

**Resolution Agreement**  
**Avondale Elementary School District**  
**Complaint No. 08-13-1191**

In order to resolve the Case Number 08-13-1191, filed against Avondale Elementary School District and opened for investigation by the U.S. Department of Education, Office for Civil Rights (OCR) pursuant to Title VI of the Civil Rights Act of 1964, 42 United States Code §§ 2000d-1 *et seq.*, and its implementing regulation at 34 C.F.R. pt. 100, the District agrees to implement the following Resolution Agreement.

During the course of OCR's investigation, before OCR had made any findings, the District indicated its willingness to take steps necessary to ensure compliance with Title VI. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when, before the conclusion of an investigation, a recipient expresses an interest in resolving the complaint, OCR believes that doing so is appropriate, and the remedies align with the allegations. The District's decision to enter into this Agreement is not an admission of liability or wrong-doing, nor shall it be construed as such.

**RESOLUTION ACTION**

**1. Develop a Plan to Prevent Further Harassment**

The District will develop a plan that is reasonably calculated to ensure the prompt and effective end to any hostile environment between Student A and Student B. Effective corrective action(s) should include steps tailored to the specific situation, and remedy the effects of the harassment of Student A (i.e. counseling for Student A). The District's Plan shall include steps to prevent recurrence of future harassment, strategies to protect Student A from retaliation, and any other necessary steps reasonably calculated to prevent future harassment – including, but not limited to, student-focused programming on the inappropriate use of racially offensive language or the distribution of a climate survey<sup>1</sup> in accordance with 34 C.F.R. §100.3.

**REPORTING REQUIREMENT:** By December 31, 2013 the District will provide a copy of its Plan to OCR for review and approval.

**REPORTING REQUIREMENT:** By no later than June 1, 2014, the District will provide evidence documenting the full implementation of the approved Plan.

**2. Revise Racial Harassment Complaint Policies and Procedures**

The District will revise its Racial Harassment complaint policies and procedures to ensure that the District will appropriately address harassment incidents indicative of a racially hostile environment about which it knows or reasonably should have known, in compliance with the

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<sup>1</sup> Participation in such a survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

standards set forth in OCR's guidance, *Racial Incidents and Harassment Against Students at Educational Institutions; Investigative Guidance*, 59 Fed. Reg. 11,448 (Mar. 10, 1994), and the requirements of 34 C.F.R. § 100.3. The Racial Harassment policies and procedures shall set forth, at a minimum, the District's obligation to:

- a) identify, investigate and document incidents and alleged incidents of racial harassment, including information that comes to the attention of the District or District staff without a formal complaint;
- b) provide for the legally adequate, reliable, and impartial investigation of all complaints within a reasonably prompt timeframe, including the opportunity for parties to present witnesses and other evidence;
- c) address potential ongoing harassment and avoid retaliation against the reporting student;
- d) determine the remedial action necessary to address and resolve an incident, including - as appropriate - provision of resources, including counseling, to the harasser as a means to prevent recurrence of future harassment, discipline, strategies to protect the individual subject to the harassment and witnesses from retaliation, counseling for the individual harassed, and any other necessary steps reasonably calculated to prevent future occurrences of harassment; and
- e) provide written notice to the complaining party of the outcome of the investigation and the corrective action taken.

**REPORTING REQUIREMENT:** By February 28, 2014 the District will provide a copy of its revised racial harassment complaint policies and procedures to OCR for review and approval.

Should OCR require any revisions to the policies and procedures identified in Item #2, OCR will notify the District of any necessary revisions, and the District will submit those revisions for OCR approval. Within 30 days of OCR's approval of the District's final version of the policies and procedures, the District will take action to officially adopt, publish and disseminate the procedures, using its standard methods for disseminating new information to students, employees, and members of the public.

**REPORTING REQUIREMENT:** Within 30 days of publishing and disseminating the revised procedures, the District will provide OCR with documentation that this has taken place (such as copies of notices, an explanation of where and when notices were published or distributed).

### **3. Train Staff/ Students**

Within 120 days of OCR's approval of the revised Racial Harassment complaint policies and procedures, the District will provide annual training on the revised Racial Harassment policies and procedures to all XXXX Elementary School students and personnel explaining the procedures and their implementation.

**REPORTING REQUIREMENT:** Within 30 days after completing the initial training on its revised Racial Harassment policies and procedures, the District will provide OCR an outline of

