

Resolution Agreement
Orangeburg Consolidated District Five
OCR Complaint No. 11-13-1191

Orangeburg Consolidated District Five (the District) agrees to fully implement this resolution agreement (Agreement) to resolve Office for Civil Rights (OCR) Complaint No. 11-13-1191. The Agreement, when fully implemented, will resolve the above Complaint. The Agreement addresses the allegations raised under Title VI of the Civil Rights Act of 1964.

The District agrees to take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment and to respond to allegations of harassment on the basis of race, color, or national origin. To this end, the District will promptly investigate all incidents of harassment of students on the basis of race, color, or national origin that are known or reasonably should be known to the District. The District will take prompt and effective responsive action reasonably designed to end the hostile environment if one has been created, prevent its reoccurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected student(s).

RECORD KEEPING/DOCUMENTATION

1. The District will assist the School in developing a system for documenting and tracking incidents/allegations of harassment based on race, color, or national origin. The process will include at a minimum:
 - a. (i) the incident date, (ii) description of the incident, (iii) identify the students involved, (iv) name of the teacher or other employee reporting the incident, (v) the student's race, and (vi) the outcome of the investigation. The District will designate at least one individual who is responsible for ensuring the completeness and accuracy of the information that is collected.

Reporting Requirement: By December 16, 2013, the District will submit for OCR's review and approval a draft description of the School-based procedures for documenting and managing records of incidents of racial harassment, including the title of the individual responsible for maintaining the database.

Reporting Requirement: By February 7, 2014, the District will provide OCR with documentation indicating that the procedures are being implemented.

TRAINING

2. By January 14, 2013, OCR will train all instructional and administrative staff at the School regarding the prevention of, and response to, harassment based on race, national origin, or color. This training will specifically target staff responsibilities by employment designation (e.g., school administrators, school counselors, and teachers). In all cases, the training will include, at a minimum:
 - a. in-depth guidance to increase awareness of what constitutes such harassment between students or involving a student victim, and the negative impact that it has on the educational environment;
 - b. specific guidance on what constitutes harassment based on race, national origin, or

- color; how it is different than bullying; staff members' responsibility for responding to such harassment and their roles in that response; the identity of the person to whom reports should be made and the manner in which reports should be presented;
 - c. notice that failure to respond appropriately to notice of such harassment violates federal law;
 - d. in depth guidance on the school-based record keeping procedures describe in provision 1; and
 - e. information regarding community resources and other processes and remedies available.
3. OCR will also train individuals at the School who are responsible for conducting investigations or supervising investigators on how to conduct and document investigations of harassment based on race, color, or national origin, and the appropriate standards to apply in reaching determinations and formulating corrective actions and providing for appropriate discipline.

Reporting Requirement: By November 20, 2013, the District will schedule the trainings described in Provisions 2 and 3 above.

HARASSMENT COMPLAINT

4. The School will conduct an appropriate investigation or review of the allegation of racial harassment made against Student A by the Student and the Complaint following the classroom incident in XXXX. The review or investigation will be documented and will be maintained in a central database or location with other similar race-related complaints. The review will require the School to consider whether to provide additional services to the Student in order to address the effects of the harassment. The School will incorporate feedback from the Student's parent in assessing whether he needs additional services, and if applicable, the School will take steps to prevent the recurrence of any discrimination and to remedy any discriminatory effects on the individual Student (e.g. amending the Student's disciplinary record, or offering counseling services).

Reporting Requirement: By February 7, 2014, the District will provide to OCR for its review documentation of its investigation, findings, and rationales for findings, and if it determines that harassment occurred, any actions it proposes to take to prevent further incidents of such harassment and to correct the effects on the Student.

Reporting Requirement: Within 10 days of receiving feedback from OCR, the District will incorporate OCR's feedback and will provide OCR with documentation of any actions that it took, including providing the Student and/or his parent with written notice of the outcome of its investigation.

Reporting Requirement: If applicable, by March 7, 2014, the District will provide OCR with documentation that it provided the Student with any approved remedies.

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, which was at issue in this case.

The District also 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 additional reports or data as 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 C.F.R Part 100, 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/

12/10/13

Superintendent or Designee
Orangeburg Consolidated District Five

Date