

**Resolution Agreement**  
**Springfield Public Schools**  
**OCR Case No. 01-15-1155**

The Springfield Public Schools (the District), the Springfield Empowerment Zone Partnership, Inc. (SEZP), and UP Education Network, Inc. (UP) enter into this agreement to resolve the allegations in the above-referenced complaint. The District, SEZP, and UP assure the U.S. Department of Education, Office for Civil Rights (OCR) that they will take the following actions to comply with the requirements Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color and national origin by recipients of Federal financial assistance; and Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation 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 regulation at 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance and public entities, respectively.

The District, SEZP, and UP agree to resolve the issues of this investigation pursuant to Section 303(b) of OCR's Case Processing Manual by taking the following actions.

**Action Item 1: Alleged Harassment of Student**

If the District receives notice that the Student intends to return to the District during the 2017-2018 academic year the District will immediately request a meeting with the Student and her parents/advocates, to discuss steps the District will take to address any needs the Student has and/or services that will be provided to the Student to address any hostile environment she was subjected to while previously attending the District.

**Reporting Requirement**

By June 30, 2018, the District will provide to OCR documentation of any such meeting request, the response from the Student, her parents, and/or advocate regarding the request, and notes from the meeting outlining what steps, if any, the District agreed to take as a result of the meeting.

**Action Item 2: Investigation of Incidents of Harassment**

The District will take all steps reasonably designed to ensure that students enrolled in UP Academy John F. Kennedy School (School) are not subject to a hostile environment and will respond to allegations of discrimination, including harassment, on the bases of race, color and/or national origin, immediately after they are raised.

To this end, UP will conduct prompt, adequate, reliable, and impartial investigations of all incidents of discrimination, including harassment, at the School that are known or reasonably should be known and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff. UP agree to take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created,

prevent its recurrence, and where appropriate, take steps to remedy the effects of the hostile environment on affected students, including offering counseling and other appropriate services.

**Reporting Requirement:**

By September 1, 2018, the District/UP will provide to OCR documentation of all informal (including oral) and formal complaints of discrimination and/or harassment on the bases of race, color, and/or national origin made during the previous twelve months. The documentation will include copies of each complaint, a description of the complaint, the District's/UP's response, and the resolution, including the report of any investigation conducted. If there have been no complaints, the District/UP shall certify that no discrimination and/or harassment complaints on the bases of race, color, and/or national origin have been made.

**Action Item 3: Climate Survey**

During the 2017-2018 academic year, UP will revise its climate survey of students, parents/guardians, and personnel at the School to add items assessing the presence and effect of discrimination, including harassment, based on race, color, and/or national origin, and the effectiveness of the School's efforts to promote a nondiscriminatory and harassment-free environment. UP will designate an administrator to oversee the collection of the data, to analyze the data, and to develop School-wide programming that is consistent with Title VI and is appropriate to address the results of the data. Participation in the survey by students, parents/guardians and school personnel will be voluntary.

**Reporting Requirement**

- (a) By December 31, 2017, the UP shall submit the proposed school climate survey to OCR, along with an explanation of how UP intends to implement the survey.
- (b) Within ten (10) days of OCR's notification to UP that it has reviewed and approved the survey, UP will conduct the survey by administering it to all students, parents/guardians and personnel at the School.
- (c) By March 1, 2017, UP will provide the survey results to OCR, together with any programming that has been or will be conducted in response to the data obtained.

**Action Item 4: Harassment Training for Staff**

By December 31, 2017, the District/UP will provide training, via its mandated, web-based training, to all District/School coordinators, officials, and administrators who will be directly involved in processing, investigating, and/or resolving complaints of race, color, and/or national origin discrimination (including harassment). The training will, at a minimum:

- (a) provide attendees with instruction on recognizing and appropriately addressing allegations and complaints of discrimination/harassment on the bases of race, color, and/or national origin about which they know or reasonably should have known;

- (b) include information on what constitutes race, color, and/or national origin discrimination (including harassment) and may include other bases and the District's/UP's and the attendees' responsibilities to address such allegations; and
- (c) include instruction on how to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standard of a preponderance of the evidence to apply in an investigation.

**Reporting Requirement:**

By January 15, 2018, the District/UP will provide documentation to OCR demonstrating that it provided the training in accordance with Action Item 4 above. This documentation will include, but will not be limited to, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including any guides or other materials; and a list of the individuals who completed the training and their titles or positions.

**Action Item 5: Evaluation of Student**

If the District receives notice that the Student intends to return to the District during the 2017-2018 academic year the District will promptly convene with parental approval a team of persons knowledgeable about the Student to determine if the Student is a qualified individual with a disability in need of special education and/or related aids and services in order for the Student to receive a free appropriate public education (FAPE), and develop and implement a Section 504 plan or Individualized Education Program (IEP) to address the Student's individual educational needs

**Reporting Requirement**

By June 30, 2018, the District will provide documentation of any such meeting, including copies of Section 504 plans or IEPs; evaluation tests, assessments or other materials reviewed by the team; and meeting minutes.

**Action Item 6: Free Appropriate Public Education (FAPE)**

The School will ensure that it appropriately identifies and evaluates students in accordance with the procedural requirements of Section 504 and Title II.

**Reporting Requirement:**

By June 30, 2018, the School will provide to OCR a list of all students identified by initials only at the School who, because of disability, who were initially evaluated during the 2017-2018 academic year because they were identified as needing, or were believed to need, special education or related aids and services. The list will also include: a description of the evaluation, including the reason(s) for the evaluation, and the date(s) the evaluation commenced; a description of any tests/assessments (including the names/titles of individuals who administered them) and any other evaluation materials; and a copy of any resulting Section 504 plan and/or Individualized Education Program

(IEP). If a student was determined ineligible for services, provide an explanation of the reason(s) why.

The District, SEZP and UP understand that by signing this Agreement, they agree to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District, SEZP, and UP understand that during the monitoring of this Agreement, if necessary, OCR may visit the District and/or the School to interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District, SEZP, and UP have fulfilled the terms of this Agreement and are in compliance with the regulations implementing Title VI at 34 C.F.R. § 100.3(a) and (b)(1) and (2), Section 504 at 34 C.F.R. § 104.35(a) and (b), and Title II at 28 C.F.R. § 35.130. Upon completion of the obligations under this Agreement, OCR shall close this case.

The District, SEZP, and UP understand and acknowledge that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District, SEZP, and UP written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the representatives below.

By: \_\_\_\_\_  
Daniel J. Warwick  
Superintendent, Springfield Public Schools

\_\_\_\_\_ Date

\_\_\_\_\_  
[Name]  
[Title], Springfield Empowerment Zone Partnership, Inc.

\_\_\_\_\_ Date

\_\_\_\_\_  
[Name]  
[Title], UP Education Network, Inc.

\_\_\_\_\_ Date