

Western Brown Local School District
Resolution Agreement
OCR Docket #15-14-1288

The Western Brown Local School District (the District) submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), for the purpose of resolving the above-referenced complaint and ensuring compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. By signing this Agreement, the District does not admit to any violations of federal, state or local law. The District agrees to implement the actions described below.

- I. By xxxxx, the District will revise its Policy 5517 and corresponding administrative guidelines to, at a minimum: identify a Complaint Coordinator who is separate from the District's superintendent; and provide for responsive action to allegations of harassment that is reasonable, timely, and effective, including action tailored to fully redress any specific problems experienced at the District as a result of the harassment, and action reasonably calculated to prevent recurrence, and ensure that participants are not restricted in their participation or benefits as a result of a racially hostile environment.

Within 45 calendar days of OCR's approval of the revised Policy 5517 and corresponding administrative guidelines, the District will adopt and implement them, and publish them on its website and by issuing notice to all District staff, parents, and students.

REPORTING REQUIREMENTS: By xxxxx, the District will submit the policy and administrative guidelines revised according to Item I to OCR for review and approval. Within 45 calendar days of OCR's approval of the revised policy and administrative guidelines, the District will submit to OCR documentation verifying it has adopted and implemented them, a working link to them on the District's website, a copy of the notice(s) issued to all District staff, parents, and students, and documentation verifying the notice was published to all required recipients.

- II. Throughout the xxxxx school year, the District will, in good faith, implement the following programs at Western Brown High School: (1) **Student Facilitation Program** and (2) **Cultural Competency Training**.
- A. For the **Student Facilitation Program**, the District will retain the services of a qualified facilitator who will work with all District students in grades 9-12. The students will, with the assistance of the facilitator, identify racial issues and biases in the high school and work with the District to develop a plan to address the identified issues and biases. Included in this program will be a training component on the District's non-discrimination and harassment policies and procedures. The District will then develop a student organization at Western Brown High School who will ratify and facilitate the implementation of the District's plan. When creating the student organization, the District will put forth diligent and reasonable effort to

encourage representatives from all student racial constituencies to participate in the student organization.

- B. The facilitator will conduct **Cultural Competency Training** for all District staff. Included will be training on the District’s revised non-discrimination and harassment policies and procedures. That training will be repeated for all Western Brown High School administrators and teachers annually thereafter. The training must include, but need not be limited to, the following:
- i. the District’s policies and procedures regarding discrimination and harassment on the basis of race;
 - ii. what constitutes racial harassment;
 - iii. what constitutes a racially hostile environment;
 - iv. how to respond to suspected or known racial harassment, including when an employee is required to report harassment and to whom the harassment should be reported;
 - v. how to respond to student complaints of racial harassment, including complaints of racial slurs or racial name-calling;
 - vi. the contact information (name, title and telephone number) for the District personnel responsible for addressing questions and/or complaints about racial harassment ; and
 - vii. notice to District staff that the District’s disciplinary code regarding racial harassment will be strictly enforced.

REPORTING REQUIREMENTS: Prior to implementing the **Student Facilitation Program** and **Cultural Competency Training** described above, but no later than xxxxx, the District will submit to OCR notice of the proposed facilitator and documentation of the facilitator’s qualifications, and a copy of the training materials and agenda to be used, which must be approved by OCR prior to the implementation of program and training. If OCR notifies the District in writing that it does not approve the facilitator, the training materials, and/or the agenda, the District will submit revised proposals to OCR within 30 calendar days of that notification.

Within 90 calendar days after OCR notifies the District of its approval of the facilitator, training materials, and agenda, the District will submit an initial report to OCR verifying its participation in the program as required by Item II above, including scheduling dates for training sessions or meetings, copies of any agreements and plans developed, and documentation showing the District’s implementation of such agreements and plans. The District will also provide to OCR information documenting its efforts to encourage and solicit membership from the student body from all racial constituencies. This information may include, but shall not be limited to, copies of announcements; advertisements; email and internet notices; and any agenda and/or handouts from informational sessions.

Within 60 calendar days after the District submits its initial report, the District will submit a second report to OCR showing attendance sign-in sheets for the training

provided to District staff (including names and job titles), and ongoing activities of the student organization, including a list of members, documentation of dates of organization meetings, agendas, and outcome of such meetings, and documentation of any District actions taken in response to the student organization recommendations.

- III. By xxxxx, 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 counselors or other Western Brown High School personnel who are likely to receive reports of race, color, or national origin discrimination. The training will address, but need not be limited to, the following:
- a. the need to provide the parties with the opportunity to identify witnesses and provide relevant evidence;
 - b. how to communicate with appropriate parties, including the complainant and the accused, regarding the existence, investigation, and outcome of a complaint;
 - c. how to investigate complaints of racial harassment;
 - d. how to make a determination consistent with the requirements of Title VI;
 - e. the factors to consider in determining if a racially hostile environment exists;
 - f. how to develop effective and appropriate remedies when a racially hostile environment has been found to have occurred; and
 - g. the appropriate disciplinary measures for violations of the anti-harassment policy in accordance with the District's student code of conduct.

REPORTING REQUIREMENT: By xxxxx, the District will provide OCR with documentation showing that Item III of the Agreement has been implemented. The documentation will include information about the date and duration 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.

- IV. By xxxxx, an administrator, staff person, or consultant designated by the District will review complaints of bullying/harassment received by the District since the initiation of this complaint and will conduct a racial climate review at Western Brown High School and identify any additional measures beyond those outlined in this Agreement necessary to ensure an environment free of harassment, including racial harassment. To do this, the designated person will conduct a written survey of high school students, staff, and parents/guardians. The designated individual can, in addition to the survey, conduct

interviews, and will consult with the student organization developed in accordance with Item II.A above in determining and carrying out additional measures to be taken.

The District will maintain records of all reports and complaints of racial harassment made by any party commencing with the xxxxx school year through the xxxxx school year, including copies of each complaint, or, if unwritten, a narrative description; the date the complaint was filed, the actions taken by the District in response to the incident, including copies of any related investigative documents, including witness statements, and the written summary/report of the outcome of the investigation.

As part of the climate assessment, the person identified above will consider the information set forth in the March 2014 Investigative Report of the Brown County Educational Service Center. The identified person will also review all of the available information and determine if any additional actions are required to redress the effects of an alleged racially hostile environment that existed at Western Brown High School during the xxxxx school year, including any remedies that may be necessary to victims of harassment, such as (but not limited to) counseling, grade review, or safety plans, including students who have since left the District.

REPORTING REQUIREMENTS: By xxxxx, the District will submit to OCR the name and title of the District employee charged with conducting the climate review and a copy of the survey it intends to use in conducting the climate review required by Item IV above. By xxxxx, the District will submit information to OCR documenting its ongoing progress in the implementation of Item IV. The documentation will include a copy of any notes or written summary of the climate review conducted, including the results of the survey and the District's analysis of the results; a list and description of any measures undertaken by the District based on the results of the review, including the remedies it is providing to student victims of racial harassment at Western Brown High School during the xxxxx school year; and for any complaints or reports of racial harassment filed with the District during the xxxxx and the first half of the xxxxx school year, a copy of the complaint or report or if unwritten a narrative description, the date the incident(s) occurred, the date the complaint or report was made, and the actions taken by the District in response to the incident, including copies of any related investigative documents or reports documenting the outcome of the investigation. By xxxxx, the District will provide OCR with similar documentation demonstrating the implementation of Item IV with respect to the rest of the xxxxx school year, including demonstrating that any additional measures beyond those in this Agreement determined to be necessary based on the racial climate review have been implemented, and documentation of complaints or reports of racial harassment made during the second half of the xxxxx school year and the District's response.

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, which were 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.

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/

9/22/15

Superintendent or Designee

Date