

**Resolution Agreement**  
**between**  
**The United States of America**  
**and**  
**Teton County School District #1**



## **INTRODUCTION**

In October 2021, the United States Department of Justice, Civil Rights Division, Educational Opportunities Section (“United States”) began investigating Teton County School District #1 (“District”) after receiving a complaint alleging the District did not appropriately respond to reports of sexual assault by students.

Title IV authorizes the Department of Justice to investigate allegations that students have been deprived of equal protection on the basis of sex in public schools. Failing to respond adequately to sex-based harassment that creates a hostile environment is a form of discrimination that violates Federal law. Similarly, complex trauma and trauma-induced depression, as well as behavior directly correlated to exposure to trauma, may be disabilities under the Americans with Disabilities Act, 42 U.S.C. § 12131 (“ADA”), which prohibits discrimination against a student with a disability and may warrant reasonable modifications of school policies and practices or implementation of trauma-informed practices.

While the District admits no liability, it has updated its policies and procedures to strengthen its response to allegations of discrimination. The District also will continue updating those policies and procedures in the interests of the children it serves. The United States and the District enter into this Agreement to address the District’s obligations under Federal law to eliminate and prevent the recurrence of discrimination, including harassment based on sex and disability that creates a hostile learning environment. The District cooperated fully with the investigation, and the United States acknowledges that prior to and during the United States’ investigation, the District undertook proactive steps to strengthen its efforts to prevent and respond to sexual harassment. The District and the United States (collectively, the “Parties”) enter into this Agreement to fully implement remedial measures that are necessary to ensure the District’s antidiscrimination policies and practices comport fully with Title IV and the ADA, prevent discrimination, and support students who may suffer from trauma or other disabilities as a result of sexual harassment.

### **Terms of the Agreement**

The District will confirm that it has modified, or will further modify its policies and practices, and consistent with Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.*, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*, take all necessary and reasonable steps to end the harassment of a student on the basis of sex, race, color, national origin, or disability; prevent any recurrence; remedy the harmful effects; and eliminate any hostile learning environment. Consistent with this commitment, the District will respond swiftly to all reports of sexual assault and provide appropriate support services and reasonable modifications of school policies and practices to all



students who may exhibit signs of trauma or trauma-induced depression, as well as behavior related to exposure to trauma.

As provided in this Agreement, the District will:

- Maintain clear, consistent, and equitable policies and procedures that provide a prompt and appropriate resolution of every complaint of discrimination, which includes various forms of harassment;
- Review and respond appropriately to every discrimination complaint by investigating the allegations and adopting appropriate supportive and remedial measures designed to stop all discrimination, prevent any recurrence, remedy any harmful effects, and eliminate any hostile learning environment;
- Ensure it makes reasonable modifications to relevant policies, practices, or procedures to support students who exhibit signs of trauma;
- Prohibit retaliation and take reasonable steps to prevent retaliation against any person who has reported possible discrimination or participated in any way in the resulting process;
- Implement school climate assessments and an engagement plan to support a learning environment free of discrimination;
- Ensure the District's Civil Rights Coordinator and other staff are fully and properly trained on their obligations under the District's antidiscrimination policies and complaint resolution procedures;
- Notify students and parents about the District's antidiscrimination policies and procedures, the students' rights, and the District's obligations; and
- Institute internal monitoring and auditing procedures to ensure staff comply with the District's policies and regularly assess the overall success of the District's antidiscrimination program.

In return for the District's full compliance with this Agreement, the United States will not initiate litigation against the District for the violations addressed by this Agreement.



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## DEFINITIONS OF AGREEMENT TERMS

**Administrators:** District employees with administrative certification, including principals, and assistant principals, or any other person who oversees the day-to-day implementation of relevant policies and procedures.

**At-Risk Student:** A student who is struggling academically or socio-emotionally and should be referred to the Multi-Tiered Support Systems program based on referrals from parents, teachers, counselors, or administrators; self-referrals; screening tools; or academic or behavioral assessments.

**Civil Rights Coordinator:** The District employee who oversees the District’s antidiscrimination policies and procedures and performs the functions of the District’s Title IX Coordinator (*see* 34 C.F.R. § 106.8) and 504 Coordinator (*see* 34 C.F.R. § 104.7) under the direct supervision of the Superintendent.

**Complainant:** A student who allegedly has been subjected to conduct prohibited by the District’s antidiscrimination policies and/or Federal antidiscrimination laws.

**Discrimination Complaint:** All formal and informal allegations of discrimination, reports of bullying or harassment (including claims of sexual assault), or allegations of disparate treatment that implicate a protected class (*i.e.*, sex, race, color, national origin, disability), about which an administrator or counselor receives notice orally or in writing.

**Coordinated Response Teams:** A group of District employees that will be convened whenever the District receives a discrimination complaint to help administrators respond to the complaints by developing and monitoring appropriate supportive and remedial measures. The Team at each school will be comprised of an administrator, counselor, and any other District employee who is needed on a case-by-case or regular basis to implement appropriate responsive measures in collaboration with the administrator and Civil Rights Coordinator, and if appropriate, the Multi-Tiered Support Systems Team and the Building Intervention Team (“BIT”) (*e.g.*, psychologist, teachers, coaches).

**Harassment:** Unwelcome verbal, nonverbal, or physical conduct that is taken on the basis of sex, race, color, national origin, religion, or disability. Harassment creates a hostile learning environment if, based on the totality of the circumstances and evaluated subjectively and objectively, it is sufficiently severe or pervasive that it effectively denies or limits a student’s equal access to the District’s education programs or activities.

**Investigator:** A District employee who has specialized training and is responsible for independently examining discrimination complaints under the supervision of the Civil Rights Coordinator.

**Multi-Tiered Support Systems (“MTSS”):** The District’s program providing tailored academic and behavioral services to students who need individualized intervention and support, including students: (1) with disabilities; (2) with unique social or emotional needs; (3) who are struggling academically; (4) who need supportive or remedial measures (*e.g.*, Complainants); and (5) who engage in behavior that



violates school policies. The District has established MTSS Teams at each school comprised of counselors, administrators, and teachers.

**Parent:** Refers to a student’s parent(s) or legal guardian(s).

**Respondent:** A student or employee who is alleged to have violated the District’s antidiscrimination policies and/or Federal antidiscrimination laws.

**Retaliation:** Any adverse action, including harassment, that would deter a reasonable person from reporting possible discrimination, participating in any way in the resulting process, or otherwise opposing unlawful discrimination.

**Accommodation Plan:** A plan developed to ensure a student with a disability receives specialized services, accommodations, and/or policy modifications, such as Individualized Education Plans required by the Individuals with Disabilities Education Act (“IDEA”), 20 U.S.C. § 1400 *et seq.*, and plans required by the Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 701 *et seq.*

## **Section 1. REPORTING AND RESPONDING TO DISCRIMINATION COMPLAINTS**

**A. Complaint Intake and Notifications.** The District will establish and maintain a centralized complaint intake and notification process for receiving and processing all discrimination complaints for appropriate action.

**1.** The District’s complaint notification process will require:

- a.** All District employees, including School Resource Officers, to report all discrimination complaints and all related incidents they witness and information they receive to both the responsible campus-level administrator and the Civil Rights Coordinator for prompt and appropriate action;
- b.** The District to continue responding to all discrimination complaints, including anonymous and incomplete reports, and all related reports and information received from external stakeholders (*e.g.*, local news articles);
- c.** That all climate assessments or trauma identification activities (*see* §3.B. and §1.D below), are reviewed to identify any potential discrimination complaints and related information;
- d.** The District to review all discrimination complaints involving off campus incidents and/or through electronic media to determine whether they have a negative impact on or disrupt the student’s participation in the District’s educational program; and



- e. That a new file is created in the District’s Case Management System whenever the District receives a discrimination complaint, and that all subsequent records related to the complaint are maintained in that file.<sup>1</sup>
2. The District will publish a description of its complaint intake process in all student and staff handbooks (including athletics handbooks) and prominently on the District’s website, along with the District’s uniform discrimination complaint form. The discrimination complaint form will request the following information:
  - a. Name and relevant background information on the Complainant and Respondent (*e.g.*, grades or position/title, school, sex, disability (if relevant), and race/ethnicity);
  - b. Name of the reporting person, if not the Complainant;
  - c. Description of the allegedly discriminatory conduct;
  - d. Date and time of the alleged incident(s) and whether it is ongoing, and date the form is completed;
  - e. Location of the alleged incident(s);
  - f. Name(s) of any witness(es);
  - g. Names and positions/titles of all District staff with knowledge of the incident(s) and all prior incidents involving the same student(s); and
  - h. Whether the Complainant or reporting person fears retaliation and if so, from whom.
3. The District will accept all complaints regardless of the manner in which they are received. The District will require all employees who receive any complaint verbally or in any format other than the District’s discrimination complaint form (*see* §1.A.2. above) to timely complete the form themselves and submit it to an administrator or the Civil Rights Coordinator. All complaint forms prepared by an employee based on information they receive from someone else must accurately convey all of the information the employee received and the date the information was conveyed, and the employee also must provide all accompanying documents they may receive to the administrator or the Civil Rights Coordinator.
4. The District will comply with the Family Educational Rights and Privacy Act (“FERPA”) (20 U.S.C. § 1232g; 34 CFR Part 99), it will keep the identities of all complainants, respondents, and witnesses confidential, and it will keep confidential all information related to any student’s disability, including documentation, accommodation letters, correspondence, and consultations related to a student’s complex trauma and trauma-induced depression, as well as behavior directly correlated to exposure to trauma, except when the individuals consent to such disclosures or the disclosures are: (a) required by this agreement, (*see, e.g.*, §5.B. below); (b) permitted under FERPA; (c) required by law (including mandatory child abuse reporting); or (d) warranted to conduct investigations, implement responsive measures, prevent retaliation, or otherwise implement the District’s antidiscrimination policies.

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<sup>1</sup> As noted below, the District will establish a Case Management System for maintaining records related to discrimination complaints (*see* §4.A. below).



5. Working with its Equity Consultant (*see* §3.A. below), the District will conduct a feasibility study examining whether the District can establish a reporting portal that is accessible from District and school websites and by computer or mobile devices. By August 1, 2023, the District will submit to the United States for review a report summarizing its conclusions and recommendations on the feasibility of such a portal.

**B. Updated Antidiscrimination Policies and Practices.** Since the United States initiated its investigation, the District has revised portions of its Board of Trustees' governing documents, including policies related to nondiscrimination (*see* Appendix One). The District will continue to revise these policies, as needed, and either adopt or revise additional antidiscrimination policies or guidance documents as needed to comply with this agreement (*see* §1.B.1-8 and §1.C. below) and ensure it responds to all future discrimination complaints in a timely and appropriate manner. The District's goal is to stop discrimination, prevent any recurrence, remedy the harmful effects, and eliminate any hostile learning environment, and the District's policies will describe the process it will use to investigate and resolve future discrimination complaints and outline the duties and responsibilities of the Civil Rights Coordinator, campus-level administrators, Investigators, and Coordinated Response Teams.

1. **Interim Measures:** The District will take timely responsive actions and implement appropriate interim measures upon receiving a discrimination complaint. The antidiscrimination policies must describe what steps all District employees must take immediately upon receiving notice of a discrimination complaint, including what responsive action(s) the campus-level administrator and Civil Rights Coordinator will take within 72 hours of receiving a complaint and what interim measures the District will put in place.
2. **Investigations:** The District will promptly and thoroughly investigate all discrimination complaints, provide regular updates to involved students and their parents, and, absent documented special circumstances, complete the investigations within 15 school days. The updated antidiscrimination policy must explain how the District will identify and assign Investigators and ensure they employ appropriate investigative strategies and conduct each investigation in accordance with best practices (*see* §2.A. below), when communicating with students and parents, collecting and reviewing relevant records, identifying witnesses, conducting interviews with trauma-informed techniques, maintaining investigative files, and drafting reports of findings.
  - a. The District will grant Investigators sufficient autonomy and authority to conduct their assigned investigations, with the support and supervision of the Civil Rights Coordinator, and require them to evaluate all information that may reveal concurrent factors relevant to each complaint and help determine whether a hostile learning environment exists.





- b. Each report of findings must list the information gathered during the investigation, identify the relevant District policies, explain the Investigator’s conclusion(s) concerning each allegation contained in the complaint, and describe all other indicia of discrimination uncovered during the investigation.
  - c. Upon completing their investigations, the Investigators must provide a copy of the report of findings to the Civil Rights Coordinator and appropriate Coordinated Response Team, along with a list of recommendations regarding potential supportive, remedial, or environmental measures the Coordinated Response Team should consider implementing. The responsible administrator will meet separately with both the Complainant and Respondent, and their parents to discuss the investigation, and send to their parents a letter summarizing the investigation’s findings and conclusions.
- 3. Supportive Measures:** The District will convene a Coordinated Response Team for each discrimination complaint to implement prompt and appropriate supportive measures for each Complainant, as well as all other students who may need support services, and modify the supportive measures when appropriate and upon receipt of any subsequent information or requests (*e.g.*, the Investigator’s reports). The Coordinated Response Teams will develop and deploy trauma-informed, research-based support strategies to address each student’s unique needs, and each Coordinated Response Team will designate a liaison to conduct regular check-ins with the students and periodically confer with relevant staff to monitor the effectiveness of each supportive measure. The District’s updated policies will explain how staff will communicate with students and their parents throughout the investigation and complaint resolution process, use the District’s revised policies (*see* §1.D. below) to ensure staff recognize signs of trauma and trauma-related disabilities and address the students’ needs, confer with external stakeholders who might provide the students with supplemental services, maintain records, notify faculty and staff about the supportive measures, and assess their progress. The Civil Rights Coordinator, in conjunction with the campus-level administrators and school counselor, will confer with the students’ parents and determine whether and when an MTSS Team or BIT should be used to assist in responding to any discrimination complaint.
- 4. Remedial Measures:** The District will implement appropriate remedial measures to resolve each of the investigations’ findings and conclusions, stop any discrimination, prevent any recurrence, remedy the harmful effects of the discrimination, and eliminate any hostile learning environment. The updated antidiscrimination policy must explain if and how the District will take disciplinary actions or implement other sanctions in response to a determination that a Respondent violated school policies. If the District declines to adopt any recommendation contained in the Investigator’s report, it must document why it has chosen to do so in the Case Management System.



- 5. Environmental Measures:** The District will eliminate factors that contribute to a hostile learning environment and adopt preventative measures to avert future harassment. The updated antidiscrimination policy will describe how administrators, Investigators, and Coordinated Response Teams will collaborate to identify problematic trends that negatively impact school climate and may be evident across multiple discrimination complaints. The updated policy also will describe what steps administrators, counselors, and the Civil Rights Coordinator will take to develop and implement appropriate preventative measures, such as evidence-based bullying prevention programs to improve school climate.

    - a. Equity Initiatives:** The District may continue using existing equity initiatives (*e.g.*, Restorative Circles, Food for Thought programs; Equity and Access Café events) that encourage mutual respect, promote personal responsibility, and empower students to resolve conflicts. The District will develop guidelines for determining whether and when any such programs may be used as part of a response to a discrimination complaint, and provide appropriate training to facilitators on how to obtain voluntary consent from participants and properly mediate both individual and group sessions. The District will submit these guidelines and the corresponding training materials to the United States for review and approval.
  - 6. Protection from Retaliation:** The District will investigate and respond to alleged incidents of retaliation for filing a discrimination complaint or participating in a discrimination investigation using the same process it uses for harassment. The District’s updated antidiscrimination policy will address its process for protecting students and staff who experience retaliation in response to filing a complaint or participating in an investigation related to an alleged incident of harassment.
  - 7. Appeals:** The District’s policy will describe the process for Complainants and Respondents to appeal any decision it makes or actions it takes in response to a complaint, including any disciplinary action or sanctions for the Respondent.
  - 8. Exit Interviews:** After the complaint resolution process and any appeal period conclude, the Civil Rights Coordinator will invite the Complainant, Respondent, and their parents to participate in an interview(s) to assess their experience and evaluate the effectiveness of the supportive and responsive measures.
- C. Policy Review and Dissemination:** By September 1, 2023, the District will submit to the United States for review and approval a copy of its proposed antidiscrimination policy, along with all other policies and guidance documents the District adopts and all proposed changes to the documents listed in Appendix One. The District also will continue to disseminate a plain-language notice summarizing its updated antidiscrimination policy (*see* §1.B. above), explaining how discrimination complaints should be reported, and describing the complaint resolution process. This notice also



will describe the role of the Coordinated Response Teams and identify the Civil Rights Coordinator's name, office location, email address, and phone number.

1. Beginning 30 days after this Agreement is executed, and until such time as the updated policies have been submitted to DOJ, the parties and their consultants will participate in monthly meetings to confer about how the District's updated antidiscrimination policy and practices should be revised to comport with the terms of this Agreement.
2. Within 10 days of receiving the United States' approval of its updated antidiscrimination policies and procedures, but by no later than December 1, 2023, the District will disseminate its antidiscrimination notice to all students, employees, and parents in a manner consistent with its prospective Engagement Plan (*see* §3.C. below).
3. By August 1, 2023, the District will designate its Civil Rights Coordinator and at least 10 faculty or staff to serve as Investigators. These employees must have a demonstrated commitment to equity and will be fully trained to investigate discrimination complaints before being tasked with doing so (*see* §2.A. below).

**D. Updating Policies and Practices to Recognize and Meet the Needs of Students with Trauma.** The District will adopt modifications to its policies, practices, or procedures to ensure all students with disabilities who exhibit signs of complex trauma and trauma-induced depression resulting from discriminatory harassment/assault (*i.e.*, "at-risk" students) and need support are identified and evaluated.

1. The District's revised policies and practices will ensure the District:
  - a. Complies fully with its legal obligations under the ADA and makes reasonable modifications to its policies, practices, or procedures to avoid discrimination on the basis of disability;
  - b. Uses multiple data sources and techniques, including evidence-based screening and assessment tools, to identify potential at-risk students, including students who exhibit common indices of trauma, such as precipitous academic performance issues, sudden changes in behavior (*e.g.*, "acting out"), significant changes to social dynamics (*e.g.*, social withdrawal or isolation), atypical truancy or tardiness, self-harm, and/or suicidal ideation;
  - c. Provides all at-risk students with appropriate support services and accommodations, as well as reasonable modifications of existing policies, practices, or procedures;
  - d. Ensures appropriate campus-level staff (*e.g.*, MTSS Teams, BITs, Coordinated Response Teams) use best practices to identify at-risk students, including screening or assessment data, academic progress reports, teachers' observations, discipline records, complaints, and Accommodation Plans; and
  - e. Trains all teachers, administrators, and counselors on how to identify and refer at-risk students to appropriate school-based personnel.
2. The District's revised policies and practices will include timelines for any periodic assessments and related data reviews. They also will ensure all reports of a student exhibiting suicidal



ideation or engaging in self-harm (*e.g.*, cutting), as well as all sexual assault claims, are immediately relayed to the responsible administrator(s) and appropriate campus-level staff (*e.g.*, MTSS Teams, BITs, Coordinated Response Teams).

3. The District's revised policies will describe the criteria to be used to decide if and when students referred to MTSS or a BIT will be further evaluated to determine if they have a disability, and describe the process for ensuring all students with complex trauma or trauma-induced depression receive appropriate Accommodation Plans (*e.g.*, 504 Plans) or policy modifications.

## **Section 2. TRAINING FOR ADMINISTRATORS, FACULTY, STAFF, AND STUDENTS**

**A. Administrators & Investigators:** By no later than February 1, 2024, the District will ensure all administrators and staff who investigate and help the District resolve discrimination complaints (*i.e.*, the Superintendent, Civil Rights Coordinator, principals, assistant principals, Investigators, and Coordinated Response Team members) complete a minimum of **28 hours** of comprehensive antidiscrimination training, taught by the Equity Consultant (*see* §3.A. below) or a qualified instructor from a technical assistance program funded by the U.S. Department of Education.

1. This training will teach participants how to respond effectively to discrimination complaints, consistent with best practices and the District's updated antidiscrimination policy, with an emphasis on how to investigate and address peer harassment, including sexual assault, and foster a safe, nondiscriminatory educational environment. It will consist of:
  - a. **Four hours** of background instruction on the relevant Federal antidiscrimination laws and the District's updated antidiscrimination policy, examining:
    - i. The District's legal obligation to respond to allegations of harassment and eliminate hostile learning environments;
    - ii. What types of conduct may violate the District's updated antidiscrimination policy, including disparate treatment, exclusionary practices, harassment, retaliation, and other actions that can create a hostile learning environment, such as physical, verbal, and non-verbal harassment, as well as online and off-campus interactions, with real-world examples of such conduct; and
    - iii. The District's complaint resolution process and how administrators and Coordinated Response Teams address discrimination complaints.
  - b. **Eight hours** of skill-based training on investigating discrimination complaints that explains how to:
    - i. Identify discriminatory conduct and a hostile learning environment;
    - ii. Process sexual harassment and assault claims;
    - iii. Evaluate the on-campus impact of off-campus harassment;
    - iv. Conduct interviews using trauma-informed interview techniques;



- v. Recognize signs of trauma in adolescents, identify at-risk students, and employ appropriate responsive strategies;
  - vi. Communicate effectively with students, parents, and staff at various stages of the investigation and complaint resolution process; and
  - vii. Maintain appropriate records and prepare a proper investigative report.
- c. Eight hours** of training on how to adopt and implement effective support services and remedial measures with interactive discussions about:
- i. Developing successful behavioral intervention strategies and tiered responses, and related toolkits;
  - ii. Selecting and enforcing appropriate disciplinary consequences;
  - iii. Differentiating responses for Complainants and Respondents;
  - iv. Preventing retaliation;
  - v. Implementing appropriate monitoring and assessment techniques;
  - vi. Referring students to the Director of Special Education for assessments and integrating Accommodation Plans into the complaint resolution process;
  - vii. Advancing research-based measures for preventing complaints and/or combating hostile learning environments; and
  - viii. Determining when prospective modifications are warranted and supportive or remedial measures should end.
- d. Eight hours** of campus-based workshops for staff to develop and demonstrate their investigation/remediation skills using scenario-based situations (*i.e.*, case studies).
- 2.** The District will ensure all administrators and Investigators complete a minimum of **6 hours** of additional training at the start of every school year, by no later than September 30, to expand on the lessons taught during the initial training (*see* §2.A.1.a-d. above), and help participants develop new skills based on the District’s experiences the prior school year.
- 3.** The District will require all new administrators and Investigators who are hired after January 15, 2024, to complete the initial training (*see* §2.A.1.a-d. above) within the first three months of their employment with the District.
- 4.** The Superintendent will oversee the Civil Rights Coordinator’s professional development and ensure they receive all specialized training needed to manage the District’s antidiscrimination efforts and perform the functions required by the Agreement, including the requisite policy development, program review, and data analysis.
- 5.** The District will evaluate administrators in their annual performance ratings on whether they employed the best practice strategies they learned in the training, comply with the District’s antidiscrimination policy, and institute equity initiatives in their schools.
- B. Faculty and Staff:** By no later than January 15, 2024, and at the start of each subsequent school year, by no later than September 30, the District will ensure all of its employees who interact



directly with students, including teachers, paraprofessionals, bus drivers, and coaches, complete a minimum of **3 hours** of antidiscrimination training, taught by its Equity Consultant (see §3.A. below).

1. This training will review of the District’s updated antidiscrimination policy and complaint resolution process using facilitated small-group exercises and real-world examples of misconduct, and must instruct participants on how to:
    - a. Identify conduct that may violate the District’s updated antidiscrimination policy, including disparate treatment, exclusionary practices, harassment, retaliation, and other actions that can create a hostile learning environment, such as physical, verbal, and non-verbal harassment, as well as online and off-campus interactions;
    - b. Report discrimination complaints, reiterating their duty to stop and report all suspected violations of the updated antidiscrimination policy they learn about or witness; and
    - c. Redress hostile learning environments and further the District’s supportive and remedial measures.
  2. The District will require all participants to complete an assessment after the training and demonstrate their full competency with a passing score.
  3. The District will require all new faculty and staff who are hired after January 15, 2024, to complete this training within the first month of their employment with the District.
  4. The District may continue to use its existing online *Public School Works* modules to supplement but not supplant the faculty and staff training requirement.
- C. Students:** The District will teach all of its students about the District’s updated antidiscrimination policy and instruct them on what conduct is prohibited under this policy.
1. By no later than January 15, 2024, and at the start of each subsequent school year, by no later than September 30, and subsequently throughout the school year, the District will provide classroom instruction to all students at each school on its updated antidiscrimination policy and complaint resolution process, with age-appropriate lessons on how students can prevent and respond to harassment, intimidation, bullying, and discrimination. Sufficient time will be dedicated to this instruction, which will be provided in an age-appropriate manner and cover:
    - a. Types of conduct that violate the District’s updated antidiscrimination policy, including disparate treatment, harassment, retaliation, and actions that can create a hostile learning environment, such as physical, verbal, and non-verbal harassment, with examples of each;
    - b. The District’s progressive discipline policy, and potential consequences for violating the updated antidiscrimination policy;
    - c. Principles of autonomy, consent, and appropriate interpersonal conduct;
    - d. What to do when witnessing or learning of violations of the updated antidiscrimination policy and other bystander intervention techniques;
    - e. How to file a discrimination complaint and the complaint resolution process; and



- f. The Civil Rights Coordinator’s name, office location, email address, and phone number.

### **Section 3. ASSESSMENT AND ENGAGEMENT PLAN**

**A. Equity Consultants.** By no later than July 1, 2023, the District will retain the services of a mutually agreeable Third-Party Consultant (“Equity Consultant”) to support the District’s efforts to comply with Federal antidiscrimination laws and this Agreement.

1. The consultant will have expertise:
  - a. Developing antidiscrimination policies and conducting trauma-informed investigations in schools;
  - b. Resolving peer harassment and sexual assault complaints;
  - c. Conducting climate assessment, focus groups, and antidiscrimination trainings; and
  - d. Developing communication and engagement plans.
2. The District will enter into a memorandum of understanding with the Equity Consultant for a period of no less than two years, and will work closely with the Equity Consultant to:
  - a. Develop its antidiscrimination policy and complaint resolution process (*see* §1.B. above);
  - b. Establish data management protocols and data analysis practices (*see* §4. below);
  - c. Conduct climate assessments and focus groups (*see* §3.B. below);
  - d. Develop and conduct antidiscrimination trainings (*see* §2.A-C. above); and
  - e. Prepare compliance and monitoring reports (*see* §5. below).
3. By June 20, 2023, the District will submit to the United States for review and approval the name and resume of the person it proposes to retain as its Equity Consultant, along with a copy of their proposed memorandum of agreement.

**B. Climate Assessments & Focus Groups:** The District will conduct annual climate assessments and focus groups designed to assess students’ perceptions of the learning environment, assess their knowledge of the District’s updated antidiscrimination policy, measure the effectiveness of the District’s equity programs, and identify potential inequities and areas of hostility.

1. No later than 60 days before administering each annual assessment, the District will submit its proposed questions and methodology to the United States for review and approval, including the names of the individuals who will administer the assessments.
2. Within 60 days of conducting each annual assessment, the Civil Rights Coordinator and the District’s Equity Consultant (*see* §3.A. above) will examine the assessment results (*e.g.*, review response rates, tabulate results by sex and race, identify trends, compare longitudinal data) and conduct a series of focus groups strategically designed to further explore all equity issues and trends uncovered by the climate assessment results, and any other issues the District deems appropriate.
3. Within 30 days of conducting the focus groups, the Civil Rights Coordinator will send to the Superintendent a report summarizing the assessment results, describing the focus groups (*e.g.*,





- demographics, discussion topics, and key takeaways), and listing all policy or programmatic changes the District should implement. The report also will identify all discrimination complaints that were disclosed through these efforts.
4. Within 45 days of conducting the focus groups, the District will publish a summary of the climate assessment results prominently on its website.
- C. **Engagement Plan:** By August 1, 2023, the District will submit to the United States for review and approval a proposed Engagement Plan detailing the steps the District is taking to improve its communication and coordination with interested stakeholders and external resources.
1. The Engagement Plan will include information concerning:
    - a. **Parental Engagement.** The Plan will describe how the District intends to notify parents about its updated antidiscrimination policy and complaint resolution process and how it will engage with parents on the issue of equity during school orientations and open house events.
    - b. **Counseling and Crisis Center.** The Plan will describe how the District will establish a collaborative relationship with at least one community-based counseling and crisis center (*e.g.*, Community Safety Network) for technical assistance and support enhancing its antidiscrimination program and complaint resolution process.
    - c. **Law Enforcement.** The Plan will describe how the District will engage with its School Resource Officers and coordinate with local law enforcement agencies to facilitate appropriate responses to discrimination complaints, including reports of sexual assaults.
    - d. **Informational Materials.** The Plan will describe what strategies the District will use to support its updated antidiscrimination policy and equity initiatives (*e.g.*, prominently posting informational material throughout school buildings, using emails and automated messaging system to periodically disseminate relevant information, etc.). The Plan also will require the District to publish its antidiscrimination notice in all student and staff handbooks, including athletics handbooks, and display it prominently on the District’s website (along with a link to the complaint portal).

#### **Section 4. RECORD MAINTENANCE AND INTERNAL MONITORING**

- A. **Case Management System:** By January 1, 2024, the District will either acquire a centralized Case Management System, an electronic repository of documents and data concerning discrimination complaints that is compatible with its complaint portal, or begin using its existing digital student information systems (*i.e.*, Milepost and Powerschool) to maintain such files.
1. By August 1, 2023, the District will submit to the United States for review a report, prepared with the help of its Equity Consultant, summarizing its conclusions on the feasibility of acquiring a new Case Management System. If the District determines that it is not feasible to





- acquire a new system, this report also will describe specifically how the District intends to use its existing systems as its Case Management System for recordkeeping purposes.
2. The District will use its Case Management System to maintain all records related to each complaint, including complaints and correspondence, the names of Investigators and MTSS Team liaisons, investigation records (i.e., interview notes, reports, and other media, such as photographs, video, audio files), and notes about the supportive and remedial measures.
  3. The Case Management System data will be searchable so users can retrieve documents, track individual complaints, cross-reference specific information, analyze aggregate data, and generate reports.
- B. Record Retention:** The District will retain all records related to each discrimination complaint for at least 5 years from the date of receipt, although the District may preserve such records for a longer period of time if the students are involved in any subsequent complaints.
- C. Complaint Monitoring:** The Civil Rights Coordinator will audit the District’s responses to each discrimination complaint to ensure they are timely, appropriate, and effective, and staff are complying with the District’s updated antidiscrimination policy and the complaint resolution process, paying attention to the time elapse between the receipt and resolution of complaints and recurring data points (i.e., Complainants, Respondents, locations, issues).
- D. Trend Analysis:** The Civil Rights Coordinator will periodically examine the District’s records, including longitudinal and subgroup data contained in the Case Management System, climate assessment results, and focus group information to assess the overall success of the District’s antidiscrimination program and identify problematic trends and opportunities for improvement.
- E. Audit Meetings and Reports:** The Civil Rights Coordinator will conduct monthly meetings with administrators to discuss pending or recently closed complaints and other related trends. The Civil Rights Coordinator will send a report to the Superintendent at the end of each semester that examines the District’s antidiscrimination activities, (i.e., §4.C-D. above), and efforts to comply with this Agreement. The Report must include observations garnered from the exit interviews (see §1.B.8. above). It also must identify all barriers to reporting discrimination and concerns about retaliation and make recommendations for any programmatic improvements (i.e., policy modifications, enhanced training, etc.).
- F. Equity Consultant:** The District’s Equity Consultant (see §3.A. above) will assist the Civil Rights Coordinator with conducting the District’s equity audits and preparing the periodic reports (see §4.C-D. above) to ensure the data is properly analyzed using appropriate methodologies.

## **Section 5. COMPLIANCE MONITORING**

- A. Interviews and Inspections:** The District understands and acknowledges that the United States, through the Department of Justice and any consultant or expert it may retain, reserves the right to evaluate the District’s compliance with this Agreement, and may:



1. With reasonable notice, conduct site visits of the schools and observe trainings, focus group sessions, and other equity initiatives;
  2. Inspect relevant records, including all stored information contained in the Case Management System; and
  3. Interview, *ex parte*, and freely communicate, individually or collectively, with the Equity Consultant; parents; students with their parents' consent; and any District employee, except the Superintendent, principals, any District employees who regularly consult with the District's attorney concerning its antidiscrimination policies and practices, and any District employee whose acts or omissions may be imputed to the District for purposes of civil or criminal liability.
- B. Annual Report:** In addition to the reporting obligations set forth above (see §1.A.5., §1.B.5.a., §1.C., §3.A.3., §3.B.1., and §3.C.), on or before June 30, 2024, and annually thereafter, the District will send to the United States an annual report detailing its efforts to comply with this Agreement during the preceding school year. To the extent practicable, compliance reports and all data exported from the Case Management System will be produced in a searchable electronic format (*i.e.*, Microsoft Excel and PDFs). Each annual compliance report must include:
1. **Complaints:** A list of all discrimination complaints the District received, providing for each:
    - a. The date the Complaint was received and how it was submitted (*e.g.*, filed by the student, submitted by a teacher, identified through Child Find activities);
    - b. The name or identifier, sex, race, school, and grade of the Complainant(s) and the Respondent(s);
    - c. Whether the Complainant(s) and/or Respondent(s) is a student with a disability and, if so, the date on which their Accommodation Plan was approved;
    - d. Whether the Complainant(s) or Respondent(s) were involved in prior discrimination complaints;
    - e. A summary of the incident described in the complaint, including date and location of the incident;
    - f. Whether an administrator met with the Complainant(s) or Respondent(s) and, if so, the administrator's name and job title and the dates of the meetings;
    - g. Whether the District referred the Complainant(s) or Respondent(s) to a Coordinated Response Team and, if so, the referral date and the names of the MTSS Team members;
    - h. Whether the District investigated the incident and, if so, the start and end dates of the investigation, the Investigator's name and job title, and the outcome of the investigation, including all conclusions concerning Respondent's conduct and recommendations made by the Investigator;
    - i. A description of all interim, supportive, or remedial measures the administrators and Coordinated Response Team provided to the Complainant and Respondent, as well as all measures the District offered but they declined, and all other responsive or disciplinary



- actions the District took in response to the complaint, the dates these measures began and ended, and the name and job title of the Coordinated Response Team liaison who monitored each of these responsive actions;
- j. Whether the incident was reported to law enforcement and, if so, the date of the referral, the name of the person who made the referral, the identity of the law enforcement entity, and the outcome of any ensuing the investigation;
  - k. Copies of all communications from the District to the Complainant(s), the Respondent(s), their parents, and (if any) law enforcement; and
  - l. The Investigator's report.
- 2. Employee Training:** A list of each training the District conducted for employees related to its antidiscrimination policies (see §2.A-B. above) providing for each:
- a. The title, date and time, and location;
  - b. A brief description of the topic taught and modality (e.g., lecture, small-group discussions);
  - c. The name of the instructor(s) or facilitator(s);
  - d. The names, titles/positions, and work site (e.g., central office or school) of all participants; and
  - e. A copy of all training materials, including outline/agenda, slide-decks, and handouts.
- 3. Student Training Sessions:** A list of each student training session the District conducted for students related to its antidiscrimination policies (see §2.C. above) providing for each:
- a. The date and time, and school;
  - b. The name of the instructor(s) or facilitator(s);
  - c. Whether attendance was mandatory or voluntary;
  - d. Whether any students did not attend and, if so, how many; and
  - e. A copy of all training materials, including outline/agenda, slide-decks, and handouts.
- 4. Climate Assessment & Focus Groups:** A list of all climate assessments and focus groups the District conducted related to its antidiscrimination policies (see §3.B. above) providing for each:
- a. Climate Assessment:
    - i. The questions asked (or a copy of the assessment);
    - ii. The date(s) it was conducted;
    - iii. The mode of delivery; and
    - iv. A copy of the summary report, indicating the response rates and tabulated results by sex and race and any identified trends.
  - b. Focus Groups:
    - i. The date it was conducted;
    - ii. The name of the facilitator;
    - iii. The number of participants, by grade, school, sex, and race; and
    - iv. A copy of all summary reports.



- 5. External Meetings:** A list of all meetings the District had with any counseling and crisis center or law enforcement agency for the purpose of improving its antidiscrimination efforts (*see, i.e.,* §3.C.1.b-c. above) providing for each: the date, duration, and names and organizational affiliation of the attendees, along with a copy of any resulting memorandum of understanding.
- C. Documentation:** By January 15, 2024, the District will provide to the United States a copy of its antidiscrimination notice, as disseminated (*see* §1.C. above), and verify in writing that its updated antidiscrimination policy and complaint resolution process was approved by the Board of Trustees and implemented. The District also will provide a copy of its executed memorandum of agreement with the Equity Consultant (*see* §3.A. above).
- D. Training Notifications:** On or before October 15, 2023, and annually thereafter by July 15 and until the termination of this Agreement, the District will send to the United States a list of the proposed trainings it intends to conduct in the upcoming school year, indicating for each training the topic(s) to be taught, the target audience, the anticipated delivery date, and whether the training will be offered virtually or in-person. The United States reserves the right to review all instructional materials and interview the facilitators before and after each training session.
- E. Record Preservation:** For the duration of this Agreement, the District will preserve and maintain all records and documents, including all electronically stored information, used to compile its Annual Report and all other documents pertinent to its compliance with this Agreement, and shall provide such information to the United States upon request.
- F. Data Requests:** The Civil Rights Coordinator will be responsible for ensuring the District's responses to data requests, including submissions to the U.S. Department of Education's Civil Rights Data Collection, are accurate and complete.
- G. Meet and Confer:** The Parties and the District's Equity Consultant will meet annually approximately 60 days after the District submits its annual report to review and discuss the content of the report and the District's efforts to comply with this Agreement.
- H. Cooperation:** The District will assist the United States as it monitors the District's compliance with this Agreement, and agrees to provide complete and timely responses to all requests for information.

## **Section 6. ENFORCEMENT AND OTHER PROVISIONS**

- A.** This Agreement has been executed voluntarily by the Parties to resolve the United States' investigation.
- B.** If the District fails to comply fully with any provision of this Agreement, the United States may initiate a civil action to enforce the terms of the Agreement and/or all relevant Federal laws, including Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c, *et seq.*, and Title II of the Americans with Disabilities Act, 42 U.S.C. §§ 12131 *et seq.*; provided the United States notifies the



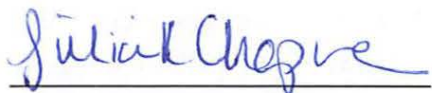
District of the alleged breach and attempts to resolve the alleged noncompliance by negotiating in good faith for at least thirty (30) days.

- C. The District understands and acknowledges that the United States, consistent with its responsibility to enforce Title IV, the ADA, and other Federal antidiscrimination laws, retains the right to investigate and, if appropriate, initiate judicial proceedings concerning any alleged future violations of Federal law by the District. The District also understands this Agreement does not bar any individual from pursuing a complaint against the District for purported violations of law.
- D. If any part of this Agreement is held to be invalid, unlawful, or otherwise unenforceable by a court of competent jurisdiction, that decision will not affect the validity of any other part of the Agreement, and the Parties will meet within 15 days of any such decision to determine if this Agreement should be revised or supplemented. This Agreement will remain in effect regardless of any future changes to state or Federal laws, although the Parties will meet and confer if such changes create a material conflict that prevents the District from complying with both this Agreement and the District's prospective legal obligations.
- E. This Agreement may not be modified, altered, or changed without the express written consent of both Parties, with a specific reference to the relevant provisions of the Agreement.
- F. This Agreement will become effective on the date counsel for the United States signs it, it will remain in effect through the end of the 2025-26 school year, and will not terminate until 90 days after the United States receives the District's final annual report (*see* §5.B. above) and all outstanding disputes concerning any alleged noncompliance are resolved.
- G. The signatures below indicate the consent of the parties to the terms of this Agreement, which shall be binding on the District, its Board of Trustees and Superintendent, and any successors-in-interest.



**SIGNATURES OF PARTIES TO THE AGREEMENT**

**For Teton School District #1:**



GILLIAN CHAPMAN, Ed. D  
Superintendent  
Teton County School District #1  
1235 Gregory Lane  
Jackson, WY 83001

Date: July 19, 2023

**For the United States of America:**

KRISTEN CLARKE  
Assistant Attorney General



SHAHEENA A. SIMONS, Chief  
FRANZ R. MARSHALL, Deputy Chief  
MARK A. DANN, Special Litigation Counsel  
Educational Opportunities Section  
Civil Rights Division  
United States Department of Justice  
150 M Street NE  
Washington, DC 20002  
202-305-1231  
mark.dann@usdoj.gov

Date: July 20, 2023



## APPENDIX ONE

The District existing antidiscrimination and related policies, including the following:

- AC - Non-Discrimination; and AC-R - Discrimination Complaint Regulation
- AC-E1 Discrimination Complaint Form
- ACA - Sexual Discrimination/Harassment; and ACA-R - Procedures for reporting allegations of sexual harassment
- ACA-E-1 Sexual Harassment Complaint Form
- ACA-E2 Witness Disclosure Form
- ACA-E3 Incident Report
- ACA-E4 Written Statement
- ACA-E5 Interview Notes
- ACA-E6 Incident Analysis Worksheet
- ACE - Nondiscrimination on the Basis of Disability Under Section 504; and ACE-R - Section 504 Procedures
- ACE-E7 Section 504 Employee Accommodations Request Form
- ACE-E8 Section 504/ADA Employee Eligibility Determination Form and Plan
- ACE-E9 Section 504 Employee Accommodation Plan
- ACEB - Building Intervention (“MTSS”) Team; and ACEB-R - Building Intervention Team Procedures
- GBA - Equal Employment Opportunity/Title IX/Immigration Act And Section 504, Rehabilitation Act
- GBA-R - Title IX and Other Discrimination Complaint Procedures
- GBAA - Sexual Discrimination and Harassment
- GBK - Staff Complaints/Grievances; and GBK-R - Staff Complaints/Grievances Regulation
- GBK-E - Grievance Report Form
- IHBC - At Risk Students
- IHB-R - At Risk Students Regulation
- JA - Equal Educational Opportunities
- JBA - Discrimination - Student Complaint Procedures
- JBA-E Equal Educational Opportunities Complaint Form
- JICFA - Harassment, Intimidation, Bullying and Retaliation
- JICFA-R Regulations for Harassment, Intimidation, Bullying or Retaliation
- JICFB - Sexual Harassment of Students
- JICFC - Assault and/or Battery
- JICFD - Threats by Students
- JICFE - Safety Assessment
- JICFE-R - Safety Assessment Regulations
- JII - Student Grievances; and JII-R - Student Grievance Regulations