

**VOLUNTARY RESOLUTION AGREEMENT**  
**CHRISTIAN COUNTY PUBLIC SCHOOLS**  
**OCR CASE NO. 03-11-5002**

The U.S. Department of Education, Office for Civil Rights (OCR) initiated a compliance review of the Christian County Public Schools (the District) in order to investigate whether the District has subjected African American students to discrimination on the basis of race by disciplining them more frequently and more harshly than similarly situated White students. Title VI of the Civil Rights Act of 1964, 42, U.S.C. § 2000d *et seq.*, and its implementing regulation at 34 C.F.R. pt. 100 provide, in relevant part, that no program or activity receiving Federal financial assistance from the Department of Education may discriminate on the basis of race or national origin. The District is subject to Title VI because it receives Federal financial assistance from the Department of Education. Pursuant to Article III and Article IV, Section 302 of the OCR Case Processing Manual, OCR has the authority to resolve this compliance review by means of a resolution agreement before the conclusion of the investigation when the recipient expresses an interest in such a resolution. Prior to the completion of OCR's investigation the District expressed its desire to resolve this case.

Without admitting to any violation of law, the District voluntarily agrees to the terms of this Agreement and agrees to comply fully with its provisions. In consideration for the commitments made herein by the District, OCR agrees to refrain from further pursuing the investigation of this compliance review. This commitment does not relieve the District from fulfilling its other obligations under Title VI or resolve any other individual or class complaint against the District under Title VI.

**GENERAL PRINCIPLES**

The goal of the District is to ensure that all District students are provided schools that are safe and that create an environment that is conducive to learning. The fair and appropriate implementation of student discipline policies grounded in research-based evidence is one means of attaining this objective. In addition, it is critical that students learn and are reinforced in appropriate behavior so that they are engaged in the District's education program, rather than its disciplinary system. The District is committed to ensuring to the maximum extent practicable that misbehavior is addressed in a manner that does not require removal from the educational program in all cases except those where the safety of students and/or staff is threatened, and/or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as required by law.

## **SUBSTANTIVE PROVISIONS**

### **A. Collaboration with Consultant**

The District will enter into an agreement with a consultant (such as the Southeastern Equity Center, or another similar agency) to examine and address the root cause(s) of the disparity in its discipline policies, procedures and practices and make recommendations to the district to address them. The consultant will, among other things: review District disciplinary policies; conduct a longitudinal study of discipline data collaboratively with the District; disaggregate disciplinary data in focus areas selected in collaboration with the District; and provide technical assistance to the District on making effective use of annual climate surveys. With input from the consultant, the District will review and modify, subject to the review and approval of OCR, its discipline policies, procedures and practices currently in effect to reform those that result in discriminatory referrals, suspensions, expulsion, and/or arrests of students, and/or are discriminatory in application or in effect.

### **REPORTING REQUIREMENT**

- By March 1, 2014, the District will provide OCR with a copy of the agreement with the consultant pursuant to Section A.

### **B. Preventative Strategies, Early Identification of At-Risk Students and Early Intervention**

In collaboration with the consultant, the District will develop and implement strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system. Such strategies will include, without limitation, the following:

#### 1. Classroom Management and Behavior Support for Staff

The District will implement a requirement that school staff attempt a range of corrective measures before referring a student to disciplinary authorities and/or law enforcement unless the safety of students and/or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be reasonably remedied by such a referral, or the referral is required by law. The District will offer annual training to all staff within the District on classroom management techniques, such as the Promoting Positive Behavior in the Classroom training that the District began requiring for all District staff in May of 2013. (See Section F.1.) In addition, the District will ensure that school staff continue to have available to them appropriate resources and support in order to provide effective classroom management.

## 2. Rewarding Positive Behavior

The District will have in place at every school a system for positively and appropriately encouraging and reinforcing appropriate student behavior, which the District is currently providing by the (1) development and implementation of a District RTI program, (2) the requirement that each school within the District develop and implement its own RTI program, (3) the hiring of 16 Instructional Behavior Coaches (newly created position), (4) the hiring of three additional social workers, and (5) the inclusion of appropriate requirements and goals within the current Comprehensive District Improvement Plan. The District will offer annual training to all staff within the District on rewarding positive behavior, such as that included in the Promoting Positive Behavior in the Classroom training that the District began requiring for all staff in May of 2013. (See Section F.1.)

## 3. Supports for Struggling Students

If, after the corrective measures required by Section B.1 above have been fully implemented, a student is referred for discipline more than once in a school year for behavior that disrupts their education and/or the education of other students, the District will provide one or more of the following school-based supports to assist the student. These supports may include, but need not be limited to, the following:

- a. Adult in-school mentoring;
- b. Peer in-school mentoring;
- c. Access to guidance counselors, student support staff, social workers or student advocates as appropriate;
- d. Involvement of parents in the discipline process;
- e. The development and implementation of a behavior support plan;
- f. Assistance with learning appropriate behavior and developing self-management skills; and
- g. Referral for educational services, where indicated and appropriate.

The District will offer annual training to all staff within the District on providing supports for struggling students, such as that included in the Promoting Positive Behavior in the Classroom training that the District began requiring for all staff in May of 2013. (See Section F.1.)

## REPORTING REQUIREMENT

- By July 1, 2014, and annually thereafter until OCR closes the monitoring of this Agreement, the District will submit a report with supporting documentation demonstrating its full implementation of Section B.

### **C. Review and Revision of the District's Discipline Policies, Procedures, and Practices**

1. In collaboration with the consultant, the District will analyze its 2011-2012 and 2012-2013 discipline data by race/ethnicity. Based on this analysis, the District will work in collaboration with the consultant to identify any possible improvements or revisions to existing disciplinary policies and procedures in the following areas:
  - a. Referrals for discipline;
  - b. Help/SAFE assignments;
  - c. Isolated Classroom Environment (ICE) assignments;
  - d. Out-of-school suspensions (OSS); and
  - e. Referrals to law enforcement.
2. The District will revise and submit to OCR for review and comment its student discipline policies as necessary to fulfill the purposes of this Agreement. In doing so, the District will take into account those proposed revisions developed with the assistance of the consultant, as well as any recommendations or suggestions made by students (including through school climate surveys or student forums referenced herein), faculty/staff, and parents. The District will ensure that its student discipline policies are written and organized in such a way that they are easily understood by students, faculty/staff, and parents.
3. The revised student discipline policies will require that disciplinary authorities consider alternatives to expulsion, suspension or other sanctions that require removal from the education setting, except when applicable state or federal law would require otherwise.
4. OCR will notify the District when it has completed its review of the revised student discipline policies. Within 90 days of OCR's review, the District will publish the student discipline policies in the form of a revised Code of Acceptable Behavior (the Code). The District will take steps to ensure that the revised student discipline policies are disseminated in a timely manner to all District students, parents and staff, and are posted in a prominent location on the District's website and in each District school. In addition, within 45 days of OCR's review, the District will ensure that the revised student discipline policies are translated into any high-incidence languages within the

District.

## **REPORTING REQUIREMENTS**

- By July 1, 2014, the District will forward the results of its 2013-14 school year data review and the proposed revisions to discipline policies (including recommendations received from students, faculty/staff and parents) developed pursuant to Section C.1 to OCR for review.
- By July 1, 2014, the District will forward a copy of its publication of the revised discipline policies, including any translation(s) thereof, to OCR.
- By July 1, 2015, the District will forward the results of its 2014-15 school year data review and the proposed revisions to discipline policies (including recommendations received from students, faculty/staff and parents) developed pursuant to Section C.1 to OCR for review.

### **D. Discipline Supervisor**

1. By April 1 2014, 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 the notice 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.
2. In addition the District will identify a District office administrator who will address complaints of discrimination and denial of due process from parents, guardians, students and others regarding the implementation of the District's disciplinary policies, 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 the notice that the District sends to parents annually. In addressing complaints, the review of individual discipline decisions shall be limited to a review of the written record of the discipline for violations of due process rights or unlawful discrimination.
3. In collaboration with the consultant, the District will develop a training program for the District office administrator and for the Discipline Supervisor, including the responsibility of the Discipline Supervisor to regularly develop and participate in activities designed to raise awareness within the District about the implementation of the District's disciplinary policies, as set forth in Sections E, F, G and H below.

## REPORTING REQUIREMENTS

- By April 1, 2014, the District will notify OCR of the names of the individuals who have been designated as Discipline Supervisor and District office administrator.
- By April 1, 2014, the District will submit the training program for the Discipline Supervisor and the District office administrator to OCR for review.
- By August 1, 2014, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide to OCR a summary of the District Supervisor's activities as set forth in this section.

### E. Outreach to and Input from School Community Stakeholders

#### 1. School Climate Surveys

- a. In collaboration with the Consultant, the District will develop and administer an annual school climate survey to students (grades 3-12), staff, and parents. The survey will be administered separately to each of these groups and will measure (including, but not limited to) the perceptions of: relationships among the school community members (teacher-student, teacher-parent, and student relationships); school safety; clarity of rules and behavioral expectations; and fairness and equity in the administration of discipline. The District agrees to submit the climate survey to OCR for review and comment.
- b. Beginning August 1, 2014, and annually thereafter during the course of OCR's monitoring of this Agreement, the District will provide a summary report of the substance of the responses and the response rate of each group to OCR. The District will also determine a method for sharing the report publically, particularly with the participating groups. For the purposes of this Agreement, all schools will be requested to participate in the climate survey.

#### 2. Student Forums

In order to raise awareness of discipline issues, each school in the District will conduct an annual forum during regular school hours which specifically provides students with an opportunity 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. At least one individual with school-wide responsibility for discipline will attend each forum session. The District will select an appropriate format for each session based on the age/grade levels of students and the particular needs of each school, e.g. classroom discussion, student focus groups, as

long as each student is given the opportunity to participate in such a session at least annually (e.g., if a student body assembly format is used, it shall include time for small group breakout discussions that allow individual students a realistic opportunity to participate).

## **REPORTING REQUIREMENTS**

- By July 1, 2014, the District will submit to OCR for review the Climate Survey developed pursuant to Section E.1.a.
- By December 1, 2014, and until the monitoring of this Agreement is closed, the District will submit to OCR documentation showing that its Climate Surveys have been administered, and a summary report of the substance of the responses as well as the response rate, pursuant to Section E.1.b.
- Within 30 days of the end of the semester in which the forum is conducted, and annually thereafter until the monitoring of this Agreement is closed, the District will submit to OCR a report of each student forum session conducted pursuant to Section E.2, including the date/time/length and location of each session, a list of students attending by race/sex/age/grade level, a list of the faculty and staff attending, a summary of the concerns and suggestions expressed by students at each such session, and the District's responses to the same. The District will also include a narrative which describes how the results were shared publically and with participating groups.

## **F. Training**

### **1. Staff Training**

The District will develop training programs to be delivered annually to staff within the District. The format and delivery method of the training programs may vary depending on the nature and degree of the recipients' interaction with students and with the recipients' role in the disciplinary process. The training will take place prior to the beginning of each school year. The District agrees to provide the same training to any employee hired mid-year within 45 days of employment by the District as practicable. For staff directly involved in student discipline (e.g., teachers and school-level administrators), the training must include the components listed below.

- a. The training will 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 treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
- b. The training will emphasize the other approaches and strategies for student development outside the disciplinary system referenced in Section B of this

Agreement.

- c. The training will include but not be limited to detailed explanations of the discipline code, 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, the documentation that must be used by all staff within the District 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 management, 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 practicable that misbehavior is addressed in a manner that does not require removal from the educational program.
- d. The training will provide District employees with information concerning the role that School Resource Officers (SROs) are expected to play in the discipline process, focusing in particular on guidelines for when it is appropriate and when it is not appropriate to refer a student to an SRO.
- e. The training will provide employees 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 on the basis of race or ethnicity.

## 2. Student Training

The District will develop a training program to be delivered annually to all District students that will explain the policies referenced in this Agreement and what is expected of the students under those policies in an age-appropriate, easily understood manner.

- a. The training will 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. The training will advise students of their right to appropriate due process protections in connection with any disciplinary action taken or proposed by the District, including the names and contact information for the Discipline Supervisor and the District office administrator.
- b. The training will include but not be limited to detailed explanations of the discipline code, 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, and the District's commitment to ensuring to the maximum extent practicable that misbehavior is addressed in a manner that does not require removal from the educational program.

- c. The training will emphasize not only the consequences and procedures associated with non-compliance with the disciplinary code, but also provide guidance and information regarding appropriate behavioral standards, including resources to assist in developing self-management skills.
- d. The training will be distinct from, and not offered simultaneously with, the student forums described in Section E.2 of this Agreement.

### 3. Informational Programs for Parents, Including Outreach and Distribution of Policies

The District will develop an informational program to be offered to the parents or guardians of all District students that will explain the policies referenced in this Agreement in an easily understood manner and what is expected of students under those policies and the District's efforts in achieving fair discipline of all students. The program will 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. The District will ensure that the informational program is 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 also include offering the program and the program materials in high-incidence languages within the District. In addition:

- a. The program will include District officials involved in the administration of discipline (e.g., administrators, teachers, guidance counselors); information about the District's recent actions under this Agreement; and a record of the meeting in order that the information collected can be considered by the District when assessing and modifying its policies and under this Agreement.
- b. The program will 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.
- c. The program will 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.
- d. The program will include but not be limited to detailed explanations of the

discipline code, 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 practicable that misbehavior is addressed in a manner that does not require removal from the educational program.

- e. The program will advise the parents or guardians of the availability of the District Discipline Supervisor and the District office administrator, 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. The review of discipline decisions will be limited to the issues of determining compliance with due process and nondiscrimination policies.

## **REPORTING REQUIREMENTS**

- By June 1, 2014, the District will submit to OCR for review a description with supporting documentation of the training programs developed by the District in accordance with Section F.1 and F.2 and the informational programs developed by the District in accordance with Section F.3, including any translated materials.
- By December 1, 2014, and until the monitoring of this Agreement is closed, the District will provide OCR with the dates that training sessions were offered along with other outreach activities and a list of the participants in all trainings and informational programs pursuant to Section F.

### **G. Notice to Parents/Guardians**

1. The District's Code is available in hard copy and on the District's website. Students receive additional information about student responsibilities and behavior expectations in Student Handbooks, which are unique to each school site. The District will revise these documents to reflect any changes in disciplinary policies and practices made under this Agreement, as necessary, and continue its existing practice of notification to parents and students.
2. The District will develop a means to inform the public on data concerning referrals for discipline, Help/SAFE room and ICE assignments, out of school suspensions, expulsions, and referrals to law enforcement, including the most frequent reasons leading to exclusionary discipline and other factors determined by the District and/or the Consultant. The data will be disaggregated by race/ ethnicity, school, and/or grade level. The District will consider, but is not limited to, publishing a "data

dashboard” or some other means of information dissemination on its website or providing reports at Board meetings and other relevant public District forums.

3. The District will provide notice to parents and guardians about the availability of all sources of information regarding discipline, including the information required by Section G.2, contact information for the District’s Discipline Supervisor and the District office administrator, and the right to file complaints of unlawful discrimination and denial of due process regarding the implementation of discipline policies. This notice will be posted on the District’s website and will be mailed annually to all parents and guardians.

## **REPORTING REQUIREMENTS**

- By August 15, 2014, and until the monitoring of this Agreement is closed, the District will provide a copy of the written notices pursuant to Sections G.1 and G.3, and documentation confirming the creation of the District’s dashboard or comparable information system pursuant to Sections G.2 and G.3.

### **H. School Resource Officers (SRO)**

#### 1. Reporting

The District will ensure that all actions taken by SROs are reported to the District.

#### 2. Review of SRO Interventions and Practices

The District will conduct a comprehensive review of SRO interventions and practices annually to assess their effectiveness and identify any changes that should be made to ensure that they align with the goals and objectives set forth in this Agreement. The review will include, but not be limited to, the following:

A review of every instance during the school year in which an SRO became involved in a student discipline matter to determine whether it was appropriate for the SRO to become involved in the matter and whether, once involved, the SRO acted in a manner that was consistent with state law and the District’s expectations and its discipline policies. This review will also examine every instance where a District student was referred to law enforcement and carefully consider whether the referral to law enforcement was appropriate under state law and the circumstances present at the time and consistent with the treatment of other similarly situated students. If the District determines that the referral was inappropriate, it will promptly take steps

to remedy any adverse effects, which may include efforts to correct District records and, where warranted, to discontinue law enforcement involvement in the incident.

### 3. SRO Training

The District will make good faith efforts to collaborate with local and state police departments with which it contracts for SROs to develop a training program to be delivered to all District SROs that will explain the revisions being made to SRO interventions and practices and what is expected of the SROs under the revised SRO interventions and practices and the District's revised student discipline policies, as well as to develop an orientation program to be delivered to all SROs newly assigned to the District that explains SRO intervention, what is expected of SROs, and the District's student discipline policies.

## REPORTING REQUIREMENTS

- By June 30, 2014, the District will submit to OCR for review a description with supporting documentation of any revisions the District plans to make to SRO interventions and practices based on the review completed by the District pursuant to Sections H.1 and H.2.
- By October 31, 2014, the District will provide documentation to OCR confirming its good faith efforts to collaborate with local and state police departments with which it contracts for SROs to develop a training program to be delivered to all District SROs pursuant to Section H.3. If the District's efforts are successful, the District will submit to OCR for review the proposed training program for SROs that it developed in collaboration with the police departments. The District shall submit documentation confirming implementation of the SRO training program.

### I. Data Collection, Evaluation and Assessment, and Self-Monitoring

1. The District will establish uniform standards for the content of student discipline files at all District schools. The standards will be designed to ensure that the District keeps accurate and complete records of all discipline incidents, including those that do not result in the imposition of disciplinary sanctions. To this end, the District will develop and submit to OCR for review and comment a uniform District referral form and a uniform District disciplinary sanctions form at each school level to be used by all staff within the District when imposing disciplinary sanctions. At a minimum, the forms will require the person using them to provide the following information:
  - a. the name or staff identification/employee number of the person making the referral;
  - b. the name or staff identification/employee number of the person determining the

- sanction;
- c. detailed information to explain the circumstances that led to the disciplinary referral, including the conduct and the setting (e.g., classroom, bus, cafeteria, hallway);
- d. any student and/or adult witness(es) to the incident;
- e. any other students involved in the incident;
- f. a description of all approaches that were attempted in order to address the behavior at issue prior to referral for discipline;
- g. the number of “chances” or opportunities the student was given to self-correct the behavior before the office referral became necessary;
- h. instructions to the referring staff member to describe the incident in terms of conduct and not in terms of the Code violation;
- i. the disciplinary sanction imposed or, if no sanction was imposed, the reason for that decision;
- j. the Code violation(s) for which the sanction was imposed;
- k. the factual basis for the sanction imposed and the justification for the selection of the particular penalty imposed from within the range of possible penalties that could have been imposed, including the student’s prior disciplinary history; or, if no sanction was imposed, the reason for that decision;
- l. the date the referral was made or the sanction was imposed;
- m. the name/identification number, race/ ethnicity, and grade level of the student(s) being referred and all other students involved in the incident, whether or not they were referred for discipline themselves; and
- n. attempts to contact parents and/or guardians.

Individual schools may elect to collect information in addition to the information required in subsections a-n above.

2. The District will work with the developers of the District’s data system to obtain enhancements or updates to the system as needed in order to collect and accurately record the information required by this Section electronically. However, unless and until paper forms are no longer in use, the District will retain and store paper referral forms as well as all other documents used in the discipline of students throughout the monitoring of this Agreement.
3. The District will collect and evaluate data regarding all referrals for student discipline, including those that did not result in the imposition of disciplinary sanctions, the imposition of disciplinary sanctions, referrals to law enforcement, and suspension and expulsion at all District schools. The data collected will include, but not be limited to, the following:

- a. The name/identification number, race/ ethnicity, and grade level of each student referred for discipline;
- b. For each referral, the name/identification number, race/ ethnicity, 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 misconduct (in the comment field);
- d. A description of all approaches that were attempted in order to address the behavior at issue prior to referral for discipline;
- e. The date of the referral;
- f. The specific Code violation for which the referral was made;
- g. The referring staff member (by staff identification/employee number);
- h. The school and type of class from which the referral was made or other specific settings (e.g. bus referral, hallway referral);
- i. Whether there were any student and/or adult witness(es) of the incident; names of witness(es); number of witnesses;
- j. the number of “chances” or opportunities the student was given to self-correct the behavior before the office referral became necessary;
- k. whether the student’s parent/guardian was contacted;
- l. The prior disciplinary history of the student;
- m. (If different from f., above) The specific Code violation for which the student was punished and the penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the reason why;
- n. The outcome of the manifestation hearing determination, if applicable;
- o. The date the penalty/sanction was imposed;
- p. The length of the penalty/sanction (in number of days);
- q. The staff member who assigned the penalty/sanction (by staff identification/employee number);
- r. Whether the student was transferred to the alternative school or to a different school site;
- s. Whether school-based or local law enforcement were involved (e.g. law enforcement was notified of the offense);
- t. Whether the referral to law enforcement was mandatory and, if so, the statute or ordinance governing the referral;
- u. Whether the student was arrested as a result of school-based or law enforcement involvement;
- v. Any other non-punitive outcomes arising out of each referral incident, including, but not limited to, referral for homebound services, disability evaluation; and
- w. 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 their parents were contacted in connection with each referral incident.

4. Each school principal will meet at the conclusion of each semester with the teachers at his/her school to discuss strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system and to discuss the discipline of students for that semester. The discussion will specifically review the data gathered by the District under Section I.3 of this Agreement and the results of the review conducted by the discipline review team under Section 6 of this Agreement. The meetings will examine how discipline referrals and disciplinary sanctions imposed at the school compare to those at other schools and consider any data or other information showing that members of any group for whom data are collected pursuant to Section I.3 above are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other groups. If the data show such disproportion, the teachers will be reminded of District resources that are available to assist them in managing their classrooms and reinforcing positive student behavior. Where the data or other information show that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers members of any such group, the principal will meet privately with that teacher to explore the reasons for the disproportion, and examine potential solutions. If the data or information shows that the teacher is failing to adhere to the District's student discipline policies or practices or is engaging in discrimination, the principal will consider appropriate corrective action, including but not limited to, additional training or disciplinary action, subject to the rights afforded to employees under state and/or federal law. Where the data show no disproportion at the school and/or in particular classrooms or suggest 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 that might be shared as "best practices" with other teachers at the school and with other schools where disproportion exists.
5. The Superintendent or Superintendent's designee(s) will meet at the conclusion of each school year with the principal of each school to discuss the data gathered by the District under Section I.3, as well as with the Discipline Supervisor, to examine the issues raised pursuant to Section D and the report of the discipline review team pursuant to Section I.6. The meetings will examine how discipline referrals and disciplinary sanctions imposed at each school compare to those at other schools and, if applicable, to schools outside the District, and consider any data showing that members of any group for whom data are collected pursuant to Section I.3 are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other groups. If the data show such disproportion, the meetings will explore possible causes for the disproportion. The meeting will also review the

District's resources that are available to teachers to assist them in managing their classrooms and reinforcing positive student behavior. If the data or other information shows that the principal or other school staff are failing to adhere to the District's student discipline policies and practices or are engaging in discrimination, the Superintendent or Superintendent's designee(s) will consider appropriate corrective action, including but not limited to, additional training or disciplinary action, subject to the rights afforded to employees (including administrators) under state and/or federal law. Where the data show 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 student discipline policies that might be adopted as "best practices" at those schools where disproportion exists.

In addition, if the data or other information show that a particular school is referring disproportionately high numbers of students of a particular group to law enforcement or that the SRO is involved in disproportionately high numbers of disciplinary referrals of students of a particular group, the appropriate District administrator will meet with the SRO and all administrators involved in disciplinary decisions to discuss the data and obtain an explanation for the disproportionality. The principal will then submit a written report to the Superintendent or Superintendent's designee(s) explaining the principal's findings and recommendations for further action. Based on the principal's report and recommendations, the Superintendent or Superintendent's designee(s) will take whatever corrective action he or she deems necessary to address the disproportionality, up to and including, if appropriate, a request that the SRO be replaced and modification of student discipline files, subject to applicable state and/or federal law.

6. The District will establish a Discipline Review Team for the purpose of randomly reviewing a percentage of the disciplinary actions taken at each District school on an ongoing basis to ensure that the actions taken were non-discriminatory and consistent with the District's student discipline policies and practices.
7. Beginning with June 30, 2015, and at the conclusion of each subsequent school year, the Discipline Review Team will prepare a report that summarizes the results of its review at each school and includes recommendations on any changes to the District's student discipline policies and practices that should be made in light of the team's findings. The Discipline Review Team will, in consultation with the consultant, develop goals and benchmarks for measuring the District's efforts at implementing its student discipline policies and practices in a non-discriminatory manner. If at any point during this process the Discipline Review Team identifies any disciplinary action that was discriminatory or inconsistent with the District's student discipline policies, it will immediately report its finding to the Superintendent, who will take immediate

corrective action, subject to the requirements of applicable state and/or federal law. Under such a circumstance, the Discipline Review Team will also expand its review at the school in question to include every disciplinary action taken at the school during the school year.

8. At the conclusion of the 2013-14 school year and each school year thereafter, the District will consider whether additional changes to its student discipline policies are warranted based on its evaluation of the District-wide student discipline data gathered under Section I.3 of this Agreement, the meetings conducted by the District under Sections I.4 and I.5 of this Agreement, the input and recommendations made by the Discipline Supervisor under Section D of this Agreement, and the findings made by the Discipline Review Team established under Section I.6 of this Agreement.
9. The District will ensure that its employees enter accurate discipline data in the Department's Civil Rights Data Collection.
10. Prior to the conclusion of the monitoring of this agreement by OCR, the District will provide information to OCR establishing that any remaining racial disparities in the administration of discipline are not the result of unlawful discrimination.

## **REPORTING REQUIREMENTS**

- By June 30, 2014, the District will submit to OCR documentation of its implementation of Section I.1 and 2, including a sample of its newly-designed referral form, any enhancements to the computer data tool, and any other recordkeeping systems.
- By June 30, 2015, and annually thereafter until the monitoring of this Agreement is closed, the District will create an annual report for submission to OCR for the duration of the monitoring of this Agreement that summarizes the information collected under Section I.3 of this Agreement and assesses whether the District is implementing its student discipline policies in a non-discriminatory manner. The evaluation of the data will include, but not be limited to, the following:
  - a. Periodic review of discipline referrals and penalties imposed to examine whether any group of students for whom data are collected pursuant to Section I.3 above is receiving more referrals or discipline than other groups in comparison to their respective enrollments;
  - b. Periodic review of referrals to law enforcement to examine whether any group of students for whom data are collected pursuant to Section I.3 above is receiving more referrals than students of other groups or the SRO is involved in disproportionately high numbers of disciplinary referrals of students of a particular group;

- c. Periodic review of student expulsions to examine whether any group of students for whom data are collected pursuant to Section I.3 above is receiving more expulsions than students of other groups;
  - d. Examination of whether certain teachers and administrators refer disproportionately high numbers of any group of students for whom data are collected pursuant to Section I.3 above for discipline or are disproportionately responsible for imposing disciplinary sanctions that include exclusion from the educational program;
  - e. Examination of whether any group of students for whom data are collected pursuant to Section I.3 above are disproportionately referred for offenses in which subjective judgment is exercised, while students of other groups are not;
  - f. Examination of whether all students are consistently referred for similar misbehaviors;
  - g. Examination of whether waivers of punishment, if available, are available to all students;
  - h. 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; and
  - i. A summary of all of the complaints received and their disposition by the District administrator identified by the superintendent to handle parent/student complaints related to discipline issues.
- By July 1, 2015, and annually thereafter until the monitoring of this Agreement is closed, the District will submit reports to OCR documenting its implementation of Sections I.3, I.4, I.5, and I.7 of this Agreement for the 2014-15 and subsequent school years, as appropriate. The report will demonstrate that the meetings required by Sections I.4 and I.5 of the Agreement have taken place and indicate whether any problems or best practices were identified. If so, the report will describe what actions were taken or are being taken by the District in response. In addition, the report will summarize the conclusions reached by the discipline review team regarding the disciplinary actions taken at each District school during the school year, along with a description of any changes to the District's student discipline policies being made or considered by the District as a result of the District's implementation of Section I.8.

### **IMPLEMENTATION OF THIS AGREEMENT**

This Agreement is not intended to require the District or any of its employees to take any action or fail to take any action otherwise required by state and/or federal law. Instead, this Agreement is intended to be consistent with compliance with state and federal laws applicable to the District.

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 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 regulations implementing Title VI at 34 C.F.R. §§ 100.3(a) and (b)(1) and (2), which were at issue in this compliance review.

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 34 C.F.R. §§ 100.3(a) and (b)(1) and (2).

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 a minimum of sixty (60) calendar days to cure the alleged breach.

/s/

1/9/2014

\_\_\_\_\_  
Superintendent or designee  
Christian County Public Schools

\_\_\_\_\_  
Date