

**Joseph Badger Local School District
Resolution Agreement
OCR Docket # 15-14-1179**

Joseph Badger Local School District (District) submits this agreement to the U.S. Department of Education's 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 (Title VI), 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. The District asserts that this agreement does not constitute an admission to the allegations in the above-referenced complaint. OCR acknowledges that it has made no finding of violations against the District in relation to the above-referenced complaint. Without any admission of violation of law, the District agrees to take the following action steps designed to prevent discrimination and harassment on the basis of race in its education programs and activities:

Individual Remedy

A. By **October 13, 2018**, the District will draft a letter to the Complainant stating that the District is committed to the prohibition of race, color and national-origin discrimination, including the prohibition of harassment on these bases and is committed to maintaining a school environment free of discrimination. The letter will outline the measures the District will undertake to train students and staff on procedures for reporting and responding to racial harassment or discrimination complaints. The letter will invite the Complainant to meet with School Administration to discuss school climate, including XXXXX experiences at Joseph Badger Schools. The letter will identify a District staff person to assist the Student in accessing XXXXX academic transcripts, visiting the District's campus, or other such needs XXXXX may have as XXXXX.

REPORTING REQUIREMENT: By **October 13, 2018**, the District will submit to OCR for review and approval a draft copy of the letter it plans on sending to the Student. Within fifteen (15) calendar days of OCR's approval of the letter, the District will submit documentation to OCR demonstrating that it sent the letter to the Student.

District-wide Remedies

B. Anti-Discrimination and Anti-Harassment Policy and Procedure: By **August 15, 2018**, the District will review its current policies and guidelines for Anti-Harassment and Anti-Discrimination for consistency with the provisions outlined below. The District will revise the Anti-Discrimination and Anti-Harassment Policy and draft Complaint Procedures in a manner that is 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's policy and complaint procedure will include the following provisions:

- 1) An explicit prohibition of discrimination, including discriminatory harassment, on the basis of race, color, or national origin in the school environment, including all academic, extra-curricular and school-sponsored activities.

- 2) Examples of the type of conduct and behavior that is covered by the policy, including examples of staff-to-student and peer-to-peer conduct, and including cyber harassment.
- 3) A requirement that an investigatory report be filled out by the District's designated staff member[s] 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.
- 4) A requirement that the District will take steps that are reasonably calculated to stop, remedy and prevent recurrence of any discrimination, harassment or retaliation that is found to have occurred. The requirement will include a description of specific action steps the District may take including appropriate disciplinary action against students and staff who violate the policy. The requirement will identify specific remedies available, including compensatory education, the development of a safety plan or the provision of counseling when necessary.
- 5) An explanation of the duty of all staff to report harassment to the designated District employee(s) and the consequences for not reporting.
- 6) A requirement that the designated District employee(s) document all reports of incidents of harassment based on race, color, or national origin and that the District establish a protocol for recordkeeping.
- 7) Prohibition of retaliation against persons who report harassment or participate in related proceedings.

REPORTING REQUIREMENT: By **August 15, 2018**, the District will submit to OCR for review and approval any proposed revisions to the Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure in accordance with item B of this agreement.

C. Student Code of Conduct: Within 30 days of receipt of the OCR approved Anti-Harassment/Anti-Discrimination policy, the District will examine the District's Student Code of Conduct to determine whether it contains sufficient rules of behavior, offense categories, appropriate penalties and disciplinary procedures to appropriately address violations of the District's anti-harassment policy and procedure. The District will, by this same date, revise the Student Code of Conduct to the extent necessary to ensure that the code permits the

District to appropriately discipline students who engage in discriminatory harassment and permits the District to stop harassment that is occurring and prevent its recurrence.

REPORTING REQUIREMENT: Within 30 days of receipt of the OCR approved Anti-Harassment/Anti-Discrimination policy, the District will submit to OCR for review and approval the Student Code of Conduct.

D. Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure: Within 30 calendar days of receipt of the OCR-approved Anti-Discrimination and Anti-Harassment Policy and Complaint Procedures, the District will:

- 1) Adopt the Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure, publish them on its website, and notify students, parents, and guardians of the policy and procedure, including information about where copies may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a dedicated and policy-specific notification in any regularly issued District newsletter or bulletin or sending a notice or a copy of the policy and procedure home with each student. The District will also make any necessary updates to its parent, student, and employee handbooks.
- 2) Provide a digital copy of the Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure to all District teachers, administrators, school aides, and any other District personnel charged with supervising students.

REPORTING REQUIREMENT: Within 30 calendar days of receipt of the OCR-approved Anti-Harassment Policy and Complaint Procedure, the District will submit information to OCR documenting implementation of Item D, including: a description of the means used to provide notice to students, parents, and guardians and copies of any notices or mailings issued; the link to the revised documents on the District's website; and verification that copies of the revised documents were distributed to all appropriate District staff.

E. Student Code of Conduct: By August 30, 2018, or 30 days after receipt of the OCR-approved revised Student Code of Conduct (whichever is later), the District will:

- 1) Adopt the OCR-approved Student Code of Conduct and notify students, parents, and guardians of the revised Student Code of Conduct, including information about where copies may be obtained by means that are designed to reach each student, parent, and guardian. Such means could include placing a specific notification in any regularly issued District newsletter or bulletin or sending a notice or a copy of the revised Code of Conduct home with each student. The District will also make any necessary updates to its student handbooks.
- 2) Provide a digital copy of the revised Student Code of Conduct to all District teachers, administrators, school aides, and any other District personnel charged with supervising students.

REPORTING REQUIREMENT: By August 30, 2018, or 30 days after receipt of the OCR-approved revised Student Code of Conduct (whichever is later), the District will submit information to OCR documenting implementation of Item E, including: a description of the means used to provide notice to students, parents, and guardians and verification that copies of the revised documents were distributed to all appropriate families and District staff.

F. Compliance Staff Training: Within 60 days of receipt of the OCR-approved Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure adopted pursuant to Item D, and on an annual basis thereafter, 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, which may be provided by digital instruction, 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.

OCR Staff will provide Title VI training to District Compliance Staff, and will attend the District's Compliance Staff training on its OCR-approved Anti-Discrimination and Anti-Harassment Policy and Complaint Procedures. The District will coordinate with OCR to ensure these two trainings are completed on the same day.

G. General Staff Training: Within 60 days of receipt of the OCR-approved Anti-Harassment Policy and Complaint Procedure adopted pursuant to Item D, and on an annual basis thereafter, the District will provide effective training to all School staff and administrators on Title VI and the District's Anti-Discrimination and Anti-Harassment Policy and Complaint Procedure. The training which may be provided by digital instruction, 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 90 days of receipt of the OCR-approved revised policy and procedure, pursuant to Item B and D, the District will submit a report to OCR with supporting documentation demonstrating that the training referenced in items F and G of this agreement were provided. The documentation will include information about the dates and method 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.

H. Student Training: Within 60 days of staff training pursuant to Item F, and on an annual basis thereafter, the District will provide an age-appropriate orientation program for all School students that will address the District's prohibition of discrimination and will specifically address harassment on the basis of race, color and national origin. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the District's Anti-Discrimination and Anti-Harassment policy and procedure, including an explanation of what harassment on

the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will provide students with the name and contact information of District employee[s] to whom such conduct should be reported if the student is a victim or a witness to such conduct. The District will inform students of what response to expect from the District's personnel upon making such a report.

REPORTING REQUIREMENT: Within 60 days of staff training pursuant to Item F, the District will submit a report to OCR with supporting documentation demonstrating that the orientation program referenced in item H of this agreement was conducted. 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

I. Educational Climate Assessment and Monitoring: By **August 15, 2018**, the District will appoint an administrator, staff person, or independent third party (Compliance Officer) to conduct an annual assessment of the District's educational climate at the District to assess the effectiveness of its anti-discrimination and 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 assessment given to the entire student body at the District;
2. An annual, written climate assessment given to the entire staff at the District;
3. An in-person opportunity (through both group sessions and individual meetings) for students, parents, staff and representatives from student groups, to provide input regarding the school's educational climate.
4. A review of all complaints of harassment, discrimination, and retaliation received by the District, either oral or written, and the District's responses;
5. 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
6. Appropriate recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.

The Compliance Officer 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 **August 15, 2018**, the District will provide the name, title, and qualifications of the District employee or third party charged with conducting the educational climate assessment. By **June 15, 2019**, and **June 15, 2020**, the District will coordinate a date with OCR for OCR Staff to visit the District and review documentation for the implementation of Item I of the Agreement. The documentation will include a copy of any notes taken during the process, copies of assessment instrument and completed assessments, relevant summaries of group meetings and/or stakeholders' recommendations, or other data collected by the District, relied upon by the Compliance Officer in making recommendations related to the anti-discrimination and anti-harassment program, and a written summary of the outcome and recommendations. The District will provide OCR for its review all documents identified by OCR as necessary to demonstrate compliance with Item I of the Agreement within 30 days of OCR's onsite visit.

Also, within 30 days of OCR's onsite visit, the District will also provide OCR with an action plan, if necessary, 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 by signing this Agreement, it agrees to provide the foregoing 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 regulation implementing Title VI at 34 C.F.R. § 100.3(a) and (b). Upon completion of the obligations under this Agreement, OCR shall close 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

/s/

8/1/18

Name and Title

Date

Joseph Badger Local School District