

**RESOLUTION AGREEMENT**  
**Hamilton County School District, TN**  
**Complaint #04-18-1459**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Hamilton County School District (the District) enter into this Resolution Agreement (Agreement) to resolve certain allegations in the above-referenced complaint. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures the U.S. Department of Education, Office for Civil Rights, (OCR), that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964, 42 U.S.C. Section 2000d, and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin in programs or activities receiving Federal financial assistance.

Prior to the completion of OCR's investigation, the District expressed an interest in resolving the complaint allegations and OCR determined that it was appropriate to resolve them with an agreement, pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**I. Assessment and Plan**

By **April 1, 2019**, a District level administrator or the District's designee<sup>1</sup> will review the discipline decisions of identified staff<sup>2</sup> for the 2017-2018 school year and any decisions by that staff person on discipline appeals for the first semester of the 2018-2019 school year,<sup>3</sup> to determine whether African-American students who are similarly situated to white students are being treated differently with respect to imposition of sanctions for misconduct. The reviewer will prepare a written summary of the relevant discipline incidents including, a description of what occurred in addition to the charge imposed; the sanction imposed; the factors considered by staff; and, any rationale offered by staff. If the District identifies different treatment of African-American students with respect to imposition of discipline and legitimate, non-discriminatory, non-pretextual reasons are not identified, the District will develop for OCR review and approval, a written plan (Plan) identifying steps to address any further discrimination in discipline and will implement the Plan within **30 days of notice of OCR's approval of the Plan**.

**Reporting Requirements:**

By **May 1, 2019**, the School will provide OCR with a report of its assessment, the written summary described in this Item and, if required, its Plan as described above, for OCR review and approval. Within **45 days** of receiving OCR's approval, the School will provide OCR with documentation showing its implementation of the Plan.

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<sup>1</sup> The District has identified to OCR the District level administrator who will complete the assessment and plan. The review will not be completed by "identified staff" referenced in this paragraph.

<sup>2</sup> OCR has provided the identity of the staff person to the District in separate correspondence.

<sup>3</sup> The scope for the 2018-2019 first semester review is limited to any appeals the staff person reviewed, concerning students at the School attended by Student 1 and Student 2 during the 2017-2018 school year (the School).

## **II. Student Focused Remedies**

- A. Within **30 days** of signing this Agreement, the District will: 1) review the discipline records of Student 1 (for the February 28, 2018 incident) and Student 2 (for the September 20, 2017 incident) and of white students who engaged in similar or comparable behavior (similarly situated students) to determine if the District treated Student 1 and/or Student 2 differently based on race. If the District determines there was different treatment, it will take the following steps to address the discrimination:
- a. Within **30 days** of signing this Agreement, the District will meet with the Complainant and Student 1's and/or Student 2's teachers to discuss the manner in which it will address the discrimination, including amending the discipline records of Student 1 and/or Student 2, providing academic services to Student 1 and/or Student 2 for missed classroom instruction, or any other appropriate steps that should be taken with respect to Student 1 and/or Student 2.
  - b. By **April 1, 2019**, the District will ensure that all disciplinary record changes, academic services, and other appropriate actions with respect to Student 1 and/or Student 2 are completed.

### **Reporting Requirements:**

- i. By **January 31, 2019**, the District will provide OCR evidence of the steps the District takes to review the sanctions imposed on Student 1 and/or Student 2, and its determinations for each incident, as required by item A above.
- ii. By **January 31, 2019**, the District will provide OCR evidence to demonstrate that the meeting required by item "a" above has taken place.
- iii. Within **14 days** of having provided all the agreed upon academic services, the District will provide documentation of the services that were provided, including a list of dates, times, and locations that the services were provided and the name(s) of the staff member who provided the service or other service provider.

### **III. Discipline Policies, Procedures, and Record-Keeping**

The District's Ooltewah High School (School) will review and revise its student discipline policies and procedures to ensure the following:

- A. The School will develop criteria for selection within the range of possible penalties when imposing discipline sanctions, including an explanation of how the District will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies and procedures will be implemented;
- B. Revise the student code of conduct to: define disruption, and provide a range of penalties that may be imposed for each infraction, of disruption, including disruption based on cell phone use; and
- C. Develop, implement, and maintain a record-keeping system to document a description of the incident; the date of the incident, the nature or severity of the incident; whether an infraction is a first, second or subsequent offense; any additional information obtained from other sources that is used to determine the disciplinary consequence; and whether there was a referral to law enforcement.

#### **Reporting Requirements:**

- i. By **June 1, 2019**, the School will submit the results of its review and revisions to the student discipline policies and procedures to OCR for review and approval.
- ii. Within **45 days** of receiving OCR's approval, the School will provide OCR with documentation that it has disseminated the revised documents to all School staff, students, and parents, and posted them in a prominent location on the School's website and in the School.

### **IV. Staff Training**

The District will provide discipline training to all Ooltewah High School teachers, administrators, and school aides, school security officers, and any other School staff who supervise students, make discipline referrals, and/or impose discipline sanctions, by **September 1, 2019**, and by the same date during the 2020-2021 school year. The training will include:

- A. a detailed explanation of the revised discipline policies and procedures; the specific manner in which progressive disciplinary consequences will be employed if applicable; and the documentation that must be developed and maintained by all staff who make disciplinary referrals or impose disciplinary sanctions;
- B. the District's system for maintaining and analyzing data on student discipline;

- C. how to administer discipline fairly and equitably, including ensuring nondiscrimination on the basis of race in discipline; and
- D. the Title VI prohibitions on discrimination on the basis of race in administering discipline and the prohibition on retaliation.

**Reporting Requirements:**

i. By September 30, 2019, and again by September 30, 2020, the District shall produce documentation that the required training was conducted. The documentation shall include: (1) documentation of the presenter’s experience and background relevant to nondiscriminatory school discipline practices; (2) a copy of the presentation materials disseminated; (3) sign-in sheets showing School staff that received the training by name and title; and (4) a plan for provision of the training materials to any staff unable to attend the training.

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 Title VI and its implementing regulation at 34 C.F.R. § 100.3. 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.

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 Superintendent or his/her designee below.

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Dr. Bryan Johnson, Superintendent  
Hamilton County School District

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Date