VOLUNTARY RESOLUTION AGREEMENT

Fort Bend Independent School District OCR Compliance Review No. 06-12-5001

The Fort Bend Independent School District (FBISD or the District) and the U.S. Department of Education (Department), Office for Civil Rights (OCR), Dallas Office, enter into this 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 FBISD.

OCR initiated a proactive compliance review of the FBISD in order to investigate whether the FBISD discriminates against African-American students by disciplining them more frequently and more harshly than other similarly situated students. The FBISD assures OCR that it will take the following actions to ensure that it complies with 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. Part 100, which prohibits discrimination on the basis of race by recipients of Federal financial assistance from the Department.

Prior to the completion of OCR's investigation, the FBISD 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 of this investigation, the FBISD agrees to take the following actions.

ACTION ITEMS AND REPORTING REQUIREMENTS

A. Review of Discipline Policies and Procedures

- 1. The FBISD will designate a team of administrators who will annually review the District's discipline data both Districtwide and by campus to consider whether improvements or revisions to the District's existing disciplinary policies and procedures (including the FBISD Student Code of Conduct and campus-specific supplementary disciplinary policies and practices) are necessary. In reviewing its policies and procedures, the FBISD will consider recommendations or suggestions made by students, faculty/staff, and/or parents/guardians.
- 2. If the FBISD determines that policy revisions are advisable, the above-designated team of Administrators will submit proposed revisions to the FBISD's Board of Trustees for review and approval. The FBISD will use good faith efforts to ensure that its proposed policy revisions provide for the following:
 - Standards for disciplinary referrals that include clear definitions that, to the extent reasonably possible, eliminate vague, subjective, or redundant terms and categories;
 - b. Procedures for staff to follow when making disciplinary referrals;
 - c. Deviations only for justified and well-documented reasons; and
 - d. A requirement that alternatives to suspension or expulsion or other sanctions that require removal from the educational setting be considered unless the behavior in

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question is such that the disruption to the educational environment can only be remedied by removal, or unless state law identifies the misconduct as being subject to permissive or mandatory removal

Reporting Requirement:

• By **December 15, 2018,** the FBISD will provide documentation to OCR evidencing that the review required pursuant to Action Item 1 has been conducted. If as a result of the review the FBISD made recommendations to change its disciplinary policies and procedures, then the FBISD will also provide documentation evidencing these actions, including the recommendations made to the FBISD Board of Trustees, and written documentation of the changes made (e.g., revised policies and procedures).

B. Training

- 3. The FBISD will develop a training program to be delivered annually prior to the beginning of each school year to <u>all</u> staff charged with imposing student discipline. The training will include, but will not be limited to, a discussion of the following:
 - a. Detailed explanations of definitions of offense categories as provided for in the FBISD Student Code of Conduct;
 - b. The manner in which progressive disciplinary consequences are employed;
 - c. The documentation that must be used by all staff who make disciplinary referrals or impose disciplinary sanctions; and
 - d. Employees' observations regarding disciplinary trends related to students' race/ethnicity.

Reporting Requirement:

• By **December 15, 2018**, the FBISD will provide a written report to OCR evidencing that the trainings required pursuant to Action Item 3 have been conducted. The documentation should include the identity of the individuals conducting the training and a brief overview of the information covered in the training.

C. Recordkeeping

- 4. Prior to the **beginning of the 2018-19 school year**, the FBISD will establish uniform standards for the documentation of student referrals to District administration for discipline, or for referral to law enforcement. The standards will apply to both electronic and paper records maintained by the District. The District will ensure that data is collected from all District campuses regarding all referrals to law enforcement, placement in DAEP or JJAEP programs, and expulsions. To this end, FBISD will ensure its data collection system(s), both electronic and paper, will include the following information:
 - a. The name/identification number, race/ethnicity, and grade level of each student referred for discipline;

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- 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 description of the misconduct;
- d. A description of all approaches that were attempted, if any, to address the behavior at issue prior to the referral for discipline;
- e. The date of the referral;
- f. The specific Student Code of Conduct violation for which the referral was made:
- g. The referring staff member (by staff identification/);
- h. The school and class from which the referral was made or other specific school settings (e.g., bus referral, hallway referral);
- i. Witnesses, if any;
- j. Whether the student's parent/guardian was contacted;
- k. The outcome of the manifestation hearing determination, if applicable;
- The penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the rationale supporting the penalty/sanction, if any,
- m. The date the penalty/sanction was imposed;
- n. The length of the penalty/sanction (in number of days);
- o. The staff member who assigned the penalty/sanction (by staff identification/);
- p. Whether the student was transferred to an alternative school or to a different school site;
- 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 arrested; and
- t. Any other non-punitive outcomes arising out of each referral incident, including, but not limited to, referral for homebound services or disability evaluation.
- 5. If any of the information referenced above is not currently maintained in FBISD's electronic data system (Skyward), and revision of the electronic system so as to permit collection of the required information is not possible, then FBISD will maintain any information not recorded in Skyward in a separate manner (e.g., separate Excel spreadsheet, paper referral forms) for a period of not more than two years following the expiration of the term of this Agreement.

Reporting Requirements:

• By August 31, 2018, FBISD will submit to OCR a report detailing its proposed procedures pursuant to Action Items 4 and 5. OCR will promptly provide feedback to the FBISD, if necessary, no later than 30 days after receiving the FBISD's report. If the FBISD does not receive any feedback from OCR within these 30 days, the FBISD may

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assume that OCR does not have any feedback to provide to the FBISD and may implement its proposed revisions.

• By October 1, 2018, the FBISD will submit to OCR documentation evidencing that the FBISD has revised its recordkeeping practices and is prepared to begin tracking the information set forth in Action Items 4 and 5 for the 2018-19 school year.

Review of Disciplinary Data

- 6. At the **conclusion of the 2018-19 school year**, the FBISD will evaluate the data gathered as required in Action Items 4 and 5 to determine whether the District is implementing its disciplinary policies, practices, and procedures in a non-discriminatory manner at each District school. The evaluation of the data will include, but will not be limited to, the following:
 - a. Review of discipline referrals and penalties imposed to examine whether students of a particular race received a disproportionate number of disciplinary referrals;
 - b. Review of student sanctions by DAEP or JJAEP placement, and expulsions, to determine whether students of a particular race are receiving a disproportionate number of these sanctions;
 - c. Review of referrals to law enforcement to examine whether students of a particular race are receiving a disproportionate number of these referrals;
 - d. Examination of whether students of a particular race are disproportionately referred for offenses in which subjective judgment is exercised (e.g., disruptive behavior);
 - e. 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; and
 - g. Examination of whether all students are consistently referred for similar misbehaviors without regard to race; and a summary of all complaints of race discrimination pursuant to District policy and their disposition by the FBISD administrator(s) responsible for handling parent/student complaints related to discipline issues.
- 7. At the **conclusion of the 2018-19 school year**, the District's administration will examine data regarding discipline referrals and disciplinary sanctions imposed at each school. If the data or other information shows a failure to adhere to FBISD's student discipline policies and practices at a specific campus or by a specific FBISD administrator, then the Superintendent or Superintendent's designee(s) will consider whether additional training at the identified campus and/or for the identified employee is necessary.

Reporting Requirement:

• By August 30, 2019, the FBISD will submit to OCR documentation evidencing that the District has reviewed its disciplinary data, as described in Action Item 6. If determined

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necessary, the FBISD will also provide documentation or a narrative to OCR describing any remedial actions the FBISD determined to take in light of its review.

GENERAL PROVISIONS

The FBISD understands that by signing this Agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this Agreement. Further, the FBISD understands that during the monitoring of this Agreement, if necessary, OCR may visit the FBISD, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the FBISD 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. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

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

This Agreement will become effective immediately upon the signature of the FBISD's representative below.

_/s/	
Dr. Charles E. Dupre, Superintendent	Date