

RESOLUTION AGREEMENT
Beecher Community Unit School District 200U
Docket No. 05-22-1177

Beecher Community Unit School District 200U (District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the referenced 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 regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color, or national origin in any education program or activity operated by a recipient of federal financial assistance from the U.S. Department of Education.

General Principles

The District will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled at [redacted] (School) are not subjected to a hostile environment on the basis of race. The District will promptly investigate all incidents of harassment of students on the basis of race, of which it knows or should have known, and take effective responsive action. The District will also take steps to end any hostile environment that has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of any hostile environment on affected students and to discipline any individual(s) found to have engaged in the racially harassing behavior.

INDIVIDUAL REMEDIES

- 1) Within 30 days of the execution of this Agreement, the District will take prompt and appropriate responsive action to investigate whether Students A and other Black students were harassed on the basis of race during the 2021-2022 and 2022-2023 school years.¹ As part of its investigation, the District will send a letter to the Complainant seeking permission to interview Student A regarding the allegations of racial harassment in the 2021-2022 through 2022-2023 school years. If racial harassment is found to have occurred, the District will take steps to eliminate the hostile environment, prevent its recurrence, and discipline the offending student(s) or staff member(s). The District will provide the Complainant written notice of its determination and explain any services it is offering to Student A to remedy the effects of the harassment. The remedial services may include, but not be limited to, offering compensatory education, counseling, and reimbursement for documented [redacted content] for Student A's [redacted content] for the 2021-2022 and 2022-2023 school years. If the District's investigation reveals that other Black students were affected by the harassment, the District will provide the students with written notice of its determination and explain any services it is offering to remedy the effects of the harassment. The remedial services may include, but not be limited to, compensatory education, counseling and/or psychological support. In offering counseling and/or psychological support to current students, the District may utilize District counseling department and staff.

¹ Alleged incidents are detailed in the resolution letter accompanying this document.

REPORTING REQUIREMENT: By **September 15, 2023**, the District will provide OCR with documentation that it has taken the steps set forth in item 1. Specifically, the District will provide OCR the following:

- a) A summary of all information obtained during the investigations, a copy of any written investigative reports or other notice to the parties of the outcome of the investigations, whether the investigations substantiated the existence of a racially hostile environment, and what actions, if any, the District proposes to take to remedy any identified racially hostile environment;
- b) A copy of the written offer of services and/or other remedies sent to the Complainant and any other students who were affected by the racial harassment; and
- c) Documentation showing whether the Complainant and/or other students accepted the written offer of services and/or other remedies and, if accepted, that the District provided the services and/or other remedies to Student A and/or any other students who were affected by the racial harassment.
- d) Documentation of any action(s) taken as a result of the investigation, including any discipline imposed or services provided.

SCHOOL STAFF TRAINING

- 2) By **September 15, 2023**, and annually thereafter, the District will provide all School administrators, faculty, and staff with effective training on the District's policies and procedures that address racial discrimination, including racial harassment. The training will include the following components, at a minimum:
 - a) A statement that the District is committed to maintaining a School environment free from racial discrimination and harassment and will explain what employees should do if they believe students have been subjected to discrimination or harassment based on race, including their duty to immediately report all allegations or observations of possible racial discrimination or harassment to a District complaint manager. The training will also include a warning that discrimination and harassment of students based on race will not be tolerated and that students who created a hostile environment based on race will be disciplined.
 - b) A general overview of Title VI, including how the regulation's nondiscrimination provisions apply to students, the names and contact information for the School's designated employee(s) to whom students or others may report allegations or observations of racial discrimination and harassment, where to locate the District's discrimination and harassment policies and procedures on the District's website, and the existence of OCR and its authority to enforce Title VI.
 - c) An explanation of the District's nondiscrimination policies and procedures, including what constitutes racial discrimination and harassment, the role of the District's complaint managers, disciplinary sanctions related to findings of violations of the District's discrimination and harassment policies and procedures, including the District policy prohibiting retaliation and intimidation, and measures

and remedies, including counseling, academic adjustments, and a mutual no contact order, available to students who were subjected to racial discrimination and harassment.

- d) The District will distribute written materials that contain the information discussed.

REPORTING REQUIREMENT: By **September 29, 2023**, the District will provide OCR with documentation that it has provided the training referenced in item 2 for the 2023-2024 school year, 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 School employees who attended the training. By **September 30, 2024**, the District will provide OCR with documentation that it has provided the training referenced in item 2 for the 2024-2025 school year, 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 School employees who attended the training.

- 3) By **September 15, 2023**, and annually thereafter, the District will provide effective training to all School employees who are directly involved in processing, investigating and/or resolving complaints or other reports of discrimination or harassment on the basis of race, and any counselors or other School personnel who are likely to receive reports of racial discrimination or harassment. The training will review the District's policies and procedures against racial discrimination and harassment, and include instruction on how to investigate and respond to racial incidents in a timely and thorough manner, including the appropriate legal standards to apply in such investigations, the importance of evaluating the totality of the circumstances and cumulative effect of including previous acts of harassment and off-campus harassment that may have created a racially hostile environment on campus, and the need to take appropriate measures to assure that harassment does not continue during the investigation or recur thereafter. The training will also communicate the criteria to ascertain when a conflict between students may raise an issue of racial discrimination or harassment.

REPORTING REQUIREMENT: By **September 29, 2023**, the District will provide OCR with documentation that it has provided the training referenced in item 3 for the 2023-2024 school year, 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 School employees who attended the training. By **September 30, 2024**, the District will provide OCR with documentation that it has provided the training referenced in item 3 for the 2024-2025 school year, 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 School employees who attended the training.

- 4) By **October 15, 2023**, the District will assess the effectiveness of the 2022-2023 training referenced in items 2 and 3 by conducting surveys of the employees who attended the training(s).
 - a) Regarding item 2, the survey will specifically inquire about their knowledge about what constitutes racial discrimination and harassment, their obligation to report all

allegations and observations of possible racial discrimination or harassment to a complaint manager, and the process for doing so.

- b) Regarding item 3, the survey will specifically inquire about how to recognize conduct, complaints and reports that could constitute race discrimination/harassment, how to conduct an investigation and the grievance process, and how to offer appropriate measures and remedies, including counseling, academic adjustments, and a mutual no contact order, as appropriate. Following these assessments, the District will determine whether additional training is needed.

REPORTING REQUIREMENT: By **November 15, 2023**, the District will provide OCR documentation of the results of the surveys referenced in item 4 and a description and dates of implementation of any actions the District proposes to take in response, including conducting additional training sessions. By **June 14, 2024**, the District will provide OCR documentation of any action(s) taken as a result of the survey results.

STUDENT TRAINING AT THE SCHOOL

- 5) By **September 15, 2023**, and annually thereafter, the District will provide a mandatory age-appropriate orientation session for all School students on the District's policies and procedures prohibiting racial discrimination and harassment. The orientation will remind students of the District's commitment to maintain an environment free from discrimination and harassment based on race and will explain what students should do if they believe they or other students have been subjected to racial discrimination or harassment. The training will also include a warning that discrimination or harassment of students based on race will not be tolerated, that students who discriminate or harass students based on race will be disciplined consistent with District policy, and that students who are subjected to racial discrimination or harassment are entitled to supportive measures and remedies, including counseling, academic adjustments, and a mutual no contact order.

REPORTING REQUIREMENT: By **September 29, 2023**, the District will provide OCR with documentation that it has provided the training referenced in item 5 for the 2023-2024 school year, 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 School students who attended the training. By **September 30, 2024**, the District will provide OCR with documentation that it has provided the training referenced in item 5 for the 2024-2025 school year, 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 School students who attended the training.

STUDENT CLIMATE SURVEY

- 6) By **September 1, 2023**, the District will develop a school climate survey to administer to students at the School to assess the effectiveness of the training referenced in item 5 and to ensure the school is free of racial harassment. The survey will, at a minimum, address:
- a) Students' knowledge and perceptions about conduct that constitutes racial discrimination/harassment;
 - b) The prevalence of racial harassment at the School;
 - c) Students' willingness to report incidents of racial harassment to District personnel;
 - d) Students' knowledge and understanding of the process to report complaints of racial harassment to a District complaint manager;
 - e) Students' perception of the District's handling of reports and complaints of racial harassment; and
 - f) Suggestions for reducing incidents of racial harassment in the school and improving the District's response to reports and complaints of harassment.

REPORTING REQUIREMENT: By **September 8, 2023**, the District will provide OCR for its review and approval the school climate survey it proposes to use and the methods by which it will administer the survey to maximize response rate.

- 7) By **October 31, 2023**, the District will administer the school climate survey to students at the School to assess the effectiveness of the training referenced in item 6 and to ensure the School is free of racial harassment. Upon completion of the survey, the District will review the results to assess whether any additional student or other training is needed to ensure the District is appropriately responding to racial harassment that creates a hostile environment and to further improve the climate at the School.

REPORTING REQUIREMENT: By **December 15, 2023**, the District will provide OCR a copy of the final survey together with a report summarizing the results of the survey. The District will also provide OCR for its review and approval a description of actions if proposes to take, if any, in response to the survey results.

- 8) By **May 31, 2024**, the District will provide any additional student or other training it determined was needed based on the survey results and will take all other actions it determined was necessary in response to the survey results.

REPORTING REQUIREMENT: By **June 14, 2024**, the District will provide documentation of the training and any other actions taken for the remainder of the 2023-2024 school year in response to the school climate survey.

OTHER STUDENT REMEDIES

9) By **July 30, 2023**, the District will post a notice to its website and include information in the 2023-2024 back-to-school communications sent to the School to every current School student and parent/guardian inviting students and former students, who in the 2021-2022 or 2022-2023 school years reported to District personnel that they were subjected to racial harassment by a District student or adult while participating in a District education program or activity and who are in need of remedial services to restore their access to the District's education programs or activities, to file a complaint with a specific District complaint manager the District designates for this purpose.

REPORTING REQUIREMENT: By **July 1, 2023**, the District shall submit to OCR the draft notice and back-to-school communication(s) for review and approval. Within 15 calendar days of receipt of notice of OCR's approval, the District will submit to OCR documentation indicating compliance with the requirements of item 9.

10) The District will promptly investigate the complaints received in response to the notice referenced in item 9 and, if racial harassment is found to have occurred, the District will take steps to eliminate the hostile environment, prevent its recurrence, and discipline the offending student(s) or staff member(s). The District will provide each complainant written notice of its determination and explain any services it is offering to the involved students to remedy the effects of the harassment. If the District determines racial harassment did not occur, the District will provide the complainant written notice of its determination, including the basis for its determination.

REPORTING REQUIREMENT: By **December 1, 2023**, the District will provide to OCR: a detailed summary of the complaints that were submitted pursuant to item 10. At a minimum, the summary will include:

- a) the total number of complaints received;
- b) a description of the documentation and information the District considered in conducting its investigation of each complaint;
- c) the name and title of the District personnel conducting each investigation;
- d) a list of all witnesses contacted and/or interviewed in connection with each investigation;
- e) copies of the notice of outcome provided to the parties;
- f) a summary of each action taken by the District in every case as a result of each investigation; and
- g) documentation of any relief offered and/or provided to current or former students as a result of each investigation.

MAINTENANCE OF DATA

11) Within 30 days of the execution of this Agreement, the District will review and develop a system to maintain documents relating to specific complaints or other reports of racial harassment of students to ensure that its files contain all information necessary to process complaints under Title VI. At a minimum, the District agrees to maintain documentation

including the following:

- a) A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of 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 harassment policies and procedures;
- d) Documentation demonstrating any interim and/or remedial services offered and provided to the Complainant, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and
- e) A narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By **June 14, 2024**, the District will provide to OCR copies of the documentation referenced in item 11 for the 2023-2024 school year.

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. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI and its implementing regulations, 34 C.F.R. Part 100, which were at issue in this complaint.

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 District's representative below.

/s/ _____
For the District
Dr. Jack Gaham, Superintendent

June 5, 2023
_____ Date