Title IX and its implementing regulations at 34 C.F.R. Part 106, which were at issue in this investigation.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of this Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

C. EXECUTION

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

/s/

Pflugerville Independent School District,
Superintendent of Schools

August 17, 2023

Date