

Resolution Agreement
Mt. Diablo Unified School District
OCR Case No. 09-11-1164

The Mt. Diablo Unified School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d (Title VI) and its implementing regulations in the above-referenced OCR case number.

A. Plan to Reopen Holbrook Elementary School

1. Consistent with the School Board vote of August 22, 2016, the District will reopen Holbrook Elementary School, beginning in the 2017-2018 school year, and provide confirmation of the same to OCR in writing.

Reporting Requirements

2. On or before September 30, 2017, the District will provide OCR with confirmation in writing that Holbrook Elementary School has been reopened.

B. Process and Criteria for Future School Closures

1. The District will develop a set of objective criteria and a nondiscriminatory process that it will use in the event of future school closure decisions, which include a review to prevent such closure(s) from resulting in discrimination on the basis of race, color, ethnicity, or national origin in violation of Title VI and its implementing regulation. The criteria and process will be designed to ensure that the District 1) takes into account the impact of any closure on students in schools in the District that are racially and/or ethnically identifiable, and, among other things, 2) ensures that a closure will not have a significant disproportionate adverse impact on students on the basis of race or ethnicity unless it is demonstrated that (a) the closure is necessary to achieve one or more District goals and (b) there are not alternatives with less disproportionate impact that would be comparably effective in meeting the goal(s).

Reporting Requirement

2. On or before March 1, 2018, the District will provide OCR, for review and approval, the process and criteria for any future school closures as described in paragraph B.1.
3. Within 60 days of receiving OCR's review and approval, the District will provide documentation to OCR showing that the process and criteria has been adopted by the School Board.

C. Remedies for Transferred Students

1. The District will identify each parent/guardian of a student transferred from Holbrook Elementary School or Glenbrook Middle School who paid for transportation on District-operated buses during the 2011-12 school year, and provide each such parent/guardian (including those whose students are no longer enrolled in District schools) with reimbursement for expenses.
2. The District will review the 2010-11 school year grades (including social emotional/citizenship grades) and statewide testing scores of each student who attended Holbrook Elementary School in grades K – 4, and Glenbrook Middle School in grades 6 and 7, and compare those grades (including social emotional/citizenship grades) and testing scores with the student's grades and testing scores during the 2011-12 school year. The District will provide OCR with the results of this assessment, including a list of students who had a significant drop in either grade point average and/or statewide testing scores in the year subsequent to the closure. For those students still enrolled in District schools who are identified as having a significant drop, the District will provide a written offer of compensatory education services to be used on or before June 1, 2018.

Reporting Requirements

3. By January 1, 2018, the District will provide OCR with documentation showing it has provided the reimbursement described in C.1.
4. By January 1, 2018, for OCR's review and approval, the District will provide its assessment and the list of students it determines had a significant drop in either grade point average and/or statewide testing scores along with its proposed written offer of compensatory services, including the contact information/process for obtaining the services. Within 15 days of receiving OCR's approval, the District will mail the written offer to the parents/guardians on the list. On December 15, 2018, the District will provide documentation showing that services were offered and how many students received services and the total number of hours of services provided.

D. Monitoring

1. The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulations, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss this case.
2. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of

this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

_____/s/_____
Dr. Nellie Meyer, Superintendent

_____09/27/2017_____
Date