

Resolution Agreement #05-17-1239 Wawasee School Corporation

The U.S. Department of Education, Office for Civil Rights (OCR) and Wawasee School Corporation (Corporation) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the Corporation for any issues for which OCR did not find a violation of the applicable regulation. The Corporation assures OCR that it will take the following actions to comply 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, 34 C.F.R. Part 10, which prohibits discrimination based upon race, color, or national origin in any education program or activity receiving Federal financial assistance.

TRAINING OF CORPORATION PERSONNEL

- 1) By December 15, 2018, the Corporation will provide effective in-person training to all staff at Wawasee Middle School (School). The training will cover, at a minimum: the Corporation's current grievance procedures; the obligation of responsible employees to report racial harassment; how to recognize and identify racial harassment; and the Corporation's responsibilities under Title VI to address such allegations. During the training, the Corporation will provide copies of its Title VI grievance procedures to all attendees, or refer them to their location within the publications they already possess.

REPORTING REQUIREMENTS: By January 12, 2019, the Corporation will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Corporation employees who successfully completed the training.

STUDENT TRAINING

- 2) By December 15, 2017, the Corporation will provide age-appropriate training for all students at the School to ensure that students are aware of Title VI and what it prohibits and the rights it confers on students; the Corporation's prohibition against race discrimination, including racial harassment; and how and with whom to report any incidents of race discrimination, including racial harassment.

REPORTING REQUIREMENTS: By January 12, 2018, the Corporation will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training.

TITLE VI INVESTIGATION REGARDING STUDENT A

- 3) During the 2017-2018 school year, the Corporation will take all steps necessary to ensure that Student A is not subjected to a hostile environment on the basis of race on Corporation grounds and in Corporation sponsored activities. These steps will include, but are not limited to, identifying a specific contact person to whom Student A should report incidents of harassment if they occur, checking in with Student A on a periodic basis (at least monthly) to ascertain whether any instances of racial harassment have occurred, and taking prompt and appropriate action if any such harassment has occurred.

REPORTING REQUIREMENTS: By January 12, 2018, and June 29, 2018, the Corporation will provide documentation to OCR that it has implemented this item of the Agreement. In particular, the Corporation will provide the name of the designated contact person for Student A, which will include corporation guidance counselors or a staff member that Student A feels comfortable confiding in, documentation of the periodic check-ins and, if applicable, a description of the steps the Corporation took in response to information that harassment is occurring.

RECORD KEEPING AND DATA MAINTENANCE

- 4) Effective immediately, the Corporation will maintain documentation of its responses to and investigations of racial harassment, including the following documents:
 - a) a copy of all written reports, and a narrative description of all verbal reports, of incidents involving allegations of racial harassment;
 - b) a narrative description of all actions taken by Corporation personnel in response to the reports, including any written documentation;
 - c) a copy of all disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting racial harassment;
 - d) a copy of all written determinations or a description of all verbal notifications of determinations provided to the parties, with the date of each notification; and
 - e) where racial harassment is found to have occurred, documentation fully detailing all steps the Corporation took to stop the racial harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects on the complainant and any others as appropriate.

REPORTING REQUIREMENTS: By January 11, 2019, the Corporation will provide to OCR copies of all documentation referenced in this item from the date of the agreement through December 2018.

The Corporation 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 Corporation understands that, during the monitoring of this Agreement, OCR may visit the Corporation, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Corporation 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The Corporation 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 Corporation 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 Corporation's representative below.

Superintendent or designee

Date