

Voluntary Resolution Agreement #05-19-1138

Whitley County Consolidated Schools

The U.S. Department of Education, Office for Civil Rights (OCR) and the Whitley County Consolidated Schools (District) enter into this Voluntary 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 District. Nothing contained in this Agreement shall be considered, construed as or used as an admission of wrongdoing, liability, statutory or regulatory violation, or any other illegal or improper act by the District with regard to the allegations in the complaint. The District 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 at 34 C.F.R. Part 100, which prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.

- 1) By September 30, 2019, the District will issue a statement to its students, administrators, and staff, which will be widely published, including sending it by email to parents, administrators, and staff and posting it in prominent places at the District and on its website, and in student handbooks stating that the District does not tolerate harassment, including acts of harassment based on race, color, or national origin and will refer to District policy prohibiting such conduct. The statement will encourage any student or parent who believes he or she has been subjected to harassment to report the incident(s) to the District and note the District's commitment to conducting a prompt investigation. The statement will identify the individual(s) responsible for investigating complaints of harassment and will make clear that students found to have engaged in harassment based on race, color, or national origin will be disciplined.

REPORTING REQUIREMENTS: By October 15, 2019, the District will provide via legal counsel OCR with documentation that it has issued and posted the statement required by this item.

- 2) By January 1, 2020, the District will provide training to personnel with responsibilities for investigating and responding to reports of racial harassment. The training will include instruction on the District's Title VI policies and grievance procedures and discipline policies and procedures, how to investigate complaints of race discrimination, including identifying and interviewing all relevant witnesses, and ensuring consistency in determining consequences for misconduct. Finally, the training will address the District's record-keeping and documentation of information related to Title VI complaints.

REPORTING REQUIREMENTS: By January 15, 2020, the District will via legal counsel 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 District employees who successfully completed the training.

- 3) By September 15, 2019, the District will send a letter via certified mail to the parents of the four students who were the subject of this complaint (Student A, Student B, Student C, and Student D) inviting the students and their parents to a meeting with District legal counsel, at which the District will provide the students an opportunity to share concerns regarding their experiences with the District's handling of the reports of racial harassment in XXXXXX and to share any ongoing effects, if any, resulting from the District's response, or lack of response, to their reports. At the meeting, the District will offer counseling (including two sessions at the Bowen Center in Columbia City and regular school counseling provided by a school counselor) to the students if they remain enrolled in the District, if necessary, to address the alleged racial harassment.

REPORTING REQUIREMENT: By September 30, 2019, the District will provide via legal counsel documentation to OCR that it implemented the steps referenced by this item. If the students and parents decline the District's offer to meet, the District will provide OCR a copy of the offer letter(s), certified mail delivery receipt(s), and, if applicable, any correspondence rejecting the District's offer(s). By October 30, 2019, and June 15, 2020, the District will document any counseling provided to Student A, Student B, Student C, and/or Student D.

- 4) During the XXXXXX school year, the District will take steps calculated to ensure that Student A, Student B, Student C, and Student D are not subjected to racial harassment on District property and in District sponsored programs and activities. These steps will include, but are not limited to, identifying a specific contact person to whom Student A, Student B, Student C, and Student D should report incidents of discrimination if they occur, and checking in with Student A, Student B, Student C, and Student D on a periodic basis to ascertain whether any instances of discrimination have occurred and taking prompt and appropriate responsive action if any discrimination has occurred. Periodic check-ins will be terminated if requested by the parents. The obligations described in this paragraph are contingent upon the continued enrollment of Student A, Student B, Student C, and/or Student D in the District.

REPORTING REQUIREMENTS: By January 15, 2020 and June 15, 2020, the District will provide via legal counsel confirmation to OCR that it has implemented this item. In particular, the District will identify the contact person for Student A, Student B, Student C, and Student D, if any, document the periodic check-ins and, if applicable, describe the steps the District took in response to reports of any racial harassment.

- 5) By November 15, 2019, the District will develop a system to maintain documents relating to complaints or other reports of Title VI complaints of race-based discrimination or harassment filed by students or parents so the District can track incidents and its responses.

REPORTING REQUIREMENT: By January 15, 2019, the District will provide via legal counsel documentation it has developed the system to maintain documents referenced in this item. By June 15, 2020, the District will provide to OCR copies of all complaints alleging harassment based on race received by Indian Springs Middle School and Columbia City High

School in the 2019-2020 school year under the system and the District's response to those complaints.

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, 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 the regulation implementing Title VI, at 34 C.F.R. § 100.3, which was at issue in this complaint. 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 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.

This Agreement will become effective immediately upon the signature of the District's representative below.

Superintendent or designee

Date