

Santa Clara Unified School District  
09-13-1193

Resolution Agreement

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of a complaint filed against the Santa Clara Unified School District pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations. Prior to the conclusion of this investigation the District expressed an interest in resolving this complaint. Pursuant to the OCR Case Processing Manual Article III, section 302, a complaint may be resolved at any time, before the conclusion of an investigation, when the recipient expresses an interest in resolving the complaint. In order to resolve the allegations of the above referenced complaint, and without admitting to any violations of the law, the District agrees to implement the provisions in this Agreement by the dates specified.

- I. The District agrees to take all steps reasonably necessary to ensure that students enrolled in the District are not subject to a hostile environment and to respond to allegations of harassment on the basis of race and national origin. To this end, the District will promptly investigate all incidents of harassment of students on the basis of race or national origin that are known or on reasonable inquiry should be known to the District and will take appropriate action to respond to complaints, which may include disciplinary action against students and/or staff found to have contributed to such hostile environment or engaged in such harassment. The District will take prompt and effective responsive action to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on affected student(s).
- II. The District will develop and distribute written guidance on harassment based on race or national origin (racial harassment) for all administrators, teaching staff, paraeducators, counselors, campus security/supervision staff, and any other staff who regularly work with students
- III. The District will provide training to all middle school staff who regularly work with students, including middle school administrators, on the content of the guidance on racial harassment set forth in Section II and on recognizing conduct that may constitute racial harassment or contribute to a racially hostile environment.
- IV. Reporting
  - A. By October 31, 2013, the District will provide OCR with a draft of its written guidance concerning racial harassment. The District will work cooperatively with OCR to

address any questions or concerns, and will adopt and fully implement the procedure within 45 days after OCR’s approval.

- B. Within 45 days of OCR’s approval of the written guidance described in Section II, the District will provide OCR with a description of the training described in Section III and written confirmation that it has been completed.

**V. General Provisions**

- A. 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 the regulations implementing Section 504, at 34 C.F.R. part 104, and Title II, at 28 C.F.R. part 35, which were at issue in this compliance review.
- B. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Section 504, at 34 C.F.R. part 104, and Title II, at 28 C.F.R. part 35.
- C. 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 a minimum of sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_

Signature

\_\_\_\_\_8/26/2013\_\_\_\_\_

Date