

VOLUNTARY RESOLUTION AGREEMENT

I. INTRODUCTION

The Hawaii State Department of Education (HSDOE) and the U.S. Department of Education, Office for Civil Rights (OCR) enter into this agreement to resolve the allegations in OCR Reference No. 10101152, a complaint filed with OCR under title VI of the Civil Rights Act of 1964 (Title VI) and title IX of the Education Amendments of 1972 (Title IX).

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10101152 and does not constitute an admission by HSDOE of any violation of Title VI or Title IX or any other law.
- B. This agreement will be effective when signed by the authorized representatives of both parties.
- C. OCR agrees to discontinue its investigation of OCR Reference No. 10101152 based upon HSDOE's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- D. In the event HSDOE fails to implement any provision of this agreement, OCR will resume its investigation of the complaint or take other appropriate measures within its authority to effect compliance with Title VI and Title IX.
- E. OCR will monitor HSDOE's implementation of this agreement and will close OCR Reference No. 10101152 upon HSDOE's full implementation of this agreement.

III. RESOLUTION PROVISIONS

- A. Training and Notice for Policies and Procedures for Racial and Sexual Harassment

1. **By January 31, 2011, HSDOE will provide training to all Waianae High School teachers, administrators, and staff on HSDOE policies and procedures that prohibit racial and sexual harassment. The training shall include, at a minimum:**
 - a. **the responsibility of school staff and the procedure to follow if they become aware of incidents of racial or sexual harassment;**
 - b. **the responsibility of school officials to take prompt and effective action to address racial or sexual harassment and prevent its recurrence, including the procedure to follow if they become aware of incidents of racial or sexual harassment;**
 - c. **the school's commitment to investigating complaints of racial and sexual harassment and taking prompt and appropriate responsive action;**
 - d. **the procedure that students and parents may use to bring formal and informal concerns of racial or sexual harassment to the attention of school officials; and**
 - e. **the name, title, office location, telephone number, and e-mail address of the individual at Waianae High School responsible for receiving complaints of racial or sexual harassment, and information about how to use HSDOE's complaint procedures.**

2. **By October 29, 2010, HSDOE will provide notice to all Waianae High School students and their parents/guardians of its policies, procedures, and practices that prohibit racial and sexual harassment, including the procedure that students and parents may use to bring formal and informal concerns of racial or sexual harassment to the attention of school officials; the name, title, office location, telephone number, and e-mail address of the individual at Waianae High School responsible for receiving complaints of racial or sexual harassment, and information about how to use HSDOE's complaint procedures.**

B. Remedies for the Identified Student

By November 30, 2010, the Waianae High School principal will provide the student, on whose behalf this complaint was filed, and her parents, a letter containing, at a minimum, the following provisions:

1. A statement that racial and sexual harassment is unacceptable and will not be tolerated by the school and that policies prohibiting such conduct will be strictly enforced.
2. A statement confirming that HSDOE and the school are committed to taking the necessary steps to provide students an educational environment free from racial and sexual harassment and that HSDOE's policies and procedures prohibit such harassment.
3. A description of the steps the school and the district will take to address the concerns that the identified student experienced with respect to racial and sexual harassment at the school.
4. An invitation for the student and her parents to contact a Waianae High School administrator or the HSDOE Civil Rights Compliance Office (CRCO) director with respect to their concerns regarding racial and sexual harassment that the student experienced at school, how this has affected the student, and the steps the district will take to address these concerns.

IV. REPORTING PROVISIONS

- A. By February 28, 2011, HSDOE will provide OCR with a report describing the training it provided pursuant to section III.A.1. of this agreement. The report will include a detailed description of the training; the training agenda; the date or dates the training was provided; the length of the training; the name, title and qualifications of the individual or individuals who provided the training; and a list of the Waianae High School teachers, staff members, and administrators indicating which teachers, staff members and administrators attended the training.
- B. By November 30, 2010, HSDOE will, pursuant to section III.A.2. of this agreement, provide OCR with a copy of its notice to all students and parents at Waianae High School of: the procedures for reporting formal

and informal concerns of racial or sexual harassment; contact information for the individual responsible for receiving and investigating complaints of racial or sexual harassment; and information about using HDOE's complaint procedures. HSDOE will also provide a description of how this notice was distributed to parents and students at Waianae High School.

- C. By October 1, 2010, HSDOE will provide to OCR a draft of the letter described in section III.B. of this agreement related to the identified student. OCR will provide feedback within 30 days of receiving the draft, and HSDOE will send the letter to the student and her parents within 30 days of receiving OCR's feedback. HSDOE will provide OCR with a copy of the final letter at the same time it is sent to the student and her parents.

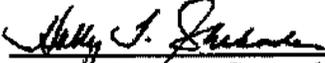
APPROVED:



Kathryn Majayoshi
Superintendent of Education
Hawaii State Department of Education

9/24/10
Date

APPROVED AS TO FORM:



Deputy Attorney General
State of Hawaii

9-27-10
Date

APPROVED:



Gary D. Jackson
Director
OCR Seattle Office

9-28-10
Date