

Resolution Agreement
OCR Complaint No. 01-14-1259
Melrose Public Schools

Melrose Public Schools (District) submits the following Agreement to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case number 01-14-1259. 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, which prohibit discrimination on the basis of race, color or national origin, with respect to the allegations raised in the complaint. The District agrees to the following:

Individual Remedies

1. By **December 30, 2015**, the District will request a meeting with the Student and his parents to discuss steps the District will take to address any needs the Student has and/or compensatory services owed to the Student as a result of being subjected to a racially hostile environment.

REPORTING REQUIREMENT: By **February 1, 2016**, the District will provide to OCR documentation of its efforts to comply with Item 1 of the Agreement. This will include documentation of the District's invitation request; the Student's and parents' response to the District's request; notes from the meeting outlining what steps, if any, the District agreed to take as a result of the meeting; and documentation that the District gave assurances during this meeting that the District does not tolerate discrimination on the basis of race perpetuated by any member of the District's community, including students, teachers and other staff members and administrators.

2. By **February 1, 2016**, the District will draft written responses to be provided to all adults and students who filed with the District complaints or reports, written or verbal, alleging racially discriminatory or harassing conduct related to the Student above. The responses will, subject to the privacy requirements of the Family Educational Rights and Privacy Act (FERPA), inform them of the outcome of the District's investigation into their complaints. These responses, along with documentation of the original complaint or report, will be submitted to OCR for approval before the responses are issued.

REPORTING REQUIREMENT: **Within 10 days of receiving approval from OCR**, the District will issue the responses developed pursuant to Item 2 of the Agreement by U.S. mail and, if appropriate, by electronic mail, and will provide copies to OCR.

Systemic Remedies

3. **Effective immediately**, the District will continue to take all steps necessary to ensure that middle school students are not subjected to discrimination, harassment or a hostile environment on the basis of race, color or national origin by its teachers. As used in this Agreement, the term racial harassment includes the use of derogatory language (including epithets), intimidation, threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures, drawings, notes, e-mails, postings on Internet and social networking sites, and phone messages, that are based on race, color or national origin. To this end, the District will:

- a. Promptly investigate all complaints or reports, written or verbal, alleging discriminatory or harassing conduct committed against one or more students on the basis of race, color or national origin. In this Agreement, these complaints or reports will be referred to as “Title VI discrimination/harassment reports.”
 - b. Conduct investigations into discrimination, harassment or a hostile environment on the basis of race, color or national origin in accordance with the District’s procedure adopted for this purpose, *Procedure for Filing Complaints Related to Discrimination or Harassment* (“Title VI Grievance Procedure”), to be revised and approved by OCR in accordance with this Agreement.
4. When investigating Title VI discrimination/harassment reports, the District’s process will promptly determine what occurred by conducting reliable and adequate fact gathering and applying a proper analysis.
- a. The process will include reliable techniques for fact gathering to include impartial fact gatherers and decision makers: conducting thorough witness interviews under conditions of privacy; creating a contemporaneous written interview record of the questions asked and the answers given (this does not have to be a verbatim record); collecting written statements of disputed accounts; promptly and thoroughly memorializing information provided orally; identifying and collecting evidence to corroborate witness statements; and gathering written and electronic evidence promptly.
 - b. The outcome will be based on the appropriate legal standard for resolving a complaint of discrimination, harassment, or a hostile environment (totality of the circumstances) based on race, color or national origin.
5. In responding to Title VI discrimination/harassment reports, the District will take prompt and appropriate responsive action to provide applicable interim measures to potentially injured students or employees pending its determination.
6. In responding to racial harassment, the District will take prompt and appropriate responsive action to end the hostile environment if one has been created, and to prevent its recurrence, and, where appropriate, will take steps to remedy the effects of the hostile environment on any affected person (i.e. an individual subjected to a hostile environment based on race, color or national origin), including offering counseling and other appropriate services.

REPORTING REQUIREMENT: By **February 1, 2016** (concerning the 2014-2015 school year) and thereafter on **July 1, 2016** (2015-2016 school year) and **July 1, 2017** (2016-2017 school year) and **July 1, 2018** (2017-2018 school year) the District will provide to OCR all of the following with respect to the middle school:

- a. Documentation demonstrating that all District administrators and School Committee members were asked if they received any Title VI discrimination/harassment reports (as defined by this Agreement) during the previous school year, whether verbal or written, and their responses.
- b. A copy of all notes taken by District personnel documenting all verbal Title VI

- discrimination/harassment reports received.
- c. A copy of all written Title VI discrimination/harassment reports received by the District.
 - d. Documentation of all interim action taken to prevent the recurrence of the harassing incidents, and any remedial measures taken following an investigation, including meetings, trainings, counseling and disciplinary sanctions issued to any perpetrator of harassment on the basis of race, color or national origin.
 - e. A copy of the outcome letter issued.
 - f. Documentation demonstrating the remedial efforts offered and provided to the person(s) targeted by the harassment, such as counseling, tutoring or other appropriate services.

Title VI Coordinator

7. By **January 1, 2016**, the District will identify at least one individual charged with coordinating the District's compliance with Title VI. At a minimum, the Title VI Coordinator must have the necessary skills and training to effectively oversee the District's compliance with Title VI and this Agreement, including responsibility for ensuring all of the following: Title VI discrimination/harassment reports are referred to persons trained in conducting investigations; pending the completion of an investigation, applicable interim measures are offered to potential victims of discrimination or harassment; requests for confidentiality are appropriately handled; reliable and adequate records are kept of investigations; all Title VI discrimination/harassment reports are resolved appropriately; following the completion of an investigation, remedial measures identified are carried out; a reliable tracking system of all Title VI discrimination/harassment reports and the outcome is maintained; an effective training program is implemented in accordance with this Agreement and the District's ongoing and/or developing needs with respect to racial harassment; and, necessary improvements to the District's program of preventing and addressing racial harassment are carried out, including those developed pursuant to Items 18 and 19 of this Agreement.

REPORTING REQUIREMENT: Within 30 days of appointing a Title VI coordinator in accordance with Item 7 of the Agreement, the District will provide documentation to OCR that the appointment has been made and the individual has the required skills and impartiality to fulfill the roles, responsibilities and expectations of the position, including an appropriate level of authority to be effective in the position.

8. For the remainder of the 2015-2016 school year, the Title VI coordinator identified in item 7 above will ensure that all Title VI discrimination/harassment reports, including any issues with regard to racial climate, received by the District are provided to a third party consultant with expertise in Title VI compliance for his/her review. The Title VI Coordinator will also coordinate with the consultant, as needed, to ensure the most effective response is provided to any such reports or issues.

REPORTING REQUIREMENT: By July 1, 2016, the District will provide copies of any and all correspondence between the Title VI Coordinator and the consultant related to Item 8 of the Agreement.

Anti-Harassment Statement

9. **Within 15 days of the execution of this Agreement**, and in conjunction with the beginning of school in fall of 2016 and 2017, the Superintendent will issue a statement (by letter or similar means) to all District students, parents/guardians and teachers that the District does not tolerate acts of discrimination based on race, color or national origin by its employees or students, including acts of harassment or bullying based on race, color or national origin. The statement will announce the appointment of the Title VI Coordinator and will encourage any District student or employee who believes he or she has been subjected to discrimination, harassment or a hostile environment based on race, color or national origin to report their concern. The statement will identify the person(s) by name, title, telephone number and email address to receive such reports and will include mention of the District's commitment to conducting a prompt, impartial and thorough investigation. The statement will encourage students, parents/guardians and District staff to work together to prevent acts of harassment.

REPORTING REQUIREMENT: By January 15, 2016, and on October 1, 2016 and 2017, the District will provide OCR with documentation demonstrating its implementation of Item 9 of the Agreement, including a copy of the statement and a description of how it was issued and where it was published.

Adoption and Publication of Harassment-Related Policies and Procedures

10. The District will review and revise its Title VI Grievance Procedure (*Procedure for Filing Complaints Related to Discrimination or Harassment*) and any relevant School Committee policies to ensure that the District's investigations are prompt and equitable and that the relevant procedures and policies are clear and accurately reflect practices used by the District in resolving complaints. This effort will include working with the parents/guardians and students to ensure complainants have a clear and consistent explanation of how their reports of Title VI discrimination, harassment, or a hostile environment based on race, color, or national origin will be resolved. The District will revise the Grievance Procedure to include the following:
- a. Notice of the identity and contact information of the Title VI Coordinator.
 - b. Identification of all employees responsible for receiving reports of discrimination, harassment, or a hostile environment based on race, color, or national origin.
 - c. A statement that District employees who observe acts of discrimination, harassment or a hostile environment on the basis of race, color or national origin against a student must report the incident to one of the persons named in Item 10.b above, and that a failure to do so could result in remedial or corrective action.
 - d. A recommendation that District employees who observe acts of discrimination, harassment or a hostile environment on the basis of race, color or national origin against a student intervene to stop the harassment.
 - e. Cross-references, where appropriate, between the District's Title VI Grievance Procedure and related District policies or procedures, School Committee policies, and Federal civil rights laws, regulations, and policies enforced by OCR, and clear information where related laws,

regulations and policies may be found.

REPORTING REQUIREMENT: By **January 15, 2016**, the District will submit to OCR for review and approval a copy of all procedures revised or newly-drafted in accordance with Item 10 of the Agreement. **Within 15 days of receipt of OCR's approval**, the District will take steps to begin its adoption and implementation process for the procedures, including publishing them.

11. The District will continue to notify students, their parents and guardians, and all employees, of its Title VI policies and procedures, including those developed and/or adopted pursuant to this Agreement. The District will update all parent, student, and employee handbooks as necessary, note all revisions prominently on the District website, and use any other means of notification the District believes will be effective in widely disseminating the information. The District will make its policies and procedures available in languages other than English, as necessary, to ensure that all District students and their parents/guardians are aware of and understand the policies and procedures.

REPORTING REQUIREMENT: By **January 31, 2016**, the District will submit documentation evidencing compliance with Item 11 of the Agreement, including a copy of the notice and information regarding how this notice was disseminated and where/how it was published.

Training

12. By **March 1, 2016**, the District will design and implement a program of effective general training for all District employees who come into contact with students which will, at a minimum, inform employees of the importance of the District's prohibition of discriminatory or harassing conduct towards students on the basis of their race, color, or national origin; familiarize employees with the District's Title VI Grievance Procedures; and, remind employees of their obligation to properly report discrimination, harassment and a hostile environment on the basis of race, color or national origin about which they know or reasonably should have known.

REPORTING REQUIREMENT: By **July 1, 2016**, and annually thereafter by **July 1, 2017 and 2018**, the District will submit to OCR documentation demonstrating that the program was delivered in accordance with Item 12 of the Agreement, including a copy of the written materials used by trainers and distributed to participants, the identity and credentials of the individual(s) who provided the training, and the names of the persons attending the program.

13. By **April 1, 2016**, the District will design and implement a program of effective training to be provided to all middle school teachers aimed at increasing their competency with respect to creating and sustaining an environment free from harassment and discrimination of students. The training will address the importance of the District's prohibition of discrimination, harassment and a hostile environment on the basis of race, color or national origin, provide examples of teacher conduct toward students that is discriminatory or harassing, identify tools and/or assistance available to avert discriminatory or harassing conduct, explain the investigatory process including their cooperation in investigations, and identify counseling and

other services available for students who have been subjected to discrimination, harassment, or a hostile environment on the basis of race, color or national origin. Provided that there is evidence the 2016 training was effective, training given to middle school teachers during the 2016-2017 and 2017-2018 school years may be modified to meet the District's current Title VI needs and racial climate, and can be offered as professional development.

REPORTING REQUIREMENT: By **July 1, 2016**, and annually thereafter by **July 1, 2017 and 2018**, the District will submit to OCR documentation demonstrating that all middle school teachers have participated in training conducted in accordance with Item 13 of the Agreement, including a copy of the materials used by trainers and distributed to attendees, the identity and credentials of the individual(s) who provided the training, and the names and titles of the persons attending the program. Concerning the 2016 training, the District will document that make-up sessions will be provided to any middle school teachers who missed the training, and concerning the 2017 and 2018 trainings, the District will document that all new middle school teacher hires received the training no later than December 15 of each respective year.

14. During the second semester of the 2015-2016 school year, the District will develop and implement an effective program to address discrimination and harassment under Title VI, to be delivered to tenth grade students. The program will be delivered at the high school, through a series of 3-4 classes during the District's American History I course.
15. During the 2016-2017 and 2017-2018 school years, the District will deliver a program to eighth grade students at the middle school, similar to the program in Item 14 but modified as needed to be age appropriate. The training and written materials will include: (a) the measures the District has taken and will take to correct and avert the establishment of a hostile environment based on race, color or national origin, and retaliation when students file complaints; (b) an assurance of the District's commitment to providing a school environment free from discrimination or harassment based on race, color of national origin; (c) an explanation what a student should do if he/she believes they or other students are being subjected to discrimination, harassment or a hostile environment on the basis of race, color or national origin by a teacher, another student, employee or third party; and (d) the possible remedies when a student has been harmed or affected by discrimination, harassment or a hostile environment on the basis of race, color or national origin.
16. During the 2016-2017 and 2017-2018 school years, the District will conduct a program that informs sixth and seventh grade middle school students of the topics listed in Item 15 under (a)-(d).

REPORTING REQUIREMENT: By **July 1, 2016**, and annually thereafter on **July 1, 2017 and 2018**, the District will submit to OCR documentation demonstrating that its programs for students were delivered in accordance with Items 14, 15 and 16 of the Agreement, including a copy of the teaching materials used and distributed to students, the identity and credentials of the individuals who provided the training, and the number of students attending the program.

17. By **March 1, 2016**, the District will complete training of all administrators who may

conduct investigations of Title VI discrimination, harassment, and hostile environment reports based on race, color, and national origin. The training will address the following topics: conducting and documenting prompt, adequate, reliable, and impartial investigations, including records management particularly when there is staff turnover; applying appropriate legal standards; issuing adequate and reliable findings of fact; making sound legal conclusions based on appropriate analysis of findings of fact; investigating allegations of verbal utterances and social media incidents; investigating allegations of students believed to have engaged in misconduct, with an emphasis on not harming a victimized student or otherwise diminishing his/her right to be free from discrimination, harassment, a hostile environment, or creating a chilling affect with respect to Title VI discrimination, harassment, and hostile environment reports. An adequate roster of trained investigators will be maintained, supported by additional training as needed. Provided that an adequate number of trained investigators are available to meet the District's needs, training of administrators during the 2016-2017 and 2017-2018 school years may be modified to meet the District's current Title VI needs and racial climate, and can be offered as professional development.

REPORTING REQUIREMENT: By **July 1, 2016**, and annually thereafter on **July 1, 2017 and 2018**, the District will submit to OCR documentation demonstrating that the program was delivered in accordance with Item 17 of the Agreement, including a copy of the materials used by trainers and distributed to attendees, the identity and credentials of the individual(s) who provided the training, and the names and titles of the persons attending the program. The District will also provide OCR a copy of its administrators who have the required training.

Ongoing Improvement of District's Anti-Harassment Program

18. The District will develop a process to annually assess the effectiveness of its anti-harassment training programs for employees and students, as conducted pursuant to Items 12-16 of the Agreement.

REPORTING REQUIREMENT: By **March 1, 2016**, the District will provide a written explanation of the process described in Item 18 of the Agreement. By **July 1, 2016**, annually thereafter on **July 1, 2017 and 2018**, the District will provide OCR the results of the District's implementation of the process described in Item 18 of the Agreement and any recommendations for improvements of its training programs in Items 12-16 of the Agreement.

19. Within 30 days of the signing of this Agreement, the District will retain a third party consultant(s) with expertise in Title VI compliance, subject to OCR's approval, to conduct a needs assessment focusing on the Middle School and its climate related to race. The needs assessment will be administered annually through the 2017-2018 school year and will focus on the occurrence of discrimination and harassment based on race within the Middle School, including assessment of the District's dissemination of information about the District's policies and procedures with respect to harassment based on race, color or national origin. As part of the needs assessment, the consultant(s) will conduct focus groups of students, parents and staff members to gather information about the current Middle School climate, in regard to race, and suggestions for improving school

climate. The District is not precluded from also assessing the school climate related to other protected classes under Federal and/or State law. The consultant(s) will review the Agreement and OCR's Letter of Findings before commencing the needs assessment. The consultant(s) will be required to complete the initial needs assessment and report no later than April 30, 2016 and thereafter by March 30, 2017 and by March 30, 2018, respectively.

REPORTING REQUIREMENT: By **May 15, 2015**, the District will provide to OCR the initial needs assessment report and any recommendations of the needs assessment described in Item 19 of the Agreement. By **April 15, 2017**, the District will provide the second needs assessment report and any recommendations of the needs assessment to OCR described in Item 19 of the Agreement. By **April 15, 2018**, the District will provide the third needs assessment report and any recommendation of the needs assessment to OCR described in Item 19 of the Agreement.

IMPLEMENTATION OF THIS AGREEMENT

Based on the terms and reporting requirements of this Agreement, OCR anticipates closing its monitoring of this Agreement by December 2018.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, 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 §§100.3(a) and (b)(i)-(iii), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at §§100.3(a) and (b)(i)-(iii), which were at issue in this case.

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 the 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/_____
Superintendent
Melrose Public Schools

____12/17/15_____
Date