



JOY HOFMEISTER

STATE SUPERINTENDENT *of* PUBLIC INSTRUCTION
OKLAHOMA STATE DEPARTMENT *of* EDUCATION

October 28, 2021

VIA EMAIL W/CERTIFIED U.S. MAIL TO FOLLOW

Members of the Board of Education
Ninnekah Public Schools
P.O. Box 275
904 E. Dell St.
Ninnekah, OK 73067

RE: Ninnekah Public Schools Notice of Accreditation with Probation

Interim Superintendent Morse and Honorable Members of the Ninnekah Board of Education,

Thank you for your attendance at the State Board of Education (“State Board”) meeting on September 30, 2021. Your engagement with the State Board in its examination of matters impacting your District’s student safety environment and school culture is noted and appreciated.

As you know, the State Board voted to assign Ninnekah Public Schools (“NPS”) the status “Accredited with Probation” pursuant to 70 O.S. § 3-104.4 and Oklahoma Administrative Code (“OAC”) 210:35-3-201, in association with the District’s failure to appropriately implement the Title IX sex discrimination protections for students that are a school district’s obligation under federal law¹.

In fulfilling our oversight responsibilities, the State Board of Education expects the District will publicly demonstrate that it understands the magnitude of these matters, and will be accountable

¹ An Oklahoma school district and its school sites must hold state accreditation to operate as a public school system that receives state funding. “Accredited with Probation” is the lowest accredited status a school may hold, with “Not Accredited” as the only status remaining if the identified deficiencies are not corrected. The Oklahoma Administrative Code (“OAC”) lists conditions under which the status “Accredited with Probation” should be assigned, including when a school “consistently violates regulations” or “deliberately and unnecessarily violates” one or more regulations. See OAC 210:35-3-201(b)(4). This accreditation provision refers to a violation of any applicable state or federal law or regulation by a public school. For additional provisions of the OAC applicable to this matter, please see OAC 210:35-3-48(1), 210:35-3-48(a)(8)(B), 210:35-3-81 and 210:35-3-69(b). Further, enclosed is an overview of Title IX protections, NPS obligations thereunder and their intersections with facts applicable to the instant situation.

for properly implementing laws, regulations, and policies designed to protect students, personnel, and the school community. The State Board of Education can assure the current and future students of your school District and all Oklahoma public schools that they are entitled to pursue their education in safety and dignity, and that when they speak their voices will be heard.

In order to have NPS's "Accredited with Probation" status returned to "Accredited without Deficiency", the State Board is imposing the following requirements on the District as conditions of probationary accreditation.

Terms and Conditions of Probation (the "Terms and Conditions")

On September 30, 2021, the State Board of Education designated Ninnekah Public Schools "Accredited with Probation." Specifically, the action taken by the State Board provides that:

- Ninnekah Governance Team (School Board and Superintendent) is required to submit a comprehensive Corrective Action Plan which creates and maintains an educational environment in which everyone feels safe and free from discrimination and sexual harassment in compliance with Title IX protections to Oklahoma State Department of Education ("OSDE") General Counsel Brad Clark no later than Friday, December 3, 2021.

The Corrective Action Plan must address these three areas, at a minimum:

- Commitment by its school board, superintendent, and school leaders to fully meet the requirements of Title IX protections and to do so in a transparent manner
- Legal compliance in the implementation of Title IX requirements
- Improvement of NPS climate and culture to ensure student safety, protect students' rights, and prevent future incidents

Corrective Action Plan should also include

- District-recommended qualitative and quantitative metrics for evaluating outcomes in each of the three areas listed above (Commitment, Legal Compliance, and Improvement of Climate/Culture)
 - List of strategies and tactics to reach objectives set forth by the State Board
 - Description of tangible deliverables such as school board oversight rubric, training materials, communications collateral, etc.
 - Time and event schedule for plan implementation
- NPS Superintendent will report to OSDE General Counsel Brad Clark through the 2022-2023 school year on all complaints of alleged sex discrimination (including sexual harassment) within 3 business days of report. Report to SDE will state: the name(s) of all individual(s) involved, the date(s) of the incident(s), and an explanation of the incident(s) and the District's response. NPS will also provide all documents relating to all incidents. NPS shall also provide updates on District action every 15 days through complaint resolution.

- District shall make quarterly reports updating the State Board of Education of its progress and steps taken in rectifying the problematic issues and providing a safe and supportive environment for all members of the school community (December 2021, March 2022, and June 2022, and so on until “Accredited without Deficiency” is attained).
- District shall cooperate fully with OSDE in the on-going oversight and evaluation process which may include on-site school visits, staff and student interviews, climate surveys, and observations of school-related meetings and trainings, etc.
- With respect to all conditions of being “Accredited with Probation”, the District agrees to fully and promptly address any feedback by OSDE.
- The District understands that by signing these Terms and Conditions, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. The potential for an upgraded accreditation status will be recommended only up demonstration of the successful implementation of the Term and Conditions.

The highest duty of a public education entity is to ensure the safety and well-being of students attending school, and the State Board operates with that duty foremost in its considerations. Title IX of the Education Amendments of 1972 (“Title IX”), the federal education law that prohibits sex and gender based discrimination in schools, is a crucial framework for ensuring students are able to learn in an environment free of discrimination, sexual harassment and assault. If you are able to prioritize respect for students and work to ensure that this respect is reflected in the District’s policies and practices, this Board stands ready to assist you in building an equitable and supportive school culture.

Please return an executed copy of these Terms and Conditions by November 15, 2021 to Victoria Korrekt, Paralegal, Victoria.Korrekt@sde.ok.gov. Should you have questions or want to further discuss, please do not hesitate to contact the OSDE Office of Legal Services, at 2500 North Lincoln Boulevard, Suite 500, Oklahoma City, OK 73105; Phone: 405-521-6295; Email: Brad Clark, General Counsel, Brad.Clark@sde.ok.gov.

On behalf of the Oklahoma State Board of Education,

Ninnekah Public Schools,

Joy Hofmeister
Chair of the State Board of Education
State Superintendent of Public Instruction

By: _____

CC: Honorable Members, State Board of Education
Members, Ninnekah Public Schools Board of Education



NINNEKAH PUBLIC SCHOOLS

PO Box 275
906 E. Dell St.
Ninnekah, OK 73067
(405) 224-4092

Robyn Morse, Interim Superintendent

Date: 11-30-21

Comprehensive Corrective Action Plan

Area 1: Commitment by its school board, superintendent, and school leaders to fully meet the requirements of Title IX protections and to do so in a transparent manner.

- All NPS staff as well as the school board will be trained in Title IX protection trainings. Please see the timeline attached for those specific dates.
 - Brandon Carey is facilitating the Board Training and those training materials will be made available on the website as soon as the training is completed.
 - December 17, 2021, all staff will be trained by Elizabeth Suddath, MPH with the Oklahoma State Department of Education. Numerous training sessions are being held this school year and we will continue to implement training into future school calendars for all staff.
 - Elementary students are currently being trained with the ROAR program. That training has been presented by the CARE center of Oklahoma City. The SDE is doing a presentation for middle school and high school students.
 - Community training is being developed by NPS and the CARE center for some time in March 2022.
 - New Teacher Onboard Training is in the development stages and plans are to have it ready for all new teachers coming into NPS for the 22-23 school year.
- Board Policies are currently being created and updated then approved by the board of education monthly. Please see the timeline attached. This process will remain on-going as needed. The policies we are currently working on are:
 - Abuse, Neglect, Exploitation and Trafficking- new policy
 - Discrimination, Harassment, Retaliation- new policy
 - Federal Program Complaint Resolution- new policy
 - Sexual Harassment – Employee- update
 - Sexual Harassment – Student- update

- Title IX Coordinator job description and a Title IX Roles and Responsibilities Chart are currently being developed. Once completed, these will be Board approved and then posted to the district website. See attached timeline.
- We are partnering with STOPit Solutions, a service funded by OSIG. STOPit will guide NPS in identifying and helping at-risk individuals, build and sustain a prevention-driven culture, and extend our staff's capacity using their team's resources and capabilities. They do this by providing safety technology, wellness training, and dedicated specialists. This will allow staff, students and community to report bullying, hazing, violence and inappropriate behavior both on and offline, then send a report to people that care and are ready to help. See attached timeline.
- NPS will start in December 2021 with a monthly board agenda item, Title IX Compliance Report Update, at each regular monthly board meeting. This update will be given by our Title IX team and will be available on the district website and in the official board minutes. See attached timeline.
- NPS will commit to doing as many applicant background checks as possible, such as simply Googling their name and calling previous employers.
- NPS will survey staff and community on an on-going basis. Those survey results will be available on the district website and presented to the board in the updates. See attached timeline.

Area 2: Legal compliance in the implementation of Title IX requirements.

- NPS Title IX Team was developed in August 2021, including a Coordinator, Investigator and District Decision Maker. A District Appeal Decision Maker has recently been added to the Team. The Title IX Investigation Steps from OSSBA have been implemented in the Title IX procedures for the district. See attached checklist.
- NPS developed and distributed Title IX posters and flyers throughout the district, including the school website, locker rooms, restrooms, hallways, offices, lobby and entryways. See attached posters.
- NPS has added a tab on the front page of the district website "School Safety and Mental Health". Under that tab is the Title IX option with Board Policies, Title IX contact information, a Title IX informational powerpoint, the NPS student reporting form and the Title IX training information. Future plans are to include monthly student newsletters, STOPit information, job descriptions and responsibilities, investigation steps, and age appropriate pamphlets as well as the monthly school board update. See attached timeline.
- Conduct Community Surveys after the implementation of the STOPit program to gather data for qualitative and quantitative measures. These surveys will be anonymous and will provide statistics on different student issues.
- Back to School Title IX student presentation. The NPS Title IX Team will develop and implement a student friendly powerpoint to educate students on what Title IX is and how to deal with it appropriately. See attached timeline.

Area 3: Improvement of NPS climate and culture to ensure student safety, protect students' rights, and prevent future incidents.

- Create a community survey to gather feedback from stakeholders regarding the efforts on improving NPS District Title IX compliance efforts. See attached timeline.
- Introduce and implement the STOPit program to the community. This will include a parent letter, website information and downloading the program on all of the district's staff and student technology equipment. Administrative training for the STOPit program will be included in this step. See attached timeline.
- Monthly Board reports as stated previously in Item 1.
- NPS hired an additional school counselor to provide more social and emotional support for students in need. He has 25 years' experience and is working 10 hours a week doing both individual and group counseling sessions
- Pamphlets are being developed with student age appropriate information and Title IX updates. Pamphlets will be available at the open house, school website and given in the back to school packet. See attached timeline.

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NINNEKAH CORRECTIVE ACTION PLAN TIMELINE

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1. July 2021, proposed Title IX Coordinator and Title IX Investigator meeting with the State Department of Education Title IX team.
2. Beginning of the School Year 21-22, administrators attended Title IX Coordinator and Investigator training with the State Department of Education.
3. Beginning of the School Year 21-22, designated a Title IX Coordinator with full intention that the coordinator shall become fully familiar with his/her responsibilities in accordance with a schedule that shall be set and communicated with the Board. The Coordinator shall not be the Athletic Director, Superintendent or any similarly situated person.
4. August 2021, Title IX Team members reviewed Title IX Regulations Addressing Sexual Harassment (OCR Webinar), Summary of Major Provisions of the Department of Education Title IX Final Rule (www.2.ed.gov), and Responsibility & Authority of a Title IX Coordinator (Engage.ok.gov)
5. August 2021 inservice for all staff, Title IX training presented by the State Department of Education.
6. August board meeting 2021, Board approved Title IX Team members (coordinator, investigator, and district final decision maker).
7. August board meeting 2021 revised and updated the board policy FB-Sexual Harassment of Students.
8. August 2021, staff reviewed Title IX policy and Team member contacts. As well as how to file a report.
9. September 2021, all staff completed Global Compliance Network Training, including Title IX, Child Abuse, Sexual Harassment, Suicide Prevention (site.gcntraining.com)
10. September 2021, Title IX Coordinator attended Title IX Training at Alex Public Schools presented by the State Department of Education.
11. September 2021, Title IX Team created Title IX posters with updated contact information and posted across campus and updated the school website.
12. September 2021, Title IX Team addressed the Board about upcoming training and programs to be implemented to ensure staff and student knowledge of Title IX coverage and contacts.
13. September 2021, Interim Superintendent, Ninnekah Board Members and Title IX Coordinator addressed the Oklahoma State Board of Education of revised policies of Ninnekah School District. Providing the State Superintendent and State Board Members copies of updated board policy, posted information of Title IX Team members and contact information, updated handbooks to include Title IX Team contact information, as well as training that had been conducted for all Ninnekah Staff.
14. October 2021, presentation of the ROAR program for grades PK-4th as part of the required curriculum for promoting awareness of sexual harassment and procedure to file a complaint or notifying staff of complaint. ROAR is a grade appropriate program geared



NINNEKAH CORRECTIVE ACTION PLAN TIMELINE

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toward body awareness and identification of trusted adults for younger students.

Information was presented by the CARE Center of Oklahoma City.

15. October 2021, Title IX Team Members and Elementary Teachers attended professional development over Recognizing and Reporting of Child Abuse presented by the CARE Center of Oklahoma City.
16. November 2021, Interim Superintendent and Title IX Team members received and began preparing the first quarterly report due to the Oklahoma State Department of Education per Ninnekah Schools Accreditation Probation requirements.
17. November 2021, ZOOM conference with Oklahoma State Department of Education about future training for district and middle school & high school students concerning Title IX Sexual Harassment. Date set for December 17, 2021 for district staff training.
18. December 2021, employed an additional counselor for the district to provide more social and emotional support for students and accessibility to on sight counselors when needed.
19. December 2021, First quarterly report due to the Oklahoma State Board of Education
20. December 2021, Implementation of the STOP IT program, anonymous reporting program that provides support for students when needed in areas covered by Title IX. Program will be installed on all student chromebooks, available on the website, and poster information placed in various locations across the campus. The program will provide monthly data for the district to analyze.
21. December 2021, monthly board agenda item for the Title IX compliance report to be given by the Title IX Team. Development of student advisory council to gain student feedback and input for district issues such as Title IX compliance.
22. December 2021, District Training with the State Department of Education in regards to Title IX recognition and reporting (Elizabeth Suddath, MPH) will schedule future dates for student sessions.
23. December 2021, OSSBA Training for Ninnekah Board Members covering Title IX Requirements (December 16, 2021).
24. January 2022, Title IX monthly emails to staff and student newsletter providing information of Title IX updates.
25. January 2022, updating board policy of Abuse, neglect, exploitation and trafficking, sexual harassment-employees, and federal programs complain resolution, Title IX Coordinator job description, and Title IX Team members role and responsibilities.
26. January 2022, revising school website with updated board policies, training, and Title IX investigation steps.
27. February 2022, State Department of Education (Elizabeth Suddath) presentation for Middle School and High School Students during Teen Dating Violence Awareness Month and discuss Title IX updates.
28. March 2022, Community and staff training on recognizing and reporting abuse, and neglect. Provided by the CARE Center of Oklahoma City.
29. March 2022, community survey to provide the district feedback on the implementation of Title IX procedures, district training, access to contact information and complaint forms.



NINNEKAH CORRECTIVE ACTION PLAN TIMELINE

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30. April 2022, development of New Hire Packets for new employees concerning Title IX policy and procedures for the 2022-2023 school year. Development of a student friendly powerpoint presentation to educate students of Title IX and procedures to ensure Students are aware of their rights and steps if needed to file a complaint.
31. April 2022, development of student age appropriate pamphlets with Title IX updates and information. Pamphlets will be available across the district, on the school website as well as distributed to all students and parents during open house and back to school nights at the beginning of the 2022-2023 school year

Title IX

If you feel you are being bullied based on sexual discrimination, sexually harrassed, abused, being stalked, homeless, Human Trafficking, or you feel like you need to report a Title IX case, please see your Title IX Team at

Ninnekah Public Schools.

Title IX Team

Mrs. Regina Jones-

Elementary Principal-

Title IX Coordinator

rjones@ninnekah.k12.ok.us

(405)222-0420

Shelby Fulks-

Middle School-

Title IX Investigator

sfulks@ninnekah.k12.ok.us

(405)224-4299

Deb Fulton-

Elementary

Title IX Decision Maker

dfulton@ninnekah.k12.ok.us

(405)222-0420

How to Contact Someone About

Title IX

- 1. Contact a teacher, adult or any school employee that you trust.**
- 2. Contact the High School, Middle School, or Elementary Office.**
- 3. Contact one of the Title IX Team Members.**

What Do I Do Next?

1. After telling an adult, make a report. Forms are kept in each school site office. Turn in to Mrs. Jones at rjones@ninnekah.k12.ok.us, Mrs. Fulks at sfulks@ninnekah.k12.ok.us, Mrs. Fulton at dfulton@ninnekah.k12.ok.us, or your Principal.
2. The Title IX Coordinator will contact you.
3. Upon completion of a Title IX Form, the Title IX Coordinator will review and will give to the Title IX Investigator.
4. The Title IX Investigator will investigate the case. Once finished, the Title IX Investigator will give a copy of the report to the Title IX Coordinator and the Title IX Decision Maker.
5. Once a decision has been made about your case, you will be notified by the Title IX Coordinator.

SPEAK OUT!!

We are here to help you!

Report Child Abuse

Report Child Abuse

If you believe a child is being abused or neglected, you have a legal responsibility to report it.

Call the Abuse and Neglect Hotline
at 1-800-522-3511

IF THIS IS AN EMERGENCY
CALL 911 IMMEDIATELY

Or

Grady County DHS (405) 574-7400

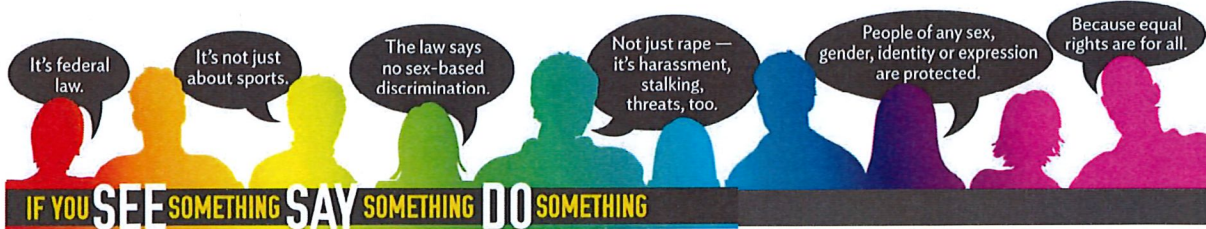
TITLE IX INVESTIGATION STEPS

- ☐ **Actual Notice:** If any employee of the district has notice of conduct that may
 - ☐ violate Title IX's prohibition against sexual harassment, report it to the Title IX coordinator and building principal.
- ☐ **Initial Discussion/Supportive Measures:** Title IX coordinator contacts the complainant (i.e., the individual alleged to be the victim of harassment) and:
 - ☐ a. offers supportive measures, and
 - ☐ b. Explains how to file a formal complaint.
 - ☐ c. Document what supportive measures were taken or denial of supportive measures by parents.
- ☐ **Law Enforcement/DHS/State Dept. of Education Referral:** Does the allegation require
 - ☐ a law enforcement, DHS referral and/or State Department of Education report?
- ☐ **Formal Complaint: To proceed under Title IX, a formal complaint must be submitted by the complainant or the Title IX Coordinator?** If no formal complaint, proceed under a different aspect of the student code of conduct. (The Title IX coordinator may proceed with filing the formal complaint.)
- ☐ **Supportive Measures:** The Title IX Coordinator determines whether supportive measures are necessary for both parties.
- ☐ **Jurisdictional Determination:** Determine whether the district has jurisdiction over the subject matter, the people, and the place, event or activity at which the conduct allegedly occurred.
- ☐ **Assign Investigator:** If the district has jurisdiction, assign an employee to investigate the Allegations.
- ☐ **Informal Resolution:** If the district offers an informal resolution process, determine whether it is appropriate in the matter being investigated. (Informal resolution is not appropriate if the respondent is an employee of the district.)
- ☐ **Notice to Parties:** Provide written notice to parties that meets the requirements of 34 C.F.R. 106.45(b)(2).
- ☐ **Emergency Removal:** Before an emergency removal, the district must perform an individualized risk analysis, determine that an immediate threat to the health or safety of students or employees justifies removal, and provide the respondent with notice and an opportunity to challenge the decision immediately following removal.
- ☐ **Notice of Interviews:** Provide notice of interviews that provides the date, time, place, and Purpose.

- ☐ **Interviews:** Interview the complainant and respondent, and any witnesses that may have relevant information to contribute.
- ☐ **Evidence:** Obtain any evidence that will help the district make a determination (e.g., text messages, emails, social media posts, surveillance video, medical documentation, etc.). **This should begin after notice of the possible conduct and continue throughout the investigation.**
- ☐ **Opportunity to Inspect:** Prior to completion of the investigatory report, provide all evidence directly related to the allegation(s) to both parties and their advisors in electronic or hard copy format, and allow both parties ten (10) days to provide a written response. These responses must be considered before finalizing the investigatory report.
- ☐ **Report:** Write a report that contains all relevant evidence and analyzes the issues under investigation. Witness statements, interview notes and other evidence should be attached as exhibits.
- ☐ **Submit Report to Parties:** The report must be submitted to the parties and their advisors, and they must be given at least ten (10) days to review and provide written responses. Review the responses and determine whether any aspect of the responses should be added to the report.
- ☐ **Submit Report to Decision-Maker:** The final report must be submitted to The decision-maker.
- ☐ **Live Hearing (optional):** Determine whether a live hearing should be held.
- ☐ **Follow-up Questions:** With or without a live hearing, the decision maker must ask each party and any witnesses any relevant questions and follow-up questions, including that challenging credibility, that a party wants asked of any party or witnesses.
 - a. Afford each party the opportunity to submit written questions;
 - b. Provide each party with the answers; and
 - c. Allow for additional, limited follow-up questions from each party.
- ☐ **Outcome Letter:** Send a written notice of the determination, that complies with 34 C.F.R. 106.45(b)(7), to both parties.
- ☐ **Appeal:** Ensure that the parties are aware of their rights to appeal the final determination. If an appeal is filed, follow the steps in district policy.

WHAT IS TITLE IX?

No sex discrimination. No sexual assault. *Period.*



Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities in federally funded schools at all levels. If you feel you are being bullied based on sexual discrimination, sexually harassed, abused, being stalked, homeless, human trafficking, or you feel like you need to report any Title IX case, please see your Title IX Team at **Ninnekah Public Schools**.

TITLE IX TEAM

Regina Jones, Elementary Principal (405) 222-0420
Title IX Coordinator rjones@ninnekah.k12.ok.us

Shelby Fulks (405) 224-4299
Title IX Investigator sfulks@ninnekah.k12.ok.us

Deborah Fulton (405) 222-0420
Title IX District Decision dfulton@ninnekah.k12.ok.us

1. Contact a teacher, adult or any school employee that you trust.
2. Contact the High School, Middle School, or Elementary Office.
3. Contact one of the Title IX Team members by phone, email, or in person.
4. After telling someone, make a report. Forms are available at each school site or online.
5. The Title IX coordinator will contact you to complete forms.
6. The Title IX investigator will receive information and conduct an investigation of the case.
7. The District Decision Maker will review the investigators report to base the district decision.



