

**Elmore County School District, Alabama**  
**Resolution Agreement**  
**OCR Complaint No. 04-17-1441**

The U.S. Department of Education, Office for Civil Rights (OCR) and Elmore County School District (District) enter into this Agreement (Agreement) to resolve the allegations in the above-referenced complaint. Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's *Case Processing Manual*. OCR has not issued findings concerning issues of the above-referenced case number. This resolution has been entered into voluntarily between the parties. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. Accordingly, to ensure compliance with the requirements of 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 basis of race, color, or national origin by recipients of Federal Financial Assistance from the Department, the District agrees to take the following actions:

**Student-Focused Remedies**

1. **By September 30, 2018**, the District will extend to the Complainant and the parents/guardians of all other students enrolled in the classes in which the Teacher made race-based comments, a written offer of counseling for the respective students, to remedy any effects of the harassment experienced in the Teacher's classes or in interactions with her following the District's investigation. This counseling may be provided by qualified District staff or by outside staff at the expense of the District. The counseling will be provided for up to six months as the need is determined by the Complainant or other parents/guardians and the counselor and for the amount of time per week determined by the Complainant or other parents/guardians and the counselor.

**Reporting Requirements:**

- a. **By September 30, 2018**, the District will provide to OCR a copy of the written offers of counseling, as well as documentation indicating the Complainant's and other parents/guardians' responses, if any, to the offers.
- b. **By November 30, 2018**, the District will provide to OCR documentation demonstrating that it has provided the counseling accepted by the Complainant and/or other parents/guardians.

**Staff Training**

2. **By September 30, 2018**, and annually thereafter, the District will provide training to all staff at the School regarding the following: (a) requirements of Title VI, including the prohibition of discrimination and/or harassment based on race and retaliation; (b) the range of behaviors that constitute discrimination and/or harassment based on race; (c) the disciplinary sanctions applicable to anyone who engages in discrimination and/or harassment based on race; (d) the responsibility of staff to report incidents of possible

discrimination and/or harassment and the procedures for doing so; (e) where, how, and to whom allegations of discrimination and/or harassment are to be reported; and (f) the District's duty to eliminate a racially hostile environment created at the School. Within 10 days of any new hire at the School, the newly hired employee(s) will also receive this training.

**Reporting Requirements:**

**By September 30, 2018**, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item #2 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) a copy of the attendance sign-in sheets; (c) the date(s) the training was conducted; and, (d) copies of any training materials disseminated.

**Student Training**

- 3. By September 30, 2018**, the District will provide age-appropriate educational training to students designed to increase awareness of race, color, and national origin harassment and of the District's policies, procedures and/or administrative rules related to such harassment, including how to report a complaint of harassment and to whom a report can be made. The program will inform students of the consequences of race, color, and national origin harassment, explain what they should do if they believe they or another student is being harassed based on race, color, or national origin by anyone, including a teacher, and encourage them to report bullying or harassment. The educational training materials will use age-appropriate terminology, and the instruction will promote sensitivity to and tolerance of the diversity of the student body and will specifically address harassment related to race, color, or national origin.

**Reporting Requirements:**

**By September 30, 2018**, the District will provide documentation to OCR demonstrating that training was provided consistent with Action Item #3 above, including: (a) the name(s) and credentials of the individual(s) who conducted the training; (b) the date(s) the training was conducted; and, (c) a copy of the outline, training materials, or presentation that was used.

**Communication of Investigation Results**

- 4. By September 30, 2018**, the District will communicate to the Complainant the results of the District's investigations of the Teacher's racial comments and of the Teacher's questioning of the Student and other students' about their participation in the District's investigation of her comments. The District will also counsel the Teacher regarding the findings of their investigation.

**Reporting Requirements:**

**By September 30, 2018**, the District will provide documentation to OCR demonstrating that it communicated the results of its investigations to the Complainant and has counseled the Teacher as set forth in Action Item #4.

**Educational Climate at the School**

5. **By September 30, 2018**, and annually thereafter, the District will conduct a “climate check” with students at the School to assess the presence of and effects of race-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. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.
6. **By December 31, 2018**, the District will prepare a written analysis of the results of the information gathered during the climate check and develop a written plan setting forth proactive steps to address any areas of concern identified by the climate check.
7. **By January 30, 2019**, the District will implement the plan developed in accordance with Item #6 above.

**Reporting Requirements:**

- a. **By August 15, 2018**, if the District chooses to conduct a climate check by issuing a survey, the District will provide OCR with an advanced copy of its proposed survey for OCR’s review and approval. If the District elects an alternative means of conduct, the District will submit information regarding the alternative to OCR for review and approval.
- b. **By December 31, 2018**, 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 Title VI.
- c. **By January 30, 2019**, the District will provide OCR documentation demonstrating that the proactive steps developed pursuant to Item #6 of the Agreement have been completed.

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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close the 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.

\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title