

RESOLUTION AGREEMENT
Sumter School District
OCR Case No. 11-17-1084

Sumter School District (the District) agrees to implement fully this Resolution Agreement (Agreement) to resolve Office for Civil Rights (OCR) Case No. 11-17-1084. This Agreement does not constitute an admission by the District of a violation of Title VI of the Civil Rights Act of 1964 (Title VI) or any other law enforced by OCR.

COUNSELING

1. By July 21, 2017, the District will notify the Complainant via letter that the District will provide up to fifteen (15) hours of social/emotional and/or academic counseling for the Student at the prevailing average rate in the Student's current local community as determined by the District. The District will provide the Complainant a list of a minimum of three (3) available social/emotional and academic service providers that charge the prevailing rate and inform the Complainant that she can select the provider of her choice within the rate established by the District. The District will inform the Complainant that she has thirty (30) days from the date of the letter to accept the offer of services in writing and indicate her selection of a service provider. The District will notify the Complainant that the Student must utilize the counseling no later than June 30, 2018, or it will be forfeited.

Reporting Requirements:

By August 23, 2017, the District will provide documentation to OCR of the letter described above and whether the Complainant accepted the District's offer of counseling services.

If the Complainant accepts the District's offer of counseling services, by August 30, 2018, the District will provide OCR with documentation of the services provided.

POLICY

2. By December 1, 2017, the District will revise the Board of Trustees (Board) Harassment, Intimidation, and Bullying Policy (HIB Policy). The revised policy will not only include definitions of harassment, intimidation, and bullying but also outline the District's obligation to investigate complaints of harassment, intimidation, and bullying; the proper procedures when investigating a complaint; and the District's record-keeping obligations. Once approved by OCR and adopted by the Board, the District will distribute the revised HIB Policy to all schools and distribute the HIB Complaint Form to all students either directly or through communication with parents/guardians.

Reporting Requirements:

By July 28, 2017, the District will provide OCR with a draft of the revised policy for OCR's review and approval.

EDUCATION AND TRAINING

3. By January 15, 2018, the District will provide mandatory in-service training to appropriate District Office administrators and School Principals, Assistant Principals and other appropriate staff on the District's revised HIB Policy. At a minimum, the training will include:
 - a. a focused review of the District's HIB policy, including specific guidance on what constitutes racial harassment, how to investigate and respond to student or parent complaints of racial harassment, how to identify whether the incident is a disciplinary issue or whether it is racial harassment incident (specifically, the use of racial slurs); how racial harassment is different than bullying; the District's responsibility for responding to racial harassment; and the administration's role in that response;
 - b. a focused review of the District's record keeping obligations and the School Principal's or Assistant Principal's and Intervention Coordinator's roles as they pertain to the record-keeping; and,
 - c. notice that failure to respond appropriately to notice of racial harassment violates District policy and federal law.

Reporting Requirements:

By December 15, 2017, the District will provide OCR with the name and title of the individual providing the training described above and the draft training materials for OCR's review and comment. Within 7 days after completing the training, the District will provide OCR with a copy of the training sign-in sheets.

4. By January 15, 2018, OCR will provide mandatory in-service training to appropriate District Office administrators and School Principals and Assistant Principals on the District's obligations regarding peer harassment under Title VI, including:
 - a. in-depth guidance to increase awareness of what constitutes racial harassment between students or involving a student victim;
 - b. the District's obligations to investigate and respond to student or parent complaints of harassment related to race, color, or national origin;
 - c. the requirement that schools take immediate and appropriate action to investigate race, color, or national origin bullying or harassment complaints, and that the inquiry should be prompt, thorough, and impartial; and
 - d. the requirement to take prompt and effective steps reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring.

Reporting Requirements:

Within 7 days after completing the training, the District will provide OCR with a copy of the training sign-in sheets.

5. By February 1, 2018, the District will provide age-appropriate education to high school students designed to increase awareness of race, color, and national origin harassment and the District's policies, procedures, and/or administrative rules. The program will inform students of the consequences of race, color, and national origin harassment, explain what

they should do if they believe they or another student is being harassed based on race, color, or national origin, and encourage them to report bullying or harassment. The educational materials will use age-appropriate terminology, and instruction will promote sensitivity to, and tolerance of, the diversity of the student body, and will specifically address harassment related to race, color, or national origin.

Reporting Requirement:

Within 7 days after completing the program, the District will provide OCR with confirmation that the education sessions occurred, copies of program materials, and the identity and credentials of the presenters conducting the program.

SCHOOL CLIMATE

6. By October 1, 2017, the District will review and identify all District-wide disciplinary referrals for the usage of a racial slur for the XXXX and XXXX school years, whether solely or among other reasons for the disciplinary referral.

Reporting Requirement:

By November 15, 2017, the District will provide OCR with a summary of the discipline referrals for racial slurs for the XXXX and XXXX school years.

7. By February 1, 2018, the District will administer age-appropriate school climate surveys¹ to students and staff in all schools to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the District to ensure that it is free of harassment related to race, color, or national origin.

Reporting Requirement:

By January 10, 2018, the District will provide OCR with its draft climate surveys for review and approval.

By March 1, 2018, the District will provide OCR with a summary of the survey results.

8. At the beginning of the following school year, based on the results of each climate survey, the District will, at a minimum, provide additional, mandatory in-service training for school staff and age-appropriate education for students when it has been determined that racial harassment may be a concern at a particular school.²

Reporting Requirement:

By September 17, 2018, the District will provide OCR with appropriate documentation of the additional in-service training that has taken place at any school where the climate survey reflects that racial harassment may be a concern.

¹ Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

² The trainings that will be provided will be in accordance with the trainings described in Provision 3 and education program as described in Provision 5.

RACIAL HARASSMENT COMPLAINTS

9. By October 2, 2017, the District will develop a draft of a centralized process for documenting and tracking complaints of racial harassment, including a description of the allegations; when and where it occurred; a copy of any documentation of the District’s response, including interview notes, investigative reports, written findings; and records of any corrective action taken, including any disciplinary action. The process will require District personnel to ensure schools maintain information that includes the name of the individual who reported the allegation, the identification of the alleged victim and alleged perpetrator, notes from witness interviews, documentation of investigative steps completed, and the determination of any corrective and/or disciplinary action taken, as well as other remedies taken to support the victim and eliminate the hostile environment should such an environment be found to exist.

Reporting Requirement:

By October 2, 2017, the District will provide OCR with a copy of its proposed centralized process for approval.

By December 5, 2017, District personnel will affirm in writing to OCR that the centralized process for documenting and tracking complaints of racial harassment and their resolutions has been fully implemented.

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 regulation 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 fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at 34 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.

By: _____/s/_____ Date: _____06/29/2017_____

J. Frank Baker, Ed.D., Superintendent