

**Resolution Agreement
Fremont Unified School District
OCR Case No. 09-13-5001**

The Fremont Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the concerns raised by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI), in the above-referenced compliance review.

The District agrees to take the following steps:

I. Definition of Harassment and Anti-Harassment Statement

- A. As used in this Agreement, the term “harassment” includes the use of derogatory language (including racial epithets), intimidation and threats, unwanted physical contact and/or physical voice, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, postings on the Internet and social networking sites, text messages or voicemails, based on race, color, or national origin. The term “harassment” as used in this Agreement is not limited by any definition set forth in California criminal or civil statutes.
- B. By February 28, 2017, the Superintendent and School Board will issue a statement to all District students, parents and staff that will be printed in the newsletter of each school in the District, posted in prominent locations at each District school, and published on the District’s website, stating that the District does not tolerate acts of harassment, including acts of harassment based on race, color, or national origin, by District staff, students or third parties. 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 to report the harassment or hostile environment to the District and note the District’s commitment to conducting a prompt investigation. The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind.
- C. By March 31, 2017, the District will provide OCR a copy of the statement referenced in Section I.B., and evidence of its distribution in accordance with Section I.B.

II. Training and Professional Development for District Staff and Administrators

- A. OCR will provide mandatory training on harassment based on race, color and national origin to all District and school site administrators. OCR will work with the District to schedule the training within 90 days of the date on which the Agreement is signed.
- B. At the beginning of each school year, the District will provide training to all District employees on processing, investigating and/or resolving complaints or other reports of

race, color or national origin discrimination. The training is to include, but is not limited to, the following:

1. A reference to the District's anti-harassment statement in Section I.B. above;
 2. A description of the District's policy for processing, investigating and resolving discrimination complaints based on race, color or national origin, including a reference to where individuals may locate a copy of the full policy;
 3. The process that staff should follow if they learn of potentially discriminatory harassment based on race, color or national origin;
 4. The process that site administrators are to take if notified of potentially discriminatory harassment based on race, color or national origin, either by site staff, parents or students, including any reports or notifications to the District;
 5. A description of the circumstances under which complaints of harassment based on race, color, or national origin are to be referred directly to the District level for processing, investigation, and/or resolution;
 6. A description of the records that site staff and/or administrators should maintain documenting the processing, investigation and resolution of discrimination complaints or reports;
 7. Designation of a knowledgeable individual, such as a Climate Coordinator, at the District Office to serve as a resource for any administrators or school site staff members who have questions or concerns as to the processing, investigation or resolution of a complaint of race, color or national origin discrimination.
- C. The District will distribute a guidance memorandum to all District staff which outlines the procedure for processing, investigating and resolving complaints or reports of discrimination based on race, color or national origin.
- D. By June 30, 2017, the District will develop a plan for ensuring that all District administrators and all school sites are provided with professional development on cultural responsiveness and sensitivity, including information on the cultures, customs and traditions in the Middle East and South Asia. The District will provide the professional development to District administrators and all school sites in the District by August 31, 2017.
- E. By June 30, 2017, the District will identify an individual with relevant experience to conduct the training in Section II.B., along with a copy of the agenda and summary of the content of the training, for OCR's review and approval. The District will confer with

OCR to ensure that the content of the instruction meets the requirements of this Agreement.

The District will provide OCR with documentation demonstrating that the training referenced in Section II.B. of this Agreement has been completed. The documentation is to include the date(s) of training, the names of the trainer(s), and a summary of the content.

- F. By June 30, 2017, the District will submit a draft of the guidance memorandum required by Section II.C. to OCR for review and approval. The District will distribute the final version of the guidance memorandum to administrators and staff, with a copy to OCR, within 30 days of receiving OCR's approval of the draft. The District will provide documentation that it has distributed the memorandum to administrators and staff within 30 days of receiving OCR's approval of the draft.
- G. By June 30, 2017, the District will provide a draft to OCR of the plan for staff professional development referenced in Section II.D. for review and approval.

By September 30, 2017, the District will provide OCR with documentation demonstrating that the professional development has been completed. The documentation is to include the dates of delivery, the names of the trainer(s), a list of the staff participants, and a summary of the content.

III. Guidance Memoranda for District Staff

- A. The District will review its policies for granting excused absences, specifically under Administrative Regulation 5113 (Student Attendance and Excused Absences) and Board Policy 6154 (Homework), to ensure that students who make such requests are not discriminated against based on race, color or national origin.
- B. The District will review its policies for approving requests for accommodations and modified or alternative assignments, specifically under Board Policy 5132 (Dress and Grooming) and Administrative Regulation 6152 (Class Assignments), to ensure that students who make such requests are not discriminated against based on race, color or national origin. The District will distribute a memorandum to all District staff that describes the process for acknowledging and approving requests for accommodations and modified or alternative assignments, either in class or in physical education. The memorandum will include, at a minimum:
 - 1. That staff will follow District guidance as to whether a student may be approved for such a request;

2. That staff will approve or deny all such requests as soon as possible and within three school days;
 3. That students, if approved for such requests, will be notified within five days as to a new due date for their work and the nature of the accommodation for which they have been approved;
 4. That students, if approved for such requests, will not be penalized for requesting an accommodation or for work that is turned in by the new due date;
 5. That the make-up assignment for students who have been approved for such requests will not be more difficult or demanding than the assignment given to other students.
- C. By June 30, 2017, the District will submit a draft to OCR of the guidance memoranda required by Section III.A. and III.B. for review and approval. The District will distribute the final version of the guidance memoranda to administrators and staff, with a copy to OCR, within 30 days of receiving OCR's approval of the draft. The District will provide documentation that it has distributed the memoranda to administrators and staff within 30 days of receiving OCR's approval of the draft.

IV. District Meetings with Students

- A. By August 31, 2017, the District will provide OCR with a draft of its plan (Plan) to facilitate conversations with students in the District regarding any questions or concerns they may have about incidents of alleged race, color, or national origin harassment. This plan will include:
1. The fora in which such conversations will be held across elementary, junior high and high schools, including how and whether they will take place within existing student groups on campus;
 2. Which staff person(s) will lead or facilitate these conversations;
 3. A description of any training, guidance or instruction provided to the facilitators prior to the beginning of these conversations;
 4. The responsive action that the District will take upon learning of any incidents of race, color, or national origin, including, as appropriate:
 - i. An investigation of the incident in accordance with the guidance memorandum developed per Section II.C.;

- ii. A mediation or discussion with the reporting student or students, which may involve parents, guardians, teachers or administrators as appropriate;
 - iii. Outreach to local community-based organizations to provide instruction, guidance or professional development; or
 - iv. Other similar responsive action as appropriate.
- B. If the District determines that a hostile environment on the basis of race, color, or national origin occurred as a result of its investigation, mediation or consideration of any incidents brought to its attention, the District will take prompt appropriate responsive action to end the hostile environment, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected students, including by offering the victim(s) appropriate services. This action will also include notification to the complainant of the steps taken per District policy. During the meetings, the District will also remind the students of their right to file a formal complaint of race, color, or national origin harassment at any time they believe they have been subjected to harassment and will advise the students of the procedure they should follow if they wish to do so.
- C. By October 15, 2017, in consultation with OCR, the District will initiate the Plan described in Section IV.A.
- D. By January 15, 2018, the District will provide OCR with a progress report on the implementation of the Plan described in Section IV.A. If specific incidents of race, color or national origin harassment have been brought to the District's attention during the initial implementation of the Plan, the District will provide documentation summarizing the responsive action taken. In consultation with OCR, the District will refine the Plan as appropriate to ensure continued effective implementation.
- E. By June 15, 2018, the District will provide OCR with another progress report on the implementation of the Plan described in Section IV.A. If specific incidents of race, color or national origin harassment have been brought to the District's attention during the initial implementation of the Plan, the District will provide documentation summarizing the responsive action taken. In consultation with OCR, the District will refine the Plan as appropriate to ensure continued effective implementation.
- F. By November 15, 2018, the District will provide OCR with another progress report on the implementation of the Plan described in Section IV.A. If specific incidents of race, color or national origin harassment have been brought to the District's attention during the initial implementation of the Plan, the District will provide documentation summarizing the responsive action taken. In consultation with OCR, the District will refine the Plan as appropriate to ensure continued effective implementation.

V. Student Committees and Working Groups

- A. By November 30, 2017, District junior high and high schools will provide a forum for students to improve cultural awareness, discuss matters concerning harassment on the basis of race, national origin or color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. Elementary schools will provide similar appropriate discussion opportunities for students through the school's adopted character education program.

- B. By September 30, 2017, the Superintendent will establish a working group of District personnel, community representatives, parents and students to make recommendations to the District regarding the effectiveness of the District's anti-harassment program for all students in the District. The District will designate an employee to coordinate the group's meetings and work. The working group will be asked to provide District officials with input regarding strategies for improving cultural awareness, preventing harassment, and ensuring that District students understand their right to be protected from discrimination on the basis of race, color or national origin, including harassment and to be protected from retaliation for reporting discrimination, understand how to report possible violations of the Policy, and are aware of the District's obligation to promptly and effectively respond to complaints alleging race, color or national origin discrimination, including harassment. The working group will also provide specific suggestions for developing and improving the student instruction program, as described in Section V.C., which promotes respect and appreciation of all cultures and prevents the establishment of a hostile environment based on race, color or national origin for students enrolled in the District. The group will consider how and if outreach efforts to families can be made to garner support for the District's anti-harassment program and the role students should play in the student instruction program. The designated employee will prepare a written summary of the steps the working group has recommended.

- C. By June 30, 2017, and on an annual basis thereafter, the District will initiate age-appropriate instruction for all students which will address harassment, including, but not limited to, harassment based on race, color or national origin, in order to promote respect and appreciation of all cultures and to avert the establishment of a hostile environment based on race, color or national origin for students enrolled in the District. The program will include:
 - 1. a description of the differences between bullying and harassment that may be discriminatory in nature;

 - 2. the types of conduct that could constitute such harassment, as described in the anti-harassment statement in Section I.B. above, including verbal acts and name-

calling, graphic and written statements about racial or cultural stereotypes, or other conduct that may be physically threatening, harmful, or humiliating;

3. the negative impact that such harassment has on the educational environment;
4. how students should respond if they experience or witness such harassment, including the reporting avenues available; and
5. information about the cultures and traditions unique to the District's student population.

The District will provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any concerns they have and remind students of the availability of counseling services. The District will distribute written materials (including in languages other than English as necessary) during the program that contain the information discussed.

- D. By March 15, 2017, the District will provide OCR with a description of the age-appropriate instruction for students in Section V.C. for review and approval, including information about the materials to be used, the name(s) and affiliations of the individual(s) who will deliver the age-appropriate instruction for students, and the schedule and forum for providing it.
- E. By December 1, 2017, the District will provide OCR with documentation demonstrating that the age-appropriate instruction for students referenced in Section V.C. of this Agreement has been completed.

VI. Ongoing Improvement of the District's Anti-Harassment Program

- A. By June 1, 2017, the District will conduct a climate survey, which will be used on an annual basis for District students and staff while this Agreement remains in effect, to assess the educational environment being provided for District students and the presence and effect of harassment based on race, color, or national origin within the District. The District will work with individuals who have experience developing and implementing such climate surveys and analyzing the results. The climate survey may be accomplished through age-appropriate written or electronic surveys, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. By February 28, 2017, the District shall submit the proposed school climate survey to OCR, along with an explanation of how the District intends to implement the school climate survey for the 2016-17 school year and subsequent school years, for review and comment.

- B. By May 31, 2018 for the 2017-18 school year, and annually by the same date in each subsequent school year while this Agreement remains in effect, the District shall conduct the survey. By October 1, 2017 and annually by the same date in each subsequent school year while this Agreement remains in effect, the District shall provide a summary of the results of the survey to OCR.
- C. By December 1, 2017, the District will develop a monitoring program to assess the effectiveness of its harassment-prevention efforts. At the conclusion of each school year, the District will conduct an annual assessment of the effectiveness of its harassment-prevention efforts. Such assessment shall include:
 - 1. Consultation with the committee(s) established pursuant to Section V.A. above;
 - 2. Consultation with the working group developed pursuant to Section V.B. above;
 - 3. Student and parent surveys to determine where and when harassment on the basis of race, color or national origin occurs;
 - 4. Evaluation and analysis of the data collected, including an assessment of whether the reported incidents of harassment have increased or decreased in number and severity;
 - 5. Meetings with groups of District students and staff who are not involved with the committees established pursuant to Section V.A. and
 - 6. Proposed recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.
- D. By June 30, 2018, the District will provide OCR with a report demonstrating that the monitoring program referenced in Section VI.C. has been established and provide a description with supporting documentation of the monitoring system it has developed.

VII. Technical Assistance for Community Stakeholders

The District, in conjunction with OCR, will host a parent and community meeting to discuss its commitments under this Agreement. As part of this meeting, OCR will provide technical assistance to community stakeholders on OCR's jurisdiction, the Title VI regulations, and OCR's investigative process. The District will work with OCR to schedule the parent and community meeting within 60 days of the date on which this Agreement is signed.

VIII. Additional Reporting Requirements

In addition to the dates specified elsewhere in the Agreement, the District will submit monitoring reports as designated below:

- A. By June 30, 2017, for the 2016-2017 school year, and annually by the same date in each subsequent school year while this Agreement remains in effect, the District will provide OCR with documentation of the steps it has taken to avert the formation of, or to address the existence of, a hostile environment based on race, color, or national origin. Specifically, the District will provide:
 - 1. A copy of all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color or national origin;
 - 2. A copy of any and all disciplinary sanctions issued to students and staff for violation of the policies against harassment based on race, color or national origin;
 - 3. Documentation demonstrating any appropriate services offered and provided to the victim of the harassing incidents; and,
 - 4. A narrative of all action taken to prevent recurrence of the harassing incidents, including any written documentation.

- B. By June 30, 2017, and annually by the same date in each subsequent school year while this Agreement remains in effect, the District will provide OCR with documentation of the annual assessment conducted in accordance with Section VI.C. of this Agreement. The report will include copies of the recommendations/suggestions of the working group.

IX. Monitoring

The District understands that OCR will monitor this case for a minimum of three years from the date of execution of this Agreement and 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 Title VI at 34 C.F.R. §§ 100.3(a) and (b)(1) and (2), which were at issue in this compliance review.

The District understands that by signing this agreement, it agrees to provide data and other 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, 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 statute(s) and regulations implementing Title VI, which were at issue in this compliance review.

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 sixty (60) calendar days to cure the alleged breach.

_____/s/_____
James Morris, Superintendent
Fremont Unified School District

_____01/12/2017_____
Date