

RESOLUTION AGREEMENT
Deer Creek Public Schools
OCR Docket Number 07141103

The Deer Creek Public Schools (District), Edmond, Oklahoma, submit this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the complainant's allegation in OCR Docket No. 07141103. The District, as a recipient of Federal financial assistance, is subject to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 United States Code § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100.

The complainant alleged the District discriminated against her daughter on the basis of race by failing to take prompt and effective action to stop and address the racial harassment of her daughter by another student. The District voluntarily agreed to resolve the complaint prior to the conclusion of OCR's investigation into the complaint allegations. This Agreement does not constitute an admission by the District of a violation of Title VI or any other law.

The District agrees to take the following actions:

RACIAL HARASSMENT POLICY & SCHOOL-WIDE DISCIPLINE PLAN

1. By January 25, 2015, the District will develop a policy prohibiting racial harassment (racial harassment policy), including the harassment of students by other students and the harassment of students by administrators, staff, and other District employees. At a minimum, the District's racial harassment policy and, if applicable, associated procedures will contain the following:
 - (a) A statement setting forth the District's commitment to having a school environment free from all harassment based on race, color, and national origin. Such statement must explain that the District prohibits race, color, and national origin harassment in the school environment, including all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report to the designated staff member required in accordance with item 1(h) of this Agreement all incidents of harassment of which they become aware by whatever means. The statement will specify that the District will investigate formal and informal complaints of harassment.
 - (b) Examples of the type of conduct and behavior that are covered by the policy, including examples of staff-to-student and peer-to-peer conduct.
 - (c) Identification of the kinds of activities and sites where prohibited conduct could occur.

- (d) An explanation of how to report racial harassment and/or file a complaint (formally and informally).
- (e) A requirement that school personnel report incidents of alleged student-on-student and staff-to-student harassment that may be based on race, color, and/or national origin that school personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms.
- (f) A description of the District's complaint procedures, including a requirement that an investigatory report be filled out by each District school's designated staff member or his/her designee during the course of the investigation, a ten (10) business day timeframe for the District's investigation of a complaint, and a requirement that written notice of the outcome of the investigation be provided to the parties.

The investigatory procedures documented in the investigatory report shall, at a minimum, include: (1) the name, race, and national origin of the alleged victim and, if different, the name and race of the person reporting the allegation; (2) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (3) the names and races of all persons alleged to have committed the alleged harassment, if known; (4) the names and races of all known witnesses to the alleged incident; (5) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (6) the outcome of the investigation; and (7) the response of school personnel and, if applicable, District-level officials, including the date any incident was reported to law enforcement.

- (g) Identification of the means the District will use to investigate incidents of harassment, including but not limited to:
 - i. the various steps the District will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - i. a statement that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence of the harassment; and
 - ii. the District's standards for determining whether a hostile environment exists.
- (h) The name or title and contact information (including office address, email address, and telephone number) for the District employee(s) responsible for receiving and/or investigating reports of harassment, including the investigatory report.

- (i) A requirement that each District school's designated staff member(s), required in accordance with item 1(h) of this Agreement, document all reports of incidents of harassment.
- (j) A recommendation that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- (k) Prohibition of retaliation against persons who report alleged harassment or participate in related proceedings.
- (l) A statement that the District will offer counseling services with a District counselor or a counselor associated with the District's School Health and Wellness Program to any person determined by the District, or District Harassment Committee, to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, to the person(s) who committed the harassment.
- (m) Development of a plan for a comprehensive training program for District officials and administrators responsible for implementing and enforcing Federal anti-discrimination and anti-harassment laws and related policies and procedures, and all appropriate school level and security personnel.

REPORTING REQUIREMENT: By January 25, 2015, the District will submit its racial harassment policy and associated procedures to OCR for its review and approval.

2. Within 60 calendar days of written notification from OCR that the District's racial harassment policy and associated procedures are consistent with Title VI requirements and satisfy item 1 of this Agreement, the District will adopt and implement the policy and procedures, publish them in its Board Policy Manual, post the policy and procedures at Deer Creek Middle School and Deer Creek High School in an area accessible to students, parents, and District staff, and post the policy and procedures on the District's website.

REPORTING REQUIREMENT: By June 25, 2015, the District will provide OCR documentation showing it has complied with item 2 of this Agreement.

3. By August 15, 2015, the District will publish its OCR approved racial harassment policy in its Deer Creek Middle School and Deer Creek High School Student Handbooks.

REPORTING REQUIREMENT: By August 15, 2015, the District will provide OCR documentation showing it has complied with item 3 of this Agreement.

4. By August 15, 2015, the District will revise its School-wide Discipline Plan to include racial harassment as a specific disciplinary offense/violation and will clarify in the

Discipline Plan the range of penalties the District may impose on students for engaging in racial harassment.

REPORTING REQUIREMENT: By August 15, 2015, District will provide OCR documentation showing it has complied with item 4 of this Agreement.

STUDENT CLIMATE SURVEYS

5. Prior to the end of the 2014-15 school year, the District shall develop and administer a school climate survey to its middle and high school students to assess the presence and effect of harassment based on race, color, and national origin within the District. This school climate survey may, but is not required to, address issues other than racial harassment or be incorporated into an existing District survey tool. After the 2014-15 school year, the District will administer its school climate survey to students on an annual basis for at least five (5) years. The District will submit its proposed climate survey to OCR by March 25, 2015, with a written explanation of how the District intends to distribute, collect, and utilize the results of the climate survey.

OCR will review the proposed climate survey information submitted by the District and make suggested revisions, as necessary. The District agrees to conduct the school climate survey, using the climate survey revised by OCR, if applicable, prior to the end of the 2014-15 school year. The District will review the results of the survey within 45 calendar days of its administration. Based on a review of the results of the survey, the District will take appropriate corrective actions to address all climate issues related to harassment, including racial harassment, identified through the survey. The corrective action, if necessary, will be implemented within 60 calendar days of the completion of the survey review.

REPORTING REQUIREMENT: By June 25, 2015, the District will provide OCR a summary of the results of the climate survey it issued during the 2014-15 school year. The District does not have to provide OCR a summary of the climate survey results for subsequent school years unless requested in writing by OCR. The District will also provide information to OCR documenting its implementation of the corrective or other actions the District took in response to the climate issues identified through the climate survey for the 2014-15 school year within 30 days of those actions being completed.

TRAINING REGARDING RACIAL HARASSMENT

6. By January 25, 2015, and annually thereafter for at least five (5) years, the District will provide training regarding racial harassment to all of the District's middle and high school students. At a minimum, the training will focus on helping students recognize conduct that is racially harassing and understand the consequences of engaging in racial harassment, and will encourage students to report racial harassment and instruct them on

how to report racial harassment.¹ This training may be combined with training on other topics as long as the issue of racial harassment remains a focal point of the training.

REPORTING REQUIREMENT: By March 25, 2015, the District will provide OCR documentation showing it has complied with item 6 of this Agreement for the 2014-15 school year. The documentation must identify and include:

- (a) the name and title of the individual(s) who conducted the training;
 - (b) the date, time, and location of the training;
 - (c) the topics addressed at the training;
 - (d) a copy of any materials distributed at the training; and
 - (e) sign-in sheets with the name and grade level of each student who participated in the training.
7. By March 25, 2015, and annually thereafter for at least five (5) years, the District will provide racial harassment training to Deer Creek Middle School administrators, counselors, and teachers. The training will be conducted by an individual with appropriate expertise on the issue, and may cover other topics in addition to racial harassment. At a minimum, the training will address the following:
- (a) Title VI's prohibition against race discrimination, including racial harassment;
 - (b) what conduct constitutes racial harassment;
 - (c) the District's racial harassment policy;
 - (d) what District employees should do if a student complains of racial harassment by another student, a District employee, or a third party;
 - (e) what District employees should do if they witness racial harassment of a student by another student, a District employee, or a third party;
 - (f) the District's process for investigating and resolving racial harassment complaints;
 - (g) Title VI's prohibition on retaliation against a student or other individual who files a racial harassment complaint or participates in a Title VI complaint investigation; and

¹ The South Central Collaborative for Equity (SCCE), a non-profit equity assistance center funded by the U.S. Department of Education, may be able to provide the District assistance with this training if needed. Additional information regarding the SCCE is available online at <http://www.idra.org>.

- (h) whom to contact with questions about the District’s process for reporting or addressing student complaints of race discrimination, including racial harassment.
8. By January 25, 2015, and annually thereafter for at least five (5) years, the District will provide training to all individuals in the District who are responsible for investigating reports of racial harassment on how to conduct prompt, thorough investigations of reports of racial harassment and how to document the investigation and findings. The training will be provided by someone with appropriate expertise on the topic, and may cover other topics in addition to racial harassment. This training may be combined with the training required by item 7 of this Agreement or provided separately.

REPORTING REQUIREMENT: By June 25, 2015, the District will submit to OCR documentation showing it has provided the training described in items 7 and 8 of this Agreement for the 2014-15 school year. The documentation must identify and include:

- (a) the name, title, and qualifications of the individual(s) who conducted the training;
- (b) the date, time, and location of the training;
- (c) an outline of the content of each training;
- (d) a copy of any materials distributed to the training participants; and
- (e) sign-in sheets with the name and title of each employee who participated in the training and, if applicable, the name of the school in which each employee works.

The District does not need to submit documentation to OCR regarding subsequent annual training sessions contemplated by this Agreement unless OCR requests such information in writing from the District.

RACIAL HARASSMENT RECORDS

9. The District will use its PowerSchool database, or an alternate database, to document all reports of racial harassment against a District student and the District’s response to the reported harassment. The District will document the name and race of the individuals involved in each reported incident as well as the names of any witnesses to the incident, the date of each incident, a description of each incident, witness statements, investigatory notes of the individual investigating the report of racial harassment, and the District’s conclusion regarding the reported racial harassment and response to any racial harassment it determines has occurred, including disciplinary action that was taken.

REPORTING REQUIREMENT: By June 25, 2015, the District will provide OCR a copy of its records for each report of student-on-student racial harassment received during the second semester of the 2014-15 school year involving Deer Creek Middle School and Deer Creek High School students.

REPORTING REQUIREMENT: By January 25, 2016, the District will provide OCR a copy of its records for each report of student-on-student racial harassment received during the first semester of the 2015-16 school year involving Deer Creek Middle School and Deer Creek High School students.

INDIVIDUAL REMEDIES

10. By September 30, 2014, the District will add an entry to its discipline log for the student the complainant claimed racially harassed her daughter (Student 1) regarding the report the complainant's daughter made to Deer Creek Middle School administrators on XXXXX XX, 2014, alleging that Student 1 used a racial epithet in the school cafeteria. The entry will specify what racial epithet the complainant's daughter reported and will state what, if any, disciplinary consequences school administrators imposed on Student 1 as a result of the report, including but not limited to issuing a verbal warning to Student 1.
11. By September 30, 2014, the District will add an entry to its discipline log for Student 1 regarding the report the complainant's daughter made to Deer Creek Middle School administrators on XXXXX XX, 2014, alleging that another student told her Student 1 had repeatedly used a racial epithet. The entry will specify what racial epithet the complainant's daughter reported to the administrators.

REPORTING REQUIREMENT: By September 30, 2014, the District will provide OCR a copy of its revised discipline log for Student 1 showing it has complied with items 10 and 11 of this Agreement.

12. If the complainant's daughter attends school in the District during the 2014-15 school year, the District will, within 10 business days of the day the complainant's daughter starts attending school, designate a specific Deer Creek High School administrator or counselor with whom the complainant's daughter may meet if she has any concerns regarding racial harassment or bullying that she would like to discuss. In addition to meeting with the complainant's daughter at the daughter's request, the designated administrator or counselor will periodically ask the complainant's daughter, in a private setting, if she has any concerns regarding racial harassment or bullying by other students that she would like to discuss. The designated administrator/counselor will keep documentation of each meeting with the complainant's daughter at which racial harassment or bullying by one or more students was discussed. At a minimum, the documentation must provide the date and time of each of the administrator's/counselor's meetings with the complainant's daughter, a summary of any concerns shared by the daughter at the meeting, and the District's action(s) to address such concerns.

REPORTING REQUIREMENT: By June 15, 2015, the District will provide OCR a copy of the documentation required by item 12 of this Agreement, if applicable, or will

advise OCR in writing that the complainant's daughter did not attend school in the District during the 2014-15 school year.

13. By September 30, 2014, regardless of whether the complainant's daughter is enrolled in the District, the District will offer, in writing, the complainant and her daughter the option of having the complainant's daughter meet with a District counselor, or a counselor associated with the District's School Health and Wellness Program, at least six times during the 2014-15 school year, at no cost, to discuss any concerns she has regarding racial harassment or bullying by other District students, including harassment or bullying that occurred in the past. The complainant's daughter will not be required to meet with the counselor if she does not want to do so. If the complainant's daughter opts to accept such counseling and is not enrolled in the District, the counseling will be provided outside of regular school hours to allow the complainant's daughter to participate in the counseling without missing school. The District's written offer to the complainant and her daughter should allow the complainant and her daughter a minimum of 30 days to respond to the District's offer.

REPORTING REQUIREMENT: By November 1, 2014, the District will provide OCR documentation showing it has complied with item 13 of this Agreement.

REPORTING REQUIREMENT: If the timeframe noted in the District's written offer to the complainant and her daughter lapses and the District has not received a response from the complainant and her daughter, the District should report this to OCR with 10 days of the expiration of the written offer, and no further action on the part of the District will be required with regard to item 13 of the Agreement.

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 case.

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, 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 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.

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

/s/ Ranet Tippens
Ranet Tippens, Superintendent
Deer Creek Public Schools

9-4-2014
Date