



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE FOR CIVIL RIGHTS
SEATTLE OFFICE

July 13, 2009

Mr. Don Johnson
Superintendent
Frazer Public Schools
P.O. Box 488
Frazer, Montana 59225

Re: Frazer Public Schools
OCR Reference No. 10091055

Dear Superintendent Johnson:

This is to notify you that the Office for Civil Rights (OCR) is terminating its investigation of the above-referenced discrimination complaint against Frazer Public Schools based on the enclosed Voluntary Resolution Agreement, which you signed on July 10, 2009.

The complaint alleged that three male students were harassed at school. Specifically, the complaint alleged that one student was sexually harassed by peers at high school and that the other two students were physically harassed by peers on the elementary school playground on the basis of their race, color, or national origin (Native American). The complaint also alleged that the district failed to take action in response to an internal complaint filed by the parents. OCR accepted these allegations for resolution under the authority of title VI of the Civil Rights Act of 1964 and title IX of the Education Amendments of 1972. These laws and the regulations that implement them prohibit discrimination on the basis of race, color, or national origin, and on sex, respectively, by recipients of federal financial assistance from the U.S. Department of Education. As a recipient of financial assistance from the Department, the district is subject to these laws and their implementing regulations.

After OCR notified the district of the allegations in the complaint, the district requested to resolve the allegations through a voluntary agreement. The district has agreed to take the actions set forth in the enclosed agreement which, when fully implemented, will resolve the complaint allegations consistent with the regulations implementing Title VI and Title IX.

OCR will monitor the district's implementation of the agreement and will close the complaint when the district has fully satisfied the terms of the agreement. We look forward to receiving the district's first monitoring report, which is due by September 1, 2009.

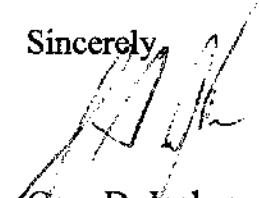
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The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

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We appreciate the effort and cooperation that you extended to my staff in resolving this case. If you have any questions regarding this matter, please feel free to contact Lenore Three Stars, equal opportunity specialist, at (206) 220-7930 or by e-mail at lenore.threestars@ed.gov.

Sincerely,



Gary D. Jackson
Director
Seattle Office

Enclosure: Voluntary Resolution Agreement

cc: Honorable Denise Juneau
Superintendent
Montana Office of Public Instruction

VOLUNTARY RESOLUTION AGREEMENT
OCR Reference No. 10091055

I. INTRODUCTION

Frazer Public Schools (district) and the U.S. Department of Education Office for Civil Rights (OCR) enter into this agreement to resolve the allegations in OCR Reference No. 10091055, a complaint filed with OCR under title IX of the Education Amendments of 1972 ("Title IX") and title VI of the Civil Rights Act of 1964 ("Title VI").

II. GENERAL PROVISIONS

- A. This agreement resolves the allegations in OCR Reference No. 10091055 and is not intended to constitute, nor shall it be deemed to constitute, an admission by the district of any violation of Title IX or any other law.
- B. OCR agrees to terminate its investigation of OCR Reference No. 10091055 based upon the district's commitment to take the actions specified in this agreement which, when fully implemented, will resolve the allegations in this case.
- C. OCR's termination of the investigation of OCR Reference No. 10091055 is contingent upon the district's full implementation of the provisions of this agreement.
- D. In the event the district does not adhere to any provision of this agreement, OCR will resume the investigation of this complaint or take other appropriate measures to effect compliance with Title IX with respect to these matters.
- E. The OCR Seattle office will monitor the district's implementation of this agreement and will close OCR Reference No. 10091055 upon the district's full implementation of this agreement.

III. REMEDIAL PROVISIONS

A. Policies and Procedures

By August 1, 2009, in consultation with OCR, the district will:

1. review and revise, as necessary, its policies and procedures intended to prevent and/or eliminate sexual and racial harassment;
2. review and revise, as necessary, its complaint procedures to ensure that these procedures are consistent with the statutory and regulatory requirements of Title IX and Title VI; and

3. Develop a plan that is intended to ensure that its policies and procedures are fully implemented.

B. Notice and Training

1. By September 1, 2009, the district will provide written notice to all district staff, volunteers, students, and their parents or guardians regarding the district's sexual and racial harassment policies and procedures, its complaint procedures, and its plan to implement such policies and procedures. The notice will be disseminated using methods determined by the district to be the most effective, which may include posting on the school's website, publication in a school newsletter or bulletin, posting the notice at a prominent location on the school's facilities, and dissemination by regular or electronic mail.
2. The written notice will include, at a minimum:
 - a. Information consistent with OCR guidelines regarding the prevention of sexual and racial harassment;
 - b. Information regarding what constitutes a sexually or racially hostile environment;
 - c. A statement that racial or sexual harassment is unacceptable and will not be tolerated by the district and that the policies and procedures adopted by the district relating to the prevention of sexual and racial harassment will be strictly enforced;
 - d. Notice that failure of district staff to respond to written or verbal concerns of sexual or racial discrimination or harassment, or failure to report incidents of sexual or racial discrimination or harassment to appropriate personnel, is not consistent with the district's responsibility under Title IX and Title VI to ensure that students not be subjected to a hostile environment on the basis of sex or race;
 - e. Notice that Title IX and Title VI prohibit retaliation against anyone who has made a complaint, testified, assisted, or participated in any manner in an investigation, proceeding or hearing relating to a complaint of sexual or racial harassment.

1. Notice of the name, office address and telephone number of the individual who is responsible for investigating and responding to complaints of racial or sexual harassment;
3. By September 1, 2009, the district will provide training to all district staff and volunteers regarding the district's obligation to address racial and sexual harassment. The training will be conducted by an individual or individuals qualified to present such training by virtue of their training, and experience relating to this issue. The training will include the components contained in the notice described in section III, B, 1, above, and a component that is intended to promote awareness among district staff and volunteers of the potential impact that racial or sexual harassment may have on students.

C. Students in Question

By September 1, 2009, the district will issue a letter to the parents of the students identified in the complaint summarizing the steps that it has taken to review and revise its policies relating to the prevention and elimination of sexual and racial harassment and to provide notice and training to district staff and volunteers regarding the prevention and elimination of racial and sexual harassment. The letter will also include a statement confirming that the district is committed to taking the necessary steps to provide students a positive educational environment free from racial or sexual harassment.

IV. MONITORING OF THE AGREEMENT

- A. By September 1, 2009 the district will provide OCR with:
 1. a copy of the policies and procedures and complaint procedures reviewed and revised pursuant to Section III, A 1, and III, A 2;
 2. a copy of the plan developed pursuant to Section III, A 3;
 3. a draft copy of the notice developed pursuant to Section III, B 1 and III B 2;
 4. a summary of the training that the district plans to provide to district staff, pursuant to Section III, B, 3, including the identity and qualifications of the individual who will be presenting the training; and
 5. a draft copy of the letter to the student's parents developed pursuant to in Section III, C.

- B. By September 15, 2009, the district will provide OCR with:

1. a copy of the letter sent to the student's parents developed pursuant to Section III, C; and
2. a copy of the materials used in the district's training and a roster of the district staff and volunteers who attended the training conducted pursuant to Section III, B, 3.

Signed and Dated:

Don Johnson - July 10, 2009

 Mr. Don Johnson
 Superintendent
 Frazee Public Schools

7-13-09

 Gary D. Jackson
 Director, Seattle Office
 Western Division
 Office for Civil Rights