

**Resolution Agreement  
OCR Docket #07141149  
Oklahoma City Public Schools**

Oklahoma City Public Schools (District), submits this Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve OCR Docket # 07141149. The District submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964, 42 United States Code (U.S.C.) 2000d (Title VI), and its implementing regulation, 34 Code of Federal Regulations (C.F.R.) Part 10, which prohibit discrimination based on race, color, or national origin by a recipient of Federal financial assistance. OCR has not made any finding that the District is in violation of Title VI as it relates to this complaint, nor is this an admission of liability on the part of the District. Rather, the District voluntarily agrees to take the actions in this Agreement to ensure equitable treatment of students in compliance with Title VI.

**General Principles**

The goal of the District is to ensure that all District students are provided schools that are safe and create an environment conducive to learning. To that end, the District is committed to ensuring that, to the maximum extent possible, its student discipline policies and procedures are designed and implemented in such a way as to ensure that disciplinary sanctions do not include the loss of educational instruction time for any students, except in those cases where it is necessary to ensure the immediate safety of students and staff or when it is the only means of ensuring that student misbehavior does not substantially interfere with the delivery of educational instruction to others. As described in more detail below, the District is committed to working with students who exhibit behavior problems to ensure that the students remain engaged in the District's educational program and are given every opportunity to reach their educational potential.

The District has committed to ensuring equitable discipline on the basis of race as demonstrated by Pillar #2 of the District's signature strategies, entitled "safe climate and strong relationships with families and community," which is to be accomplished by championing "equity, fairness and cultural inclusiveness." In July of 2015, the District created the Office of School Climate and Student Discipline, and hired a Director of School Climate and Student Discipline ("Director") and three Student Behavior Specialists. In addition, the District began implementing training on Positive Behavioral Interventions and Supports ("PBIS") in several schools. The District has also entered into a partnership with The Learner First, an educational services company that specializes in whole system change, including root cause analysis. OCR and the District anticipate that these new employees, initiatives, and partnerships will align with and may satisfy some of the terms of this Agreement.

**Designation of Responsible Employee/Collaboration with Experts**

1. (a) By May 31, 2016, the District will designate an employee to serve as the District's Discipline Supervisor, and will publish this individual's name, and/or title, office address, e-mail address and telephone number on its website, in all school

publications regarding discipline, and in any notices that the District sends to parents annually. The Discipline Supervisor shall be responsible for ensuring that the implementation of the District's policies concerning discipline is fair and equitable. In addition, the District will identify a District employee(s) who will address complaints from parents, guardians, students and others who will be responsible for receiving concerns, questions or complaints from parents, guardians, students and others regarding the implementation of the District's disciplinary policies, and will publish this employee(s) name and/or title, office address, email address and telephone number on its website, in all school publications regarding discipline, and in any notices that the District sends to parents annually.

(b) Throughout its implementation of this Agreement, the District will consult with and, as necessary, retain an expert or experts in non-discriminatory discipline practices, as well as data analysis and research-based strategies, to prevent discrimination against African American and Hispanic students with respect to school discipline. The expert(s) will provide the District strategies for meeting the District's goals of ensuring that discipline is appropriately and equitably applied to all students regardless of race, implementing this Agreement, monitoring and evaluating practices and stakeholder involvement.

(c) By August 1, 2016, the District will, in consultation with the Discipline Supervisor and/or expert(s), start the process of examining the root cause(s) of the racial disparity in the discipline of students in the District by examining pertinent literature available on the subject, securing expert input and engaging students, staff and members of the community in order to identify and take both immediate and long-term appropriate corrective actions necessary to address the root cause(s) as part of the District's strategies for meeting its goals, as described in item 1(b).

#### REPORTING REQUIREMENTS:

(d) By May 31, 2016, the District will provide OCR the name and qualifications of the individual(s) designated as Discipline Supervisor and the employee who will address complaints received about discipline and implementation of the notice requirement of item 1(a). By December 15, 2016, the District will provide OCR documentation of the completed examination of the root cause(s) referenced in item 1(c) and will provide for OCR's review and approval, a copy of the plan describing the corrective action determined necessary to address the identified problems. If OCR has any objections to the plan submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 days after receiving the draft plan.

(e) By September 1, 2016, September 1, 2017, and September 1, 2018, the District will provide documentation to OCR regarding its implementation of the notice requirements of item 1(a), and documentation regarding its implementation of 1(b), and (c), including the identity of the expert(s) it has consulted with and/or retained, the input received by the expert(s), any further planned examinations and/or

determinations concerning the root cause(s) of the racial disparity in the discipline of students, and the resulting changes made by the District. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the plan approved by OCR prior to their implementation.

2. By August 1, 2016, all District schools will require and ensure that school staff employ a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students and/or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral. To that end, the District will assess staffing levels of guidance counselors, social workers and other mental health workers, if such are employed, to determine if there is sufficient availability to each school to ensure sufficient support for students. By December 1, 2016, the District will develop a plan to effectively tailor school-based services that are supportive of the needs of students in order to decrease behavioral difficulties that manifest in school and to increase students' ability to benefit from the learning environment. The plan will describe the following:
  - a. The process for identifying students who are at risk for behavioral difficulties due to their experiences in and outside of school;
  - b. School-based interventions for students who are identified as at-risk for behavioral difficulties;
  - c. Skill-building for at-risk youth;
  - d. Support for school staff to meet the needs of at-risk students; and
  - e. Any timeframes, by school, to hire more guidance counselors, social workers or other mental health workers, as needed.

#### REPORTING REQUIREMENTS:

By December 15, 2016, the District will provide OCR a copy of the plan referenced in this item. By September 1, 2017, and September 1, 2018, the District will provide to OCR documentation of the steps taken to implement the plan in the previous school year.

#### **Outreach to Students, District Staff and Community Members**

3. By September 30, 2016, and by September 30 each school year thereafter, in order to raise awareness of discipline issues, each middle school, high school, charter school and alternative school in the District will conduct an annual forum during regular school hours that specifically provides an opportunity for students to discuss with faculty and administrators any matters relating to discipline, including non-

discrimination, and provide their input for any improvements in the District's discipline policies. The District will designate at least one student note-taker for each session. At least one administrator not affiliated with the building at which the forum is being held will attend each forum session or a part of each forum session. If an administrator is not a part of the entire forum session, students who have been assigned as note-takers for sessions, shall meet with the administrator to share the summaries of the sessions and all the suggestions and comments of the students. An adult staff member will be present at each session involving student note-takers. The District will select an appropriate format for each session based on the age and grade levels of students and the particular needs of each school, as long as each student is given the opportunity to participate meaningfully in such a session at least annually.

#### REPORTING REQUIREMENTS:

By December 15, 2016, December 15, 2017, and December 15, 2018, the District will provide documentation to OCR of each student forum session including the date, time, length and location of each session, the number of students attending, a summary of the concerns and suggestions expressed by students at each such session, and the District's responses to the same.

4. By September 30, 2016, the District will establish a student committee at each District middle school and high school to discuss matters concerning the equitable treatment of students in the implementation of the District's discipline policies, practices and procedures and to identify steps the students believe the District could take to improve student behavior and cause students to be more engaged in the educational program.
  - a. The District will take steps to ensure that the student committees are representative of each school's student population and will encourage students, particularly black and other minority students to participate on the committees;
  - b. The District will also encourage students who have been subjected to disciplinary consequences and students who are struggling academically to participate on or provide input to the committees;
  - c. The District will encourage the student committees to identify the aspects of the District's educational program they see as positive and likely to encourage positive student behavior and the aspects of the District's educational program they see as negative and likely to result in student misbehavior. The student committees will also be encouraged to identify actions students can take to help their classmates engage in positive school behavior, and will assist in the development and presentation of the forums discussed in item 3;

- d. The student committees will have the same privileges as other District extracurricular activities, including access to meeting space in District schools and public notice about the committees, their meetings and their activities;
- e. The District will appoint a District staff person to work with each committee to assist them in operating efficiently and effectively and in organizing their reports to the District. However, such District employees will participate in the committees' activities solely for the purpose of assisting them in achieving their objectives and will not attempt to influence or control the committees' discussions;
- f. The student committees will provide specific suggestions for improving the District's discipline policies, practices and procedures and establishing a safe school environment that is conducive to learning via the submission of a written report by no later than April 30 of each school year; and
- g. The District will carefully consider the suggestions submitted by the student committees and develop a plan for implementing the committees' suggestions as appropriate by no later than June 30 of each school year. The District will provide the committees with a copy of the plan.

#### REPORTING REQUIREMENTS:

By December 15, 2016, December 15, 2017, and December 15, 2018, the District will provide documentation to OCR that the student committees required by this item have been established, including the identity of the members of each student committee and the District employees who have been designated to coordinate or oversee the activities of each student committee and a summary of the initial activities undertaken by each student committee. By May 31, 2016, May 31, 2017, and May 31, 2018, the District will provide documentation to OCR with a report containing the written reports submitted by the student committees, for OCR's review and approval of the plans developed by the District in response to the reports, will provide the steps taken by the District in response to the reports, and will provide the written explanations provided by the District for its decision not to implement any of the recommendations or suggestions made by the student committees. If OCR has any objections to the plan submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 days after receiving the draft plan. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the plan approved by OCR prior to their implementation.

- 5. The District has established a Student Code of Conduct Committee (SCOC Committee) consisting of school personnel, including teachers, administrators and other school staff who are involved in making discipline referrals and imposing disciplinary sanctions, parents of school students, and community leaders. By August 1, 2016, the District will ensure that one representative from each school site is designated to act as a liaison to the SCOC and provide responsive data, input and

information as requested by the SCOC and necessary to demonstrate compliance with the items contained in this Agreement. (The site liaisons may be members of the groups established pursuant to section 18 of this Agreement, and there is no requirement that the site liaisons become sitting members of the SCOC Committee.) The SCOC Committee shall perform the following:

- a. The SCOC Committee will consult with experts as appropriate, and will develop and make recommendations to the District regarding the effectiveness of the District's discipline policies, practices and procedures;
- b. The District will take steps to ensure that the SCOC Committee is representative of each school's student population and will encourage the parents or guardians of African American and Hispanic students to participate on the committee and in events hosted by the committee; and
- c. The SCOC Committee will be asked to provide District officials with input regarding strategies for improving student behavior, addressing student misbehavior by means other than disciplinary sanctions, and reducing any racial disparity in referrals for discipline, the imposition of disciplinary sanctions and the exclusion of students from the educational program.
- d. The SCOC Committee will also be asked to provide continuing input to District officials regarding strategies to ensure that school staff members have access to or are aware of available resources for assisting them in managing and de-escalating student behavior;
- e. The SCOC Committee will also provide specific suggestions for developing training and informational programs, as described in items 10 and 11, that promote a safe and orderly educational environment and ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
- f. The SCOC Committee will consider if and how outreach efforts to families can be made to garner support for the District's discipline policies, practices and procedures and for the District's goal of addressing student misbehavior without excluding students from the educational program;
- g. The SCOC Committee will prepare a written summary of its recommendations and suggestions and submit a report to the Superintendent or designee setting forth the recommendations and suggestions by no later than April 30 of each school year; and
- h. The Superintendent or designee will review the report submitted by the SCOC Committee and develop a plan for implementing the SCOC Committee's recommendations and suggestions as appropriate by no later than June 30 of each school year. The District will provide SCOC Committee and liaisons

with a copy of the plan along with a written explanation of the reasons why any recommendations or suggestions made by the SCOC Committee are not being implemented.

#### REPORTING REQUIREMENTS:

By September 1, 2016, September 1, 2017 and September 1, 2018, the District will provide documentation to OCR that the committee and liaisons required by this item have been established, including the identity of the liaisons, committee members, and the District employees who have been designated to coordinate or oversee the activities of the committee and a summary of the initial activities undertaken by the committee. By December 15, 2016, September 1, 2017 and September 1, 2018, the District will provide documentation to OCR of the written report(s) submitted by the committee, will provide for OCR's review and approval the plans developed by the District in response to the report(s), will provide the steps taken by the District in response to the report(s), and will provide the written explanations provided by the District for its decision not to implement any of the recommendations or suggestions made by the committee. If OCR has any objections to the plan submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft plan. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the plan approved by OCR prior to their implementation.

6. By September 30, 2016, and by September 30 annually thereafter, the District, in collaboration with the SCOC Committee described above, will develop and provide informational programs for parents and guardians of students at all District schools (parent programs) that will explain the disciplinary policies of the District in an easily understood manner; what is expected of students under those policies and the District's efforts in achieving fair discipline of all students. The parent programs may be incorporated into other planned parent meetings, conferences or parent outreach programs. The District will ensure that the informational programs are offered in such a manner as to ensure the maximum possible participation by parents or guardians. This may include offering the program at multiple times in various locations and will include providing access to parents or guardians who are unable to attend the program to the materials developed by the District in association with the program. This will include offering the program and the program materials in languages other than English as necessary for English language learners and their parents. The programs will:
  - a. Provide parents the opportunity to raise concerns or suggestions regarding the improvement of the District's disciplinary policies, including any issues in connection with fairness and non-discrimination;
  - b. Include District officials involved in the administration of discipline (e.g., administrators, teachers, behavior interventionists, guidance counselors);

- c. Emphasize the District’s commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
- d. Advise the parents or guardians of the right of students to appropriate due process in connection with any disciplinary action taken or proposed by the District;
- e. Include but not be limited to detailed explanations of the discipline policy; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; the circumstances under which deviations from established policies may be justified; resources that are available to students to assist them in developing self-management skills; and the District’s commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible and appropriate that misbehavior is addressed in a manner that does not require removal from the educational program; and
- f. Advise the parents or guardians whom they may contact if they have any concerns about the manner in which the District’s discipline policies are being implemented or if they need assistance in addressing student behavioral problems.

**REPORTING REQUIREMENTS:**

By December 15, 2016, December 15, 2017 and December 15, 2018, the District will provide documentation to OCR demonstrating that the information programs required by this item have been conducted. The District will provide documentation of any recommendations, suggestions or reports that were provided by parents or guardians at the programs and will indicate the plans developed by the District in response to the input at these programs.

**Policies, Practices and Procedures**

- 7. The District conducted a review of its Student Code of Conduct and certain disciplinary procedures and policies, which included input from internal and external stakeholders. These reviews resulted in a revised Student Code of Conduct and revisions to several disciplinary procedures and practices, which became effective during the 2015-16 school year. By January 31, 2017, the District will review its revised student discipline policies, practices and procedures and make further revisions, as necessary. In doing so, the District will take into account any recommendations or suggestions made by the student committees and SCOC Committee referenced in items 5 and 6. The District will ensure that its student discipline policies, practices and procedures, as currently in place and as revised during the implementation of the Agreement, include the following:

- a. Standards for disciplinary referrals that eliminate redundancies and include clear definitions, categories and clear procedures for staff to follow when making discipline referrals;
- b. The elimination, to the maximum extent possible, of vague, subjective or redundant offense categories including those that necessarily require a high degree of subjectivity and individual discretion (e.g., disrespectful behavior, insubordination, disruptive behavior). To the extent the District retains such categories, the District will provide specific examples to ensure that staff understand the circumstances under which such categories can be used to impose disciplinary sanctions and the distinctions between such categories;
- c. Definitions of misconduct that are clear and objective to the maximum extent possible and that clearly distinguish between similar acts, e.g., fighting and physical aggression; such definitions must include clearly defined, uniform criteria for all offense categories;
- d. The range of penalties that may be imposed for each infraction and penalties that are proportionate to the type of misconduct;
- e. The criteria for selection within the range of possible penalties when imposing disciplinary sanctions;
- f. An explanation of how the District will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies, practices and procedures will be implemented;
- g. A requirement that alternatives to dismissal, suspension or other sanctions that require removal from the educational setting be considered in all cases except those where the immediate safety of students or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by removal;
- h. A requirement that school staff attempt a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral;
- i. Appropriate due process standards for all students disciplined under the District's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provision for informal hearings, etc.);

- j. A provision to ensure that individual school sites follow appropriate procedure when referring students to alternative education sites when such a placement is deemed appropriate; and
- k. A program that seeks to successfully reintegrate students into the school community who have been suspended, expelled or excluded, or who return from alternative disciplinary placements or periods of incarceration, including counseling, tutoring or other additional educational services to permit the student to make up lost classroom time.

#### REPORTING REQUIREMENTS:

By September 1, 2016 and May 31, 2017, the District will submit its definitions and revisions, if any, to the student discipline policies, practices and procedures to OCR for review and approval. If OCR has any objections to the policies and procedures submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft policies and procedures. Within 15 days of OCR's approval, the District will provide documentation to OCR that it is implementing the revised policies and has disseminated the revised student discipline policies, practices and procedures to all District students, parents and staff and posted them in a prominent location on the District's website and in each District school. Within 30 days of OCR's approval, the District will also provide documentation to OCR that it has translated the revised student discipline policies, practices and procedures as necessary to accommodate English language learners and their parents. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the policies and procedures approved by OCR prior to their implementation.

- 8. By December 1, 2016, the District will review and revise its grievance procedure for complaints alleging race discrimination or harassment to ensure the procedure meets the requirements set forth below.<sup>1</sup> Specifically:
  - a. The language of the grievance procedure must state that the procedure is available to students, employees and other parties, including parents and visitors;<sup>2</sup>

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<sup>1</sup> The grievance procedure for complaints alleging disability harassment and sex or age complaints may be included in a combined procedure and need not be a stand-alone procedure. Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation at 34 C.F.R. Part 104; Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12131, and its implementing regulations at 28 C.F.R. Part 35; Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.* and its implementing regulations at 34 C.F.R. Part 106; and the Age Discrimination Act of 1975 (Age Act), 42 U.S.C. § 6103, and its implementing regulations at 34 C.F.R. Part 110, may impose additional requirements for a recipient's grievance procedures beyond those items required under this Agreement. OCR is available to provide technical assistance to the District regarding these requirements upon request.

<sup>2</sup> In the event the District develops a separate grievance procedure for employees, those procedures shall also meet the requirements of Title VI, Section 504, and Title II, as set forth in this Agreement.

- b. In addition to the provisions already included in the District’s grievance procedure, the procedure must include a provision for adequate, reliable and impartial investigations, including notice to the accused and an opportunity for the parties to present witnesses and evidence; and
- c. The grievance procedure will be published in such a manner that it is readily accessible to the participants, beneficiaries, applicants and employees of the District and its programs which includes but is not limited to publication of the full grievance procedure in the student parent handbook.

**REPORTING REQUIREMENT:**

By December 15, 2016, the District will provide OCR documentation, for OCR’s review and approval, indicating the completion of item 8 above. Documentation acceptable to OCR would be copies of the District’s grievance procedure and information indicating where and how the grievance procedure is published to ensure it is readily accessible to participants, beneficiaries, applicants and employees of the District and its programs and a copy of the District’s most recent student parent handbook.

**Student Focused Remedies**

- 9. Effective no later than December 1, 2016, the District will ensure that it has in place at each District school site a system of supports to assist students who display behavior problems. These supports may include, but need not be limited to, the following:
  - a. Adult in-school monitoring;
  - b. Peer in-school monitoring;
  - c. Access to guidance counselors, social workers or other mental health workers, as appropriate;
  - d. Involvement of parents in the discipline process;
  - e. Assistance with developing self-management skills; and
  - f. Referral for psychological testing or other educational services, where indicated.

**REPORTING REQUIREMENTS:**

By December 15, 2016, December 15, 2017 and December 15, 2018, the District will provide documentation to OCR demonstrating its implementation of this item.

### **Staff and Student Training**

10. By December 1, 2016, and by September 30 annually thereafter, the District will provide training programs to all District teachers, administrators, school aides, and any other District personnel charged with supervising students, making disciplinary referrals or imposing disciplinary sanctions.
  - a. The training will emphasize the District’s commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
  - b. As appropriate, the training for District employees will include but not be limited to detailed explanations of the discipline policy; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; the circumstances under which deviations from established policies and procedures may be justified; the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary sanctions, evidence-based techniques on classroom management and de-escalation approaches; information on how to administer discipline fairly and equitably; resources that are available to staff who are having difficulty with classroom discipline; resources that are available to students to assist them in developing self-management skills; the value of recognizing and reinforcing positive student behavior; and the importance of ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program; and
  - c. The training will provide employees the opportunity to raise concerns or provide suggestions regarding the improvement of the District’s disciplinary policies, including any issues in connection with fairness and non-discrimination on the basis of race.

#### **REPORTING REQUIREMENTS:**

By December 15, 2016, December 15, 2017 and December 15, 2018, the District will provide documentation to OCR that it has provided the training required by this item, the name(s) of the person(s) who delivered the training, and a description with supporting documentation of the person’s qualifications.

### **School Resource Officers**

11. By December 1, 2016, the District will complete a comprehensive review of its School Resource Officer (SRO) program to assess the program’s effectiveness and identify any changes that should be made to the program to ensure it aligns with and aids the District in accomplishing the goals and objectives set forth in this Agreement. The review will include, but not be limited to, the following:

- a. Individual meetings with every SRO to assess the extent to which they have a clear understanding of the District’s obligations under Title VI and the role they are expected to play in the District and the extent to which the understanding expressed by the SROs align with the District’s expectations; The meetings should also attempt to identify any problems or issues the SROs believe exist with how they are being utilized by District staff and suggestions they have for improving the program;
- b. Individual or group meetings with school administrators to assess the extent to which they have a clear understanding of the role SROs are expected to play in the discipline process and the extent to which the understanding expressed by the administrators aligns with the District’s expectations;
- c. Meetings, as appropriate, with the student committees identified in item 4 of this Agreement and the SCOC Committee identified in item 5 of this Agreement to assess the extent to which the SROs in District schools are trusted by students, and parents, and utilized as part of the overall effort to promote school discipline and establish a positive school climate;
- d. A review of any instance during the 2013-14 and 2014-15 school years in which a SRO physically restrained a student as part of implementing the District’s discipline procedures, issued a citation to a student or parent or arrested a student or parent on school grounds and whether the SRO acted in a manner that was consistent with the District’s expectations and its policies, practices and procedures. If the District determines the SRO actions were inappropriate in any instance, then it will promptly take appropriate actions to remedy any adverse effects from the SRO involvement; and
- e. A review of the protocol in place for assessing whether a parent or student has outstanding warrants and the procedure for making arrests in response to those warrants. To the extent there are differences in protocols among SROs and building sites, the District will work to standardize its protocols in a manner consistent with its stated goal to encourage parent participation in students’ education.

#### REPORTING REQUIREMENTS:

By December 15, the District will provide documentation to OCR of its review conducted pursuant to this item of the Agreement and a description of any revisions the District plans to make to its SRO program based on the review. The District’s report will also include all documentation associated with each instance during the 2013-14 and 2014-15 school years in which a SRO physically restrained a student as part of implementing the District’s discipline procedures, issued a citation to a student or parent or arrested a student or parent on school grounds and will provide for OCR’s review and approval the determination made by the District with respect to each incident as to whether the SRO’s involvement was appropriate and a description

with supporting documentation of any actions the District proposes to take in those cases in which it determines the involvement of the SRO was not appropriate. If OCR has any objections to the actions it proposed to take submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft actions. Within 30 days of receipt of OCR's approval of the steps it proposes to take regarding any incident described above, the District will document to OCR that it has taken the proposed steps.

12. By December 1, 2016, and by September 30 annually thereafter, the District will provide training to all District SROs that explains the District's obligations under Title VI, what is expected of SROs pursuant to applicable policies and procedures, and the District's revised student discipline policies, practices and procedures. The District will also develop an orientation program to be delivered to all SROs newly assigned to the District that explains the SRO program and the District's student discipline policies, practices and procedures.
  - a. The training and orientation will emphasize the SROs' role in ensuring a safe and orderly educational environment and the fair and equitable treatment of all District students when taking disciplinary action;
  - b. The training and orientation will also provide the SROs with information on how to work effectively with the District's elementary and secondary students and identify resources available to the SROs to assist them in this regard; and
  - c. The training and orientation will also include, but not be limited to: detailed explanations of the District's discipline policy; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; the circumstances under which deviations from established policies and procedures may be justified; resources that are available to students to assist them in developing self-management skills; the District's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require exclusion from the educational program; the importance of parent participation in students' educational activities and programs; and the District's obligations to ensure that the SRO program is administered in a non-discriminatory and non-retaliatory manner.

#### REPORTING REQUIREMENTS:

By December 15, 2016, December 15, 2017 and December 15, 2018, the District will provide documentation to OCR of the training provided by the District in accordance with this item, the name(s) of the person(s) who delivered the training, and a description with supporting documentation of the person's qualifications.

#### **School Climate Surveys**

13. By December 1, 2016, following approval by OCR of the survey instrument and methodology for survey administration, the District will administer annually a comprehensive climate survey to students, teachers/staff, and parents and guardians at all District schools to measure the perceptions of students and other members of the District community in connection with the administration of school discipline. In particular, the survey will measure perceptions of relationships among school community members, school safety and fairness and clarity of rules and behavioral expectations.

**REPORTING REQUIREMENTS:**

By December 15, 2016, the District will provide to OCR for its review and approval the climate surveys it proposes to use and the methods by which it will administer the surveys in order to maximize the response rate. If OCR has any objections to the surveys submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft surveys. By December 15, 2017, the District will provide to OCR for its review and approval a copy of the survey results and a description of actions it proposes to take in the following school year as a result of the survey results. If OCR has any objections to the actions the District proposes to take, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the proposed action(s). By December 15, 2017, the District will document the steps it has taken in response to the previous school year's survey results.

**Data Collection and Self-Monitoring**

14. By November 1, 2016 the District will collect available data regarding referrals for student discipline and the imposition of disciplinary sanctions, including referrals for alternative education programs. The District will ensure that its data collection system includes, but is not limited to, the following:
  - a. The name/student identification number, race, ethnicity, sex, age, disability and/or English language learner (ELL) status and grade level of each student referred for discipline;
  - b. For each referral, the name/student identification number, race, ethnicity, sex, age, grade level, disability and/or ELL status, as applicable, and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
  - c. A detailed description of the incident;
  - d. A description of all approaches that were attempted in order to address the behavior at issue prior to the referral for discipline;
  - e. The date of the referral;

- f. The specific violation for which the referral was made;
- g. The referring staff member (by name or by staff identification/employee number);
- h. The school and type of class from which the referral was made or other specific setting (e.g., bus referral, hallway referral);
- i. Whether there were any student and/or adult witnesses to the incident; names of witnesses and the number of witnesses;
- j. The prior disciplinary history of the student;
- k. The specific violation for which the student actually received punishment (if different from the referral described pursuant to item 14(f) of this Agreement) or, if no violation was charged or penalty/sanction imposed, the reason(s) why;
- l. The outcome of the manifestation determination, if applicable;
- m. The date the penalty/sanction was imposed;
- n. The length of the penalty/sanction (in number of days);
- o. The staff member(s) who assigned the penalty/sanction (by name or staff identification/employee number);
- p. Whether the student received a referral to an alternative education site or was transferred to a different school;
- q. If the student was referred to an alternative education site, documentation that the referral was completed in accordance with the District's applicable policies and procedures;
- r. Whether SROs were involved in the incident;
- s. Whether a referral to local law enforcement was made and whether that referral was mandatory, along with any applicable statute or ordinance governing the referral;
- t. Any other non-punitive outcomes arising out of each referral incident, including, but not limited to, skill building, peer monitoring, etc.;
- u. Whether the student was given access to appropriate due process procedures in connection with the penalty/sanction, including, but not limited to, being given the opportunity to present his or her version of events and/or an

explanation for their conduct prior to the imposition of sanctions; and whether, when, and how the student’s parent or guardian was contacted in connection with each referral incident; and

- v. Whether the student and the student’s parent/guardian were provided information regarding how to re-enroll in the District following an exclusionary discipline sanction, how the information was provided and whether and when the student re-enrolled in the District.

**REPORTING REQUIREMENT:** By December 15, 2016, September 1, 2017 and September 1, 2018, the District will provide to OCR the data referenced in this item for the just completed school year.

- 15. Starting July 1, 2016, the District will evaluate on an ongoing basis, but at least at the end of each semester, the data referenced in item 14 to assess whether the District is implementing its student discipline policies, practices and procedures in a non-discriminatory manner at each school. The evaluation of the data will include, but not be limited to, the following:

- a. Review of discipline referrals and penalties imposed to examine whether African American and Hispanic students are receiving more referrals for discipline than students of other races;
- b. Review of transfers to alternative education programs to examine whether African American and Hispanic students are transferring to those sites more than students of other races;
- c. Review of student referrals for expulsions to determine whether African American and Hispanic students are receiving more expulsions than students of other races;
- d. Examination of whether certain teachers and administrators refer disproportionately high numbers of students of a particular race for discipline or are disproportionately responsible for imposing disciplinary sanctions that include exclusion from the educational program;
- e. Examination of whether African American and Hispanic students are disproportionately referred for offenses in which subjective judgement is exercised, while students of other races are not;
- f. Examination of whether all students are consistently referred for similar misbehaviors without regard to race; and
- g. Examination of whether penalties imposed are consistent with the penalties specified in the District’s discipline policies and procedures and, where exceptions are made, whether they are justified.

**REPORTING REQUIREMENTS:** Within thirty (30) days of the completion of the evaluation required by this item, the District will provide OCR a copy of the evaluation analysis and results.

16. Starting January 31, 2017, and annually thereafter, the Superintendent or the Superintendent’s designee(s) will meet at the conclusion of each semester with the principal of each District school to discuss the data gathered by the District under item 14. The meetings will examine how discipline referrals and disciplinary sanctions imposed at each school compare to those at other District schools and consider any data suggesting that African American and Hispanic students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races and whether students with disabilities are disproportionately referred for alternative placement as opposed to students without disabilities. If the data suggests such disproportion, the meetings will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible. If applicable, the principals will be reminded will be reminded of resources that are available to assist them in addressing the disproportion. If the information suggests that the principal or other school staff are failing to adhere to the District’s student discipline policies, practices and procedures or are engaging in discrimination, the Superintendent or Superintendent’s designee(s) will take appropriate corrective action, including but not limited to, additional training or discriminatory action. Where the data shows no disproportion, the meetings will examine steps that are being taken at the school to ensure the fair and equitable enforcement of the District’s discipline policies, practices and procedures that might be adopted as “best practices” at those schools where disproportion exists.

**REPORTING REQUIREMENTS:** Within thirty (30) days of the completion of the actions required by this item, the District will provide OCR documentation of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

17. Starting January 31, 2017, each school principal will meet at the conclusion of each semester with the teachers at his/her school to discuss the data gathered by the District under item 14.
  - a. The meetings will examine how discipline referrals and disciplinary sanctions imposed at the school compare to those at other District schools and consider any data suggesting that African American and Hispanic students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races;
  - b. If the data suggests disproportion, the meeting will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible;

- c. If applicable, the teachers will be reminded of District resources that are available to assist them in addressing the disproportion;
- d. Where the data shows that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers African American and/or Hispanic students, the principal will meet privately with that teacher to discuss the data, explore the reasons for the disproportion and examine potential solutions. If the information suggests that the teacher is failing to adhere to the District’s student discipline policies, practices and procedures or is engaging in discrimination, the principal will take appropriate corrective action, including but not limited to, additional training or disciplinary action; and
- e. Where the data shows no disproportion or suggests that a teacher has been particularly successful in managing student discipline at the classroom level, the meetings will examine steps that are being taken at the school or by the individual teacher to ensure the fair and equitable enforcement of the District’s student discipline policies, practices and procedures that might be shared as “best practices” with other teachers at the school and with other schools where disproportion exists.

**REPORTING REQUIREMENTS:** Within thirty (30) days of the completion of the actions required by this item, the District will provide OCR documentation of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

18. Effective August 1, 2016, the District will establish a discipline review team at each school site comprised of at least three staff members, for the purpose of reviewing, on an annual basis, specific disciplinary incidents, procedures/practices or trends. The site principal and – if applicable – the site assistant principal must sit on the review teams. The teams will review the identified incidents, procedures/practices or trends to ensure that the actions taken were not discriminatory and consistent with the District’s student discipline policies, practices and procedures. The review teams will consider whether the identified school uses behavioral programs such as Positive Behavior Intervention and Supports, and will determine if these or other programs identified as likely to address the issues specifically identified, could be established at the identified schools. At the conclusion of each school year, the discipline review teams will prepare a report that summarizes the results of its review, including recommendations on any change to the District’s student discipline policies, practices and procedures, if any, that should be made in light of the team’s findings. If at any point during this process the discipline review teams identify any disciplinary action that was discriminatory or inconsistent with the District’s student discipline policies, practices and procedures, it will immediately report its finding to the SCOC Committee, who will then advise the Superintendent or his/her designee. Based upon the review of the information received, the District will ensure that immediate corrective action is taken, if necessary.

**REPORTING REQUIREMENTS:**

By May 31, 2016, the District will provide documentation to OCR with the names of all individuals on the discipline review team. By September 1, 2016, September 1, 2017 and September 1, 2018, the District will provide documentation to OCR of the review conducted by the team during the just completed school year.

19. At the conclusion of the 2015-16 school year and each school year thereafter, the District will consider whether changes to its student discipline policies, practices and procedures are warranted based on its evaluation of the District-wide student discipline data, the meetings with administrators and staff, and any findings made by the discipline review teams.

**REPORTING REQUIREMENT:**

By December 15, 2016, May 31, 2017 and May 31, 2018, the District will provide for OCR's review and approval all changes to policies, practices and procedures it proposes to make pursuant to this item, if any, and the rationale for the changes or for not making changes. If OCR has any objections to the changes submitted by the District for review, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving the draft changes. Throughout the course of the Agreement, the district will submit to OCR for review and approval any changes to the policies and procedures approved by OCR prior to their implementation.

**Individual Relief**

20. Within 30 calendar days of the date of this Agreement, the District will provide to the Complainant, a written invitation to meet with one or more District administrators to discuss and, if applicable, set dates for re-enrolling her children in the District. (The "re-enrolling" portion of this requirement shall be subject to the State of Oklahoma's student transfer laws and the District's transfer policies.) The meeting will include a discussion of the results of the District's investigation into her allegations of racial harassment. The District will also provide the Complainant with the written report of the results of the investigation either by regular mail or electronic mail after confirming her mailing address. The District will also provide to the Complainant a description of the District's procedure for school resource officers making arrests on District property and a description of the District's revisions to its discipline code, which became effective in January of 2016. The District administrator will provide assurance to the Complainant that the District's policy prohibiting corporal punishment shall be adhered to regardless of the nature of the disciplinary incident. The invitation will identify the District administrator(s) who will be present at the meeting. The invitation will include a statement that the Complainant's participation in the meeting is voluntary and there will be no adverse consequences for her or her children if she declines the invitation. The invitation will explain that the Complainant is to provide her response to the invitation no later than 30 days after the date of the invitation and will describe how and to whom the Complainant is to communicate her response to the invitation.

**REPORTING REQUIREMENT:**

Within 30 calendar days of completion of item 20, the District will provide OCR documentation demonstrating satisfactory completion of the requirements of item 20. The documentation will include a copy of both the written invitation described in item 20 and the written results of the investigation into her grievance and evidence of the method by which the information was delivered to the Complainant, such as a copy of an email (with attachments, if applicable), evidence of delivery by U.S. Postal Service, written certification of hand delivery, etc.

21. The District will document the Complainant's response or lack of response to the invitation described in item 20 above and, if the Complainant accepts the District's invitation to meet, will document the results of the meeting. Documentation of the meeting will include the date, time and place of the meeting; the names and titles of the persons present at the meeting, and the results of the meeting.

**REPORTING REQUIREMENT:**

Within 30 calendar days of completion of item 21, the District will provide OCR documentation demonstrating satisfactory completion of the requirement of item 21. The documentation will include a copy of the District's record of the Complainant's response to the invitation described in item 21 above.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner and that all actions taken to comply with the requirements of the Agreement are subject to OCR's review and approval in accordance with the reporting requirements of this Agreement. Further, the District understand 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 the regulation implementing Title VI, at §§ 100.3(a) and (b)(i)-(iii), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at §§ 100.3(a) and (b)(i)-(iii), which were at issue in this case. Prior to the conclusion of OCR's monitoring, the District will provide documentation establishing that any remaining disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

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 60 calendar days to cure the alleged breach.

/s/ Robert R. Neu  
Robert R. Neu, Superintendent

4/7/2016  
Date