

**Springfield City School District  
OCR Docket #15-15-1024  
Resolution Agreement**

Springfield City School District (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.

In furtherance of this obligation, and while expressly denying any and all liability with respect to the allegations in the above-referenced complaint, the District agrees to take the following actions:

**Individual Remedies**

1. By August 15, 2015, after providing proper written notice to the Student's parent/guardian, the Student's Individualized Education Program (IEP) team will reconvene to determine whether, as a result of the effects of the student-on-student racial harassment that OCR determined the Student experienced at the District high school during the 2013-2014 school year, the Student's needs changed such that the Student is no longer receiving FAPE and/or whether there was a time period during which the Student did not receive FAPE as a result of the harassment. The IEP team will determine the extent to which additional or different services are needed. If the IEP team determines additional or different services are needed, it will ensure that any needed changes are made promptly. If the team determines that the Student did not receive FAPE, the team will also determine whether the Student needs compensatory and/or remedial services as a result of the harassment of the Student based on his race. If the IEP team determines that services are necessary, the team will develop a plan for providing timely services. The District will provide the Student's parent/guardian notice of the determination and of procedural safeguards, including the right to challenge the team's determination through an impartial due process hearing.

**REPORTING REQUIREMENTS:** By August 30, 2015, the District will submit to OCR the IEP team's recommendations, including documentation showing the participants in the meeting, an explanation for decisions made, the information considered, and a description of and schedule for providing services (if any) to the Student. OCR will review the documentation to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35, and 104.36. By December 31, 2015, the District will provide documentation to OCR of the dates, times and locations that compensatory and/or remedial services were provided, a description of what was provided, and the name(s) of the service provider(s), should any have been required by the IEP team.

2. In addition to the IEP meeting provided for in Item 1 above, by August 15, 2015, the District will meet with the Student's family to determine what types of support the Student requires to remedy the effects of the student-on-student racial harassment OCR

determined the Student experienced at the District high school during the 2013-2014 school year while participating in the District's programs (e.g. counseling services, a designated District staff member to whom the Student or the Student's parent can report harassment). The District will provide the Student's family a written summary of the group's discussion at the meeting and what specific remedies, if any, the District will be providing going forward. The summary will note that, to the extent that these remedies require the participation of other school staff, the designated coordinator will provide a copy of this written summary to those individuals.

**REPORTING REQUIREMENTS:** By September 30, 2015, the District will provide OCR with documentation verifying its implementation of Item 2 of this agreement, including a copy of the written summary regarding the specific remedies, if any, the District will be providing to the Student. By December 31, 2015, the District will provide OCR with documentation verifying its provision of any remedies determined to be necessary.

### **District-wide Remedies**

3. By August 30, 2015, the District will review and revise, as necessary, its anti-harassment policy and any other related policies and/or procedures to ensure they are reasonably designed to prevent, address, and respond to incidents of harassment against students 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(ies):
  - a) A requirement that school personnel must promptly report to the staff member designated to respond to such complaints all incidents of discrimination/harassment of which they become aware by whatever means they become aware, whether such incidents are verbal or physical or amount to harassment in other forms (e.g., graffiti).
  - b) Identification of the kinds of activities and sites where prohibited conduct could occur.
  - c) An explanation of how to report discrimination based on race, color, or national origin, including harassment, or retaliation and how to file a complaint.
  - d) A description of the District's complaint procedures, including 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.

- e) 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.
- f) Specific information as to the name or title and contact information (including office and e-mail address and telephone number) for the District employee(s) (e.g., anti-harassment complaint coordinator, principals) responsible for receiving and/or investigating reports of discrimination based on race, color, or national origin, including harassment, or retaliation, including drafting the investigatory report.
- g) A requirement that each of the staff members designated in accordance with Item 3(g) above, document all reports of incidents of discrimination, harassment, or retaliation.
- h) A protocol for the District-level record-keeping of each of the reports submitted by the designated staff members (e.g., principals submitting investigation reports to anti-harassment complaint coordinator with prescribed frequency).
- i) A recommendation that any District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such an intervention dangerous, in which case they should immediately notify other District staff and/or call local law enforcement officials, as necessary, to stop the harassment.
- j) 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.

The District will also review its student discipline code/code of conduct to ensure it includes a description of the appropriate disciplinary measures for violations of the District's anti-harassment policy(ies).

**REPORTING REQUIREMENT:** By August 30, 2015, the District will submit the above-mentioned policies (including the District's discipline code/code of conduct), revised pursuant to Item 3 to OCR for review and approval.

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

- b) 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 4, 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.

- 5. Within 60 days of receipt of the OCR-approved revised policies and procedures, 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:
  - a) review the District’s anti-harassment policies and procedures, including an explanation of what constitutes harassment on the basis of race, color, or national origin, as well as the disciplinary sanctions related to findings of violations of the anti-harassment policies and the policy prohibiting retaliation;
  - b) 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
  - c) 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 receipt of the OCR-approved policies and procedures, the District will provide OCR with documentation showing that Item 5 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.

- 6. Within 60 calendar days of receipt of the OCR-approved revised policies and procedures, and thereafter on an annual basis or when new personnel are hired, the District will provide training to District high school staff and District high school administrators on

Title VI and the anti-harassment policies and procedures revised according to Item 3 of the agreement. The training must address, but need not be limited to, the following:

- a) the District's policies and procedures regarding discrimination and harassment on the basis of race, color, or national origin;
- b) what constitutes discrimination, harassment, and retaliation under Title VI and its implementing regulations;
- c) how to recognize discrimination, harassment, and retaliation;
- d) how to respond to suspected or known discrimination, 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;
- e) how to respond to student complaints of discrimination, harassment, and retaliation, including complaints of racial slurs or racial name-calling;
- f) how complaints of discrimination, harassment, and retaliation will be investigated;
- g) the contact information (name, title, and telephone number) for the District personnel to contact with questions regarding discrimination, harassment, and retaliation or about the District's policy and procedures for reporting, addressing, and remedying such discrimination, harassment and retaliation; and
- h) notice that the District's policies regarding discrimination, harassment, and retaliation will be strictly enforced.

**REPORTING REQUIREMENT:** Within 60 calendar days of receipt of the OCR-approved revised policies and procedures, the District will provide OCR with documentation showing that Item 6 has been implemented during the 2015-2016 school year, or, if the policies are not approved by OCR by that time, during the 2016-2017 school year. 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.

7. By September 30, 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 of students based on race, color, or national origin. The training will address, but need not be limited to, the following:

- a) the need to provide the complainant with the opportunity to identify witnesses and provide evidence in support of the complaint;
- 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 and document complaints of harassment;
- d) how to make a determination consistent with the requirements of Title VI;
- e) the factors to consider in determining if discrimination exists;
- f) how to develop effective and appropriate remedies when discrimination 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 September 30, 2015, the District will provide OCR with documentation showing that Item 7 of the agreement has been implemented during the 2015-2016 school year, or, if the policies are not approved by OCR by that time, during the 2016-2017 school year. The documentation will include the following information: 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.

### **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 and Section 504 and its implementing regulation at 34 C.F.R. § 104.33, 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, and Section 504 and its implementing regulation at 34 C.F.R. § 104.33.

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/

06/19/2015

Superintendent or Designee

Date