

**RESOLUTION AGREEMENT
WEBSTER COUNTY SCHOOL DISTRICT
OCR Matter No. 06151714**

The Webster County School District (WCSD, or District) voluntarily submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), Dallas Office. By this Agreement, the WCSD commits to the following actions, consistent with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. 2000d, and its implementing regulations at 34 C.F.R. Part 100, with regard to the above-referenced complaint. The Complainant in this matter is [** redacted **] (Complainant), and the Student is [** redacted **] (Student).

This Agreement is not intended to constitute, nor shall it be construed to constitute, an admission by the WCSD of any violation of Title VI.

POLICIES AND PROCEDURES

ACTION ITEM 1: ATHLETIC DISCIPLINE POLICY

[** redacted **] will establish a written policy articulating clear expectations for conduct on the [** redacted **]. The policy will clearly articulate what the penalties for students who fail to comply with the policy will be. The policy will state what conduct, if any, will result in dismissal [** redacted **]. The District will ensure that this policy is applied consistently to all [** redacted **], regardless of race, color, or national origin. The District will distribute this policy to the [** redacted to end of sentence **].

Reporting Requirement 1: By **August 1, 2017** the District will provide:

- a. A copy of the written policy to OCR;
- b. A signed statement from the District employee responsible for distributing the written policy, describing when and how this written policy was distributed to [** redacted to end of sentence **].

ACTION ITEM 2: RESPONSES TO HARASSMENT COMPLAINTS

The District agrees to take all reasonable steps to ensure that students enrolled in the District are not subject to harassment on the bases of race, color, or national origin. To this end, the District will promptly respond to all complaints (both formal and informal) of harassment of students on the bases of race, color, and national origin, and all incidents which are known or reasonably should be known to the District. The District will take prompt and effective action reasonably designed to investigate complaints. If the District determines that harassment occurred, the District will take prompt and effective action reasonably designed to end the harassment, prevent

its recurrence and, if appropriate, take steps to remedy the effects of harassment on student(s) and the school community.

Reporting Requirement 2: By **June 30, 2018**, the District will provide documentation to OCR of all informal and formal complaints of harassment on the bases of race, color, or national origin made during the preceding school year. This documentation will include copies of each complaint; a description of the complaint; the District's response; and the resolution, including the report of any investigation conducted and any disciplinary sanctions issued, remedial efforts offered or provided, and all interim and permanent action taken to prevent recurrence. If there have been no complaints, the District will certify in writing that no complaints on the bases of race, color, or national origin were made.

ACTION ITEM 3: DOCUMENTING COMPLAINTS AND INCIDENTS, CONDUCTING INVESTIGATIONS, RECORD-KEEPING AND TRACKING

The District will develop and implement a system for documenting, investigating, record keeping and tracking complaints and incidents of harassment on the bases of race, color, and national origin (including reporting of incidents that do not result in the filing of a written complaint). At a minimum, this system will include the following:

- a. A method for documenting all complaints of harassment.
- b. A method for documenting incidents of harassment of which responsible employees become aware but did not result in a complaint.
- c. A confidential procedure for instances in which the complaining party does not wish to identify himself or herself to the alleged harasser.
- d. Assignments of school site administrators or staff with appropriate knowledge and experience of the procedures for conducting investigations.
- e. A requirement that the person designated to conduct the investigation will interview all relevant witnesses; including the alleged harasser(s), the student(s) allegedly harassed, and others with knowledge of the incident(s).
- f. A method for documenting interviews and other information from all sources (including parties involved; witnesses, teachers, counselors, and administrators) in one record-keeping system.
- g. A requirement that the person designated to conduct the investigation will determine, based on a preponderance of evidence, whether the alleged harassment did or did not occur; the identity of the student who engaged in the conduct; and the harm to the student subjected to the harassment, if any.
- h. A method for the person designated to conduct the investigation to document the investigative findings, and the specific steps he or she took in conducting the investigation and reaching conclusions.

- i. A requirement that the person designated to conduct the investigation will maintain ongoing contact with the individual allegedly harassed throughout the investigation and within a reasonable period of time following conclusion of the investigation, to assess whether there has been ongoing harassment or retaliation, and to determine whether additional supportive measures are needed.
- j. A requirement that the person designated to conduct the investigation will maintain records of all complaints, investigations, interim measures, interview notes, and findings (including records of any corrective action taken, including disciplinary action) and the basis for those findings.

Reporting Requirement 3: By **July 1, 2017** the District will provide to OCR for review and approval a detailed description of the proposed system for documenting, investigating, record-keeping, and tracking complaints and incidents of harassment on the bases of race, color, and national origin developed in accordance with this action item. Within 30 calendar days of receiving OCR's approval, the District will provide confirmation that the system has been implemented.

TRAINING

ACTION ITEM 4: TRAINING FOR DESIGNATED INVESTIGATORS

The District will provide training to its staff designed to investigate allegations of discrimination and harassment that covers recognizing and appropriately responding to complaints and incidents of discrimination and harassment. The training will address how to conduct and document adequate, prompt, reliable, and impartial investigations; including conducting interviews of victims of harassment in a fair, non-biased, and objective manner.

Reporting Requirement 4:

- a. By **August 1, 2017**, the District will provide to OCR for review and approval a draft training to OCR. This draft training will include, at a minimum: the name, credentials, and contact information of the trainer; a detailed outline of the content of the training; copies of any proposed materials to be used in the training, such as PowerPoint slides, handouts, etc.
- b. **Within 30 calendar days of receiving OCR's approval** of the training specified in Action Item 4, the District will provide to OCR documentation demonstrating that the training referenced above was provided. This documentation will include, at a minimum, the date(s) of the training; the name, credentials, and contact information of the trainer; copies of any training materials used, such as PowerPoint slides, handouts, etc.; and proof of attendance by relevant staff.

ACTION ITEM 5: TRAINING FOR STAFF

The District will provide training to all District staff regarding intervention and prevention strategies and responses to possible incidents of harassment on the bases of race, color, or national origin. The training will include, at a minimum:

- a. Instruction on what types of conduct constitute harassment on the basis of race, color, or national origin, and the negative impact that such harassment has on the educational environment;
- b. The obligation of all WCSD personnel to recognize and report instances of bullying or harassment on the basis of race, color, or national origin to the appropriate point of contact at WCSD for appropriate investigation and response;
- c. Notice that failure to respond appropriately to notices of harassment on the bases of race, color, or national origin violates District policy and may result in the imposition of disciplinary sanctions.

Reporting Requirement 5:

- a. By **August 1, 2017**, the District will provide to OCR for review and approval a draft training to OCR. This draft training will include, at a minimum: the name, credentials, and contact information of the trainer; a detailed outline of the content of the training; copies of any proposed materials to be used in the training, such as PowerPoint slides, handouts, etc.
- b. **Within 30 calendar days of receiving OCR's approval** of the training specified in Action Item 5, the District will provide to OCR documentation demonstrating that the training referenced above was provided. This documentation will include, at a minimum, the date(s) of the training; the name, credentials, and contact information of the trainer; copies of any training materials used, such as PowerPoint slides, handouts, etc.; and proof of attendance by relevant staff.

INDIVIDUAL RELIEF

ACTION ITEM 6: COUNSELING

WCSD will offer counseling for the Student. These counseling sessions may take place by telephone or in person, and may be provided by a qualified District staff member. The District will provide written notice to the Student stating that the Student may receive up to 10 hours of counseling which the Student can take advantage of on any school day during the District's fall semester through December 1, 2017; the District may, at its discretion, include additional times between the date of this Agreement and August 31, 2017 during which counseling will be available. The written notice will include the name, title, and contact information (including telephone number and email address) for the staff member or other qualified individual who will provide the counseling.

Reporting Requirement 6:

- a. **Within 30 days of the date of this Agreement**, WCSD will provide OCR with a copy of the written record notice to the Student (e.g. letter, email, etc.).
- b. By **December 10, 2017**, WCSD will provide OCR with:
 1. The dates of the counseling provided, the length of each session, and whether the session was conducted in-person or by phone;
 2. The credentials of the staff member or other individual that provided the counseling; and
 3. All written records (emails, etc.) concerning requests made by the Student for counseling sessions, and the scheduling of such services.

The District understands that OCR will not close the monitoring of this Agreement 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 complaint. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. 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 complied with 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. 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.

Signed:

Superintendent

Date