

RESOLUTION AGREEMENT

Clear Creek Independent School District OCR Case No. 06171978

OCR and the Clear Creek Independent School District (CCISD or District) enter into this 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. The District assures the U. S. Department of Education, Office for Civil Rights, (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, and its implementing regulation at 34 C.F.R. Part 100, with regard to the above-referenced complaint.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

DEFINITION

- Racial harassment means conduct (e.g., physical, verbal, graphic, or written) that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient. Racial harassment includes harassment on the basis of actual or perceived shared ancestry or ethnic characteristics.

ACTION ITEM I: RESPONSES TO 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, national origin¹. To this end, the District will promptly respond to all complaints (both formal² and informal³) of harassment of students on the basis of race, and all incidents which are known or reasonably should be known to the District. The District will take reasonable, timely and effective responsive action reasonably designed to end the harassment; prevent its recurrence; and where appropriate, take steps to remedy the effects of the harassment on the student(s) and the larger school community.

REPORTING REQUIREMENT: By January 30, 2019 and June 30, 2019, the District will provide documentation to OCR of all informal and formal complaints of harassment on the basis of race made during the preceding semester at Victory Lakes Intermediate School and Clear Springs High School. This documentation will include copies of each complaint; a description of the complaint; the District's response; and the resolution,

¹ Hereinafter, references only to racial harassment include harassment based on color or national origin.

² Formal complaints are defined as those that are presented in written form.

³ Informal complaints include those that are reported verbally to a responsible employee; i.e., an employee who has the authority to take action to redress the harassment; who has been given the duty of reporting incidents of harassment or any other misconduct by students to an appropriate school designee; or whom a student could reasonably believe has this authority or duty.

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 basis of race were made.

ACTION ITEM II: ANTI-HARASSMENT STATEMENT

Within 30 days of the signing of this Agreement, the District will submit to OCR, for review and approval, a statement to be distributed to all District students, parents, and staff stating that the District does not tolerate acts of harassment on the basis of race. The statement will:

1. Encourage any student who believes he or she has been subjected to harassment on the basis of race to report the harassment to the District;
2. Note the District's commitment to conducting a prompt, adequate, reliable, and impartial investigation and providing a reasonable, timely, and effective response to stop the harassment, prevent its recurrence, and address its effects;
3. Include information regarding where to locate the District's harassment policy and how to make a complaint;
4. Indicate that support, including counseling and educational resources will be available to students who are harassed as well as to students found to have engaged in acts of harassment on the basis of race;
5. Indicate that harassers may be disciplined, including if circumstances warrant, with suspension or expulsion of a student and suspension or termination of an employee;
6. Note that retaliation for reporting harassment is prohibited and that allegations that students and/or employees have retaliated will be promptly investigated and addressed.

REPORTING REQUIREMENT: Within 30 days of the signing of this Agreement, the District will submit a copy of the District's statement for OCR's review and approval. Within 30 calendar days of receiving OCR's approval, the District will publish the statement and disseminate the statement to all students, parents and staff by letter/newsletter and post it on the District's website, and provide OCR with copies of all letters/newsletters and webpages where the statement was published.

ACTION ITEM III: HARASSMENT POLICIES

Within 30 days of the signing of this agreement, the District will review and revise, as necessary, its discrimination policies to ensure that these provide for reasonable, timely and effective responsive action to complaints of harassment on the basis of race. At a minimum, the District will ensure:

1. Development and dissemination of a policy prohibiting racial harassment and retaliation, with notice to students, parents, and staff, including how to make a complaint;
2. Adequate, reliable, and impartial investigation of complaints;
3. Assurance that the District will take reasonable, timely, and effective responsive action, which may include interim measures to ensure the safety of the complainant and the larger school community during the investigation, the imposition of appropriate

- disciplinary measures, and steps reasonably calculated to stop the harassment, prevent its recurrence, and address its effects; and
4. Notice to the parties of the outcome of the complaint.

REPORTING REQUIREMENT: Within 30 days of the signing of this Agreement, the District will provide a draft of the harassment policy to OCR for review and approval. Within 60 calendar days of OCR's approval, the District provide documentation to OCR demonstrating that it has formally adopted the revised harassment policy; updated its printed publications and on-line publications with the revised policy (inserts may be used pending reprinting of these publications); and electronically disseminated the revised policy to students, parents and staff. This documentation will include at a minimum; (i) printouts or a link to all on-line publications containing the revised policy; (ii) evidence of the electronic dissemination of the revised policy to students, parents and staff; and, (iii) if not yet finalized, copies of inserts for printed publications.

ACTION ITEM IV: TRAINING FOR THE STAFF

By October 19, 2018, the District will provide training to all teachers, administrators and counselors at Victory Lakes Intermediate School and Clear Springs High School that covers, at a minimum:

1. Recognizing and appropriately responding to complaints and incidents of discrimination (including harassment) based on race;
2. Information on what constitutes racial discrimination and harassment; and
3. The District's obligation to conduct adequate, prompt, reliable, and impartial investigations, and to take steps reasonably calculated to stop the discrimination or harassment, prevent its recurrence, and address its effects.

REPORTING REQUIREMENT: By October 26, 2018, the District will provide documentation demonstrating that the training referenced above was provided. This documentation will include, at a minimum, the date(s) of the training; the name and credentials of the trainer; copies of any training materials used, including handouts, guides or other materials; and proof of attendance by relevant staff.

ACTION ITEM V: TRAINING FOR STUDENTS

By October 19, 2018, the District will provide age-appropriate student training at Victory Lakes Intermediate School and Clear Springs High School that covers, at a minimum:

1. The District's prohibition of discrimination based on race, including harassment on social media that impacts the school environment;
2. What constitutes discrimination (including harassment) based on race and how to recognize it;
3. The importance of reporting and how, where, and to whom to report racial discrimination, including methods for reporting incidents anonymously;

4. The prohibition against retaliation for reporting incidents and how to report incidents of retaliation;
5. The disciplinary sanctions applicable to anyone who engages in racial discrimination or retaliation; and
6. Counseling and other services available to students who have experienced racial discrimination.

REPORTING REQUIREMENT: By October 26, 2018, the District will provide documentation to OCR demonstrating that the training referenced above was provided to all students. The documentation will include at a minimum: the date(s) of the training; the names and credentials of the presenters; copies of any materials used, including any handouts, guides or other materials; and a statement verifying attendance by students.

ACTION ITEM VI: SYSTEM FOR RECORD-KEEPING AND TRACKING

Within 30 days of the signing of this agreement, the District will develop and implement a system for documenting, investigating, record-keeping and tracking formal and informal complaints and incidents of discrimination on the basis of race. At a minimum, this system will include the following:

1. A method for documenting all formal and informal complaints of racial discrimination and harassment;
2. The date of the complaint;
3. A description of the complaint, the parties involved, and the alleged facts;
4. Documentation of the District's response and the corresponding dates, including any interim measures taken, the investigative file/notes and determination, and steps taken to stop the discrimination or harassment, prevent its recurrence, and address its effects.
5. Notification to the parties of the result of the process, including the date of the notice.

REPORTING REQUIREMENT: Within 30 days of the signing of this agreement, the District will provide to OCR for review and approval a description of the system for documenting, investigating, record-keeping, and tracking complaints and incidents of discrimination or harassment on the basis of race developed in accordance with this action item. Within 30 calendar days of receiving OCR's approval, the District will provide confirmation that the system is operative.

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. Part 100. 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. 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

