

Voluntary Resolution Agreement #05-20-1020

Northwest Allen County Schools

The U.S. Department of Education, Office for Civil Rights (OCR) and the Northwest Allen County Schools (District) enter into this Voluntary Resolution Agreement (Agreement) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. 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, 2020, the District will issue a statement to its students, administrators, faculty, and staff, including sending it by email to parents, administrators, faculty, and staff, posting it in prominent places at the District and on its website, and publishing it in student handbooks, stating that the District does not tolerate harassment, including acts of harassment based on race. The statement will encourage any student or parent who believes any student has been subjected to harassment to report the incident(s) to a District Administrator and note the District's commitment to conducting a prompt investigation. The statement will identify the District Administrator(s) responsible for investigating complaints of harassment and will make clear that students found to have engaged in harassment based on race will be disciplined.

REPORTING REQUIREMENTS: By October 30, 2020, the District will provide OCR with documentation that it has issued and posted the statement required by this item.

- 2) By December 1, 2020, the District will ensure that it has provided 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, the 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 December 15, 2020, the District 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 District employees who successfully completed the training.

- 3) By September 15, 2020, the District will send a letter via certified mail to the parents of Student A inviting Student A and his parents to a meeting with District administrators. At the meeting, the District will solicit any new reported incidents and any additional details regarding prior reports of alleged racial harassment during the XXXXXXXXXX school year, and will offer counseling services to Student A, if necessary, to address the alleged racial harassment. Following the meeting, the District will conduct a thorough investigation of any

newly reported incidents of racial harassment of Student A in the XXXXXXXXXXXX school year and previously reported incidents that it had not investigated appropriately. The District may consider information previously gathered in investigating each such incident. The District will take appropriate action to respond to any incidents it determined occurred which it has not already addressed appropriately.

REPORTING REQUIREMENT: By September 30, 2020, the District will provide OCR with documentation that it implemented the steps referenced by this item. 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 December 15, 2020, the District will provide to OCR documentation demonstrating that it has offered and provided any necessary counseling services to Student A and documentation of its investigation of any incidents of racial harassment of Student A in the XXXXXXXXXXXX school year that it had not previously investigated appropriately.

- 4) During the 2020-2021 school year, the District will take steps reasonably calculated to prevent Student A from being subjected to racial harassment on District property and in District sponsored programs and activities, including identifying a specific contact person to whom Student A should report incidents of discrimination if they occur, and checking in with Student A on a periodic basis to ascertain whether any instances of discrimination have occurred. The District will also take prompt and appropriate responsive action if Student A reports any incidents of racial harassment, including but not limited to interviewing the appropriate witnesses, reviewing relevant video (if any), documenting the investigation, and other actions as necessary, including escalating responsive steps, to assure that race harassment does not recur.

REPORTING REQUIREMENTS: By December 15, 2020, and June 15, 2021, the District will provide OCR with documentation that it has implemented this item. In particular, the District will identify the contact person for Student A, provide documentation of the periodic check-ins and, if applicable, describe the steps the District took in response to reports of any racial harassment, including any steps to prevent recurrence.

- 5) By November 15, 2020, the District will ensure the existence and implementation of a system to maintain documents relating to Title VI complaints of race-based discrimination or harassment filed by students or parents sufficient for the District to track reported incidents and its responses.

REPORTING REQUIREMENT: By December 15, 2020, the District will provide OCR with documentation it has and is implementing a system to maintain documents referenced in this item. By June 15, 2021, the District will provide to OCR copies of all complaints alleging harassment based on race received by the District in the 2020-2021 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 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, 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 and obligations of this Agreement. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close 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