

Resolution Agreement
OCR Docket #05-16-7034
Bushnell-Prairie City Community Unit SD #710

Bushnell-Prairie City Community Unit SD #170 (District) submits the following resolution agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in resolution of OCR complaint #05-16-7034. The District submits this Agreement to ensure its compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin.

The District will take all steps necessary to ensure that students enrolled in the District are not discriminated against or subjected to a hostile environment on the basis of race. To this end, the District will promptly investigate all incidents of harassment of which it has notice and will take appropriate disciplinary action against students, faculty, administrators or staff who violate the District's policies and procedures addressing harassment. The District will take prompt and effective responsive action to end discrimination or harassment, prevent its recurrence, and where appropriate, take steps to remedy the effects of discrimination or harassment on the affected students. Accordingly, the District agrees to take the following actions:

TRAINING OF DISTRICT PERSONNEL AND STUDENTS

1. By September 15, 2017, and annually thereafter of subsequent years for new staff, the District will provide all administrators, teachers and staff effective training on the District's policies and procedures prohibiting harassment based on race. The training will review the District's anti-harassment policies and procedures, and include the following components at a minimum:
 - a. The District will remind all staff of its commitment to having a school environment free from discrimination or harassment based on race and explain what they should do if they believe students or staff have been subjected to discrimination or harassment based on race. The District will include specific examples of prohibited conduct, and will remind employees of their duty to immediately report possible harassment of which they have knowledge and of the possibility of discipline for failure to report.
 - b. The program will include a review of the District's policies and procedures related to harassment based on race including an explanation of what constitutes harassment as well as disciplinary sanctions related to findings of violations of its harassment policies and procedures and/or the policy prohibiting retaliation and intimidation.
 - c. The training will provide a general overview of Title VI including how the law's nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of harassment based on race, where to locate the District's

harassment policies and procedures on the District's website, and the existence of OCR and its authority to enforce Title VI.

- d. The District will distribute written materials (during the program) that contain the information discussed.
- e. The training will also provide attendees with instruction on recognizing and appropriately addressing allegations of discrimination or harassment and complaints pursuant to Title VI.

REPORTING REQUIREMENT: By September 15, 2017, and by September 17, 2018, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in Item # 1 including the dates of the training, the names, credentials and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

- 2. By September 15, 2017, and annually thereafter of subsequent years for new staff, the District will provide effective training to all District staff who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment based on race. The training will review the District policies and procedures and include instruction on how to conduct and document adequate, reliable, and impartial investigations, including the appropriate legal standards to apply in such investigations. The training will provide instruction on how to recognize harassment based on race, appropriately respond to verbal and written complaints of such harassment, conduct prompt and equitable investigations and issue fair and equitable disciplinary action.

REPORTING REQUIREMENT: By September 15, 2017, and by September 17, 2018, the District will provide OCR with documentation that it has provided appropriate District staff with the training referenced in Item # 2, including the dates of the training, the names, credentials and titles of the trainer(s), a copy of any materials used or distributed during the training, and a sign-in sheet with the names and titles of the District staff who attended the training.

- 3. By September 15, 2017, and annually thereafter of subsequent years, the District will provide an effective program for all students which will address harassment based on race in order to promote respect and tolerance for others and to avert the establishment of a discriminatory or hostile environment based on race for students enrolled in the District. The District will remind students of its commitment to having a school environment free from all discrimination or harassment based on race and explain to students what they should do if they believe they or other students are being discriminated against or harassed based on race. The program will include a review of the District's harassment and non-retaliation policies and procedures, including an explanation of what harassment is, available interim measures and remedies, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will also provide students with the name and contact information of a District

employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials during the program that contain the information discussed.

REPORTING REQUIREMENT: By September 15, 2017, and by September 17, 2018, the District will provide OCR with documentation of the implementation of Item # 3, including the dates of the student program, lists and biographies of the presenter(s), topics covered during the program and the amount of time spent on each topic, and copies of the materials used in the orientation.

STUDENT FOCUSED REMEDIES

4. By June 30, 2017, the District will investigate whether Student A was subjected to harassment based on race in the 2014-2015, 2015-2016 and 2016-2017 school years, including the allegations previously identified by Student A against staff and students and will also investigate whether any District staff had knowledge of additional reports of harassment of Student A but failed to take action to report and/or investigate such harassment consistent with the requirements of the District's Anti-Harassment Policy. Following its investigations, the District will submit its proposed findings, supporting documentation, remedial actions, and disciplinary actions to OCR for review and approval; upon OCR's approval, the District will send written notification to Student A's parent of the finding in writing and of the opportunity to appeal any findings and of the remedial actions to be taken and will implement appropriate discipline and/or remedial actions, if any are warranted.

REPORTING REQUIREMENT: By June 30, 2017, the District will provide a summary and the results of the investigations and its proposed remedial actions. Within 30 days of OCR's approval of the findings and proposed remedial actions, the District will provide OCR with a copy of the written notice sent to Student A's parent to the address of record of the District of the outcome of the investigations and appeal rights and of the remedial actions to be taken. By December 1, 2017, the District will document to OCR that it has implemented all remedial actions approved by OCR.

5. By June 30, 2017, the District will investigate whether Student B was subjected to harassment based on race in the 2015-2016 and 2016-2017 school years, including the allegations previously identified by Student B against staff and students and will also investigate whether any District staff had knowledge of additional reports of harassment of Student B but failed to take action to report and/or investigate such harassment consistent with the requirements of the District's Anti-Harassment Policy. Following its investigations, the District will submit its proposed findings, supporting documentation, remedial actions, and disciplinary actions to OCR for review and approval; upon OCR's approval, the District will send written notification to Student B's parent of the finding in writing and of the opportunity to appeal any findings and of the remedial actions to be taken and will implement appropriate discipline and/or remedial actions, if any are warranted.

REPORTING REQUIREMENT: By June 30, 2017, the District will provide a summary and the results of the investigations and its proposed remedial actions. Within 30 days of OCR's approval of the findings and proposed remedial actions, the District will provide OCR with a copy of the written notice sent to Student B's parent to the address of record of the District of the outcome of the investigations and appeal rights and of the remedial actions to be taken. By December 1, 2017, the District will document to OCR that it has implemented all remedial actions approved by OCR.

MAINTENANCE OF OTHER DATA

6. The District will maintain documents relating to specific complaints or other reports of discrimination or harassment of students based on race, including the following:
 - a. a copy of all written reports for complaints or any other reports of incidents involving allegations of discrimination or harassment based on race;
 - b. a narrative of all actions taken in response to the reports by District personnel, including any written documentation;
 - c. a copy of any and all disciplinary sanctions issued to students or employees for violations of the District's harassment policies and procedures;
 - d. documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - e. a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By June 30, 2017, and June 29, 2018, the District will provide to OCR copies of the documentation referenced in this item.

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, the OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI at 34 C.F.R. § 100.3, which were at issue in this complaint.

The District understands that the 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 VI at 34 C.F.R. § 100.3 which were at issue in this complaint. OCR will promptly acknowledge receipt of interim and final monitoring reports. OCR will also promptly provide written notice to the District of any deficiencies with respect to

implementation of the terms of the agreement, and will promptly request appropriate action to address such deficiencies.

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 or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

It is understood that the District admits no wrongdoing in this matter to OCR or anyone.

Approved and agreed to on behalf of the Bushnell-Prairie City Community Unit SD #710.

Superintendent or designee

Date