

Pinckney Community Schools
OCR Docket # 15-13-1083
Resolution Agreement

Pinckney Community Schools (the District) submits this agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve the above-referenced complaint and to ensure compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. Part 100.

OCR's investigation found that the District has, on its own initiative, implemented a number of policies, procedures, and programs designed to: (i) promptly investigate all incidents of racial and/or national origin harassment of which it has notice; (ii) to take appropriate disciplinary action against students and staff who violate the District's policies and procedures addressing racial harassment; and (iii) to combat bullying through programming at the District's high school. The District further agrees to take the following action steps designed to prevent discrimination and harassment in its education programs and activities:

I. Title VI Harassment-Related Policies and Procedures

- A. The District has in place Policy 1662 "Anti-Harassment." By **June 1, 2015**, the District will review and revise, as necessary, this policy to ensure they are reasonably designed to prevent, address, and respond to incidents of harassment on the basis of race, color, or national origin, and will submit them to OCR for review and approval. At a minimum, the District will include the following provisions in the above-mentioned policy:
1. 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 District's investigation into the harassment allegations. The required investigatory report shall, at a minimum, include: (1) the name, race and/or national origin of the alleged victim and, if different, the name, race and/or national origin 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 name(s), race, and/or national origin of all persons alleged to have committed the alleged harassment, if known; (4) the name(s), race and/or national origin 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 the police.
 2. Description of the action steps the District will take to stop, remedy, and prevent recurrence of the discrimination, harassment or retaliation, including remedies such as counseling where appropriate.
 3. A statement that the District will offer counseling services to any person found 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.

4. A plan for a comprehensive annual 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 **June 1, 2015**, the District will submit the above-mentioned policies, revised pursuant to Item I.A to OCR for review and approval.

- B. By **August 3, 2015**, the District will add a clarifying statement to its high school code of conduct that states that its prohibition on harassment specifically includes harassment on the basis of race, color, and/or national origin. The revised code of conduct should also include contact information for the District's complaint coordinator and designate specific time frames for the completion of the District's investigation of harassment.

REPORTING REQUIREMENT: By **August 3, 2015**, the District will submit the above-mentioned code of conduct, revised pursuant to Item I.B, to OCR for review and approval.

- C. Within 60 calendar days of receipt of the OCR-approved revised policies and procedures, the District will:

1. Adopt the policies and procedures, publish them on its website, and notify students, parents, and guardians of the policies and procedures and where a copy may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a notification in any regularly issued District newsletters or bulletins or sending a notice or a copy of the policies and procedures home with each student. The District will also make any necessary updates to its parent, student, and employee handbooks.
2. Provide a copy of the revised policies and procedures to all District teachers, administrators, schools aides, and any other District personnel charged with supervising students.

REPORTING REQUIREMENT: Within 60 calendar days of receipt of the OCR-approved revised policies and procedures, the District will submit information to OCR documenting implementation of Item I.C, including: a description of the means used to provide notice to students and parents of the District's new policies and procedures and copies of any notices issued; the link to the policies and procedures on the District's website; and verification that copies of the policies and procedures were distributed to all appropriate District staff, as well as any updates and or changes the District made to parent, student, and employee handbooks.

II. Training and Professional Development

- A. Within 60 days of written notification from OCR that the policies and procedures developed pursuant to Item I.A and I.B above are consistent with Title VI, and on an annual basis thereafter, the District will provide an age-appropriate orientation program for the District's high school students regarding the District's anti-bullying/anti-harassment policies, which will specifically address harassment, including, but not limited to harassment based on race, color, and national origin. The primary purpose of the information provided will be to:
1. review the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as the disciplinary sanctions related to findings of violations of the harassment policies and the policy prohibiting retaliation;
 2. direct students to the District staff and administrators to whom such conduct should be reported if the student is a victim of, or a witness to, such conduct and what response to expect from District personnel; and
 3. provide contact information for the District's guidance counselors and detail the services the counselors are available to provide to students who feel that they have been bullied or harassed.

REPORTING REQUIREMENT: Within 60 days of written notification from OCR that the policies and procedures developed pursuant to Item I.A and I.B above are consistent with Title VI, the District will provide OCR with documentation showing that Item II.A of the Agreement has been implemented. The documentation will include information about the date that the information was provided for each grade level and the name and title of the District staff who conducted the sessions, as well as a copy of the topics covered and any materials distributed to the students.

- B. Within 60 calendar days of receipt of the OCR-approved revised policies and procedures drafted pursuant to Item I.A and I.B above, the District will provide training to District high school staff and District high school administrators on Title VI and the District's revised harassment policies and procedures, and thereafter on an annual basis or when new personnel are hired. The training must address, but need not be limited to, the following:
1. the District's policies and procedures regarding discrimination and harassment on the basis of race, color, or national origin;
 2. what constitutes race discrimination, racial harassment, and retaliation under Title VI and its implementing regulations;
 3. how to recognize race discrimination, racial harassment, and retaliation;
 4. how to respond to suspected or known race discrimination, racial harassment and retaliation, including when an employee is required to report such harassment, discrimination or retaliation and to whom the harassment, discrimination, or retaliation should be reported;

5. how to respond to student complaints of race discrimination, racial harassment, and retaliation, including complaints of racial slurs or racial name-calling;
6. how complaints of race discrimination, racial harassment, and retaliation will be investigated;
7. the contact information (name, title, and telephone number) for the District personnel to contact with questions regarding race discrimination, racial harassment, and retaliation or about the District's policy and procedures for reporting, addressing, and remedying such race discrimination, racial harassment and retaliation; and
8. notice that the District's policies regarding race and national origin discrimination, racial and national origin harassment, and retaliation will be strictly enforced.

REPORTING REQUIREMENT: Within 60 calendar days of receipt of the OCR-approved revised policies and procedures drafted pursuant to Item I.A and I.B, the District will provide OCR with documentation showing that Item II.B has been implemented. The documentation will include information about the dates of the trainings; copies of the agendas and any training materials distributed; the name and qualifications of the person(s) who provided the trainings, demonstrating that he/she is a competent authority on Title VI; and a copy of the sign-in sheets of attendees, indicating name and job title. OCR may be available, upon request, to assist the District in providing this training, at no cost to the District.

C. By **October 1, 2015**, and annually thereafter for new staff, the District will provide training to all District staff who are directly involved in processing, investigating, and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints, and any principals, assistant principals, counselors or other District personnel who are likely to receive reports of harassment based on race, color, or national origin. The training will address, but need not be limited to, the following:

1. the need to provide the complainant with the opportunity to identify witnesses and provide evidence in support of the complaint;
2. how to communicate with appropriate parties, including the complainant and the accused, regarding the existence, investigation, and outcome of a complaint;
3. how to investigate and document complaints of racial harassment;
4. how to make a determination consistent with the requirements of Title VI;
5. the factors to consider in determining if a racially hostile environment exists;
6. how to develop effective and appropriate remedies when a racially hostile environment has been found to have occurred; and
7. the appropriate disciplinary measures for violations of the anti-harassment policy in accordance with the District's student code of conduct.

REPORTING REQUIREMENT: By **October 1, 2015**, the District will provide OCR with documentation showing that Item II.C of the Agreement has been implemented. The documentation will include information about the date of the

training(s); a copy of the agenda and any training materials distributed; the name and qualifications of the person(s) who provided the training, demonstrating that he/she is a competent authority on Title VI; and a copy of the sign-in sheet of attendees, indicating name and job title. OCR may be available to assist the District with the training, upon request.

III. Educational Climate Assessment and Monitoring

By **November 2, 2015**, the District will appoint an administrator, staff person, or independent third party to conduct an annual assessment of the District's educational climate at its high school to assess the effectiveness of its anti-harassment program and to identify any additional measures beyond those outlined in the Agreement necessary to ensure an educational environment free of race and/or national origin discrimination, including harassment. The assessment will be a comprehensive audit including the following components:

1. an annual, written climate check survey given to the entire student body at the high school;
2. an annual, written climate check survey to the entire staff at the high school;
3. interviews with the District's high school community, including students, parents, and staff;
4. input from the District's student groups devoted to improving the school's educational climate (e.g., Positive Peer Influence, Camp Skyline Participants, School Climate Committee);
5. a review of all complaints of harassment, discrimination, and retaliation received by the District, either oral or written, and the District's responses;
6. an evaluation of the data collected, including an analysis of whether the reported incidents of harassment have increased or decreased in number and severity; and
7. recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.

The administrator or staff person assigned to conduct the assessment will maintain documentation of all oral and written complaints of racial and/or national origin harassment at the District, and the District's investigation of those complaints for a minimum of three years after the District has notified the parties of the results of its investigation.

REPORTING REQUIREMENT: By **January 31, 2016, January 31, 2017, and January 31, 2018**, the District will submit information to OCR documenting implementation of Item III of the Agreement. The documentation will include the name, title, and qualifications of the District employee or third party charged with conducting the educational climate assessment, a copy of any notes taken during the process, and a written summary of the outcome and recommendations. The report will also include copies of the recommendations made by the student groups. The District will also provide OCR with an action plan, including a timeline, developed by the District to respond to the information gathered during the review which will

outline how the District will promptly remedy the existence of any hostile environment based on race and/or national origin indicated by the information in the report. Additionally, for any complaints of racial and/or national origin harassment, the documentation will include a copy of the complaint or, if oral, a narrative description; the date the incident(s) occurred; and the actions taken by the District in response to the incident(s), including copies of any related investigative documents or letters of finding.

GENERAL REQUIREMENTS

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 Title VI and its implementing regulation at 34 C.F.R. § 100.3(a)-(b), 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 Title VI and its implementing regulation at 34 C.F.R. § 100.3(a)-(b).

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/ _____
Superintendent or Designee

4-2-2015 _____
Date