

**RESOLUTION AGREEMENT**  
**Peoria Unified School District**  
**OCR Case 08-22-1273**

**INTRODUCTION**

Peoria Unified School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation in the above-referenced OCR case. Those violations include that the District failed to take adequate action to address numerous incidents of student-on-student harassment based on race, color, and national origin, and employee-on-student race-based harassment in the 2020-2021 and 2021-2022 school years. As a result, the District permitted the Student and other students at the School to be subjected to a hostile environment based on race, color, and national origin that denied or limited their ability to participate in or benefit from the School's programs and activities. The District also failed to investigate the known hostile environment at the School to identify other students who may have been subjected to harassment and a hostile environment based on race, color, or national origin but did not report such harassment given the School's repeated and prolonged failures to respond promptly and effectively to reported instances of harassment. In addition, OCR has a concern that the District may not have met its recordkeeping and compliance reporting obligations under Title VI. The District assures OCR that it will take the following actions to comply with the requirements of Title VI.

**I: INDIVIDUAL REMEDIES**

Within 15 days of this Agreement being signed, the District will offer, in writing, to reimburse the Complainant up to \$5,000 for [redacted content] received by the Student since August 1, 2020, up through December 31, 2022. The District will copy OCR on its written offer to the Complainant. The total amount of reimbursement is conditioned on the Complainant providing the District with documentation proving expenditures for [redacted content] for the Student within 90 days of the date that the District offers to reimburse the Complainant. If the Complainant provides the District with such documentation, the District will reimburse the Complainant within 15 days of receiving the documentation.

**Reporting Requirement 1:** Within 60 days of signing this Agreement, the District will submit to OCR all communications to and from the Complainant related to Term I, including, as applicable, documentation submitted by the Complainant and proof of payment to the Complainant. The District will promptly and fully address OCR's concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement 1 or Term I.

## **II: REMEDIES FOR OTHER STUDENTS**

Within 30 days of this Agreement being signed, the District will offer, in writing, to meet with each School student identified by OCR as a target of harassment based on race, color, or national origin by School students and the student's parent(s)<sup>1</sup> to:

- investigate the alleged harassment of the student;
- assess the impact of the harassment on the student and whether it created a hostile environment; and
- discuss if the student needs any interim supports and/or remedies (e.g., class assignments, counseling, peer mediation, or academic remediation).

For each student whose parent accepts the offer to have a meeting, the District will:

- work with the parent to schedule the meeting on a mutually convenient date and time; and
- take notes that accurately reflect the date and time of the meeting and the discussion, including the perspectives shared, the information considered, and the requested supports and/or remedies.

Within 20 days of each meeting required by Term II, the District will submit to the student's parent(s), copying OCR:

- a list of meeting attendees, including the name and job title of each individual;
- a copy of the meeting notes; and
- any offer of supports and/or remedies for the Student, including who will provide them and when (e.g., one hour of counseling per week with the School psychologist and a stay-away agreement with the harassing student).

**Reporting Requirement 2:** For each student who meets with the District, the District will submit to OCR, within 30 days of the meeting, documentation showing whether the offered supports and/or remedies were accepted or rejected by the parent, and that any accepted supports and/or remedies are being provided to the student. The District will promptly and fully address OCR's concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement 2 or Term II.

## **III: CLIMATE ASSESSMENT**

The District will identify an impartial individual (the Investigator) to assist with the creation and administration of a Climate Assessment at the School before the end of the 2022-2023 school year.

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<sup>1</sup> For purposes of this Agreement, the term "parent" includes legal guardians.

The Investigator will be an individual who:

- has not worked and does not work at the School;
- does not have any known familial relations with any students or employees of the School; and has expertise in assessing school climate with respect to racial harassment and equity.

The Investigator may be a District employee or an independent contractor, provided the individual meets the requirements of Term III. The District also may use more than one qualified individual to conduct the assessment.

**Reporting Requirement 3:** Within 30 days of this Agreement being signed, the District will submit to OCR for its review and approval the name, job title, and qualifications of a proposed Investigator.

#### **A. School Climate Assessment**

In coordination with the Investigator, the District will develop and administer three school climate surveys to students, parents, and employees at the School before the end of the 2022-2023 school year. The Investigator will make recommendations to the District about the surveys' content and method of administration to ensure both are effective. The District will notify parents of current students and students who were enrolled at the School in the 2020-2021 and 2021-2022 school years of an opportunity to provide input about the survey to the Investigator, consistent with Arizona Revised Statutes 15-117.

The Investigator's recommendations to the District for the climate surveys will address, at a minimum:

1. the prevalence of race-, color-, or national origin-based harassment in the School;
2. the willingness to report incidents of harassment to School and District personnel;
3. the perception of the School's and District's handling of reports and complaints of harassment; and
4. suggestions for reducing incidents of harassment in the School and improving the District's response to reports and complaints of harassment.

The District will incorporate the Investigator's recommendations into its development and administration of the climate surveys to the School's (a) students, (b) parents, and (c) employees, including any school resource officers (whether employees or contractors). Prior to administering the school climate surveys to the School's students, the District will provide to parents a notice explaining the purpose of the 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.

**Reporting Requirement 4.** At least 45 days before the scheduled administration date of the climate survey to School students, parents, and employees, the Investigator will provide recommendations to the District for the school climate surveys. At least 30 days before the date each climate survey will be administered, the District will provide to OCR a report that includes a copy of the proposed school climate survey and an explanation of how the District plans to

implement the survey. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the surveys, and notice from OCR that no further reporting is required for Reporting Requirement 4.

### **B. Investigator's Analysis of the School Climate Survey Results**

The Investigator will analyze the results of all school climate survey results from (a) students in grades five to eight at the School, (b) parents of students in grades five to eight at the School, and (c) School employees, including any school resource officers (whether employees or contractors) within 30 days of each survey's completion to identify appropriate steps the School and District could take to improve the School's climate.

Within 30 days of completing the analysis of the last of the three survey results, the Investigator will produce a report (Report) for the District and OCR that includes, at a minimum:

1. documentation demonstrating that the approved surveys were conducted as planned;
2. the analysis of the survey responses from the School's students, parents, and employees and any recommended steps the School and District could take to improve the School's climate;
3. conclusions about the climate at the School, separately addressing the climate for Black students among other student groups at the School; and
4. the Investigator's recommended reforms, if any, to the District's and School's policies, practices, employee training, and education programs regarding racial harassment.

### **C. The District's Response to the Investigator's Report and Climate Assessment**

The District will review the Investigator's Report and Climate Assessment, consisting of the results of the three school climate surveys of students, parents, and employees. The District will: evaluate, what if any steps, should be taken in response to the Report, the Investigator's recommended reforms, and Climate Assessment (e.g., conducting school-wide initiatives and investigations of alleged student-on-student and staff-on-student harassment of race and national origin identified by students, parents, and/or employees in the survey results, and offering interim supports and remedies where appropriate); propose any such steps to OCR for its review and approval; and promptly implement any approved steps.

The District will share the aggregated survey responses and Investigator's recommended reforms with the public by, at a minimum, posting an announcement about and a link to a public version of the Report on the School's website homepage and social media, and emailing an announcement about and a link to the public version of the Report to the parents of all School students. The information shared will not include any personally identifiable information.

**Reporting Requirement 5:** Within 90 days of OCR approving the Plan, the District will submit to OCR the draft Report and a draft of the aggregated survey responses for the public. The District will promptly and fully address any concerns OCR has about the Report or aggregated survey responses, until OCR approves both documents.

**Reporting Requirement 6:** Within 30 days of OCR approving the Report and aggregated survey responses, the District will share the aggregated survey responses and Investigator’s recommended reforms with the public and submit the public link to the survey responses, as well as the email announcement required by Term III, to OCR. The District will promptly and fully address OCR’s concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement 6 or Term III.

**Reporting Requirement 7:** Within 30 days of the District sharing the Investigator’s recommended reforms and the aggregated survey responses with the public, the District will provide OCR with a report of any steps the District intends to take in response to the Report, the Investigator’s recommended reforms, and Climate Assessment. The District will promptly and fully address OCR’s feedback regarding those proposed steps until OCR approves them.

**Reporting Requirement 8:** Within 60 days of OCR approving the District’s proposed steps in response to the Report and survey results, the District will provide OCR with documentation that it took those steps. The District will promptly and fully address OCR’s concerns, if any, until OCR notifies the District that no further reporting is required for Term III.

#### **IV: ANTI-HARASSMENT STATEMENT**

The Superintendent will issue a statement that will be published on the District’s website, printed in appropriate publications reaching all District parents, 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. The statement will encourage any student who believes they have been subjected to harassment or a hostile environment based on race, color, or national origin, or retaliation, to report it to the District and identify the process that should be used to file such complaints. The statement will include 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, and District employees to work together to prevent acts of harassment and retaliation.

**Reporting Requirement 9:** Within 30 days of this Agreement being signed, the District will submit to OCR a draft statement written pursuant to Term IV. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s final approval of the statement.

**Reporting Requirement 10:** Within 30 days of receiving OCR’s final approval of the statement, the District will submit to OCR documentation that demonstrates the District has distributed the statement pursuant to Term IV, 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 Term IV.

## **V: POLICY REVIEW AND REVISION**

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, or national origin. During its review, the District will identify the relevant policies and procedures currently in effect; convene a group of District employees, including school-based employees, to review the identified policies and procedures; timely revise the policies and procedures, as described below; and timely adopt and disseminate the revised policies and procedures. The District will disseminate the revised policies and procedures by email to all school administrators, who will be directed to distribute the revised policies and procedures, and discuss them with site-based employees. 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.

1. 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, or national origin. The statement must explain that the District prohibits harassment based on race, color, or national origin in the school environment, including all academic, extra-curricular, and other school-sponsored activities. The statement will:
  - a. Encourage students to immediately report incidents of harassment;
  - b. Emphasize that employees must promptly report to the designated staff member all incidents of harassment of which they become aware, regardless of whether a formal complaint is filed; and
  - c. Specify that the District will investigate formal and informal complaints of harassment.
2. A definition of the term harassment and examples of the type of harassing conduct and behavior that is covered by the policy.
3. An explanation of how to report harassment and/or file a complaint.
4. A requirement that school employees 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.
5. A statement that retaliation against persons who report harassment or participate in related proceedings is prohibited.

### B. Complaint Procedures.

1. A definition of the term harassment.
2. The name or title, office address, email address, and telephone number for the District employee(s) responsible for receiving and investigating reports of harassment and retaliation.
3. A 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 complaint. The procedures will include the following requirements:

- a. 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.
  - b. Review of any records, notes, statements, or other documents related to the complaint.
  - c. Notice of the outcome of the complaint to the parties, including:
    - i. The findings of fact based on the evidence gathered;
    - ii. As to each allegation, the District's conclusion(s) as to whether discrimination occurred, and the reasons or rationales for such conclusion(s);
    - iii. The consequences imposed on any individual(s) found to have engaged in discrimination that relate to the subject of the complaint, where sharing these consequences with the complaining party is permitted by federal law; and
    - iv. Notice to the complainant to immediately report to the District any recurrence of the conduct or of acts of retaliation.
  - d. 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.
4. A statement that retaliation against persons who report harassment or participate in related proceedings is prohibited.

**Reporting Requirement 11:** Within 60 days of signing this Agreement, the District will submit to OCR documentation that demonstrates the District has: (a) identified all relevant policies and procedures; (b) convened a group of District employees for review of the policies and procedures; and (c) proposed revisions to the policies and procedures pursuant to the requirements of Term V of this Agreement. The District will include in its submission a draft of the proposed revisions for OCR's 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.

**Reporting Requirement 12:** Within 30 days of receiving OCR's final approval of the revised policies and procedures, the District will submit to OCR documentation demonstrating that the District has: (a) formally adopted the revised policies and procedures approved by OCR; and (b) disseminated the adopted policies and procedures to all District employees. 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 Term V.

## **VI: FORMS AND RECORD-KEEPING PROCEDURES**

The District will ensure that it has:

- an online form for students, parents, and employees to report harassment, including harassment based on race, color, or national origin (Online Form);
- a hard copy form for students, parents, and employees to report harassment based on race, color, or national origin (Report Form);
- a response form for staff who handle reports of harassment based on race, color, or national origin (Response Form); and
- written, mandatory procedures for generating and maintaining records related to reports of harassment based on race, color, or national origin (Procedures).

The Online Form and Report Form will include, at a minimum, space for the following information:

- the name of the person who is making the report;
- the relationship of the person making the report to the student(s) who was harassed;
- the name(s) and grade(s) of the student(s) who were allegedly harassed;
- the name(s) and grade(s) of any student(s) who allegedly engaged in harassment;
- the name(s) and job title(s) of any employee(s) who allegedly engaged in harassment;
- the name(s) and grade(s) of the student(s), or name(s) and job title(s) of the employee(s), who witnessed the alleged harassment
- the location(s) of the harassment;
- the date(s) and time(s) of the harassment;
- a description of the harassment; and
- the alleged effects of the harassment on the student(s).

The Response Form will include, at a minimum, space for the following information:

- the name and job title of the individual who received the report of harassment;
- the name and job title of the individual who conducted the investigation;
- the name(s) and grade(s) of the student(s) who allegedly experienced harassment;
- the name(s) and grade(s) of any student(s) who allegedly engaged in harassment;
- the name(s) and job title(s) of any employees who allegedly engaged in harassment;
- the name(s) and grade(s) of the student(s), and name(s) and job title(s) of the employees, who were interviewed;
- the date of each interview;
- a summary of the documentary evidence reviewed, if any (e.g., prior discipline records, video footage, photographs, social media posts, text messages, emails, etc.);
- a summary of the investigative findings, including whether the alleged harassment occurred, the bases for the harassment (e.g., race, color, or national origin), and whether the harassment created a hostile environment for one or more students;

- the date that the investigator shared the outcome of the investigation with the parent(s) of the student who was harassed, and the date of any meeting with the parent(s) about the outcome;
- the corrective actions and remedial measures taken, if any (e.g., disciplining the individuals who engaged in harassment, separating the harassers from the harassed, providing counseling to the harassed and/or harassers, utilizing peer mediation or a restorative circle, etc.); and
- the date each measure was taken.

The Procedures will include, at a minimum, requirements that:

- oral reports of harassment based on race, color, or national origin will be documented in writing;
- the Response Form will be used for all reports of harassment based on race, color, or national origin; and
- reports of harassment, the completed Response Form, and related records (e.g., witness statements, interview notes, communications, discipline records, video footage, photographs, etc.) will be maintained together for a period of no less than five years from the date the investigation is completed.

After receiving OCR's approval of the Online Form, Report Form, Response Form, and Procedures, the District will:

- post the Online Form, Report Form, and Procedures in a prominent location on the School's website homepage;
- place copies of the Report Form in a prominent location in the School's front/main office and in each School classroom; and
- give a copy of the Report Form to all students and parents at the School.

The District will make the Online Form, the Report Form, the Response Form, and the Procedures accessible to students and parents with disabilities or limited English proficiency.

**Reporting Requirement 13:** Within 30 days of this Agreement being signed, the District will submit to OCR drafts of the: (a) Online Form; (b) Report Form; (c) Response Form; and (d) Procedures. The District will address OCR's feedback, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 13.

**Reporting Requirement 14:** Within 20 days of the District receiving notice from OCR that no further reporting is required for Reporting Requirement 13, the District will submit to OCR documentation showing that the Online Form, Report Form, Response Form, and Procedures were disseminated as required by Term VI, and were made accessible to students and families with disabilities or limited English proficiency. The District will address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 14 or Term VI.

## **VII: STAFF TRAINING**

The District will, annually, train all School employees about:

- the District’s and School’s duty under Title VI not to discriminate based on race, color, or national origin;
- the definition of harassment based on race, color, and national origin, examples of such harassment, and how such harassment can create a hostile educational environment for students;
- the District’s policies and procedures regarding discrimination and harassment based on race, color, and national origin, including responsibilities of School employees in reporting and responding to such harassment;
- how and to whom students may report such harassment;
- the forms and Procedures approved by OCR pursuant to Term VI of this Agreement;
- examples of interim and remedial measures that may be taken in response to such harassment;
- cultural competency and implicit racial bias; and
- protections from retaliation pursuant to Title VI and District policies and procedures.

The trainings will be conducted by one or more individuals who meet the following criteria:

- they have at least three years of experience effectively training school staff on racial harassment and discrimination, implicit racial bias, and cultural competency;
- they are knowledgeable about relevant federal non-discrimination laws;
- they do not have any known familial relations with any employees or students at the School; and
- they have experience investigating harassment, including racial harassment, of students.

**Reporting Requirement 15:** Within 30 days of receiving notice from OCR that no further reporting is required for Term VI, the District will submit to OCR: (a) a draft training agenda; (b) draft training materials; (c) a list of individuals to be trained, including the name and job title of each individual; and (d) the name(s) and qualifications of one or more proposed trainer. The District will promptly and fully address OCR’s feedback, if any, until the District receives OCR’s approval of the agenda, training materials, list of trainees, and the trainer(s).

**Reporting Requirement 16:** Within 60 days of receiving notice from OCR that no further reporting is required for Reporting Requirement 15, the District will conduct the training required by Term VII for the 2022-2023 school year and submit to OCR: (a) written confirmation that the approved agenda, training materials, and trainer(s) were used; (b) a list of individuals who attended the training, including the name and job title of each individual; and (c) a list of School employees who did not attend the training, if any, the reason for each individual’s absence, and the plan to ensure the individual is trained in a timely manner.

**Reporting Requirement 17:** Within 30 days of the start of the 2023-2024 school year, the District will conduct the training required by Term VII and submit to OCR: (a) written confirmation that the approved agenda, training materials, and trainer(s) were used; (b) a list of

individuals who attended the training, including the name and job title of each individual; and (c) a list of School employees who did not attend the training, if any, the reason for each individual's absence, and the plan to ensure the individual is trained in a timely manner. The District will obtain OCR's advance written approval of any changes to the training agenda, training materials, or trainers. The District will address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Term VII.

### **VIII: INVESTIGATIVE STAFF TRAINING**

The District will annually train District employees, including school-level administrators, who are directly involved in processing, investigating, or resolving complaints and other reports of harassment based on race, color, and national origin. The first training will occur after the District has adopted the revised policies, procedures, and forms pursuant to Terms V and VI, and will include, at a minimum:

- 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;
- a statement that a student or parent who has reported alleged incidents of harassing behavior must be notified of the steps the District is taking in response to the reported incidents, and guidance to employees on how and when to provide this notification; and
- 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 18:** Within 30 days of receiving OCR's approval of the District's revised policies, procedures, forms, and record-keeping procedures, 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 pursuant to Term VIII. 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 19:** Within 60 days of receiving OCR's final approval of the training materials and trainer(s), the District will ensure that the relevant District employees are trained and will submit to OCR: (a) the date, time, and location of the training; (b) confirmation that the approved training materials were used; (c) confirmation that the approved trainer(s) was used; (d) the names and titles/positions of the relevant employees who attended the training; and (e) the names and titles/positions of the relevant employees 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 Term VIII.

### **IX: NOTICE TO PARENTS**

The District will, annually, provide written notice (Notice) to all parents of all District students:

- Title VI prohibits the District and School from discriminating based on race, color, or national origin in its programs and activities;
- employee-on-student racial harassment is prohibited;
- student-on-student racial harassment that creates a hostile environment is prohibited; and
- the District and School must respond appropriately to reports of harassment, including harassment based on race, color, or national origin, and determine if a hostile environment exists.

The Notice will include:

- reference to relevant District policies and procedures;
- examples of possible harassing conducting, including, at a minimum, offensive touching, jokes, name-calling, slurs, gestures, and symbols;
- all ways that racial harassment can be reported to the District and School (e.g., the Online Form or Report Form);
- the name, job title, phone number, and email address for a District central office administrator who is available and qualified to respond to questions or concerns related to harassment based on race or national origin; and
- information about and contact information for OCR.

The Notice will be provided, at a minimum, via:

- the homepage of the District's and each school's website;
- email to all parents of District students;
- hard copy sent home with all District students; and
- any social media for the District and its schools.

**Reporting Requirement 20:** Within 30 days of this Agreement being signed, the District will submit to OCR for review and approval a draft of the Notice.

**Reporting Requirement 21:** Within 20 days of receiving notice from OCR that the Notice is approved, the District will: (a) disseminate the Notice as required by Term IX; and (b) submit to OCR documentation demonstrating that the Notice was disseminated in the 2022-2023 school year as required by Term IX. Within 30 days of the start of the 2023-2024 school year, the District will: (a) disseminate the Notice as required by Term IX; and (b) submit to OCR documentation demonstrating that the Notice was disseminated as required by Term IX. The District will address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for Reporting Requirement 21 or Term IX.

## **X: STUDENT EDUCATIONAL PROGRAMS**

The District will, annually, provide developmentally appropriate educational programs about how to recognize and report racial harassment for all School students in grades five through eight. The training will include, at a minimum:

- the District’s and School’s obligation under Title VI not to discriminate based on race, color, and national origin and how this obligation prohibits employee harassment of students on these bases and requires prompt and effective responses to notice (e.g., complaints or reports) that students are harassing others on these bases;
- the definition and examples of harassment, including student-on-student and employee-on-student harassment;
- a summary of the District’s policies and procedures regarding discrimination and harassment based on race, color, and national origin, including responsibilities of School employees in responding to harassment;
- the possible disciplinary and other consequences for students and employees who engage in harassment;
- steps students may take if they believe employees are not responding appropriately to harassment (e.g., contacting a District central office senior administrator, filing a complaint with OCR, etc.);
- protections from retaliation under Title VI and District policies and procedures; and
- how and to whom students may report harassment based on race, color, or national origin.

The trainings will be conducted by one or more individual who is:

- experienced in effectively teaching students of similar ages about racial harassment; and
- knowledgeable about Title VI and District policies and procedures governing harassment based on race, color, and national origin by students and employees.

Within 100 days of the start of the 2022-2023 school year, the School will implement one or more evidence-based bullying prevention curriculum or program that addresses racial and ethnic diversity and harassment. Implementation will be coordinated by an individual (Coordinator) who is knowledgeable about and experienced with evidence-based bullying prevention curricula or programming and diversity training.

**Reporting Requirement 22:** Within 30 days of receiving notice from OCR that no further reporting is required for Term X, the District will submit to OCR for review and approval: (a) a draft training agenda; (b) draft training materials; and (c) the name(s) and qualifications of one or more proposed trainer(s).

**Reporting Requirement 23:** Within 60 days of OCR approving the training agenda and materials and the trainer(s), the District will conduct the training for the 2022-2023 school year and submit to OCR: (a) written confirmation that the approved agenda, training materials, and trainer(s) were used; and (b) a list of students in grades five to eight who did not attend the training, the reason for each student’s absence, and the plan to ensure the student receives the training in a timely manner, where applicable.

**Reporting Requirement 24:** Within 30 days of the start of the 2023-2024 school year, the District will conduct the training required by Term X and submit to OCR: (a) written confirmation that the approved agenda, training materials, and trainer(s) were used; and (b) a list of students in grades five to eight who did not attend the training, the reason for each student’s

absence, and the plan to ensure the student receives the training in a timely manner, where applicable. The District will obtain OCR's advance written approval of any changes to the training agenda, training materials, or trainers.

**Reporting Requirement 25:** Within 30 days of this Agreement being signed, the District will submit to OCR for review and approval the name and qualifications of a proposed Coordinator.

**Reporting Requirement 26:** Within 15 days of OCR approving the proposed Coordinator, the District will submit to OCR: (a) the name of one or more curriculum or program that the District proposes using at the School; (b) a description of the curriculum(s) or program(s); (c) evidence that the curriculum(s) or program(s) have been implemented effectively; and (d) a plan to implement the curriculum(s) or program(s). The District will promptly and fully address OCR's concerns, if any, until OCR notifies the District that no further reporting is required for Reporting Requirement 26.

**Reporting Requirement 27:** By June 23, 2023, the District will submit to OCR a report on implementation of the curriculum(s) and program(s) for the 2022-2023 school year. The report will include, at a minimum: (a) a timeline of the implementation; (b) a summary of implementation activities; (c) reflections from the Coordinator and School staff on the implementation and effectiveness of the curriculum(s) and program(s); (d) the name and qualifications for a Coordinator for the 2023-2024 school year; (e) any plans to select a different or additional program or curriculum for the 2023-2024 school year; and (f) any plans to modify implementation for the 2023-2024 school year. The District will promptly and fully address OCR's concerns, if any, until OCR notifies the District that no further reporting is required for Term X.

#### **XI: AUDIT FOR SCHOOL YEARS 2022-2023 AND 2023-2024**

The District will report to OCR regarding all alleged or actual instances of student-on-student or employee-on-student harassment based on race, color, or national origin at each School in the District during the 2022-2023 and 2023-2024 school years. The reports will include the following information for each incident in an electronic sortable file:

- a. the date the District received notice of the alleged harassment (e.g., the date of the complaint, report, or employee observation of the alleged harassment);
- b. the name of the person who provided notice to the District;
- c. the relationship of the person who provided notice and the alleged target of harassment (e.g., the student's parent, teacher, or friend);
- d. the name of the student who was allegedly harassed;
- e. the grade of the student who was allegedly harassed;
- f. the name(s) of the individual(s) who allegedly engaged in harassment;
- g. the alleged harasser(s)' grade if a student, or job title if an employee;
- h. the date(s) of the alleged harassment;
- i. the location(s) of the alleged harassment;
- j. a description of the alleged harassment;
- k. the bases of the alleged harassment (e.g., race, color, or national origin);

- l. the name of any witnesses to the harassment;
- m. the witnesses' grade if a student, or the job title if an employee;
- n. for each witness in field (m) above, the date of the witness interview, if any;
- o. the name and job title of the investigator;
- p. the outcome of the investigation (*i.e.*, the determination regarding whether harassment took place; and if so, whether the harassment was based on race, color, or national origin; and if so, whether the harassment created a hostile environment);
- q. the date the District notified the student's parent of the outcome of the investigation;
- r. the date of any corrective action taken to stop the harassment and prevent its recurrence (e.g., disciplinary action against the harasser or stay-away agreement);
- s. the nature of any remedial measures taken (e.g., class or bus changes or counseling offered); and
- t. whether the investigation included any allegations of retaliation, and if so, the outcome of the investigation into retaliation.

**Reporting Requirement 28:** By January 20, 2023, the District will submit to OCR the report for the first semester of the 2022-2023 school year. By June 23, 2023, the District will submit to OCR the report for the second semester of the 2022-2023 school year. By January 26, 2024, the District will submit to OCR the report for the first semester of the 2023-2024 school year. By June 21, 2024, the District will submit to OCR the report required for the second semester of the 2023-2024 school year. For each report required by Term XI, the District will promptly and fully address any OCR concerns about the report until OCR notifies the District that no further reporting is required for Term XI.

### **GENERAL REQUIREMENTS**

The District understands that by signing this Agreement, the District 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 will 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 will give the District written notice of the alleged breach and 60 days to cure the alleged breach.

