

RESOLUTION AGREEMENT
Ellsworth School Department
OCR Complaint No. 01-19-1165

The Ellsworth School Department (District) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The District agreed to resolve this complaint prior to the completion of OCR's investigation pursuant to Section 302 of OCR's *Case Processing Manual*. This agreement does not constitute an admission of discrimination or wrongdoing in violation of Title VI, or any other governing laws and regulations. The District assures that it will take the following actions.

Action Item 1

- a. The District will review:
 - i. its investigation of the incident of alleged racial harassment of the Complainant's daughter (Student) on XXXXXX XX, XXXX; and
 - ii. any other incidents of alleged racial harassment of the Student of which the District was aware in the XXXX of XXXX.
- b. Following this review, the District will take any additional investigative or other required steps in responding to the allegations of racial harassment, pursuant to the District's discrimination/harassment complaint procedure, including:
 - i. determining whether the Student was racially harassed in the District's programs and activities during the XXXX-XXXX school year; and
 - ii. providing written notice – to the parents of the Student and the parents of any individual found to have subjected the Student to racial harassment – as to the outcome of the District's review/investigation and applicable appeal rights.
- c. If the District determines that the Student was subjected to a racially hostile environment, it shall consider whether any additional disciplinary measures are necessary to eliminate and/or prevent the recurrence of a racially hostile environment in the District's programs and activities, and whether it has responsibility to provide remedial measures necessary to address problems experienced by the Student as a result of the harassment; and the District shall implement any such measures deemed necessary.

Reporting Requirement

By September 30, 2019, the District will provide to OCR documentation of:

- i. the above review, investigative, and/or other responsive steps referenced in Action Item 1;
- ii. copies of any notices provided to the individuals referenced in Action Item 1(b);
- iii. the District's resolution of any appeal filed; and
- iv. the District's consideration, and implementation of, disciplinary or other remedial measures pursuant to Action Item 1(c), if any.

Action Item 2

By August 1, 2019, the Superintendent will send a written invitation to the Complainant, giving her until August 15 to accept. This invitation will offer to meet with her (and the Student, if the Complainant wishes for her to attend) to discuss:

- a. the results of the District’s review and any investigation pursuant to Action Item 1 (or the status of the review and any investigation if it has not yet been completed);
- b. remedial measures (e.g., counseling, academic support, or other services) that may be appropriate for the Student if the District determined that she was subjected to a racially hostile environment in the District’s programs and activities; and
- c. ways in which the District may support the Student’s successful transition back to school (e.g., individualized support plan, designation of a staff liaison, raising awareness and/or training students regarding the prohibition of racial harassment in all District programs and activities).

Should the Complainant accept this invitation by August 15, 2019, the Superintendent will meet with the Complainant (and Student, if appropriate) at a mutually agreeable date and time prior to the beginning of the 2019-2020 school year to discuss the above-referenced topics.

Reporting Requirement

By September 30, 2019, the District will provide to OCR:

- i. a copy of the written invitation sent to the Complainant;
- ii. a statement regarding whether the Complainant accepted the invitation; and, if so,
- iii. a summary of the discussion at the meeting and any determinations reached regarding Action Item 2(a. – c.).

Action Item 3

Prior to the start of the 2019-2020 school year, the District will

- a. review the School’s electronic student information management system to ensure that all incidents of alleged racial harassment during the 2017-2018 and 2018-2019 school years have been accurately identified and coded as racial harassment in the School’s electronic disciplinary records;
- b. review the effectiveness of the School’s current policies and practices in addressing its response to alleged racial harassment, including the School’s tracking of complaints and any repeat perpetrators and timely notification of necessary parties regarding allegations and the status of investigations; and
- c. take any corrective actions that are deemed necessary following these reviews.

Reporting Requirement

By September 30, 2019, the District will provide OCR a written description of the

- i. results of the reviews conducted pursuant to Action Item 3(a-b);
- ii. corrective actions taken pursuant to Action Item 3(c); and
- iii. schedule for completion of additional planned corrective actions pursuant to Action Item 3(c), if any.

Within 30 days of the completion of additional planned corrective actions described in Reporting Requirement (iii), if any, the District will

- iv. provide OCR documentation verifying the completion of those actions.

Action Item 4

Prior to the start of the 2019-2020 school year, the District will conduct Title VI training for all School employees responsible for responding to incidents of alleged racial harassment in the District's programs and activities, including such topics as: what constitutes prohibited racial harassment; the District's policies and procedures for resolving allegations of racial harassment; communicating with students and parents/guardians, including when it may or may not be appropriate to place restrictions on individuals' ability to discuss allegations of racial harassment and what information regarding the District's resolution of racial harassment allegations may be shared with students and parents/guardians; how to conduct and document reasonable, timely, and effective racial harassment investigations, including the appropriate legal standard to apply in such investigations; and actions required in response to a determination that a racially hostile environment exists in the District's programs and activities.

Reporting Requirement

Within 30 days of conducting the training referenced in Action Item 4, the District will provide to OCR:

- i. A list of the individuals who attended the training and their positions;
- ii. The date(s) the training was conducted;
- iii. The name and credentials of the trainer(s)/presenter(s); and
- iv. Copies of any training materials disseminated.

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 the 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. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

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.

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

By: Dan Higgins Date: 7/2/19
Superintendent
Ellsworth School Department