

**Hamilton County School District
Resolution Agreement
OCR Docket Number 04-17-1267**

The U.S. Department of Education (Department), Office for Civil Rights (OCR) and the Hamilton County School District (District), enter into this agreement to resolve the allegations in the above-referenced complaints. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District voluntarily agrees to take the following actions in order to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulations 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.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to continue or take the following actions.

Harassment Training

1. **By August 10, 2018**, the District will provide racial harassment training to the District's administrators and teaching staff, with an emphasis on recognizing harassment on the basis of race or national origin (conduct that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient), how to conduct effective investigations into claims of racial harassment, how to implement harassment prevention strategies school-wide, in the classroom, on school transportation and on social media, and the obligation to respond to complaints of racial harassment in a prompt, thorough, and effective manner consistent with Title VI and its implementing regulation.

REPORTING REQUIREMENT: By August 25, 2018, or within 15 days of completing the actions in Item #1, whichever is earlier, the District will submit to OCR documentation from the training, including a list of who attendees, a copy of all material distributed, and the identity and qualifications of the person or persons conducting the training.

2. **By September 1, 2018**, the District will provide racial harassment training to the students at the Middle School and High School regarding the prohibition of racial and national origin harassment, including harassment on school transportation and on social media that impacts the School environment. The notices will include a definition of harassment, how to recognize harassment, age-appropriate examples of harassment and how to report harassment.

REPORTING REQUIREMENT: By September 16, 2018, or within 15 days of completing the actions in Item #2, whichever is earlier, the District will provide OCR with documentation from the training, including a list of attendees, a copy

of all material distributed, and the identity and qualifications of the person or persons conducting the training.

Educational Climate at the School

3. **By December 1, 2018**, the District will conduct a “climate check” or series of climate checks with students at the School to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the Middle School and High School to ensure a campus free of race or national origin based harassment. This climate check may be accomplished through an age-appropriate written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Within 60 days of approval from OCR or by October 1, 2018, whichever is later, the School will disseminate the climate check survey to the students enrolled at the School. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

REPORTING REQUIREMENT: By October 15, 2018, if the District chooses to conduct a climate check by issuing a survey, the District will provide OCR with a copy of a proposed survey for OCR’s review and approval.

4. **By January 30, 2019**, the District will prepare an analysis of the results of the survey, and based on the results and any resulting OCR recommendations, will work together in good faith with OCR to implement appropriate corrective actions to address all climate issues identified through the Survey. The corrective actions will be implemented by **April 15, 2019**.

REPORTING REQUIREMENT: By January 30, 2019, the District will provide documentation to OCR demonstrating that the School has conducted the climate check, an analysis of the information obtained by the climate check, and a description of proposed proactive steps to be taken by the District to ensure a campus free of race-based harassment as well as other harassment prohibited by other laws OCR enforces. **By April 30, 2019**, the District will provide OCR documentation demonstrating that the proactive steps developed pursuant to Items #3 and #4 of the Agreement have been completed.

Student Remedy

5. **By May 1, 2018**, the District will re-investigate the incident that took place on the bus on November 9, 2016, in which a white student (Student 4) allegedly used racially-insensitive language which precipitated a fight between her and three black students. After the completion of the investigation, the District is required to reassess its disciplinary decisions and assign discipline to each of the students involved, including Student 4, in accordance with the District’s Code of Acceptable Behavior and Discipline (Code). Any students previously disciplined for their roles in the altercation shall not be

disciplined again. If the District decides to impose lesser punishments on the students who were already disciplined, those students' disciplinary records shall be changed to reflect the new decision.

REPORTING REQUIREMENT: By May 15, 2018, the District will provide proof to OCR that it has re-investigated the matter and ensured the equitable application of the Code to the students involved in the altercation. The District will provide evidence of its investigation and evidence of any deliberations that went into the determination of the involved students' discipline.

6. **By May 1, 2018,** the District will expunge any disciplinary records or evidence of suspensions from the school bus for Student 3, as it relates to the November 9, 2016 incident.

REPORTING REQUIREMENT: By May 15, 2018, the District will provide proof to OCR that Student 3's bus suspension and any other disciplinary records from the November 9, 2016 incident have been expunged.

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 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 Title VI. 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 signature of the District's representative below.

Superintendent or Designee

Date