

Resolution Agreement
Weakley County Public Schools (TN)
OCR Docket Number 04-13-1168

The U.S. Department of Education, Office for Civil Rights (OCR), initiated the above-referenced investigation of the Weakley County Public Schools (District) pursuant to 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. Prior to the completion of OCR's investigation, the District asked to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual (CPM). Accordingly, to ensure compliance with Title VI and its implementing regulations and to resolve the issues of this investigation, the District voluntarily agrees to take the following actions.

The District agrees to take all steps reasonably designed to ensure students enrolled in the District are not subject to a hostile environment, on the basis of race, and to respond to allegations of racial harassment. To this end, the District will promptly investigate all incidents and complaints of racial harassment of students the District knows of or reasonably should be known to the District, and the District will take appropriate action to respond to complaints, which may include disciplinary action against staff found to have engaged in racial harassment. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements or other conduct that may be physically or emotionally threatening, harmful, or humiliating. The District will take prompt and effective responsive action reasonably designed 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 student(s). Accordingly, the District further agrees to the following:

Teacher Recruitment/Hiring

1. The District will initiate a program of recruitment for the purpose of increasing the number of qualified black applicants for teacher and administrator positions within the District by developing a recruitment plan to include recruitment at Historically Black Colleges and Universities (HBCUs) and the other actions set forth below. Specifically,
 - a) By **September 30, 2013**, and thereafter, concurrently with notices being sent to other recruitment sources for each school year, the District will notify colleges and universities, including HBCUs that are not currently being identified, of available teacher and administrator positions.
 - b) Beginning in September 2013, the District will participate in recruitment fairs that have historically attracted significant numbers of black candidates.
2. By **September 30, 2013**, the District shall identify the sites within the state and the sites out-of-state within a reasonable distance that are the best sources for black applicants. The District will include those sites for recruitment.
3. By **October 31, 2013**, the District will conduct training for the Director of Schools, all school board members, all principals, and any other individuals who have any role in recruiting or promoting teachers or administrators. The training will cover the discrimination prohibitions of Title VI at 34 C.F.R. Section 100.3(c)(3), the importance of workforce diversity, the possible disparate impact of the employment criteria utilized

for any particular vacancy, and the appropriate use of selection factors and interview techniques in the recruitment process.

4. For each of the next three school years beginning with the 2013-2014 school year, the District will conduct a self-assessment to determine the overall success of its efforts to increase the diversity of its teacher and administrator pools. This self-assessment will include, but not be limited to, a review of any reports required to be submitted to the U.S. Equal Employment Opportunity Commission, such as the EEO-5 Report (Elementary-Secondary Staff Information Report). The self-assessment will include a comprehensive comparison of the racial demographics of the District's current teacher and administrator pools to the racial demographics of these groups in the relevant qualified labor market.

REPORTING REQUIREMENTS: The District will provide OCR with the following to show that all items agreed to above have been implemented:

- A. By **March 1, 2014**, the District will provide OCR with a copy of its recruitment plan. By **June 30th** of each school year beginning in 2014 for a period of three years, the District will provide OCR with a list of the HBCUs and other organizations contacted, a description of the method of notification, and any copies of notifications. The District will identify any recruitment fairs in which it participated, as described in Item #1 above.
- B. By **March 1, 2014**, the District will inform OCR of the in-state and out-of-state sites that it has selected.
- C. By **March 1, 2014**, the District will provide OCR with the following to show that the training described in Item #3 above has been conducted: (1) the name, position, and qualifications with respect to knowledge of Title VI of the person(s) conducting the training; (2) the name, position, and assigned school (if applicable) of each person attending the training; (3) a copy of the training itinerary and any training materials disseminated; and (4) the date of the each training session.
- D. By **November 30, 2014**, and by November 30 for each year thereafter until November 2016, the District will submit to OCR a copy of the results of its self-assessment as described in Item #5 above, as well as any plan established to remedy identified deficiencies in the District's efforts to increase teacher/administrator diversity.
- E. For all hiring decisions during the next three years, the District will maintain the following records: (1) files evidencing the candidates deemed qualified and unqualified and who was selected for interviews based upon those guidelines; (2) for each position filled, files should contain a copy of all the candidates' applications and/or resumes including those who are selected for interview and any rubric sheets used and/or any interview notes generated

during the hiring process; and (3) written hiring recommendations, if any, and documentation, if any, of the individual recommendation of principals or other administrators participating in the hiring process.. Documentation specified in Item 4E shall be kept for a period of three years from the date the successful candidate is hired.

Training of Applicable Staff Regarding Title VI Legal Standards and Proper Investigative Techniques

5. By January 31, 2014, the District will: a) make all School staff, administrators, and all volunteers who interact on a regular basis with the student body ("Applicable Staff") available at a District facility for mandatory training on the Title VI legal standards prohibiting harassment on the basis of race, color or national origin; and b) make those administrators and staff charged with responding to reports of harassment or bullying on a prohibited basis, available for additional training on the duty to take prompt and effective action in response to such allegations (verbal or written), including investigation of such allegations (verbal or written), and how to conduct the investigation of discrimination, harassment, and bullying complaints or reports.

REPORTING REQUIREMENT: By February 28, 2014, the District will provide OCR with a report with a list of names and titles of applicable staff who participated in the training session.

Student Remedy

6. By September 15, 2013, the District offer a meeting with the parents/guardians of the members of the boys' basketball team where counseling support services will be offered to remedy the effects of the Coach's actions. If a parent/guardian requests and consents to such services, the District will immediately begin providing the agreed-upon services.

REPORTING REQUIREMENTS: By November 15, 2013, the District will provide OCR with the date and names of the attendees at the meeting offering counseling services to parents/guardians pursuant to Item 6. The District will also provide copies of any request for counseling services, and documentation demonstrating initiation of any agreed-upon services.

7. By November 15, 2013, the District will conduct an investigation of the Coach to determine whether the alleged incidents of racial harassment involving members of the boys basketball team were isolated incidents or a pattern of behavior that has created a hostile environment for black members of the boys basketball team; the investigation will not be limited to formally reported incidents but will also determine whether the coach has engaged in racial incidents that were previously unreported by members of the basketball team. The investigation will include interviews with current and former students, and written findings. During the investigation, District staff will remind all participants in the investigation that Title VI prohibits retaliation against those that participate in the investigation or report incidents of harassment and different treatment.

REPORTING REQUIREMENTS: By January 15, 2014, the District will provide OCR with a copy of its investigation, including copies of witness statements. If applicable, the District will advise OCR of any additional disciplinary action(s) taken against the Coach pursuant to the District and state policies governing teacher conduct, as well as other actions its has taken to remedy the effects of racial harassment involving the boys basketball team.

Statement of District's Title VI Harassment Policy

8. By October 1, 2013, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be printed in the School's and District's newsletter, if any, posted in prominent locations at the District's middle and high schools, and published on the District's website, stating that the District does not tolerate racial harassment. The statement will encourage any student who believes he or she has been subjected to racial harassment to report the harassment to the District and note the District's commitment to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for reporting instances of harassment. The statement will warn that students found to have engaged in acts of racial harassment will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents and District staff to work together to prevent racial harassment. The District will distribute this statement in languages other than English as necessary.

REPORTING REQUIREMENT: By November 1, 2013, the District will provide documentation demonstrating that a statement was issued pursuant to this Item of the Agreement.

9. By October 1, 2013, the District will draft a grievance procedure to address complaints of discrimination or harassment on the basis of race, color, and national origin. The District will ensure that these procedures provide for the prompt and equitable resolution of complaints under Title VI and will include, at a minimum, the following:
 - a. definitions and examples of discrimination or harassment on the basis of race, color, and national origin;
 - b. an explanation of how to file a complaint pursuant to the procedure;
 - c. the name or title, office address, including email address, and telephone number of the individual with whom a complaint is to be filed;
 - d. provision for prompt, adequate, and impartial investigation of all complaints, including the opportunity for the complainant and subject of the complaint to present witnesses and other evidence;
 - e. timeframes for the major stages of the investigation;
 - f. written notification to the complainant and subject of the complaint of the outcome of the investigation;
 - g. an assurance that the District will keep the complaint and investigation confidential to the extent possible; and,

- h. an assurance that remedial action will be taken to address and resolve any found incident of discrimination and to prevent the recurrence of any discrimination will be taken.

REPORTING REQUIREMENTS: By November 1, 2013, the District will provide OCR a copy of its revised grievance procedures, which will address complaints of discrimination on the bases of race, color, and national origin for OCR's review and approval.

10. By December 1, 2013, or within 60 days of OCR's approval of the grievance procedures referenced in Item #10 above, whichever is later, the District will publish the grievance procedures in all relevant publications that are provided for students, faculty and volunteers. The District will also take steps to publicize the procedure each year by posting the grievance procedures on a readily-accessible section of its website, and in any publications or written notices containing general information that are provided to students.

REPORTING REQUIREMENTS: By February 1, 2014, or within 60 calendar days of OCR's approval of the revised grievance procedures, whichever is later, the District will submit evidence showing that it has published and disseminated the grievance procedures approved by OCR, as required in Items #10 and #11, above.

Climate Survey

11. By May 30, 2014, and annually thereafter, until the terms of this agreement expire on at the end of the 2015-2016 school year, the District will conduct a voluntary and anonymous climate survey of members of the boys basketball team to assess the effectiveness of steps taken pursuant to this Resolution Agreement or otherwise by the District, to achieve its goal of a School free of race harassment.

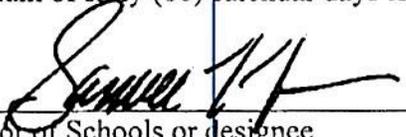
REPORTING REQUIREMENT: By July 15, 2014, the District will provide OCR with documentation demonstrating implementation of the survey, including a description of how the climate surveys were completed, copies of any student responses to surveys, summaries of other information obtained, and proposed actions, if appropriate, that the District plans to take in response to the information gathered during the climate assessments.

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 request permission to visit the District to interview staff and students, and may 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 Title VI implementing regulation at 34 C.F.R. § 100.3.

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 34 C.F.R. § 100.3, which was at issue in this complaint.

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.



Director of Schools or designee

2-9-13

Date