

**Resolution Agreement
Fayette County Public Schools
OCR Docket Number 03141212**

To resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Education Amendments of 1972 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis XXXXXX with respect to the allegations raised in the complaint, Fayette County Public Schools (the District) voluntarily enters into this Resolution Agreement (Agreement) and makes the following commitments to OCR. This Agreement does not constitute an admission of liability on the part of the District, nor does it constitute a determination by OCR that the District violated any of the regulations enforced by OCR.

ACTION STEPS

Anti-Harassment/Anti-Retaliation Statement

1. By March 20, 2015, the District will issue a statement to all District students, parents, and staff that will be printed in the District's newsletter, posted in prominent locations in the District, and published on the District's website, stating that the District does not tolerate acts of discrimination or harassment based on race, color, or national origin. The statement will also:
 - a. state that retaliation against individuals who file complaints about racial harassment or participate in the investigation of such complaints is prohibited;
 - b. will encourage any student who believes he or she has been subjected to racial harassment to report the harassment to the District;
 - c. will note the District's commitment to conducting a prompt investigation;
 - d. will include the appropriate contact information for the designated staff member to whom students and parents may report allegations of harassment;
 - e. will 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. will 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. will encourage students, parents and District staff to work together to prevent racial harassment.

Reporting Requirement: By April 20, 2015, the District will submit to OCR documentation substantiating that it printed the Anti-Harassment/Anti-Retaliation Statement in the District’s newsletter, posted it in prominent locations at District schools, and published it on the District’s website.

Racial Harassment Policies and Procedures

2. By April 20, 2015, 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 promptly and appropriately 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 basis 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 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.

- 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 adequate, reliable, and impartial 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: By April 20, 2015, the District will submit the Policy revised pursuant to item 2 to OCR for approval.

- 3. Within 45 calendar days of written approval from OCR that the District's Policy is consistent with the Agreement and Title VI requirements, 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 60 calendar days after OCR's approval of the Policy, the District will provide OCR with documentation that it has implemented item 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 45 calendar days of written approval from OCR that the District's Policy is consistent with the Agreement and Title VI requirements, the District will examine its Student Code of Conduct to determine whether it contains rules of behavior, offense categories, and discipline procedures to address violations of the Policy, as developed pursuant to item 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 60 calendar days after OCR’s approval of the Policy, the District will provide OCR with a copy of its Student Code of Conduct, highlighting any sections that were revised in accordance with item 4.

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5. By March 31, 2015, the District will review its investigation, including all evidence and interviews conducted, of the claimed incidents XXXXXX, which allegedly occurred at XXXXXX. As part of its review, the District will re-interview the adults who were present, witnessed, or received reports about each of the referenced incidents, and will afford the Complainant the opportunity to be interviewed. After the completion of these supplemental investigative activities, the District will make a determination of whether the allegations XXXXXX are substantiated.
6. By April 20, 2015, the District will provide the Complainant with a written summary of its findings and, as applicable, any corrective actions that will be taken in response to the re-investigation required by item 5. If the District determines that the allegations of racial harassment are substantiated, the District will take steps to remedy the effects of the harassment of the Student and others, if appropriate. The District will issue to the Complainant, by certified mail, an offer of the steps it is prepared to take to fully and effectively address the effects of the racial harassment.

Reporting Requirements: By April 20, 2015, the District will provide OCR with a copy of the letter of findings that it sent to the Complainant in accordance with item 6. If the District found that racial harassment occurred, the District will also provide OCR with documentation of any XXXXXX Student, the Complainant’s response to the District’s offer, and the District’s fulfillment of the provision of the remedial services.

Staff and Student Training

7. By September 30, 2015, and again at the beginning of the 2016-17 and 2017-18 school years, the District will provide training to all School teachers, administrators, school aides, and any other District personnel charged with supervising students on the policies and procedures referenced in items 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.

Reporting Requirement: By October 15, 2015, and for the following two years District will provide OCR with a report demonstrating implementation of item 7. 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.

8. By October 1, 2015, and for the subsequent two school years, the District will provide training to all School staff who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination,

including harassment complaints and any counselors or other District personnel who are likely to receive confidential reports of race, color or national origin harassment. The training will review the District policies and procedures referenced in items 2 and 4 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial race, color or national origin discrimination or harassment investigations, including the appropriate legal standards to apply in such investigations.

Reporting Requirement: By November 1, 2015, and by November 1, 2016 and 2017, the District will provide OCR with a report demonstrating implementation of item 8. 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.

9. By September 1, 2015, and for the subsequent two school years, the District will provide an orientation program for all School students, administrators, staff, employees, agents, security officers, counselors, and coaching staff, which will address harassment, XXXXXX, in order to promote respect and tolerance for others and to avert the establishment of XXXXXX for students enrolled in the District. The District will remind students of its commitment to having a school environment free XXXXXX. The program will include a review of the District's XXXXXX policies and procedures, including an explanation XXXXXX, 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 October 1, 2015, and by October 1, 2016 and 2017, thereafter, the District will provide OCR with a report demonstrating implementation of item 9. 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.

Data Maintenance

10. On an annual basis, the District will maintain the following data:

- a. all written reports and a written narrative describing all oral reports of incidents involving XXXXXX;
- 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 items 2, 3, 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 June 30, 2016 and at the end of the 2016-17 and 2017-18 school years, the District will provide the data referenced in item 10 to OCR for the most recently completed school year.

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11. XXXXXX.

XXXXXX: XXXXXX.

The District understands that OCR will not close the monitoring until it determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. §§ 100.3(a), 100.7(e), which were at issue in this complaint.

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 this Agreement. Further, the District understands that during the monitoring of this Agreement, 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 complied with the terms of this Agreement and is in compliance with the regulations implementing Title VI, at 34 C.F.R. §§ 100.3(a), 100.7(e), which were at issue in this complaint.

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 a minimum of sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee
Fayette County Public Schools

2-20-2015
Date