

Resolution Agreement
Benicia Unified School District
OCR Case No. 09-15-1270

In order to resolve the concerns raised in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR) under Title VI of the Civil Rights Act of 1964 (Title VI), Title IX of the Education Amendments of 1972 (Title IX) and their implementing regulations, and without admitting to any violation of Title VI, Title IX or any other federal law, the Benicia Unified School District (District) voluntarily agrees to the terms of this Agreement.

A. Staff Training

1. All staff and administrators with responsibility for investigating complaints of discrimination on the basis of race or sex, including complaints of racial, sexual, or gender-based harassment, will participate in training provided by OCR, or by experts in Title VI and Title IX selected by the District and approved by OCR, on the requirements of Title VI and Title IX and the investigation of complaints of discrimination, on a date to be arranged by OCR and the District.
2. The District will develop a plan for training middle school staff and administrators on issues related to racial and gender-based harassment, including what constitutes harassment and the impact it has on individual students and the educational environment, the prohibition on harassment in the educational setting, the importance of reporting harassment, the District's obligation to respond appropriately to notice of harassment, and potential consequences and corrective action if harassment is found. The plan will include, specifically, a proposal on how to address and reduce the use of racial and gender-based slurs by students in the educational environment, whether negatively directed at someone, or in casual conversation.

B. Student Training

1. The District will develop a training program to be delivered annually to all middle school students that covers issues related to racial and gender-based harassment, including what constitutes harassment and the impact it has on individual students and the educational environment, the prohibition on harassment in the educational setting, the importance of reporting harassment, and potential consequences and corrective action if harassment is found. The training program will address, specifically, use of racial and gender-based slurs by students in the educational environment, whether negatively directed at someone, or in casual conversation.

C. Policies and Procedures

1. The District will review and revise its Nondiscrimination and Grievance related policies and procedures (including but not limited to BP and AR 1312.3, 5145.3 and 5145.7) to be consistent with Title IX, its implementing regulations and OCR policy guidance and

provide OCR with a draft of the revised policies and procedures for review and approval.

2. Within 30 days of receiving approval from OCR, the Recipient will post and provide notice of the revised policies in accordance with the Notification section of each respective policy/procedure, including providing a copy of the revised policies and procedures to school site administrators and staff, posting it on its website, and distributing it through the Student Handbook.

D. Individual Remedy

1. The District will contact the Complainants and offer for administrators to meet with Complainants to discuss any related ongoing concerns that the Student or Complainants may have, including the need to foster a good relationship between the Student and the administration, to determine whether the Student needs any additional supports as a result of the underlying events, and inform the Complainants of the District's plans moving forward to improve the situation at the School.

E. Reporting Requirements

1. **By June 30, 2016**, the District will submit a draft for OCR's review and approval, of its plan developed pursuant to Section A.1 to provide adequate training for the key administrators from the District and each school site, and all other District employees responsible for investigating discrimination complaints. If Recipient decides to have training provided by an expert, the name and credentials will also be provided to OCR for review and approval. If Recipient decides to use OCR staff for such training, it will include a request in the plan.
 - a. **By September 30, 2016**, the Recipient will provide documentation to OCR that the training pursuant to Section A.1 has been completed, including number of hours of training completed, dates of the trainings, who conducted the trainings, and materials used.
2. **By June 30, 2016**, the District will submit a draft of its plan developed pursuant to Section A.2 for OCR's review and approval.
 - a. **By September 30, 2016**, the District will provide documentation to OCR that the training pursuant to Section A.2 has been completed, including number of hours of training completed, dates of trainings, who conducted the trainings, list of attendees, and materials used.
3. **By June 30, 2016**, the District will submit a draft for OCR's review and approval, of its plan developed pursuant to Section B.1.
 - a. **By October 30, 2016**, the District will provide documentation to OCR that the training pursuant to Section B.1 has been completed, including number of

hours of training completed, dates of trainings, who conducted the trainings, information about attendees, and materials used.

- 4. By **June 30, 2016**, the Recipient will submit a draft of its Title IX related policies and procedures drafted pursuant to Section C.1 for OCR’s review and approval. Within 30 days of OCR’s approval of the draft policies and procedures, the Recipient will adopt and publish the revised policies and procedures and provide OCR with documentation showing that it has done so.
- 5. By **June 30, 2016**, the District will provide OCR will provide written confirmation to OCR of the actions it has taken to fulfill the requirements of Section D.1. If the meeting or meetings have occurred, the District will provide information on the date of the meeting(s) and the general substance of the discussion. If no meeting(s) have occurred, the District will provide OCR with confirmation of the date upon which an offer to meet was made and the reason(s) why no meeting has occurred.

F. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District, interview District staff, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI, Title IX and their implementing regulation, 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 Title VI, Title IX and their implementing regulations, which were at issue in this case.

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 Recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Benicia Unified School District

By: _____/s/_____ Date: 05/31/2016

Title: Director, Special Services