

RESOLUTION AGREEMENT
Hannibal School District #60
Docket Number: 07121013

The Hannibal School District (District), Hannibal, Missouri, submits this Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in order to resolve this complaint that was filed under Title VI of the Civil Rights Act of 1964, 42 United States Code § 2000d, and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) § 100.3(a) and (b)(1)(ii) and (iv). The Agreement addresses the complainant's allegation that the District is allowing a racially hostile environment to exist at the Hannibal High School, in particular by failing to take prompt and effective action to remedy the racial harassment of two students; and that the District is allowing a racially hostile environment to exist at the Hannibal Middle School, by failing to take prompt and effective action to remedy the racial harassment of its middle school students.

The District agrees to take the following actions:

RACIAL HARASSMENT POLICY

1. By _____, 2012, the District will develop and submit to OCR for review a policy prohibiting racial discrimination and harassment (racial harassment policy), including the harassment of students by other students and the harassment of student by administrators, staff, and other District employees. At a minimum, the District's racial harassment policy will contain the following:
 - (a) A statement setting forth the District's commitment to having a school environment free from all harassment on the bases of race, color, and national origin. Such statement must explain that the District prohibits race, color, and national origin harassment in the school environment, including on real or personal property owned or leased by the District (including school busses or other transportation), all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report to the designated staff members required in accordance with item 4(g) of this Agreement all incidents of harassment of which they become aware by whatever means. The statement will specify the District will investigate formal and informal complaints of harassment and those found to have engaged in conduct prohibited by the policy will be subject to discipline up to and including expulsion. The District will distribute this statement in languages other than English as necessary;

- (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) An explanation of how to report harassment and/or file a complaint (formally and informally);
- (d) A requirement that school personnel report incidents of alleged student-on-student harassment that may be based on race, color, and/or national origin that school personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms;
- (e) A description of the District's complaint procedures, including a requirement that an investigatory report be filled out by each District's school's designated staff member or his/her designee during the course of the investigation, a 10 work day timeframe for the District's investigation of a complaint, and a requirement that written notice of the outcome be provided to the parties;

The investigatory procedures documented in the investigatory report shall, at a minimum, include: (i) the name, race, and national origin of the alleged victim and, if different, the name and race of the person reporting the allegation; (ii) the nature of the allegation, a description of the incident, and the date and time (if known) of the alleged incident; (iii) the names and races of all person alleged to have committed the alleged harassment, if known; (iv) the names and races of all known witnesses to the alleged incident; (v) any written statements of the reporter, the victim (if different from the reporter), the accused student(s), and any known witnesses; (vi) the outcome of the investigation; and (vii) the response of the school personnel and, if applicable, District-level officials, including the date, any discipline was given to any individual who participated in the harassment, and the date the incident was reported to the police.

- (f) Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:
 - i. the steps the District will take to conduct adequate, reliable, and impartial investigations of reported incidents;
 - ii. that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii. the District's standards for determining whether a hostile environment exists.

- (g) The District shall appoint a Title VI coordinator who will be responsible for maintaining records regarding all incidences of racial harassment in the District, as well as ensuring that disciplinary consequences are consistent with the District's Code of Conduct and applied in a nondiscriminatory manner;
 - (h) The name or title and contact information (including office and email address and telephone number) for the District employee(s) responsible for receiving and/or investigating reports of harassment, including creating the investigatory report;
 - (i) A requirement that each District school's designated staff member, required in accordance with item 4(g) of this Agreement, document all reports of incidents of harassment;
 - (j) A requirement that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous;
 - (k) Prohibition of retaliation against persons who report alleged harassment or participate in related proceeding;
 - (l) A statement that the District will offer counseling service to any person found to have been subjected to harassment on the basis of race, color, or national origin, and where appropriate, to the person(s) who committed the harassment; and
 - (m) Development of a plan for a comprehensive 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.
2. By July 20, 2012, the District will formally adopt the policy developed pursuant to item 1.
 3. Within two (2) weeks of adopting the policy developed pursuant to item 2 the District will publish the policy on its website and post notices at all schools in areas accessible to students, parents, teachers, and administrators. The notices will explain the District's prohibition on racial/national origin harassment and how and to whom a person may report racial/national origin harassment. The notices accessible to students and parents shall be posted both in English and in Spanish. At a minimum, the notices will remain posted in Hannibal High School and Hannibal Middle School through the end of the 2012-13 school year.

4. By _____, the District will provide documentation demonstrating its compliance with item 3. The documentation shall include a link to the website where the policy has been posted; a description of where the policy was posted in each school, and a copy of the English and Spanish notice posted in the schools.
5. By _____, 2013, the District will add racial harassment to the list of prohibited conduct located in the District’s Student Code of Conduct, and identify the disciplinary consequences for engaging in racial harassment.
6. By _____, 2013, the District will provide OCR documentation showing it has completed item 5.

TRAINING FOR HANNIBAL SCHOOL DISTRICT EMPLOYEES

7. By _____, 2012, and annually thereafter, the District will provide training to all Hannibal School District administrators, teachers, counselors, and discipline deans regarding harassment on the basis of race and/or national origin. The training must address, but should not be limited to:
 - (a) the District’s policies and procedures regarding discrimination and harassment on the basis of race and/or national origin;
 - (b) what constitutes racial/national origin harassment;
 - (c) how to recognize racial/national origin harassment;
 - (d) how to respond to suspected or known racial/national origin harassment, including when an employee is required to report harassment and to whom the harassment should be reported;
 - (e) how to respond to student complaints of racial/national origin harassment, including complaints of racial name-calling; and
 - (f) who in the District to contact with questions regarding racial/national origin harassment or the District’s process for reporting or addressing harassment.
8. By _____, 2012, the District will provide OCR documentation showing it has completed the training described in item 7. The District is not obligated to provide documentation of subsequent staff training unless OCR requests that documentation. The documentation must identify the:
 - (a) date, time, and location of the training;

- (b) topics addressed at the training (an outline of the training and/or copy of the materials disseminated at the training is sufficient);
 - (c) name(s), title(s), and work location(s) of the individual(s) who conducted the training; and
 - (d) name, title, and work location of each individual who attended the training (a sign-in sheet with attendees' names, titles, and work locations is sufficient).
9. By _____, 2012, the District agrees to provide to Hannibal School District employees designated to handle racial harassment complaints and to all Hannibal Middle School and Hannibal High School disciplinarians, specialized training on investigating, resolving, documenting, and reporting to the Title VI coordinator (see item 1(g) above) all racial/national origin harassment complaints. This training may be combined with, but shall not replace, the training described in item 6.

TRAINING FOR HANNIBAL SCHOOL DISTRICT STUDENTS

10. By _____, 2012, and annually thereafter, the District will provide training to all Hannibal Middle School and Hannibal High School students regarding harassment on the basis of race/national origin. The training must address, but should not be limited to:
- (a) the District's prohibition on racial/national origin harassment;
 - (b) what constitutes racial/national origin harassment;
 - (c) how and to whom a student may report racial/national origin harassment;
 - (d) the District's obligation to investigate and remedy racial/national origin harassment of which it has notice; and
 - (e) the disciplinary consequences for harassing another student on the basis of race/national origin.
11. By _____, 2012, the District will provide OCR documentation showing it has completed item 10. The District is not obligated to provide documentation of subsequent training for students unless OCR requests that documentation. The documentation must identify the:

- (a) date, time, and location of the training;
- (b) topics addressed at the training (an outline of the training and/or copy of the materials disseminated at the training is sufficient);
- (c) name(s) and title(s) of the individual(s) who conducted the training; and
- (d) name and grade level of each student who attended the training (a sign-in sheet with the attendees' names and grade levels is sufficient).

RESPONSE TO REPORTED HARASSMENT

12. The District will ensure that the policy adopted pursuant to item 1 is implemented and that District staff and/or administrators who become aware of an act of racial or national origin harassment, report the incident and the District conducts a timely, thorough investigation of the alleged racial harassment and takes effective steps to remedy any substantiated reports of racial harassment.

13. By _____, 2013, (a date not more than three [3] weeks after the conclusion of the first semester of the 2012-13 school year), the District will provide a report to OCR regarding racial harassment complaints received since the adoption of the racial harassment policy. The report shall include the information identified in item 1(e)(i) of this Agreement, including the date the report was made, the name of the individual making the report, a description of the alleged harassment, the name of the individual who conducted the investigation, the names and contact information for any individual who was interviewed, copies of any notes of interviews or written statements from witnesses and the alleged victim or other documents considered during the investigation, the decision reached in the investigation, a copy of the determination made by the investigating official, and a description of any discipline given as a result of the incident.

14. By _____, 2013 (a date not more than three [3] weeks after the conclusion of the second semester of the 2012-13 school year) the District will provide the information described in item 13 for the second semester of the 2012-13 school year.

GENERAL PROVISIONS

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 the regulation implementing Title VI at 34 C.F.R. § 100.3(a) and (b)(1)(ii) and (iv), which was 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 the regulation implementing Title VI at 34 C.F.R. § 100.3(a) and (b)(1)(ii) and (iv), which was at issue in this case.

Dr. Jill Janes
Superintendent
Hannibal Public Schools

Date