

RESOLUTION AGREEMENT
Los Alamos Public Schools
OCR Case Number 08-22-1195

The United States Department of Education (Department), Office for Civil Rights (OCR), initiated investigation of the above-referenced complaint brought by the Complainant against Los Alamos Public Schools (LAPS or the District), pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 Code of Federal Regulations (C.F.R.) Part 100, which prohibit discrimination on the basis of race, color, or national origin in programs and activities that receive Federal financial assistance.

Before OCR had completed its investigation, the District indicated its willingness to resolve the complaint voluntarily and to take steps necessary to ensure compliance with Title VI. Pursuant to Section 302 of OCR's *Case Processing Manual*, a complaint may be resolved when a recipient expresses an interest in resolving the allegations before the conclusion of OCR's investigation, and OCR determines that it is appropriate to resolve them because OCR's investigation has identified compliance concerns that can be addressed through a resolution agreement. Those concerns pertained to the following: 1) the adequacy of the District's investigation to determine if an LAPS student harassed opposing players based on race during an athletic event with another district; 2) the District's notice to complainants about the results of its investigation; 3) the lack of clarity in the District's non-discrimination policies and procedures; and 3) the athletic coach's lack of training on the District's non-discrimination policies and procedures and how to address alleged racial discrimination in the District's athletic programs.

Accordingly, to resolve the compliance concerns that OCR has identified to date in this investigation, the District voluntarily agrees to take the following actions. This agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District.

Policies and Procedures

1. The District will revise its nondiscrimination and harassment policies and procedures and complaint forms to address OCR's concerns in the accompanying resolution letter and ensure that the District responds promptly and adequately to complaints alleging discrimination and harassment based on race, color, and national origin. At a minimum, the policies and procedures will include the following:
 - A. a statement setting forth the District's commitment to having an environment free from discrimination, including harassment, on the basis of race, color, and national origin; the statement will: explain that the District prohibits harassment on these bases in the school environment, including all academic, extracurricular, and school-sponsored activities; encourage students to immediately report incidents of harassment on these bases; clarify that District staff and coaches must promptly report incidents of harassment on these bases to school administrators; and specify that the District will promptly and adequately investigate complaints and reports of harassment on these bases;
 - B. examples of the types of discriminatory conduct and harassing behavior based on race, color, and national origin that are covered by the District's policies and procedures;

- C. an explanation of how to report harassment based on race, color, or national origin to the District and/or file a complaint about such harassment with the District, including the name, job title, and contact information (i.e., office address, e-mail address, and telephone number) for the District employee(s) responsible for receiving such reports and complaints;
- D. a description of the District’s complaint procedures, including the complaint forms and timeframes for the District’s investigation and resolution of a complaint;
- E. a requirement that written notice of the investigation’s outcome be provided to the parties for both complaints and reports of discrimination, including harassment based on race, color, and national origin;
- F. a prohibition of retaliation against persons who report discrimination, including harassment based on race, color, and national origin, or participate in related investigations or other proceedings;
- G. identification of the following means that the District will use to investigate incidents of discrimination, including harassment based on race, color, and national origin:
 - i. the various steps the District will take to conduct adequate, timely, reliable, and impartial investigations of reported incidents, including identifying the District employee(s) responsible for conducting the investigation; and
 - ii. an assurance that the District will take reasonable, timely, and effective steps to stop the harassment, prevent its recurrence, and remedy its effects, as appropriate.

REPORTING REQUIREMENT: Within 60 calendar days of signing this Agreement, the District will provide a copy of its draft revised documents required by Term 1 to OCR for review and approval. The District will respond to any feedback OCR provides regarding the revised documents within **20 calendar days**.

- 2. **Within 15 calendar days of OCR’s approval of the District’s revised documents,** the District will publish them on its website and disseminate them through any other of its standard methods for disseminating new policies and procedures.

REPORTING REQUIREMENT: Within 30 calendar days of OCR’s approval of the District’s revised documents, the District will provide OCR with documentation demonstrating that it has published and disseminated them.

Training

- 3. The District will train all District and school administrators, all employees of Los Alamos High School (LAHS), and all athletic coaches, including but not limited to the head, assistant, and volunteer coaches, on how to identify and respond to reported incidents of discrimination, including harassment based on race, color, and national origin. The training

will clarify, at a minimum, that Title VI and its implementing regulations prohibit District employees from discriminating against students on these bases, including by failing to respond to actual or constructive notice of student-on-student harassment based on race, color, or national origin that creates a hostile environment in the District's programs or activities. The training will explain how to identify potential harassment on these bases, what to do if they witness or receive a report of potential harassment on these bases, and how to offer and implement appropriate interim measures for reported targets of such harassment. The training will also explain the District's revised policies and procedures developed pursuant to Terms 1 and 2 of this Agreement.

REPORTING REQUIREMENT A: Within 90 calendar days of signing this Agreement, the District will provide OCR with a copy of the draft training agenda and training materials required by Term 3 and identify the trainer and his/her qualifications to provide the training.

REPORTING REQUIREMENT B: Within 45 calendar days of OCR's approval of the District's trainer and training materials, the District will provide OCR with: a) the date(s) the training required by Term 3 was provided; b) a list of all staff identified to receive the training; c) sign-in sheets showing all staff who attended the training; and d) all handouts distributed in connection with the training.

4. The District will train all administrators, employees, and athletic coaches who are responsible for investigating and/or responding to complaints or reports of harassment based on race, color, and national origin. The training will include, at a minimum: a) the topics required in the training required by Term 3; b) the District's procedures for reporting or referring reports and complaints of harassment based on race, color, and national origin to School and District administrators; c) the District's procedures for investigating complaints and reports of harassment on these bases, including how to identify relevant witnesses, adequately investigate such complaints and reports, and document the investigation and findings; and d) how to offer and implement interim measures to targets of the harassment during the investigation; (e) how to provide corrective remedies when the investigation finds discrimination, including hostile environment harassment, on these bases.

REPORTING REQUIREMENT A: Within 90 calendar days of signing this Agreement, the District will provide OCR with a copy of the draft training agenda and training materials required by Term 4 and identify the trainer and his/her qualifications to provide the training.

REPORTING REQUIREMENT B: Within 45 calendar days of OCR's approval of the District's trainer and training materials, the District will provide OCR with: a) the date(s) the training required by Term 4 was provided; b) a list of all staff identified to receive the training; c) sign-in sheets showing all staff who attended the training; and d) all handouts distributed in connection with the training.

The District understands that by signing the Resolution Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Resolution Agreement. During the monitoring of the Resolution 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 the Resolution Agreement.

The District understands that OCR will not close the monitoring of the Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and the statute and regulations at issue in the case.

This agreement will become effective upon the signature(s) of the representative for the District.

For Los Alamos Public Schools:

/s/

July 29, 2022
Date