

Resolution Agreement
OCR Complaint #03-14-1243
Scott County Schools

In order to resolve the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation, at 34 C.F.R. Part 100, the Scott County Schools (District) commits to implement the provisions set forth in this Resolution Agreement (Agreement).

Notice of Non-Discrimination

1. By June 1, 2015 the District will submit for OCR's review and approval a Notice of Nondiscrimination that: (a) specifies the bases for non-discrimination in its education programs and activities and (b) identifies by name or title, address, telephone number, and email address the individual(s) responsible for coordinating the District's compliance with the civil rights laws listed in the Notice of Nondiscrimination, including Title VI.
2. Within 45 calendar days of written approval from OCR that the District's Notice of Nondiscrimination is consistent with Title VI requirements, the District will ensure that each of its electronic and printed publications of general distribution, including student/parent handbooks, announcements, bulletins, catalogs, and application forms, that it makes available to District students, the parents of District students, and District employees that provide information to employees and students about District services and policies, contain the Notice of Nondiscrimination. Inserts may be used pending reprinting of these publications.

Reporting Requirement: By June 1, 2015, the District will provide OCR with a copy of its draft notice of nondiscrimination for review and approval, in accordance with Action Step 1 of the Agreement. Within 60 days of OCR's written approval of the Notice of Nondiscrimination, the District will provide OCR with documentation demonstrating that it has disseminated and published the Notice of Nondiscrimination in each of its electronic and printed publications of general distribution.

Racial Discrimination Policy

3. By June 1, 2015, the District will submit for OCR's review and approval a draft policy prohibiting racial discrimination (Racial discrimination Policy), including the discrimination of students by other students and the discrimination of students by administrators, staff, and other School employees. At a minimum, the District's Racial Discrimination Policy will contain the following:
 - a. notice to students, parents of elementary and secondary students, and employees of the grievance procedures, including where complaints may be filed;
 - b. application of the grievance procedures to complaints filed by students or on their behalf alleging discrimination carried out by employees, other students, or third parties;

- c. provisions for adequate, reliable, and impartial investigation of complaints, including the opportunity for both the complainant and alleged perpetrator to present witnesses and evidence;
 - d. designated and reasonably prompt time frames for the major stages of the complaint process;
 - e. written notice to the complainant and alleged perpetrator of the outcome of the complaint; and
 - f. an assurance that the school will take steps to prevent recurrence of any discrimination and remedy discriminatory effects on the complainant and others, if appropriate.
4. Within 45 calendar days of written approval from OCR that the District's Racial Discrimination Policy is consistent with 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 complaints together with information on how to obtain a copy of the policy. The District, at a minimum, 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 by any other additional means of notification the District deems effective to ensure that the information is widely disseminated.

Reporting Requirements: By June 1, 2015, the District will provide OCR with a copy of the draft Racial Discrimination Policy for review and approval, in accordance with Action Step 3 of the Agreement. Within 60 calendar days of OCR's approval of the Racial Harassment Policy, the District will provide OCR with documentation demonstrating that it has implemented Action Step 4 of the Agreement, including copies of the written notices issued to students, parents and employees regarding the new Racial Discrimination Policy and a description of how the notices were distributed; copies of its revised student and employee handbooks; and a link to its webpage where the policy is located.

5. Within 45 calendar days of written approval from OCR that the District's Racial Discrimination Policy is consistent with Title VI requirements, the District will examine its Student Code of Conduct to determine whether it contains rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the District's Racial Discrimination policy, as developed pursuant to Action Step 3 of the Agreement. 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 explanation of the duty of staff to report discrimination and consequences for not reporting.

Reporting Requirement: Within 60 days of OCR's approval of the Racial Discrimination Policy, the District will provide OCR with the results of its evaluation of its discipline policies and procedures, including the Code of Conduct, for review and approval, in

accordance with Action Step 5 of the Agreement. If it is determined that revisions are needed, it will provide OCR with a draft copy of each, for review and approval.

Training

6. Within 45 calendar days of written approval from OCR that the District's Racial Discrimination Policy is consistent with Title VI requirements, the District will provide training to all District administrators, as well as teachers (including substitute teachers) and any other District personnel charged with supervising students XX XXXXX XXXXXXXXXXXX (School), on the policies and procedures referenced in Action Steps 1 and 3 of the Agreement. The training will specifically address the responsibility of staff to report incidents of possible discrimination and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such discrimination. The District may request OCR Philadelphia staff to assist in providing the training.

Reporting Requirements: By September 30, 2015, the District will provide OCR with a report demonstrating implementation of Action Step 6 of the Agreement. Specifically, the District will provide documentation indicating the dates of the trainings, information regarding the trainers and sign in sheets reflecting the employee name and titles, topics covered during the training sessions and the amount of time spent on each topic, and copies of the materials used in the training.

Data Maintenance

7. On annual basis, the District will maintain the following data for the School:
 - a. all written reports and a written narrative describing all oral reports of incidents involving allegations of discrimination 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 Step 3;
 - d. documentation demonstrating any remedial efforts offered and provided to the victim of the incidents, such as counseling, tutoring or other appropriate services; and,
 - e. a narrative of all action taken to prevent recurrence of the incidents, including any written documentation.

Reporting Requirement: By June 30, 2015 and June 30, 2016, the District will provide OCR, for review and approval, documentation from Action Step #7, including all written reports or a written narrative describing all oral reports of racial discrimination incidents at the School during the 2014-2015 and 2015-2016 school years, a narrative of all actions taken in response to the reports, including written documentation, a copy of all disciplinary sanctions, documentation of remedial efforts offered and provided to the victim, and a narrative of all action taken to prevent the recurrence of the incidents.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IV at 34 C.F.R. Part 100, 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. 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 fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title IV at 34 C.F.R. Part 100, which are applicable to 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)

_____/5/14/15_____
Date