

RESOLUTION AGREEMENT
Ottumwa Community School District
OCR Case No. 05-21-1162

The Ottumwa Community School District (District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the above-referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d- 7, and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color or national origin in any education program or activity operated by a recipient of Federal financial assistance from the U.S. Department of Education. Accordingly, the District agrees to take the following actions to resolve the issues of this investigation.

GENERAL PRINCIPLES

The District will take the steps outlined below to ensure that students are not subjected to a hostile environment on the basis of race, color, or national origin. The District will promptly investigate all incidents of harassment of students on the basis of race, color or national origin of which it knows or should have known, and take effective responsive action. The District will also take steps to end any hostile environment that has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of any hostile environment on affected students and to discipline any individual(s) found to have engaged in the racially harassing behavior. The District will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment based on race, color, or national origin.

INDIVIDUAL REMEDIES

1. The District agrees to provide reimbursement to the Complainant as follows: The District will consider information and documentation provided by the Complainant in order to address the effects of the District's failure to address the racially hostile environment the Student experienced at the [redacted content]. The District will provide:
 - a) reimbursement for documented expenses incurred by the Complainant related to the Student's [redacted content] services rendered during his attendance at the School resulting from the racially hostile environment the Student experienced while attending [redacted content]; and
 - b) reimbursement for documented expenses incurred by the Complainant related to any [redacted content] services the Student receives resulting from the racially hostile environment the Student experienced while attending the School for a period of twelve months following the Student's last day of attendance at the School in spring 2022.

Reporting Requirement (1)(a). Within 30 calendar days of this Agreement being signed, the District will send to OCR documentation which demonstrates the District has reimbursed the Complainant for the documented [redacted content] expenses incurred during Student A's attendance at the School pursuant to Item 1(a) of this Agreement.

Reporting Requirement (1)(b). By June 29, 2023, the District will send to OCR documentation which demonstrates the District has reimbursed the Complainant for the documented [redacted content] expenses incurred by the Complainant for the twelve month period pursuant to Item 1(b) of this Agreement.

ANTI-HARASSMENT STATEMENT

2. 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 race, color or national origin. The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on race 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 may be disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion. The statement will encourage students, parents/guardians, and District staff to work together to prevent acts of harassment and retaliation.

Reporting Requirement (2)(a). Within 60 calendar days of this Agreement being signed, the District will submit to OCR a draft anti-harassment statement for approval. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the anti-harassment statement, and notice from OCR that no further reporting is required for Reporting Requirement (3)(a).

Reporting Requirement (2)(b). Within 30 calendar days of receiving OCR's final approval of the anti-harassment statement, the District will submit to OCR documentation which demonstrates the District has distributed the statement pursuant to Item 2 of this Agreement, including website links and other evidence of distribution. 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 (2)(b).

POLICY REVIEW AND REVISION

3. 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, or national origin. 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, or national origin. The statement must explain that the District prohibits harassment based on race, color, or national origin, 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 staff member, as required in accordance with Item 5. below, 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. Examples of the type of harassing conduct and behavior that is covered by the policy.
- iii. An explanation of how to report harassment and/or file a complaint.
- iv. A requirement that school personnel report incidents of alleged student-on-student and staff-to-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.
- v. A statement that retaliation against persons who report harassment or participate in related proceedings is prohibited.

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 and retaliation.
- 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, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complaint. The description of the procedures will include the following:
 1. A requirement for documented 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.
 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 occurred, and the reasons or rationale for such conclusion(s);
 - (c) The consequences imposed on any individual(s) found to have engaged in discrimination 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 expressed commitment that after a finding of discrimination, 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. Examples of appropriate action may include:
- (a) Interventions for the individual who engaged in the discrimination, such as parent or supervisor notification, discipline, counseling, or training.
 - (b) Interventions for the complainant, such as counseling, academic support, and information on how to report further incidents of discrimination.
 - (c) Separating the complainant and the individual who engaged in the discrimination, provided the separation does not penalize the complainant.
 - (d) Follow-up inquiries with the complainant and witnesses to ensure that the discriminatory conduct has stopped and that they have not experienced any retaliation.
 - (e) Training or other interventions for the larger school community to ensure that students, staff, and parents understand the types of behavior that constitute discrimination, that the District does not tolerate it, and how to report it.
- iv. A statement that retaliation against persons who report harassment or participate in related proceedings is prohibited.

Reporting Requirement (3)(a). Within 60 calendar days of the signing of this Agreement, the District will submit to OCR documentation that 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 of Item 3 of this Agreement. The District will include in its submission a draft of the proposed revisions¹ 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 revised policies and procedures, and notice from OCR that no further reporting is required for Reporting Requirement (3)(a).

Reporting Requirement (3)(b). 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)

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.

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 (3)(b).

TRAINING OF DISTRICT STAFF

4. The District will annually train all administrators, faculty, and staff on Title VI's prohibition of discrimination based on race, color, or national origin. The first training, which may be conducted through a virtual learning program, will occur after the District has adopted the revised policies and procedures under Item 3 of this Agreement and will include, at a minimum:
 - a) Title VI's prohibition on discrimination based on race, color or national origin;
 - b) relevant District policies and regulations, including the District's revised policies and procedures under Item 3 of this Agreement, as approved by OCR;
 - c) the definition of "harassment" and examples of harassment on the basis of race, color, or national origin;
 - 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 report;
 - e) a statement of the requirement that a student or parent/guardian who has reported alleged incidents of racially harassing behavior must be notified of their right to file a formal complaint pursuant to the District's policies and procedures, and be offered a copy of the procedures;
 - f) identification of the individual(s), by name or title, and contact information, responsible for receiving and investigator reports of harassment;
 - g) the existence of OCR and its authority to enforce Title VI; and
 - h) a distribution of written materials that contain the information discussed.

Reporting Requirement (4)(a). Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Item 3 of this Agreement, 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 Item 4. 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) and notice from OCR that no further reporting is required for Reporting Requirement (4)(a).

Reporting Requirement (4)(b). Within 60 calendar 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 (4)(b).

STAFF INVESTIGATIVE TRAINING

5. The District will annually train District staff, including site-level administrators, who are directly involved in processing, investigating, and/or resolving complaints and other reports of based on race, color, or national origin. The District will also train any counselors or other School personnel who are likely to receive reports of race-, color-, or national origin-based discrimination or harassment. The first training, which may be conducted through a virtual learning platform, will occur after the District has adopted the revised policies and procedures under Item 3 of this Agreement and will include, at a minimum:
 - a) a review of the District's policies and procedures that focus specifically on investigation of discrimination complaints, including instructions on how to conduct and document reliable and impartial investigations of alleged discrimination on the basis of race, color, or national origin;
 - b) a review of the appropriate legal standards to apply in such investigations, the importance of evaluating the totality of the circumstances including previous acts of harassment and off-campus harassment that may have created a hostile environment on campus, and the need to take appropriate measures to assure that harassment does not continue during the investigation or recur thereafter;
 - c) a review of the criteria to ascertain when a conflict between students may raise an issue of racial discrimination or harassment;
 - d) a statement that a student or parent/guardian who has reported alleged 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; and,
 - e) 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) understands the seriousness of the alleged offense and, where applicable, progressive disciplinary steps.

Reporting Requirement (5)(a). Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Item 3 of this Agreement, 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 Item 5. 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) and notice from OCR that no further reporting is required for Reporting Requirement (5)(a).

Reporting Requirement (5)(b). Within 60 calendar days of receiving OCR's final approval of the training materials and trainer(s), the District will ensure that District 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 (5)(b).

STAFF TRAINING SURVEYS

6. The District will assess the effectiveness of the training referenced in Items 4 and 5 by conducting surveys of the administrators, faculty, staff, and employees who attended the training(s). The surveys for staff trained pursuant to Item 4 of this Agreement will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible race harassment to a complaint manager, and the process for doing so. The surveys for the staff trained pursuant to Item 5 of this Agreement will specifically inquire about their knowledge of the process for responding to and investigating race harassment complaints.

Reporting Requirement (6)(a). Within 30 days of completing the training required under Items 4 and 5 of this Agreement, 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 OCR's final approval of the surveys and notice from OCR that no further reporting is required for Reporting Requirement (6)(a).

Reporting Requirement (6)(b). Within 30 days of receiving OCR's final approval of the surveys, the District will provide documentation to OCR of the results of the surveys and a description of any actions the District proposes to take in response, including conducting additional training sessions to ensure effective training is provided. 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 (6)(b).

STUDENT INFORMATIONAL PROGRAM

7. The District will provide an age-appropriate informational program to all students to address harassment based on race, color, or national origin. The program will occur after the District has adopted the revised policies and procedures under Item 3 of this Agreement and will include, at a minimum:
 - a) a reminder of the District's commitment to having a school environment free from discrimination, including race-, color-, or national origin-based harassment, 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) a notice 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, specifically instructing students that use of racial slurs and epithets can constitute racial harassment;
 - d) an explanation that students who are aware of harassment should promptly report the harassment or retaliation to the District and details about how students should report harassment, on the basis of race, color, or national origin;

- e) an explanation regarding the potential disciplinary consequences related to findings of discrimination on the basis of race, color, or national origin; and,
- f) a notice of how to access the District's revised policies and procedures under Item 3 of this Agreement, as approved by OCR.

Reporting Requirement (7)(a). Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Item 3 of this Agreement, 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) and notice from OCR that no further reporting is required for Reporting Requirement (7)(a).

Reporting Requirement (7)(b). For the 2022-2023 and 2023-2024 school years after the execution of this Agreement, 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 (7)(b).

AUDIT, SCHOOL YEARS 2022-2024

8. The District will conduct an annual audit at the end of school years (SYs) SY 2022-2023 and SY 2023-2024, to review the consistency of application and compliance with the District's policies and procedures regarding non-discrimination on the basis of race, color, or national origin, and as revised under Item 3 of this Agreement. The District will complete the audit no later than June 30 annually. The audit will include, at a minimum:
 - a) identification of the school year for which the audit is being conducted;
 - b) a review of all complaints received during the school year addressing harassment, on the basis of race, color, or national origin;
 - c) an assessment of whether each complaint was processed in accordance with the District's policies and procedures; and,
 - d) 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.

Upon completion of the annual 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, principals, and each site-based staff member responsible for addressing complaints of harassment on the basis of national origin pursuant to the District's policies and procedures, as well as any other staff whom the District deems appropriate.

Reporting Requirement (8). No later than August 30 after each of the following school years, SY 2022-2023 and SY 2023-2024, the District will submit documentation to OCR demonstrating the District's compliance with the provisions outlined in Item 8 of the Agreement, 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 (8).

NOTICE TO STUDENTS AND FAMILIES

9. The District will send² to all students in the District, and their parents and guardians:
 - a) notice that harassment, on the basis of race, color, or national origin is prohibited pursuant to the District's policies and procedures, as revised under Item 3 of this Agreement;
 - b) that students, parents, and guardians who are aware of harassment, on the basis of race, color, and national origin should promptly report the harassment to the District; and,
 - c) details about how students, parents, and guardians should report harassment, on the basis of race, color, or national origin.

Reporting Requirement (9)(a). Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Item 3 of this Agreement, the District will submit to OCR a draft communication to students, parents, and guardians. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the communication and notice from OCR that no further reporting is required for Reporting Requirement (9)(a).

Reporting Requirement (9)(b). Within 30 calendar days of receiving OCR's final approval of the communication, the District will: (i) send the approved communication to all students, parents, and guardians; and (ii) submit to OCR documentation showing that the approved communication was sent to all students, parents, and guardians. 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 (9)(b).

CLIMATE ASSESSMENT

10. The District will administer a school climate survey at all District schools before the end of the 2022-23 school year. The District will identify staff members to serve as a District Climate Survey Working Group (Working Group), which will make recommendations to the District regarding the climate survey. The District will designate one or more District employees to coordinate the Working Group's meetings and activities, and the employee(s) will be responsible for informing the District of the Working Group's recommendations. The District will notify parents of an opportunity to provide input or comments about the survey to the Working Group. The Working Group will be tasked

² Notice will be in a language that is understood by parents/guardians and may be sent in writing via: (i) email to last known email address of parent(s)/guardians; or (ii) postal mail to last known mailing address of parent(s)/guardians(s).

with providing the District recommendations and input regarding strategies for an effective climate survey. The Working Group's recommendations to the District will, at a minimum, address:

- a) the prevalence of race-, color-, or national origin-based harassment in the School;
- b) the willingness to report incidents of harassment 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 improving the District's response to reports and complaints of harassment.

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 Requirement (10)(a). At least 45 calendar days before the scheduled climate survey administration date, the designated District employee who coordinated the Working Group will provide to the District Superintendent a written summary of the Working Group's recommendations. At least 30 calendar days before the scheduled climate survey administration date, the District will provide to OCR a report that includes a copy of the proposed school climate survey, along with the District's explanation of how the District plans to implement the school climate survey. 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 Reporting Requirement (10)(a).

Reporting Requirement (10)(b). Within 30 calendar days after the climate survey is conducted, the District will provide OCR a copy of the final survey together with a report summarizing the results of the survey, and a description of further activities, if any, the District plans in response to the survey results. 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 (10)(b).

MAINTENANCE OF DATA

11. Effective immediately, the District agrees to maintain documents relating to specific complaints or other reports of racial harassment of students to ensure that its files contain

all information necessary to process complaints under Title VI. At a minimum, the District agrees to maintain documentation including the following:

- a) A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of harassment based on race, color or national origin;
- b) A narrative of all actions taken in response to the reports by District personnel, including any written documentation;
- c) A copy of any and all disciplinary sanctions issued to students or employees for violations of the harassment policies and procedures;
- d) Documentation demonstrating any interim and/or remedial services offered and provided to the Complainant, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and
- e) A narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

Reporting Requirement (11). Within 14 days of the end SY 2022-2023 and SY 2023-2024, the District will provide to OCR copies of the documentation referenced in Item 11 for the respective school year.

The District understands that by signing this Agreement, it agrees to provide the foregoing 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 Title VI and its implementing regulations at 34 C.F.R part 100, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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 and its implementing regulation at 34 C.F.R. Part 100.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the 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 sixty (60) calendar days to cure the alleged breach.

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

FOR OTTUMWA COMMUNITY SCHOOL DISTRICT:

Mike McGrory, Superintendent

Date