



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE FOR CIVIL RIGHTS

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DALLAS, TX 75201-6810

REGION VI
ARKANSAS
LOUISIANA
MISSISSIPPI
TEXAS

Resolution Agreement
Hamlin Independent School District
OCR Case Number: 06111383

The Hamlin Independent School District (“HISD” or the “District”) submits the following commitments to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office, in order to resolve the allegations of discrimination based on race in the above-referenced complaint. Consistent with its ongoing obligation to comply with Title VI of the Civil Rights Act of 1964 (Title VI), HISD ensures OCR it will implement the commitments specified below.

HISD understands that OCR will not close the monitoring of this agreement, which does not constitute an admission that HISD has violated the law, 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 was at issue in this case.

HISD also 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 a minimum of sixty (60) calendar days to cure the alleged breach.

Action Items (with Reporting Requirements):

Policies-

1. Before the end of the 2013-14 academic year, HISD will reaffirm, in writing, its notice of nondiscrimination/anti-harassment on the basis of race, color, or national origin. Such written notice shall be published in student and employee handbooks (including the Student Code of Conduct if separate from the Student Handbook). Additionally, HISD will review and revise, if necessary, its policies and procedures that address discrimination on the basis of race, color, or national origin to ensure that they include the following:
 - a. specific prohibition against racial harassment;
 - b. the definition of harassment;
 - c. references to Board policies applicable to harassment; and
 - d. contact information of the individual(s) to whom such harassment should be reported.
2. The Superintendent and Board of Trustees (School Board) will issue an anti-harassment statement to all District students, parents, and staff that will be posted in prominent

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locations at the District's schools, sent to all students and parents in the District by mail, and posted on the District's website, indicating that the District does not tolerate acts of harassment, including acts of racial harassment. HISD will distribute this statement in languages other than English as necessary.

Reporting Requirements:

By January 31, 2014, HISD will provide to OCR a copy of the District's student and employee handbooks, along with any addendums, for the current academic year and a copy of HISD policies related to racial harassment for the 2013-14 academic year.

By January 31, 2014, HISD will ensure that all relevant policies and procedures regarding racial harassment are posted in each school at a location where other compliance notices are posted and on the District website. Additionally, HISD will provide OCR with a copy of the anti-harassment statement along with verification that the statement has been posted in prominent locations at the District's schools, and published on the District's website. The verification will include a list of all HISD schools that posted the statement, including the locations where the statement was posted and the date the statement was posted at each school within HISD; as well as the date the anti-harassment statement was posted on the HISD website.

Training-

3. By the end of the of 2013-14 academic year, as discussed with OCR, HISD will have provided to its professional employees and all XXXXXX XXXXXX XXXXXX (XXX) faculty and staff, training presented by the Intercultural Development Research Association (IDRA) located in San Antonio, Texas.¹ If necessary, HISD may confer with the Region 14 Education Service Center and/or the Texas Association of School Board in planning the training and will provide participants in the training with a copy of all relevant policies and procedures. Further, information at the training shall:
 - a. clarify that all individuals, regardless of the race/ethnicity of the victim(s) and the alleged harasser(s), are protected against harassing conduct of a racial nature;
 - b. help participants better understand those behaviors that constitute racial harassment and what constitutes notice to staff of racial harassment;
 - c. describe disciplinary sanctions applicable to behavior that constitutes racial harassment; and,
 - d. indicate where, how and to whom instances of racial harassment are to be reported.

4. By the end of the 2013-14 school year, HISD will specifically provide through IDRA, XXX students with training that informs the students of behaviors which constitute racial

¹ On September 16, 2013, OCR contacted IDRA and IDRA staff agreed to provide the training for Hamlin ISD faculty, staff, and students. HISD will contact IDRA at 210-444-1710, or by email at feedback@idra.org, and speak to an IDRA representative regarding the scheduling of the training.

harassment and emphasize that racial harassment is prohibited. As part of the information, the students will be informed of the name of personnel at XXX and at the HISD Administrative Office to whom incidents of racial harassment are to be reported. The information may be provided either as an independent assembly or class presentation, or as part of the HISD's current curriculum/enrichment programs/lessons.

Reporting Requirements:

Within thirty (30) days after the completion of the employee training, and no later than July 15, 2014, HISD will provide OCR with information and documentation evidencing the completion of the in-service training. Documentation shall include sign-in sheets, copies of handouts (and any other substantive information regarding the training), along with the name, title, and daytime telephone number and credentials of the individuals who provided the training. The documentation will also include the name and position of the employees who attended the training; the name and position of employees who were required to attend the training, but did not; and the rescheduled training date for those employees who did not attend the training. The District will provide additional verification of completed training for those individuals who received rescheduled training.

Within thirty (30) days after the completion of the training, and no later than July 15, 2014, HISD will provide OCR with information and documentation evidencing the completion of the training provided to all XXX students. Documentation shall include sign-in sheets (or class rosters, with students' signatures or initials), copies of handouts/class presentation materials (and any other substantive information regarding the training), along with the name, title, and daytime telephone number and credentials of the individuals who provided the training. HISD will also include the number of students, by school and grade, who did not attend the training and will provide additional verification of completed training for those students who received rescheduled training.

Implementation of Policies-

5. During the 2013-14 academic school year and the during the fall semester of the 2014-15 school year, HISD will document all investigations of formal complaints lodged pursuant to the HISD's harassment policy FFH (Local) at XXX concerning alleged behavior of a racially harassing nature. All schools will maintain the record of the investigation in a centralized file for one year subsequent to the disposition of the investigation. The record will include, at the minimum, the following:
 - a. identity of the alleged victim(s) of the harassment and of the alleged harasser(s), by race, grade, and age;
 - b. a copy of the investigation report; and,
 - c. a description of sanctions imposed, if any.

In addition to the formal complaints investigated under HISD's harassment policy FFH

(Local), HISD will also make a good faith effort to maintain a record of any incidents of a racially harassing nature witnessed by XXX faculty and staff during the above time period.

6. At the end of the spring semester during the 2013-14 academic year, HISD will evaluate the information collected in action item five (5) to determine if the actions taken by the District were appropriate. The evaluation shall determine whether:
 - d. prompt and equitable resolution of the complaints was achieved;
 - e. if harassment was confirmed, appropriate action was reasonably calculated to prevent reoccurrence of racial harassment in the educational program, and to reasonably ensure that students were not restricted in participation or benefits of their educational program; and,
 - f. if harassment was confirmed, remedies afforded to the victims of racial harassment were tailored to redress the specific problems experienced by the victim.
7. The District will appoint a designated District-level official (the “Designated Official”), with appropriate training on the requirements of Title VI to review all school-level incident reports mentioned in action item five (5) to ensure that all alleged incidents that involved possible racial harassment were properly identified as such.

Reporting Requirements:

By the end of the 2013-2014 school year, HISD will identify the person selected as the Designated Official, including the name and position of the employee, a signed statement from that person that he or she that he or she has reviewed the District’s policies and regulations, has received the general employee training, and understands his or her obligations to respond to race based harassment under HISD policy and federal law.

By July 15, 2014, HISD will provide OCR a printout or chart of the information requested in the above-referenced action items regarding any behavior of a racially harassing nature occurring during the semester preceding each report, to include, but not limited to the following: copies of all incident reports, discipline referrals, informal complaints, and formal complaints related to race based harassment, and all documentation related to such incidents (e.g., interview notes, correspondence with the parents of the student subject to the harassment and offending student(s), discipline referral(s), statements of findings and remedial action, and prior incidents of discrimination or harassment involving the student subject to the harassment or the offending student(s)). HISD will also include a narrative with supporting documentation to OCR outlining the actions taken, if any, as a result of the investigation or evaluation it conducted in response.

Educational Climate-

8. Beginning no later than the second semester of the 2013-14 school year, the District will conduct climate checks at XXX at the end of the spring 2014 semester and at the end of the fall 2014 semester, to assess the effectiveness of the District’s steps (pursuant to this

Agreement and otherwise) to improve the climate at XXX with respect to racial harassment. The climate check may be accomplished through *anonymous* written or electronic surveys distributed to students, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss the issues raised in person. If the District elects to use a survey, it must be approved by OCR prior to its use. Information gathered during the climate checks will be used to inform future proactive steps by the District to ensure that students are not subjected to a hostile environment based on race.

9. The District will develop a self-evaluation program (“Monitoring Program”) for assessing and monitoring the school climate at XXX to gauge the effectiveness of its anti-harassment efforts. The Monitoring Program will include establishment of a working group (“Committee”) comprised of students, parents, teachers, and administrators to discuss matters concerning harassment and suggest measures for improving the effectiveness of the district's anti-harassment program. Additionally, the Committee will review any surveys or other results from the climate checks referenced in action item eight (8) to identify student and parent concerns and to determine where and when racial harassment at XXX occurs (e.g. classrooms, cafeteria, hallways, etc.). The Committee will consist of: a District-level administrator, at least one administrator from XXX, at least three students from XXX, at least two parents of students who attend XXX, and any other individuals that the District determines appropriate, such as representatives from relevant community-based organizations, to advise the District regarding how best to foster a positive educational climate free of racial harassment at XXX.

Reporting Requirements:

By January 31, 2014, HISD will inform OCR of the means by which it intends to assess the educational climate at XXX, and as noted above, if the District intends to use a survey, provide the survey to OCR for review.

By June 30, 2014, the District will provide OCR with the results of its climate check for the 2014 spring semester and inform OCR whether, based on the results of the climate check, it has determined that further proactive steps are necessary. HISD will also provide OCR with the results of its climate check for the 2014 fall semester by January 15, 2015, and inform OCR whether, based on the results of the climate check, it has determined that further proactive steps are necessary.

By April 30, 2014, HISD will submit a draft of the Monitoring Program to OCR for approval. Within 60 days upon OCR's approval, the School will implement the Monitoring Program. By 30 days following the Committee's meeting, HISD will provide a written report to OCR summarizing the results of the monitoring program for the spring 2013 semester; by 30 days following the Committee's meeting, the District will provide a written report to OCR summarizing the results of the monitoring program for the fall 2014 semester.

Counseling-

10. HISD will offer, in writing (via certified letter), to the parent (the complainant) of the identified students in this complaint (Students A and B) the opportunity to be evaluated by a certified counseling professional (e.g., a certified counselor, psychologist, or psychiatrist knowledgeable about the effects of racial harassment on children of the same age as the Students) to determine if said students were negatively affected by the racially hostile environment established during the 2010-11 school year at XXX, and to determine if there is a need for counseling and/or additional counseling, or other measures to remedy the effects of the harassment on the Students. HISD will make available the counseling or other remedial measures, if any are determined necessary, at its own expense, no later than the end of the spring semester of the 2013-14 school year (spring 2014).

Reporting Requirement:

By July 15, 2014, HISD will provide documentation of its completion of the information requested in resolution item number ten (10) regarding the certified letter sent to the complainant. Additionally, by July 15, 2014, HISD will report to OCR any response, if any, received from the complainant.

Different Treatment-

11. HISD will review Student B's file and will take appropriate remedial action including, but not limited to, altering or expunging the Student's disciplinary records for the incident(s) where she was treated differently than her similarly situated peer(s).²
12. During the 2013-14 school year, the District will institute a data tracking process that will allow discipline referrals and sanctions to be monitored and analyzed at XXX, based on the race of the students, by the District Superintendent or his designee(s), to ensure that the standards in the HISD disciplinary policies and procedures are appropriately and consistently implemented during the 2013-14 school year. To ensure equal treatment of all XXX students in the application of disciplinary sanctions, the District will periodically (at least twice annually) monitor referrals for discipline and sanctions administered at XXX. Following such monitoring, the District will respond promptly to any different treatment of students, based on race or natural origin, with respect to the administration of disciplinary sanctions at XXX. The District will document all steps taken in this regard.

Reporting Requirements:

By July 15, 2014, HISD will provide documentation evidencing the remedial action taken with respect to Student B's disciplinary record.

² Including, but not limited to, the incident occurring on Xxxxxxx xx, xxxx, where OCR determined Student B was treated differently than her similarly situated white classmate.

By July 15, 2014, HISD will provide documentation to OCR demonstrating that it has developed the data tracking process in accordance with action item twelve (12). Additionally, HISD will provide OCR with a copy of the discipline data for the period covering the 2013-14 school year at XXX. The reports shall include, at a minimum, the names and race/ethnicity of students, reasons for the discipline referral, and the sanctions imposed. If the District's analysis of the data indicates that XXX students were subjected to different treatment based on race with respect to the imposition of disciplinary sanctions, the District will provide, within 30 days of each reporting date, documentation demonstrating how it addressed such different treatment. HISD will also provide a copy of its data analysis, and documentation demonstrating what it did to address any different treatment of XXX students observed in this data.

HISD 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, HISD understands that during the monitoring of this agreement, if necessary, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether HISD 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 case.

Superintendent (or designee)

Date