

## SETTLEMENT AGREEMENT

The Hononegah Community High School District No. 207 (hereinafter “the District”), submits the following Settlement Agreement to the U.S. Department of Education, Office for Civil Rights (“OCR”), in resolution of OCR Complaint Number 05101114. The District submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, with respect to the allegation raised in this complaint. By voluntarily entering into this Agreement with OCR, the District admits no wrongdoing and has at no time relevant hereto been subject to a finding of violation by OCR.

The District agrees to the following:

1. Effective immediately, the District will take all steps necessary to ensure that African American students enrolled in the District are not subjected to a hostile environment on the basis of race, color, or national origin. To this end, the District will promptly investigate all incidents of harassment of students on the basis of race, color, or national origin of which it has notice and take appropriate disciplinary action against the individual(s) engaging in harassing behavior. The District will take appropriate responsive action to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected students.
2. No later than October 29, 2010, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be printed in the District’s newsletter, and published on the District’s website stating that the District does not tolerate acts of harassment, including acts of harassment based on race, color, or national origin. The statement will encourage any student who believes he or she has been subjected to racial harassment or a hostile environment based on race to report the harassment or hostile environment to the District and note the District’s commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment or other acts that create a hostile environment based on race will be promptly disciplined and make clear that such discipline may include, if circumstances warrant and consistent with the discipline policies of the District, as approved pursuant to items 3 and 4 herein, suspension and expulsion. The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind. By October 29, 2010, the District will submit to OCR documentation demonstrating its compliance with this item.
3. By October 20, 2010, the District will review and revise, as necessary, its Harassment Policy and Procedure and Notice of Non-Discrimination, as set forth in its Student Handbook, to ensure they adequately address and provide the District sufficient options for responding effectively to incidents of harassment on the basis of race, color, or national origin. At a minimum, the District will include the following in its policy and procedures:
  - a. A statement setting forth the District’s commitment to protect students from racial harassment and to maintain a nondiscriminatory environment.

Such statement must explain that the District prohibits racial harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement will encourage students and will require staff to immediately report incidents of harassment. The statement will specify that the District will investigate formal and informal complaints of harassment.

- b. 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.
  - c. Identification of the kinds of activities and sites where prohibited conduct could occur.
  - d. An explanation of how to report harassment (formally or informally).
  - e. A description of the District's formal complaint procedures, including a Complaint Form, timeframes for the District's investigation of a complaint and a requirement that notice of the outcome be provided to the parties.
  - f. Specific information as to the name, title and contact information for the District employee(s) responsible for receiving the complaint form and/or investigating reports of harassment.
  - g. A requirement that the District employee(s) identified in item 3(f) above document all reports of incidents of harassment and establish a protocol for recordkeeping.
  - h. Prohibition of retaliation against persons who report harassment or participate in related proceedings.
  - i. Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
    - i. the various steps the District will take to investigate reported incidents;
    - ii. that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
    - iii. standards for determining whether a hostile environment exists.
4. By October 20, 2010, the District will examine its student code of conduct and personnel policy to determine whether they contain rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the District's anti-harassment policies, as developed pursuant to item 3. The District agrees that by this same date it will revise the student code of conduct and personnel policy to the extent necessary to ensure they contain such rules of behavior, offense categories, disciplinary procedures, and explanation of the duty of staff to report harassment and consequences for not reporting.
5. By October 29, 2010, the District will submit the policies and procedures developed pursuant to items 3 and 4 to OCR for approval.
6. Within 15 days of receipt of notice of OCR's approval of the policies and procedures or November 17, 2010, whichever is later, the District will adopt, implement and publish the policies and procedures. Publication shall include written notice of the District's Harassment Policy and Procedure, including its formal and informal complaint procedures, to the school community, including

students, parents, and District administrators and staff. As necessary, the District will update its parent, student, and employee handbooks, as well as its website.

7. For the 2010-2011 and 2011-12 academic years, at the conclusion of each quarter, the District will provide OCR with documentation of the steps it has taken to avert the formation of, or to address the existence of, a racially hostile environment. Specifically, the District will provide:
  - a. a copy of all written reports, and/or a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color and/or national origin;
  - b. a narrative of all actions taken in response to the reports, including any written documentation;
  - c. a copy of any and all disciplinary sanctions issued to students and staff for violations of the policies and procedures described in items #3 and #4;
  - d. documentation demonstrating any remedial efforts offered and provided to the victim of the harassing incidents, such as tutoring or counseling; and
  - e. a narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.
8. By October 20, 2010, the District will establish a working group of District personnel, parents and students and designate an employee to coordinate the working group and make recommendations to the District regarding the effectiveness of the District's anti-harassment program. The designated employee will note the steps the working group has recommended and the District's responses to the group's recommendations.
9. By October 29, 2010, the District will develop a monitoring program to assess the effectiveness of its anti-harassment efforts. At the conclusion of each academic year, the District will conduct an annual assessment of the effectiveness of its anti-harassment efforts. Such assessment shall include:
  - a. Consultation with the working group developed pursuant to Item # 8 above;
  - b. Student and parent surveys and/or public meetings to identify student and parent concerns;
  - c. Review of all reports of harassment and District responses;
  - d. Evaluation and analysis of the data collected, including any proposed recommendations for improvement.
10. On June 30, 2011, and June 30, 2012, the District will provide OCR with documentation of its annual assessment.
11. By November 30, 2010, and on an annual basis thereafter, the District will provide an age-appropriate orientation program for all students, District administrators, and staff, including school security officers, hall and room monitors and coaching staff, which will address harassment, including, but not limited to, racial harassment, in order to remind the school community of the District's commitment to having a school environment free from all harassment and to explain to the school community what they should do if they believe they

or other students are being harassed. The program will include a review of the District's harassment policies and procedures as well as disciplinary sanctions related to findings of violations of its harassment policies.

### **Individual Relief**

12. By October 20, 2010, the District will conduct a review of Student A's performance in Algebra, and if warranted, the District will offer to Student A tutoring services for Algebra, and if accepted, will provide such tutoring services throughout the 2010-11 school year.
13. By October 29, 2010, the District will commence an investigation in accordance with the revised Harassment Policy and Procedure described in item #3, of the following incidents:
  - a. The Spring 2010 incident involving peer to peer harassment of female athletes during practice;
  - b. Statements made by the Coach B to male athletes;
  - c. The incident involving a statement made by a coach to a group of African American students in the weight room;
  - d. Racial graffiti.

If the District determines in any of the complaints that racial harassment occurred, the District will take disciplinary action in accordance with the revised policies and procedures described in items # 3 and 4 above and, if determined necessary, will offer the victim counseling, psychological support, tutoring, access to the weight room as needed or other appropriate services. Nothing in this Agreement, including this Item #13, shall subject the District to a higher standard than that which is set forth under Title VI.

14. By October 29, 2010, the District will conduct a review of Student A's educational performance, and if warranted, the District will offer to and will provide Student A, if accepted, counseling and/or psychological support, as needed.

### **Reporting Requirements**

In addition to the dates specified elsewhere in the agreement, the District will submit a monitoring report as designated below:

15. By October 29, 2010, and subsequently during the 2011-2012 school year, through its annual assessment, the District will provide OCR with a report demonstrating its implementation of item 1 of this agreement.
16. By October 29, 2010, the District will provide OCR with a report demonstrating its implementation of items 2, 12, 13 and 14 of this agreement.
17. By November 30, 2010, the District will provide to OCR documentation that it has completed the specific actions required by items 6, 8, 9, and 11 including identifying the members of the group referenced in item 8 and documentation demonstrating that the group has taken action as required by item 9a-d; a staff

sign-in sheet for the training referenced in item 11, a description of the program referenced in item 11, the identity and qualifications of the presenter of the program referenced in item 11, and copies of informational brochures or any materials distributed to students and staff at the programs referenced in item 11.

18. By June 3, 2011, the District will provide to OCR documentation that it has completed the specific actions required by items 12, 13, and 14, including documentation of its investigation, and any disciplinary action and remedial action taken.

During its monitoring of this agreement, OCR will visit the District, interview District students, parents and staff and request such additional reports or data as are necessary for OCR to determine whether the District has complied with the terms of this agreement.

This Agreement shall expire upon the earlier of either OCR's determination that the District is in compliance with this Agreement or June 30, 2012, whichever occurs first.

FOR: Hononegah Community High School District No. 207, Rockton, Illinois

\_\_\_\_\_  
Its Board President

\_\_\_\_\_  
Date

Attest:

\_\_\_\_\_  
Its Board Secretary

\_\_\_\_\_  
Date