

**RESOLUTION AGREEMENT**  
Red Clay Consolidated School District  
OCR Case No. 03-23-1373

The Red Clay Consolidated School District (the District) agrees to resolve the above-referenced complaint by voluntarily entering into this Resolution Agreement (Agreement) with the U.S. Department of Education, Office for Civil Rights (OCR). This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to resolve this complaint and to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, including shared ancestry or ethnic characteristics, by recipients of Federal financial assistance. The Action Steps in this Agreement refer to actions that must be taken by the Red Clay Consolidated School District (the District), and the [redacted content] (the School).

**A. INDIVIDUAL REMEDY**

1. The District will write to the Student's parents to offer to reimburse them up to [redacted content] for past counseling, academic, or therapeutic services they obtained for the Student as a result of the harassment the Student experienced based on her Jewish ancestry during the [redacted content] school year and/or for future services the Student received as a result of the harassment, for up to one year after the date of the signing of this Agreement. The letter may specify that it is not an admission of any wrongdoing or liability by the District. The total amount of reimbursement shall not exceed [redacted content] total for both past and future counseling, academic, or therapeutic services obtained for the Student, from qualified non-familial providers, as a result of the harassment the Student experienced. The District may require proof of billing/payment by the Student's parents, including documentation to support reimbursement showing that the service qualifies for reimbursement under this provision. Within 10 business days of receiving sufficient information to determine whether the request qualifies, the District will submit the reimbursement for processing through the State Accounting System, unless the State Accounting System is closed or offline or parents have not taken the necessary steps to receive it through the State Accounting System by registering as a vendor, in which case the reimbursement will be submitted to the State Accounting System for payment within 10 business days after the system is operable or the parents have become authorized to receive payments through the system by registering as a vendor.

**Reporting Requirements:**

1. **By February 15, 2024**, the District will provide OCR with a copy of the letter that it sent to the Student's parents offering to reimburse them up to [redacted content] for past counseling, academic, or therapeutic services received by the Student after the harassment began and/or for future services received for up to one year after the date of the signing of this Agreement.
2. **By March 20, 2024**, the District will also provide OCR with documentation to show that the District reimbursed up to [redacted content] the Student's parents for the

services described in A.1, if they provide reasonable proof of expenditure to the District up to one year after the date of the signing of this Agreement.

## **B. ANTI-HARASSMENT STATEMENT**

1. The Superintendent will issue a statement that will be published on the District’s website, printed in appropriate publications reaching all District parents/guardians, students, and employees, and posted in prominent locations at the School, stating that the District does not tolerate acts of harassment, including acts of harassment based on a student’s actual or perceived race, color, or national origin, including shared ancestry or ethnic characteristics (e.g., antisemitism). The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on race, color, or national origin to report it to the District and identify the process that should be used to file such complaints. It will state the District’s commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment that create a hostile environment based on race, color, or national origin may be disciplined and make clear that such discipline may include, if circumstances warrant, suspension and expulsion. The statement will encourage students, parents/guardians, and District staff to work together to prevent acts of harassment.

### **Reporting Requirements:**

1. **By February 20, 2024**, the District will submit to OCR a draft statement written pursuant to Action Step B.1. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the statement and notice from OCR that no further reporting is required for Reporting Requirement B.1.
2. Within 30 calendar days of receiving OCR’s final approval of the statement, the District will submit to OCR documentation which demonstrates the District has distributed the statement pursuant to Action Step B.1, including website links and other evidence of distribution. The District will promptly and fully address OCR’s concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement B.2.

## **C. POLICY REVIEW AND REVISION**

1. The District will review its policies and procedures to ensure that the District adequately addresses the Title VI prohibition on discrimination based on race, color, and national origin, including discrimination based on a student’s actual or perceived shared ancestry or ethnic characteristics. During its review, the District will identify the relevant policies and procedures currently in effect; convene a group of District staff, including school-based staff, to review the identified policies and procedures; timely revise the policies and procedures, as described below; and timely adopt and disseminate the revised policies and procedures. The District will disseminate the revised policies and procedures by email distribution to all school administrators who will be directed to distribute,

convene, and discuss the revised policies and procedures with site-based staff. The dissemination will include a web link to the revised policies and procedures.

At a minimum, the District will ensure its policies and procedures include the following:

a. Non-discrimination and reporting.

- i. A statement setting forth the District's commitment to having a school environment free from all discrimination, including harassment, on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics. The statement must explain that the District prohibits harassment based on race, color, and national origin, including shared ancestry and ethnic characteristics, in the school environment, including 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 must promptly report to the designated District or School administrator(s)/staff member(s) all incidents of harassment of which they become aware, regardless of whether a formal complaint is filed. The statement will specify that the District will investigate formal and informal complaints of harassment.
- ii. An explanation of the right to file a formal complaint pursuant to the District's policies and procedures, and be offered a copy of the procedures;
- iii. A requirement that school personnel report incidents of possible harassment involving students and possible harassment involving staff 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.
- iv. Examples of the type of harassing conduct and behavior that is covered by the non-discrimination policy, including examples of harassment on the basis of shared ancestry and ethnic characteristics.
- v. A statement that retaliation is prohibited against persons who report harassment or participate in related proceedings.

b. Complaint Procedures.

- i. A definition of the term harassment.
- ii. The name or title, office address, and telephone number for the District employee(s) responsible for receiving and investigating reports of harassment.
- iii. Description of the procedures that will be used to receive, investigate and resolve complaints, including how to file complaints, the availability of interim measures (including safety plans), the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint. At a minimum, the description of the procedures will include the following:
  1. A requirement that all interviews with individuals who have information about the complaint, including but not limited to, the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information will be documented in writing or other recording.

2. Review of any records, notes, statements, or other documents related to the complaint.
3. Notice of the outcome of the complaint, including:
  - (a) The findings of fact based on the evidence gathered;
  - (b) As to each allegation, the District’s conclusion(s) as to whether discrimination and/or harassment occurred, and the reasons or rationale for such conclusion(s);
  - (c) The consequences imposed on any individual(s) found to have engaged in discrimination and/or harassment that relate to the subject of the complaint; and,
  - (d) Notice to the complainant to immediately report any recurrence of the conduct or of acts of retaliation to the District.
4. An express commitment that after a finding of discrimination and/or harassment, the District will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.

**Reporting Requirements:**

1. **By July 1, 2024**, the District will submit to OCR documentation which demonstrates the District has: (i) identified all relevant policies and procedures; (ii) convened a group of District staff for review; and (iii) revised the policies and procedures pursuant to the requirements in Action Step C. The District will include in its submission to OCR a draft of the proposed revisions for OCR’s review and approval. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the revised policies and procedures and notice from OCR that no further reporting is required for Reporting Requirement C.1. The District will submit the revised policies and procedures by submitting a: (i) red-lined version of the proposed changes, and (ii) clean copy of the proposed final policies and procedures.
2. Within 30 calendar days of receiving OCR’s final approval of the revised policies and procedures, the District will submit to OCR documentation which demonstrates the District has: (i) formally adopted the revised policies and procedures, and (ii) disseminated the adopted policies and procedures to all District staff. The District will promptly and fully address OCR’s concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement C.2.

**D. RECORD-KEEPING**

1. The School will develop or revise its procedure for documenting the date and substance of each report or complaint of harassment received by the School, and actions taken by the School in response to the report or complaint, including: internal correspondence; discussions involving compliance coordinators and/or staff involved in the investigative or disciplinary process; correspondence or dialogue with parties, witnesses, and/or other individuals and/or entities; interim or supportive measures offered or provided to parties;

interim restrictions, including no-contact orders, (if any) and justification for same; informal resolutions; investigations conducted, including evidence gathered; findings or determinations of responsibility at each stage, including on appeal, if applicable; post-investigation remedies; written notice of the outcome provided to the parties; and disciplinary sanctions imposed. The School will also maintain these records in a manner that permits the School to readily identify all reports and complaints alleging harassment or possible harassment on the basis of race, color, or national origin, including harassment based on a student’s actual or perceived shared ancestry or ethnic characteristics.

**Reporting Requirements:**

1. **By July 1, 2024**, the District will provide to OCR for review and approval the detailed description of its system for tracking and reviewing the records as described in Action Step D. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the record-keeping system, and notice from OCR that no further reporting is required for Reporting Requirement D.1.
2. Within 30 days of OCR’s approval of the record-keeping system, the District will implement the system at the School and provide verification to OCR that the system has been implemented for all School administrators and staff involved in the investigative process.

**E. TRAINING OF SCHOOL STAFF**

1. The District will annually train all administrators, faculty, and staff at the School on Title VI’s prohibition of discrimination based on race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics. The first training will occur after the District has adopted the revised policies and procedures under Action Steps C and D and will include, at a minimum:
  - a. Title VI’s prohibition on discrimination based on race, color, and national origin, including harassment based on shared ancestry or ethnic characteristics;
  - b. relevant District policies and regulations, including the District’s revised policies and procedures under Action Step C, and the District’s record-keeping process for incidents of harassment under Action Step D, as approved by OCR;
  - c. the definition of “harassment” and examples of harassment on the basis of race, color, and national origin, including shared ancestry and ethnic characteristics;
  - d. a statement of District personnel’s responsibility to report incidents of possible harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to such reports;
  - e. a statement of the requirement that a student or parent/guardian who has reported possible incidents of harassing behavior must be notified of their right to file a formal complaint pursuant to the District’ policies and procedures, and be offered a copy of the procedures; and,
  - f. identification of the individual, by name or title, and contact information, responsible for receiving and investigating reports of harassment.

2. The District will assess the effectiveness of the training referenced in Action Step E.1 by conducting training assessment surveys at the conclusion of the training each year, of all staff who attended the training(s). The survey will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible harassment on the basis of race, color, and national origin, including shared ancestry and ethnic characteristics, and the process for doing so, and will specifically inquire about their knowledge of the process for responding to and investigating such harassment complaints.

**Reporting Requirements:**

1. Within 30 calendar days of receiving OCR’s approval of the District’s revised policies and procedures under Action Steps C and D, the District will submit to OCR draft training materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to provide the training under Action Step E, for OCR review and approval. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the training materials and trainer(s).
2. Within 90 school days of receiving OCR’s final approval of the training materials and trainer(s), the District will ensure that School staff are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) confirmation that the approved training materials were used; (iii) confirmation that the approved trainer(s) was used; (iv) the names and titles/positions of staff who attended the training; and (v) the names and titles/positions of staff who did not attend the training, an explanation for each person’s absence, and a plan to train each person. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement E.2.
3. Within 30 calendar days of completing the training required under Action Step E.1, the District will provide OCR draft surveys for assessing the effectiveness of the training, for OCR review and approval. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting of this item is required.
4. Within 30 school days of receiving OCR’s final approval of the survey, the District will disseminate the survey to all staff who were trained.
5. Within 30 calendar days of disseminating the survey required by Action Step E.2, and by September 30, 2024 and 2025, the District will provide OCR with the survey results regarding the effectiveness of the training and a summary of the steps the District plans to take, if any, to address the survey results. The District will promptly and fully address OCR’s feedback on the results of the assessment survey, including the potential need for additional training, until the District receives OCR’s final approval that no further action or reporting is required for this item.

## **F. INVESTIGATIVE TRAINING OF SCHOOL STAFF**

1. The District will annually train School school-level administrators, who are directly involved in processing, investigating, and/or resolving complaints and other reports of discrimination based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics. The first training will occur after the District has adopted the revised policies and procedures under Action Step C and D, and will include, at a minimum:
  - a. A review of the District’s policies and procedures that focus specifically on the investigation of discrimination complaints, including instructions on how to conduct and document reliable and impartial investigations of possible discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics;
  - b. A description of the steps the District will take in response to any harassing behavior discovered, including actions to ensure that the offending student(s) understand the seriousness of the possible offense and, where applicable, progressive disciplinary steps; and
  - c. A statement that a student or parent/guardian who has reported possible incidents of harassing behavior must be notified of the steps the District is taking in response to the reported incident(s), and guidance to staff on how and when to provide this notification.

### **Reporting Requirements:**

1. Within 30 calendar days of receiving OCR’s approval of the District’s revised policies and procedures under Action Steps C and D, the District will submit to OCR draft training materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to provide the training under Action Step F. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the training materials and trainer(s).
2. Within 60 calendar days of receiving OCR’s final approval of the training materials and trainer(s), the District will ensure that administrators at the School are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) confirmation that the approved training materials were used; (iii) confirmation that the approved trainer(s) was used; (iv) the names and titles/positions of staff who attended the training; and (v) the names and titles/positions of School administrators who did not attend the training, an explanation for each person’s absence, and a plan to train each person. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement F.2.
3. Within 30 calendar days of completing the training required under Action Step F.1, the District will provide OCR draft surveys for assessing the effectiveness of the training. The District will promptly and fully address OCR’s feedback, if any, until

the District receives notice from OCR that no further reporting of this item is required.

4. Within 30 calendar days of receiving OCR’s final approval of the survey, the District will disseminate the survey to all staff who were trained.
5. Within 30 calendar days of disseminating the survey required by Reporting Requirement F.3, and by September 30, 2024 and 2025, the District will provide OCR with the survey results regarding the effectiveness of the training. The District will promptly and fully address OCR’s feedback on the results of the assessment survey, including the potential need for additional training, until the District receives OCR’s final approval that no further action or reporting is required for this item.

### **G. STUDENT INFORMATIONAL PROGRAM**

1. The District will provide an age-appropriate informational program for students at the School to address discrimination based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics. The program will occur after the District has adopted the revised policies and procedures under Action Steps C and D and will include, at a minimum:
  - a. A reminder of the District’s commitment to having a school environment free from discrimination, including harassment based on shared ancestry and ethnic characteristics, and explain to students what they should do if they believe they or other students are being harassed based on race, color, or national origin or experiencing retaliation;
  - b. An explanation that harassment is prohibited pursuant to the District’s policies and procedures;
  - c. Examples of the type of harassing conduct and behavior that is covered by the policy, including examples of harassment based on shared ancestry and ethnic characteristics;
  - d. An explanation that students who are aware of harassment should promptly report the harassment to the District and details about how students should report harassment, on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics;
  - e. An explanation regarding the potential disciplinary consequences related to findings of discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics; and,
  - f. A notice of how to access the District’s revised policies and procedures under Action Step C, as approved by OCR.

#### **Reporting Requirements:**

1. Within 30 calendar days of receiving OCR’s approval of the District’s revised policies and procedures under Action Steps C and D, the District will submit to OCR draft program materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to facilitate the program. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the program materials and facilitator(s).



2. Within 60 school days of receiving OCR’s final approval of the program materials and facilitator(s), the District will ensure that students attending the School attend the program and will submit to OCR: (i) the date, time, and location of the program; (ii) confirmation that the approved program materials were used; (iii) confirmation that the approved facilitator(s) was used; (iv) the names and grades of students who attended the program; and (v) the names and grades of each student who did not attend the program and a plan to provide the program to each student. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement G.2.

#### **H. AUDIT FOR THE 2023-2024 SCHOOL-YEAR**

1. The District will conduct an audit of the School at the end of the 2023-2024 school year to review the consistency of the application of and compliance with the District’s policies and procedures regarding non-discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics. The District will complete the audit no later than June 30, 2024. The audit will include, at a minimum:
  - a. a review of all complaints received during the school year addressing discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics;
  - b. an assessment of whether each complaint was processed in accordance with the District’s policies and procedures; and,
  - c. a self-evaluation by the District with regard to any areas of concern arising based on the review and analysis outlined above, including recommendations for the subsequent school year.
2. Upon completion of the audit, the District will generate a report summarizing the audit’s findings, addressing areas of concern, and identifying recommendations for improvement, if any. The report will be distributed through written correspondence and/or email to appropriate staff, including the Superintendent, principal, and each staff member responsible for addressing complaints of harassment on the basis of national origin at the School pursuant to the District’s policies and procedures, as well as any other staff whom the District deems appropriate.

#### **Reporting Requirements:**

1. **By August 15, 2024**, the District will submit documentation to OCR demonstrating the District’s compliance with the provisions outlined in Action Step H, including demonstration that the audit was conducted and the report was distributed to the identified staff. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement H.1.

## **I. AUDIT FOR THE 2021-2022 and 2022-2023 SCHOOL YEARS**

1. The District will conduct an audit of all incidents at the School coded as “Inappropriate Behavior” and “Abusive Language/Gestures” during the 2021-2022 and 2022-2023 school year to determine if any of the incidents constituted discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics. If the District determines that any of the incidents were harassing in nature, and created a hostile environment, the District will take steps to remedy the harassment on any affected students.
2. Upon completion of the audit, the District will generate a report summarizing the audit’s findings, specifically identifying the incidents that the District determined to be harassing in nature, and summarizing the steps that the District took to remedy the harassment on any affected students.

### **Reporting Requirements:**

1. **By August 30, 2024**, the District will submit documentation to OCR demonstrating the District’s compliance with the provisions outlined in Action Step I, including a copy of the District’s audit, pursuant to Action Step I.2. The District will also provide OCR with documentation of the remedies offered to remedy the harassment on any affected students.

## **J. CLIMATE ASSESSMENT**

1. The District will administer a school climate survey at the School during the second quarter of the 2023-2024 school year. The climate check may be accomplished through the use of a written or electronic survey. Students and parents receiving the survey must be notified of a contact person, such as a counselor, should they wish to discuss this issue in person. The assessment will, at a minimum, address:
  - a. The prevalence of harassment on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics, in the School;
  - b. The willingness to report incidents of harassment on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics, to District personnel;
  - c. The perception of the District’s handling of reports and complaints of harassment; and
  - d. Suggestions for reducing incidents of harassment in the school and improvement of the District’s response to reports and complaints of harassment.
2. After the School climate survey is completed, the District will review the results to assess whether any additional student or other training is needed to further improve the school climate.

**Reporting Requirements:**

1. **At least 45 calendar days** before the scheduled climate survey administration date, the District will provide OCR with a copy of the proposed survey for OCR’s review and approval. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the survey and notice from OCR that no further reporting is required for this item.
2. **Within 45 school days** of OCR approval of the climate survey, the District will administer the climate survey. Within 60 calendar days after the climate survey is conducted, the District will provide OCR a copy of the final survey along with a report summarizing the results of the survey, and a description of further activities, if any, the District plans to implement in response to the survey results. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for this item.

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The District understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirement 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 and obligations of this Agreement.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100, which were 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 sixty (60) calendar days to cure the alleged breach.

This Agreement will become effective immediately upon the signature of the District's representative below.

By: \_\_\_\_\_/s/\_\_\_\_\_ Date: \_\_\_\_\_1/26/24\_\_\_\_\_

Name: Dorrell Green  
Title: Superintendent