

**Resolution Agreement
East Pennsboro School District
OCR Docket Number 03141117**

The U.S. Department of Education, Office for Civil Rights (OCR), and the East Pennsboro School District (the District) enter into this Agreement to resolve an allegation in above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin by recipients of Federal financial assistance.

ACTION STEPS

Anti-Harassment Statement

1. Within 75 days of the execution of this Agreement, the District will reaffirm its commitment to addressing racial harassment by issuing a statement to all District students, parents, and staff that will be published in the District's newsletter, posted in prominent locations in the District and on the District's website, stating that the District does not tolerate acts of discrimination or harassment based on race, color, or national origin. Specifically, the statement will:
 - a. state that retaliation against individuals who file complaints about racial harassment or participate in the investigation of such complaints is prohibited;
 - b. encourage any student who believes he or she has been subjected to racial harassment to report the harassment to the District;
 - c. note the District's commitment to conducting a prompt investigation;
 - d. include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment;
 - e. warn that students found to have engaged in racial harassment or retaliation will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion;
 - f. further make clear that District staff found to have engaged in racial harassment or retaliation will be promptly disciplined, and that such discipline may include, if circumstances warrant, termination of employment; and
 - g. encourage students, parents and District staff to work together to prevent racial harassment.

Reporting Requirement: Within 15 days of the completion of Action Step 1, the District will submit to OCR documentation substantiating that it published the Anti-Harassment Statement in the District's newsletter, and posted it in prominent locations at District schools and on the District's public website.

Racial Harassment Policies and Procedures

2. By September 24, 2018, the District will review and revise, as necessary, the District's harassment-discrimination policy and complaint procedure (collectively referred to as "the Policy") to ensure that it adequately addresses and provides the District sufficient options for responding in a timely, reasonable, and effective manner to incidents of harassment on the basis of race, color, or national origin. At a minimum, the Policy will provide the following:
 - a. A statement setting forth the District's commitment to having a school environment free from all harassment on the bases of race, color, and national origin. Such statement must explain that the District prohibits race, color, and national origin harassment in the school environment, including all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report incidents of harassment. The statement will specify that the District will investigate formal and informal complaints of harassment.
 - b. Examples of the type of conduct and behavior that is covered by the policy, including examples of student-to-student conduct.
 - c. Identification of the kinds of activities and sites where prohibited conduct could occur.
 - d. An explanation of how to report harassment and/or file a complaint (formally or informally).
 - e. A description of the District's formal complaint procedures, including a Complaint Form, timeframes for the District's investigation of a complaint, and a requirement that written notice of the outcome (whether or not the complaint is founded) be provided to the parties.
 - f. Specific information as to the name or title and contact information (including office and email address and telephone number) for the District employee(s) responsible for receiving the Complaint Form and/or investigating reports of harassment.
 - g. A requirement that the designated District employee(s) document all reports of incidents of harassment and that the District establish a protocol for recordkeeping of incidents of harassment, which includes properly identifying such incidents in line with the District's Code of Conduct and ensuring those incidents are accurately identified/coded as harassment in the District's electronic disciplinary records.

- h. A recommendation that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- i. Prohibition of retaliation against persons who report harassment or participate in related proceedings.
- j. A statement that the District will offer counseling and/or academic services to any person found to have been subjected to harassment on the basis of race, color, or national origin, and, where appropriate, counseling services to the person(s) who committed the harassment
- k. Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
 - i. the various steps the District will take to conduct timely, reasonable, and effective investigations of reported incidents;
 - ii. an assurance that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii. the District's standards for determining whether a hostile environment exists.

Reporting Requirement: Within 15 calendar days of the completion of Action Step 2, the District will submit the Policy revised pursuant to Action Step 2 to OCR for review and approval.

- 3. Within 60 calendar days of written approval from OCR that the Policy is consistent with the Agreement, the District will adopt and implement the procedures and will provide all students, parents/guardians, and employees with written notice regarding the new policy for addressing and resolving Title VI harassment complaints, along with information about how to obtain a copy of the Policy. At a minimum, the District will make this notification through the District's website, electronic mail messages to employees and students, and any regularly issued newsletters (in print or online), as well as any other means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirement: Within 15 days of adopting the approved Policy, the District will provide OCR with documentation that it has implemented Action Step 3, including copies of the written notices issue to all students, parents/guardians, and employees regarding the Policy, and a description of how the notices were distributed.

- 4. Within 60 calendar days of written approval from OCR that the Policy is consistent with the Agreement, the District will examine its Student Code of Conduct to determine whether it contains rules of behavior, offense categories, and discipline procedures to promptly and appropriately address and codify violations of the Policy, as developed

pursuant to Action Step 2. The District agrees that by this same date, it will revise the Student Code of Conduct to the extent necessary to ensure it contains such rules of behavior, offense categories, disciplinary procedures, and an explanation of the duty of staff to report harassment and consequences for not reporting.

Reporting Requirement: Within 15 days of completing its review of the Student Code of Conduct, the District will provide OCR with a copy of its Student Code of Conduct, highlighting any sections that were revised in accordance with Action Step 4.

Staff and Student Training Concerning Racial Harassment

5. Within 60 days of the adoption of the revised Policy, the District will provide training to all XXXXXX teachers, administrators, school aides, and any other District personnel charged with supervising students on the policies and procedures referenced in Action Steps 2 and 4 of this Agreement. The training will specifically address the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, prevent, and respond appropriately to such harassment, including the manner in which investigations of harassment are to be conducted.

Reporting Requirement: The District will provide OCR with a report demonstrating implementation of Action Step 5 within 60 days of the completion of the training. In particular, the District will provide documentation indicating the date of the training, lists of the trainers and attendees, topics covered during the programs, the amount of time spent on each topic, and copies of the materials used in the training.

6. By October 31, 2018 the District will provide an orientation program for all XXXXXX students, administrators, staff, employees, agents, security officers, counselors, and coaching staff, that addresses harassment, including racial harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color or national origin for students enrolled in the District. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will also provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials during the program that contain the information discussed.

Reporting Requirement: By November 30, 2018, the District will provide OCR with a report demonstrating implementation of Action Step 6. The District will provide documentation indicating the dates of the orientation, lists of the presenters, topics covered during the program, the amount of time spent on each topic, and copies of the materials used in the orientation.

Record-Keeping/Data Maintenance Concerning Incidents of Racial Harassment

7. To comport with the protocol required by 2.g of this Agreement, the District will review its electronic student information management system to ensure that all incidents of harassment are accurately identified/coded as harassment (as defined by the District's Code of Conduct) in the District's electronic disciplinary records.

Reporting Requirement: By July 1, 2019, the District will provide OCR with an electronic report of all disciplinary referrals for harassment at the XXXXXX during the 2018-2019 school year. The report will include the following fields of information: student name, incident date, type of offense, and penalty assigned for each referral for harassment in its electronic student information management system.

8. The District assures OCR that it will maintain the following data concerning incidents of racial harassment:
 - a. all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color, or national origin;
 - b. a narrative of all actions taken in response to the reports, including any written documentation;
 - c. a copy of all disciplinary sanctions issued to students for violations of the policies and procedures described in Action Steps 2 and 4;
 - d. documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling, tutoring or other appropriate services; and
 - e. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

Reporting Requirement: By July 1, 2019, the District will provide OCR with the data referenced in Action Step 8 for incidents that occurred at XXXXXX for the 2018-2019 school year.

The District understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the District understands that during the monitoring of the 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 of this Agreement and is in compliance with Title VI and its implementing regulations at

34 C.F.R. §§ 100.3(a) and (b). Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands and acknowledges 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 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 District's representative below.

/s/

8-15-18

Superintendent or Designee
East Pennsboro School District

Date