

**RESOLUTION AGREEMENT**  
**Kyrene School District**  
**OCR Case No. 08-19-1367**

The U.S. Department of Education, Office for Civil Rights (OCR) and the Kyrene School District (District) enter into this Resolution Agreement (Agreement) to resolve the allegations in the above-referenced case. The District assures the OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 United States Code (U.S.C.) Section 2000d, and its implementing regulation, at 34 Code of Federal Regulations (C.F.R.) Part 100, which prohibits recipients from discriminating based on national origin. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

**I. INDIVIDUAL REMEDIES**

The District agrees to provide reimbursement to the Complainant as follows: The District will consider information and documentation provided by the Complainant, to address the effects of District's failure to respond to the harassment on the basis of shared ancestry; and, will determine what new services and reimbursement for services, as delineated below in Paragraph I(a)-(d), over a period no greater than twelve months following the Student's [redacted content], 2019 report of anti-Semitic harassment. The District will provide to the Student:

- a) reimbursement for documented tutoring expenses incurred within the twelve months following the Student's [redacted content], 2019, report of anti-Semitic harassment to the District; and,
- b) preparation course for Student to obtain [redacted content], such as [redacted content] prep course or comparable services agreed upon between the District and Complainant, inclusive of the costs associated for services;
- c) 10 hours of career counseling and/or postsecondary education admissions guidance, or comparable services agreed upon between the District and Complainant, inclusive of the costs associated for services; and,
- d) reimbursement for documented expenses related to the Student's [redacted content] services resulting from the anti-Semitic harassment which were incurred during the Student's attendance in District and within twelve months following the Student's [redacted content], 2019, report of anti-Semitic harassment to the District.

**Reporting Requirement (I)(1).** Within 30 calendar days of this Agreement being signed, the District will submit to OCR a draft letter addressed to the Complainant. The letter will: (i) invite the Complainant and Student to provide documentation for reimbursement and provision of services delineated in Paragraph I(a)-(d) of the Agreement; and (ii) provide the contact information for the District staff responsible for coordinating reimbursement to the Complainant and Student and provisions of services. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (I)(1).

**Reporting Requirement (I)(2).** Within 15 calendar days of receiving OCR's final approval of the letter, the District will send the approved letter to the Complainant by email or certified mail. The District will submit to OCR, no later than 30 days after issuing the letter, documentation which demonstrates the approved letter was issued. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (I)(2).

**Reporting Requirement (I)(3).** Within 60 calendar days of issuance of the OCR approved letter, the District will submit to OCR documentation which demonstrates that the Complainant and Student received the letter and that the District, Complainant, and Student have arranged a plan for reimbursement and provision of services. The District will include in its response: (i) a timeline for reimbursement and provision of services; (ii) a copy of all information provided by the Complainant and Student to the District for consideration of reimbursement and provision of services, (iii) documentation of the District's determination regarding whether, if any, reimbursement and/or services will be provided to the Student, and if so (iv) a plan for the prompt provision of the agreed upon services in no greater than twelve months from the signing of this Agreement to the Student at no cost to the Complainant or Student, and (v) documentation of the prompt provision of reimbursement to the Complainant. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (I)(3) or Paragraph I.

## **II. ANTI-HARASSMENT STATEMENT**

- (1) The Superintendent will issue a statement that will be published on the District's website, printed in appropriate publications reaching all District parents/guardians, students, and employees, and posted in prominent locations at the School, stating that the District does not tolerate acts of harassment, including acts of harassment based on a student's actual or perceived race, color, or national origin including shared ancestry or ethnic characteristics (e.g., anti-Semitism). The statement will encourage any student who believes he or she has been subjected to harassment or a hostile environment based on national origin or retaliation to report it to the District and identify the process that should be used to file such complaints. It will state the District's commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment that create a hostile environment based on race, color, or national origin and/or retaliation may be disciplined and make clear that such discipline may include, if circumstances warrant, suspension and expulsion. The statement will encourage students, parents/guardians, and District staff to work together to prevent acts of harassment and retaliation.

**Reporting Requirement (II)(1).** Within 30 calendar days of this Agreement being signed, the District will submit to OCR a draft statement written pursuant to Paragraph (II)(1). The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the revised policies and procedures, and notice from OCR that no further reporting is required for Reporting Requirement (II)(1).

**Reporting Requirement (II)(2).** Within 30 calendar days of receiving OCR's final approval of the statement, the District will submit to OCR documentation which demonstrates the District has distributed the statement pursuant to Paragraph (II)(1), including website links and other evidence of distribution. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (II)(2) or Paragraph II.

### **III. POLICY REVIEW AND REVISION**

(1) The District will review its policies and procedures to ensure that the District adequately addresses the Title VI prohibition on discrimination based on race, color, national origin, including discrimination based on a student's actual or perceived shared ancestry or ethnic characteristics. During its review the District will identify the relevant policies and procedures currently in effect; convene a group of District staff, including school-based staff, to review the identified policies and procedures; timely revise the policies and procedures, as described below; and timely adopt and disseminate the revised the policies and procedures. The District will disseminate the revised policies and procedures by email distribution to all school administrators who will be directed to distribute, convene, and discuss the revised policies and procedures with site-based staff. The dissemination will include a web link to the revised policies and procedures.

At a minimum, the District will ensure its policies and procedures include the following:

- a) Non-discrimination and reporting.
  - i. A statement setting forth the District's commitment to having a school environment free from all discrimination, including harassment, on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics. The statement must explain that the District prohibits harassment based on race, color, and national origin, including shared ancestry and ethnic characteristics, in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff must promptly report to the designated staff member, as required in accordance with item 5) below, all incidents of harassment of which they become aware, regardless of whether a formal complaint is filed. The statement will specify that the District will investigate formal and informal complaints of harassment.
  - ii. An explanation of how to report harassment and/or file a complaint.
  - iii. A requirement that school personnel report incidents of alleged student-on-student and staff-to-student harassment that may be based on race, color, and/or national origin that school personnel witness or of which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms.
  - iv. A statement that retaliation is prohibited against persons who report harassment or participate in related proceedings.

- b) Policy Addendum with Examples of Harassment.
  - i. The District will incorporate examples addressing the content in Paragraph (III)(1)(a) into an addendum, or comparable document(s). The District will ensure the document(s), include:
    - 1. examples of the type of harassing conduct and behavior that is covered by the non-discrimination policy, as addressed in Paragraph (III)(1)(a), including examples of anti-Semitism;
- c) Complaint Procedures.
  - i. A definition of the term harassment.
  - ii. The name or title, office address, and telephone number for the District employee(s) responsible for receiving and investigating reports of harassment and retaliation.
  - iii. Description of the procedures that will be used to receive, investigate and resolve complaints, including how to file complaints, the availability of interim measures, the steps that will be taken as part of the complaint investigation, and notice of the outcome to the complainant. The description of the procedures will include the following:
    - 1. A requirement for documented interviews with individuals who have information about the complaint, including but not limited to, the complainant, the person accused of discrimination, witnesses, and anyone mentioned as having relevant information.
    - 2. Review of any records, notes, statements, or other documents related to the complaint.
    - 3. Notice of the outcome of the complaint, including:
      - (a) The findings of fact based on the evidence gathered;
      - (b) As to each allegation, the District's conclusion(s) as to whether discrimination occurred, and the reasons or rationale for such conclusion(s);
      - (c) The consequences imposed on any individual(s) found to have engaged in discrimination that relate to the subject of the complaint; and,
      - (d) Notice to the complainant to immediately report any recurrence of the conduct or of acts of retaliation to the District.
    - 4. An expressed commitment that after a finding of discrimination, the District will take appropriate remedial action to eliminate the discriminatory conduct, to prevent its recurrence, and to address its effects on the complainant and any other affected individuals.
  - iv. A statement that retaliation is prohibited against persons who report harassment or participate in related proceedings.

**Reporting Requirement (III)(1).** Within 60 calendar days of this Agreement being signed, the District will submit to OCR documentation which demonstrates the District has: (i) identified all relevant policies and procedures; (ii) convened a group of District staff for review; and (iii) revised the policies and procedures pursuant to the requirements in Paragraph III. The District

will include in its submission a draft of the proposed revisions<sup>1</sup> for OCR review and approval. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the revised policies and procedures, and notice from OCR that no further reporting is required for Reporting Requirement (III)(1).

**Reporting Requirement (III)(2).** Within 30 calendar days of receiving OCR's final approval of the revised policies and procedures, the District will submit to OCR documentation which demonstrates the District has: (i) formally adopted the revised policies and procedures, and (ii) disseminated the adopted policies and procedures to all District staff. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (III)(2) or Paragraph III.

#### **IV. TRAINING OF DISTRICT STAFF**

- (1) The District will annually train all administrators, faculty, and staff on Title VI's prohibition of discrimination based on race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics. The first training, which may be conducted through a virtual learning platform, will occur after the District has adopted the revised policies and procedures under Paragraph III and will include, at a minimum:
  - a) Title VI's prohibition on discrimination based on race, color and national origin, including harassment based on shared ancestry or ethnic characteristics;
  - b) relevant District policies and regulations, including the District's revised policies and procedures under Paragraph III, as approved by OCR;
  - c) the definition of "harassment" and examples of harassment on the basis of race, color, and national origin, including shared ancestry and ethnic characteristics. The training will include examples of anti-Semitism;
  - d) a statement of District personnel's responsibility to report incidents of possible harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to such report;
  - e) a statement of the requirement that a student or parent/guardian who has reported alleged incidents of racially harassing behavior must be notified of their right to file a formal complaint pursuant to the District's policies and procedures, and be offered a copy of the procedures; and,
  - f) identification of the individual, by name or title, and contact information, responsible for receiving and investigator reports of harassment.

**Reporting Requirement (IV)(1).** Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Paragraph III, the District will submit to OCR draft training materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to provide the training under Paragraph IV. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the training materials and trainer(s).

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<sup>1</sup> The District will submit the revised policies and procedures by submitting a: (i) red-lined version of the proposed changes, and (ii) clean copy of the proposed final policies and procedures.

**Reporting Requirement (IV)(2).** Within 60 calendar days of receiving OCR’s final approval of the training materials and trainer(s), the District will ensure that School staff are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) confirmation that the approved training materials were used; (iii) confirmation that the approved trainer(s) was used; (iv) the names and titles/positions of staff who attended the training; and (v) the names and titles/positions of staff who did not attend the training, an explanation for each person’s absence, and a plan to train each person. The District will promptly and fully address OCR’s feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (IV)(2) or Paragraph IV.

## **V. STAFF INVESTIGATIVE TRAINING**

- (1) The District will annually train District staff, including site-level administrators, who are directly involved in processing, investigating, and/or resolving complaints and other reports of based on race, color, and national origin, including harassment based on shared ancestry and ethnic characteristics. The first training, which may be conducted through a virtual learning platform, will occur after the District has adopted the revised policies and procedures under Paragraph III and will include, at a minimum:
- a) a review of the District’s policies and procedures that focus specifically on investigation of discrimination complaints, including instructions on how to conduct and document reliable and impartial investigations of alleged discrimination on the basis of race, color, and national origin, including harassment on the basis of shared ancestry and ethnic characteristics;
  - b) A statement that a student or parent/guardian who has reported alleged incidents of harassing behavior must be notified of the steps the District is taking in response to the reported incident(s), and guidance to staff on how and when to provide this notification; and,
  - c) a description of the steps the District will take in response to any harassing behavior discovered, including actions to ensure that the offending student(s) understands the seriousness of the alleged offense and, where applicable, progressive disciplinary steps.

**Reporting Requirement (V)(1).** Within 30 calendar days of receiving OCR’s approval of the District’s revised policies and procedures under Paragraph III, the District will submit to OCR draft training materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to provide the training under Paragraph V. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the training materials and trainer(s).

**Reporting Requirement (V)(2).** Within 60 calendar days of receiving OCR’s final approval of the training materials and trainer(s), the District will ensure that District staff are trained and will submit to OCR: (i) the date, time, and location of the training; (ii) confirmation that the approved training materials were used; (iii) confirmation that the approved trainer(s) was used; (iv) the names and titles/positions of staff who attended the training; and (v) the names and titles/positions of staff who did not attend the training, an explanation for each person’s absence, and a plan to train each person. The District will promptly and fully address OCR’s feedback, if

any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (V)(2) or Paragraph V.

## **VI. STUDENT INFORMATIONAL PROGRAM**

- (1) The District will provide an age-appropriate informational program, which may be conducted through a virtual learning platform, for students at all [redacted content] schools in the District to address harassment based on race, color, and national origin, including shared ancestry and ethnic characteristics (e.g., anti-Semitism). The program will occur after the District has adopted the revised policies and procedures under Paragraph III and will include, at a minimum:
- a) a reminder of the District's commitment to having a school environment free from discrimination, including anti-Semitic harassment, and explain to students what they should do if they believe they or other students are being harassed based on race, color, or national origin or experiencing retaliation;
  - b) a notice that harassment is prohibited pursuant to the District's policies and procedures;
  - c) Examples of the type of harassing conduct and behavior that is covered by the policy, including examples of anti-Semitism
  - d) an explanation that students who are aware of harassment should promptly report the harassment or retaliation to the District and details about how students should report harassment, on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics;
  - e) an explanation regarding the potential disciplinary consequences related to findings of discrimination on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics; and,
  - f) a notice of how to access the District's revised policies and procedures under Paragraph III, as approved by OCR.

**Reporting Requirement (VI)(1).** Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Paragraph III, the District will submit to OCR draft program materials and the name(s), title(s)/position(s), and qualifications of one or more qualified individuals to facilitate the program. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the program materials and facilitator(s).

**Reporting Requirement (VI)(2).** Within 60 calendar days of receiving OCR's final approval of the program materials and facilitator(s), the District will ensure that students attending the School attend the program and will submit to OCR: (i) the date, time, and location of the program; (ii) confirmation that the approved program materials were used; (iii) confirmation that the approved facilitator(s) was used; (iv) the names and grades of students who attended the program; and (v) the names and grades of each student who did not attend the program and a plan to provide the program to each student. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (VI)(2) or Paragraph VI.

## **VII. AUDIT, SCHOOL YEAR 2022-2023**

- (1) The District will conduct an audit at the end of the 2022-23 school year (SY) to review the consistency of application and compliance with the District's policies and procedures regarding non-discrimination on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics and as revised under Paragraph III, in all District schools. The District will complete the audit no later than June 30, 2023. The audit will include, at a minimum:
- a) a review of all complaints received during the school year addressing harassment, on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics;
  - b) an assessment of whether each complaint was processed in accordance with the District's policies and procedures; and,
  - c) a self-evaluation by the District with regard to any areas of concern arising based on the review and analysis outlined above, including recommendations for the subsequent school year.

Upon completion of the audit, the District will generate a report summarizing the audit's findings, addressing areas of concern, and identifying recommendations for improvement, if any. The report will be distributed through written correspondence and/or email to appropriate staff, including the Superintendent, principals, and each site-based staff member responsible for addressing complaints of harassment on the basis of national origin pursuant to the District's policies and procedures, as well as any other staff whom the District deems appropriate.

**Reporting Requirement (VII)(1).** No later than August 30, 2023, the District will submit documentation to OCR demonstrating the District's compliance with the provisions outlined in Paragraph VII, including demonstration that the audit was conducted and the report was distributed to the identified staff. The District will promptly and fully address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (VII)(1) or Paragraph VII.

## **VIII. NOTICE TO STUDENTS AND FAMILIES**

- (1) The District will send a notice<sup>2</sup> to all students in the District and their parents and/or guardians:
- a) that harassment on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics is prohibited pursuant to the District's policies and procedures, as revised under Paragraph III;
  - b) that students, parents and/or guardians who are aware of harassment on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics should promptly report the harassment to the District; and

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<sup>2</sup> Notice will be in a language that is understood by parents/guardians and may be sent in writing via: (i) email to last known email address of parent(s)/guardians; or (ii) postal mail to last known mailing address of parent(s)/guardians(s).



- c) details about how students, parents, and guardians should report harassment on the basis of race, color, and national origin, including on the basis of shared ancestry and ethnic characteristics.

**Reporting Requirement (VIII)(1).** Within 30 calendar days of receiving OCR's approval of the District's revised policies and procedures under Paragraph III, the District will submit to OCR a draft communication to students, parents, and guardians. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the communication.

**Reporting Requirement (VIII)(2).** Within 30 calendar days of receiving OCR's final approval of the communication, the District will: (i) send the approved communication to all students, parents, and guardians; and (ii) submit to OCR documentation showing that the approved communication was sent to all students, parents, and guardians. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (VIII)(2) or Paragraph VIII.

## **IX. CLIMATE ASSESSMENT**

- (1) The District will administer a school climate survey at all District [redacted content] schools before the end of the 2022-2023 school year.
- (2) The District will identify staff members to serve as a District Climate Survey Working Group (Working Group), which will make recommendations to the District regarding the climate survey. The District will designate one or more District employees to coordinate the Working Group's meetings and activities, and the employee(s) will be responsible for informing the District of the Working Group's recommendations.
- (3) The District will notify parents of an opportunity to provide input or comments about the survey to the Working Group. The Working Group will be tasked with providing the District recommendations and input regarding strategies for an effective climate survey. The Working Group's recommendations to the District will, at a minimum, address:
  - a) the prevalence of harassment in the District;
  - b) the willingness to report incidents of harassment to District personnel;
  - c) the perception of the District's handling of reports and complaints of harassment; and,
  - d) suggestions for reducing incidents of harassment in the school and improving the District's response to reports and complaints of harassment.
- (4) Prior to administering the school climate survey, the District may provide to parents a notice explaining the purpose of the school climate survey, a copy of the survey, and the opportunity to opt in the parents' child for participation in the survey through a written form.
- (5) After the School climate survey is completed, the District will review the results to assess whether any additional student or other training is needed to further improve the school climate.

**Reporting Requirement (IX)(1).** At least 45 calendar days before the scheduled climate survey administration date, the designated District employee who coordinated the Working Group will provide to the District Superintendent a written summary of the Working Group's recommendations. At least 30 calendar days before the scheduled climate survey administration date, the District will provide to OCR a report that includes a copy of the proposed school climate survey, along with the District's explanation of how the District plans to implement the school climate survey. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the survey, and notice from OCR that no further reporting is required for Reporting Requirement (IX)(1).

**Reporting Requirement (IX)(2).** Within 30 calendar days after the climate survey is conducted, the District will provide OCR a copy of the final survey together with a report summarizing the results of the survey, and a description of further activities, if any, the District plans in response to the survey results. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement (IX)(2) or Paragraph IX.

The District 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 District understands that during the monitoring of this Agreement, if necessary, OCR may visit the District, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulations at 34 C.F.R part 100, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has demonstrated compliance with all the terms of this Agreement and is in compliance with Title VI, and its implementing regulation at 34 C.F.R. Part 100, which were at issue in this Complaint.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34. C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce the Agreement, OCR shall give the District 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 District's representative below.

**FOR KYRENE SCHOOL DISTRICT:**

\_\_\_\_\_/s/\_\_\_\_\_  
 Laura Toenjes, Superintendent

\_\_\_\_08/22/2022\_\_\_\_\_  
 Date