

Resolution Agreement #06-11-5003 Temple Independent School District

The U.S. Department Education, Office for Civil Rights (OCR) and the Temple Independent School District (District) enters into the following Voluntary Resolution Agreement (Agreement) to resolve the above-referenced compliance review. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

OCR initiated a proactive compliance review of the District in order to investigate whether the District discriminates against African American students on the basis of race by disciplining them more frequently and more harshly than similarly situated White students. The District assures OCR that it will take the following actions to ensure that it complies with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race.

Prior to the completion of OCR's investigation, the District agreed to resolve the issue presented in this compliance review pursuant to Section 302 of OCR's *Case Processing Manual*. Accordingly, to resolve the issue under investigation, the District agrees to take the actions outlined below.¹

Designation of Discipline Supervisor

1. The District will designate an employee to serve as the District's Discipline Supervisor. The District will publish this individual's name and title, office address, e-mail address and telephone number on its website, and this information shall be included in all school publications regarding discipline and in the notice that the District sends to parents annually. The Discipline Supervisor will have expertise in non-discriminatory discipline practices, as well as data analysis and research-based strategies, to prevent discrimination that violates Title VI with respect to the use of school discipline. The Discipline Supervisor will provide the District strategies for ensuring that discipline is appropriately and equitably applied to all students regardless of race, implementing this Agreement, monitoring and evaluating practices, and ensuring stakeholder involvement. The Discipline Supervisor will be responsible for overseeing the implementation of the District's policies concerning student discipline in a fair and equitable manner in compliance with state and federal law and responsible for addressing complaints or formal appeals from parents, guardians, students, and others regarding the implementation of the District's disciplinary policies.

¹ For the purpose of Reporting, to the extent the information is available electronically, OCR requests the information be provided in electronic format (e.g., link to an online file sharing location, saved on compact disc/USB flash drive/memory stick, or e-mail), if feasible.

REPORTING REQUIREMENT: By January 30, 2018, the District will provide OCR the name and qualifications of the individual designated as the Discipline Supervisor and will provide documentation to OCR regarding its implementation of the website notice requirements. By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide to OCR copies of all formal complaints (as “complaint” is defined in Board Policy FNG Local) received about discipline during the immediately preceding school year by the District, and documentation regarding the District’s implementation of strategies from the Discipline Supervisor.

Early Identification of At-Risk Students and Early Intervention

2. Annually, the District will review the effectiveness of the plan(s) (e.g., the *Restorative Discipline* program and/or the *Trust-Based Relational Interventions* program as described in the District’s April 15, 2016 response to OCR’s Supplemental Data Request) that the District has implemented to provide support services to assist students in minimizing misconduct so that students may benefit from the learning environment. The review will include an assessment of 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; and
 - d. support for school staff to meet the needs of the at-risk students.

REPORTING REQUIREMENT: By January 30, 2018, the District will provide OCR a written description of the plan(s) referenced in this item. By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide to OCR documentation of the District’s review and assessment of the plan in the just-completed school year.

Policies, Practices and Procedures

3. The District will review and revise its student discipline policies and procedures, as necessary. In doing so, the District will take into account any recommendations or suggestions made by the discipline review team referenced in item 12 of this Agreement. The District will ensure that its student discipline policies and procedures include the following:
 - a. Standards for disciplinary referrals that reduce the broad discretion to teachers and administrators in choosing from a wide range of sanctions for the majority of offenses, and the criteria for selection within the range of possible penalties when imposing disciplinary sanctions;
 - b. Definitions of misconduct that are clear and objective to the maximum extent possible, including with specific examples of the misconduct and clearly defined

- criteria for all offense categories that allow deviations only if they are justified and well documented;
- c. The range of penalties that may be imposed for each infraction; the range must be specific and proportionate to the type of misconduct;
 - d. A clear explanation of how any progressive disciplinary policies, practices and procedures (e.g., the Restorative Discipline program) will be implemented;
 - e. Clarification and revision as needed of the “discipline management techniques” described in the discipline policies and procedures, including revisions consistent with those outlined item 3.a.
 - f. A requirement that alternatives to out-of-school suspension be considered in all cases, except as required by Chapter 37 of the Texas Education Code;
 - g. A requirement that all elementary, middle and high school teachers and administrators adhere to the District’s student discipline policies and procedures and a prohibition against school or classroom rules that are not consistent with the District’s student discipline policies and procedures;
 - h. Appropriate due process standards for all students disciplined under the District’s student discipline policies and procedures, including a description of the key elements of the discipline process (conferences, hearings, appeals, timelines associated with those, etc.);

REPORTING REQUIREMENT: By January 30, 2018, the District will submit its preliminary draft student discipline policies and procedures to OCR for review. Within 45 days of OCR’s approval, the District will provide documentation to OCR that it has published and distributed the student discipline policies and procedures through its customary channels, including on the District’s website, a copy in each principal’s office, and hard copy as requested by parent or student. Within 60 days of OCR’s approval, the District will also provide documentation to OCR that it has translated the student discipline policies and procedures into Spanish.

Student-Focused Remedies

4. The District will ensure that it has in place at each District elementary, junior high, and high school campus (except as noted below) a system of supports to assist students who display behavior problems, which will include the following:
 - a. Access to District guidance counselors or social workers, as appropriate;
 - b. Mentors (e.g., adult in-school mentoring at the high school, peer in-school mentoring for grades 5-6; informal mentoring at all grade levels);
 - c. Behavioral RtI (Response to Intervention);
 - d. Parent Education programs;

- e. Assistance with developing self-management skills;
- f. The Afterschool Centers on Education (ACE) program and/or the Zone and/or Ralph Wilson Youth Club; and
- g. Referral for psychological testing or other educational services, where indicated.

REPORTING REQUIREMENT: By January 30, 2018, the District will provide documentation to OCR demonstrating its full implementation of this item.

Staff and Student Training

5. Annually, 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. After the initial training as provided below, annual sessions will cover changes and focus on continuous improvement in implementation. The training will incorporate input provided by the discipline review team, as described in item 12 below.
 - a. The training will emphasize the District’s commitment to using its student discipline policies and procedures to ensure a safe and orderly educational environment and to administer discipline, from referral to sanction, in a nondiscriminatory manner, without regard to race or ethnicity.
 - b. As appropriate, the training for District employees will include 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. As appropriate, the training for District employees will include a review of the District’s student discipline policies and procedures, including offenses that warrant the assignment of out of school suspension and the District’s commitment to Restorative Discipline techniques in the implementation of the student discipline policies and procedures.
 - c. The training will emphasize the District’s requirement that professional employees use a range of disciplinary techniques before referring a student to

disciplinary authorities and/or law enforcement unless otherwise required by state law.

- d. The training will provide employees the opportunity to raise concerns or suggestions about the District’s student discipline policies and procedures, including issues in connection with fairness and non-discrimination on the basis of race or ethnicity.

REPORTING REQUIREMENT: By September 30, 2018, September 30, 2019, and September 30, 2020, the District will provide documentation to OCR demonstrating that it has provided the training required by this item (i.e., presentation materials, presenter identification and qualifications, sign-in sheets with name and title of attendees).

6. Annually, the District will provide training programs to all District students about the District’s student discipline policies and procedures and the Restorative Discipline Program in an age appropriate, easily understood manner.
 - a. The training will advise students of their right to appropriate due process procedures in connection with any disciplinary action taken by the District.
 - b. The training will include information about 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.

REPORTING REQUIREMENT: By September 30, 2018, September 30, 2019, and September 30, 2020, the District will provide documentation to OCR demonstrating that it has provided the training required by this item, including the date, time, length and location of each session; the name and title of the individual(s) who presented the training; and the number of students attending.

School Climate Surveys

7. Following approval by OCR of the survey instrument and methodology for survey administration, the District will administer annually a comprehensive climate survey to students (grades 5-12), teachers/staff, and parents at all District schools designed 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 the school community members, school safety and fairness, and clarity of rules and behavioral expectations.

REPORTING REQUIREMENTS: By January 30, 2018, the District will provide 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. During the monitoring period, if the District utilizes a climate survey previously approved by OCR, the District does not need to submit the survey again to OCR for

approval. By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide 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. By September 30, 2018, September 30, 2019, and September 30, 2020, the District will provide OCR documentation of the steps it has taken in response to the previous school year's survey results.

Data Collection and Self-Monitoring

8. Annually, the District will collect data, by school, regarding referrals for in-school suspension, out of school suspension, DAEP, JJAEP, law enforcement and expulsion at all District schools. The data collected will include the following:
 - a. The student's name, identification number, race, sex, age and grade level;
 - b. The student's disability and ELL status, if applicable;
 - c. For each referral, name/identification number, race, sex, age, grade level, disability &/or ELL status, as applicable, of all other students involved in incident, whether or not they were referred for discipline themselves;
 - d. A detailed description of the misconduct;
 - e. A description of all approaches that were attempted in order to address the behavior at issue prior to referral for discipline, which may be documented (and provided to OCR) in the prior referrals leading up to the referral at issue;
 - f. The date of the referral, if any;
 - g. The specific offense(s) for which the referral was made;
 - h. The referring staff member (by staff identification/employee number);
 - i. The campus and type of class from which the referral was made or other specific settings (*e.g.*, bus referral, hallway referral);
 - j. The full names of each witness, when applicable, (including students and adults) of the incident;
 - k. The prior disciplinary history of the student;
 - l. The specific offense for which the student was punished and the penalty/sanction imposed or, if no offense was charged or penalty/sanction imposed, the reason why;
 - m. The manifestation hearing determination, if applicable;

- n. The date the penalty/sanction was imposed;
- o. The length of the penalty/sanction (in number of days);
- p. The staff member who assigned the penalty/sanction (by staff identification/employee number);
- q. Whether school-based or local law enforcement were involved (*e.g.*, law enforcement was notified of the offense);
- r. Whether the referral to law enforcement was mandatory and, if so, the statute or ordinance governing the referral;
- s. Whether the student was physically escorted, transported away, or otherwise physically removed from the District school as a result of law enforcement involvement;
- t. Any other non-punitive outcomes arising out of each referral incident, including, but not limited to, referral for homebound services or disability evaluation; and
- 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 a version of events and/or an explanation for conduct prior to imposition of sanctions, and whether, when, and how parents were contacted in connection with each referral incident.

REPORTING REQUIREMENT: By September 30, 2018, September 30, 2019, and September 30, 2020, the District will provide to OCR the data referenced in this item for the immediately preceding school year.

- 9. Annually, the District will evaluate the data referenced in Item 8 of the Agreement to assess whether the District is implementing its student discipline policies and procedures in a non-discriminatory manner. The evaluation of the data will include, but not be limited to, the following:
 - a. Review of discipline referrals and penalties imposed, including instances where no penalty was imposed, to examine whether African American students are receiving a disproportionate number of referrals or discipline than students of other races;
 - b. 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;

- c. Examination of whether African-American students are disproportionately referred for offenses in which subjective judgment is exercised, while students of other races are not;
- d. Examination of whether all students are consistently referred for similar misbehaviors without regard to race; and
- e. Examination of whether penalties imposed are consistent with the penalties specified in the student discipline policies and procedures and, where exceptions are made, whether they are justified.

REPORTING REQUIREMENT: By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide to OCR the evaluations referenced in this item for the just completed school year. The District will submit any recommendations or changes to the District’s student discipline policies and procedures proposed as a result of this evaluation to OCR for review and approval before implementation of the changes.

10. Annually, the Superintendent or Superintendent’s designee(s) will meet with the principal of each District school prior to the beginning of the fall semester to discuss the data gathered by the District under Item 9 of this Agreement. 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 students are disproportionately referred for discipline or sanctioned more harshly than similarly situated students of other races. 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 of District 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. Where the data shows no disproportion, the meetings will examine steps that are being taken at the school to ensure the nondiscriminatory implementation of the student discipline policies and procedures that might be used as “best practices” at any school where disproportion exists.

REPORTING REQUIREMENT: By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide documentation to OCR of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

11. Annually, each school principal will meet with the teachers and administrators at his/her school within the first three weeks of the fall semester to discuss the data gathered by the District under Item 9 of this Agreement.

- 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 students are disproportionately referred for discipline or sanctioned more harshly than similarly situated students of other races.
- b. If the data suggests such 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 and administrators will be reminded of District resources that are available to assist them in addressing the disproportion.

REPORTING REQUIREMENT: By September 30, 2018, September 30, 2019, and September 30, 2020, the District will provide documentation to OCR of the meetings held pursuant to this item and provide for OCR's review and approval a list of all steps it plans to take as a consequence of information shared at the meetings. Following OCR's approval of any proposed changes, the District will document implementation of the changes with its next scheduled report.

12. Effective no later than January 16, 2018, the District will establish a discipline review team to review 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, practices and procedures. If appropriate, the review may be done by random sampling. At the conclusion of each 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, practices and procedures that should be made in light of the team's findings. The District will submit any recommendations or changes to the District's discipline policies and procedures to OCR for review and approval before implementation. If at any point the discipline review team identifies 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 Superintendent, who will take immediate corrective action. Under such a circumstance, the discipline review team will expand its review at the school in question to include every disciplinary action taken at the school during the school year.

REPORTING REQUIREMENT: By January 30, 2018, the District will provide documentation to OCR that the teams have been established. By June 30, 2018, June 30, 2019, and June 30, 2020, the District will provide documentation to OCR of the review conducted by the team during the just-completed school year. The District will submit any recommendations proposed by the discipline review team to OCR for review and approval before implementation of the recommendations.

If OCR has any objections to any proposed District actions that require OCR review and prior approval under this Agreement, OCR will notify the District of its objections promptly, no later than 60 calendar days after receiving information about the proposed action(s).

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 regulation implementing Title VI, at 34 C.F.R. §§ 100.3(a) and (b), which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this compliance review.

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

Approved and agreed to on behalf of Temple Independent School District, Temple, Texas.

Name and Title

Date