

Resolution Agreement
Huntsville City School District
OCR Complaint #04-13-1325

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Huntsville City School District (District), pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin; Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of Federal financial assistance; and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities. Prior to the completion of OCR's investigation, the District asked to resolve the issues of the investigation pursuant to Section 302 of OCR's *Case Processing Manual* (CPM).

The District agrees to take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment on the bases of disability, race, color, national origin, and sex, and the District will promptly investigate all incidents and complaints of harassment. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. The District will 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 the affected student (s). Accordingly, to ensure compliance with Section 504, Title II, Title VI, and Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. § 1681, and its implementing regulation, 34 C.F.R. Part 106, and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions:

Student Focused Remedies

1. By January 15, 2014 the District will conduct an investigation to determine whether the Teacher or other personnel who interacted with the Student engaged in behavior that created a hostile environment for the Student based on his race or disability. The investigation will not be limited to formally reported incidents and will proceed in accordance with applicable Section 504 and Title VI standards. The investigation will include interviews with the Complainant and witnesses she identifies, staff members, and current and former students. The District will prepare written findings and notify the Complainant concerning the outcome of the investigation by February 15, 2014. If the District determines that a hostile environment existed, the District will offer counseling and academic or other support services to the Student to remedy the effects of the environment. If the Complainant consents to such services, the District will immediately begin providing the services. In addition, if applicable, the District in consultation with the Complainant and Student will assess whether any hostile environment related to the incident has been fully eliminated and, if needed, develop a plan to protect the Student from any form of future harassment. The District will also take appropriate corrective or

disciplinary action against personnel found to have created a hostile environment for the Student.

Reporting Requirements. By March 1, 2014, the District will provide OCR with: (a) a summary of its investigative steps, including a list of all witnesses interviewed and a summary of their statements; a copy of its written findings and notice of the outcome to the Complainant; and if applicable, its written offer of counseling and educational services provided to the Complainant; (b) copies of the Complainant's response, including documentation demonstrating the initiation of any agreed upon services; (c) a report of the meeting held with the Complainant and the Student to assess the current environment, and a copy of any plan that was developed to protect the Student from further harassment; and (d) if applicable, a summary of action(s) taken against the Teacher or other personnel pursuant to District and State policies governing teacher conduct, as well as other actions it has taken to remedy the effects of the harassment at the School in response to the findings.

Notice of Nondiscrimination

2. By February 1, 2014, the District will publish its notice of nondiscrimination (including harassment) on the bases of race, color, national origin, disability, and sex, and the title, address, and phone number/email of the person(s) responsible for coordinating the District's compliance with Section 504 and Title IX, in its student handbook (print and any other media format which is available to students) and website.

Reporting Requirements. By February 15, 2014, the District will provide a copy of its revised Student Handbook that includes its notice of nondiscrimination (including harassment) on the bases of race, color, national origin, disability, and sex, and the title, address, phone number/email of the person(s) responsible for coordinating compliance with Section 504 and Title IX, and a link to the website page containing the notice.

Climate Survey

3. By June 1, 2014, and annually thereafter, the District will conduct a climate survey of students in the District to assess the effectiveness of steps taken pursuant to this Resolution Agreement or otherwise by the District, to achieve its goal of a District free of harassment. Students' participation in the survey will be voluntary.

Reporting Requirement. By September 30, 2014, the District will provide OCR with documentation demonstrating implementation of the survey, including a description of how the survey was completed, copies of any student responses to surveys, summaries of other information obtained, and proposed actions, if appropriate, that the District plans to take in response to the information gathered during the survey.

Grievance Procedures

4. By March 1, 2014, the District will develop and submit to OCR for its review and approval draft grievance procedures to address discrimination and harassment complaints under Section 504, Title II, Title IX, and procedures for addressing complaints of harassment under Title VI, alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors). The District will ensure that these procedures provide for the prompt and equitable resolution of all complaints and will include, at a minimum, the following:
 - a. notice to students, parents and employees of the procedures, including where complaints may be filed;
 - b. application of the procedures to complaints of discrimination (including harassment) carried out by employees, students or third parties;
 - c. provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
 - d. designated and reasonably prompt timeframes for the major stages of the investigation;
 - e. written notification to the complainant and subject of the complaint of the outcome of the investigation; and
 - f. an assurance that the District will take steps to prevent the recurrence of any discrimination and harassment and to correct its discriminatory effects on the complainant and others, if appropriate.

Reporting Requirement. By March 1, 2014, the District will submit to OCR for its review and approval its grievance procedures.

5. By April 30, 2014, or within 60 days of OCR's approval of the procedures developed in accordance with this item of the Agreement, whichever is later, the District will adopt and implement the procedures and will provide all faculty, staff and students as well as their parents or guardians with written notice regarding the procedures together with information on how to obtain a copy of the procedures. The District will make this notification through the District's website; electronic mail messages to faculty, staff and students as well as their parents or guardians; and employee and student handbooks.

Reporting Requirement. Within 30 calendar days after the completion of Item #5, the District will provide OCR with documentation that it has implemented Item #5 above, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the procedures and a description of how the notices were distributed; copies of its revised employee and student handbooks; and a link to its webpage where the procedures are located.

Training

6. By April 30, 2014, or within 60 days of OCR's approval of the procedures developed in accordance with this item of the Agreement, whichever is later, the District will initiate annual training for students, administrators, faculty and staff regarding its new procedures developed in accordance with Item 5 of this Agreement and the Title VI, Section 504, Title II, and Title IX legal standards prohibiting harassment on the bases of race, color, national origin, sex and disability. The training will include examples of the types of conduct (e.g., physical, verbal, graphic, or written) which may create a hostile environment based on race, color, national origin, sex or disability, cover the District's obligation to eliminate a hostile environment of which it has notice, including constructive notice based upon involvement of an employee in creating the hostile environment; and the obligation of faculty and staff to report any incidents of harassment under the listed statutes to School/District administrators.

Reporting Requirements. By April 15, 2014, the District will provide OCR with a report confirming the initiation of the annual training, including: (a) the background and qualifications of the presenters/trainers; (b) a copy of the transcript(s)/materials used for the training; (c) a sign in log with name and title of all administrators, faculty and staff who completed the training; and (d) for student training, a count of students attending the training at each school.

District Statement Regarding Harassment

7. By December 20, 2013, the Superintendent and School Board will issue a statement to the School's students, parents and staff that will be printed in the School's newsletter, website, student handbook and posted in prominent locations at the School, stating that the District does not tolerate harassment on the bases of race, color, national origin, and disability. The statement will encourage any student who believes that he or she has been subjected to harassment on the basis of race, color, national origin, or disability to report the harassment to the District, and note the District's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the individual designated to receive complaints of harassment on the bases of race, color, national origin, or disability. The statement will warn that students or employees found to have engaged in acts of harassment on the basis of race, color, or national origin, and disability will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion for students or suspension or termination for employees. The statement will encourage students, parents and School staff to work together to prevent harassment on the basis of race, color, national origin, and disability. The School will distribute this statement in languages other than English, as necessary.

Reporting Requirements. By January 10, 2014, the District will provide OCR with a copy of the statement referred to in Item #7 along with a description of where the statement was published.

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, 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 Section 504, Title II, Title VI, Title IX, and their implementing regulations.

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 Section 504, Title II, Title VI, Title IX, and their implementing regulations.

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.

Superintendent or Designee

Date