

**Resolution Agreement**  
Loleta Union Elementary School District  
Case No. 09-14-1111

The U.S. Department of Education, Office for Civil Rights (OCR) initiated the above referenced investigation pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504), and Title II of the Americans with Disabilities Act of 1990, as amended (Title II), and their implementing regulations. In order to resolve the violations and compliance concerns identified by OCR in the above referenced case, and without admitting to any violation of law, Loleta Union Elementary School District (District) agrees to implement this Resolution Agreement (Agreement).

**General Principles – Safe and Equitable Schools**

The District's goal is to ensure that it provides all of its students with schools that are safe and that have an environment that is conducive to learning. The District is committed to nondiscrimination in discipline, and to treating all students fairly and equitably in the administration of discipline, without regard to race, color, or national origin. In accordance with applicable state and federal laws, the District strives to adopt and implement student discipline policies and procedures that 1) ensure consistent and equitable implementation of research-based alternatives to exclusion; and 2) only use exclusionary<sup>1</sup> discipline when necessary to ensure the immediate safety of students or staff, or when other means of correction do not stop student misbehavior from substantially disrupting the delivery of instruction to other students. The District is committed to working with students who exhibit behavior problems to ensure that students remain engaged in the District's educational program and are given every opportunity to reach their educational potential.

The District will ensure that students with disabilities or suspected disabilities are appropriately identified, referred, evaluated, placed, and provided with a free appropriate public education (FAPE) based on their individualized educational needs consistent with Section 504 and Title II.

The District will take effective steps to prevent harassment of students based on race, color, or national origin, in its education programs and activities. The District is committed to fully

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<sup>1</sup> For purposes of this Agreement, the term "exclusionary" in reference to school discipline consequences refers to discipline consequences that remove students from learning in their regular classroom, including referrals to law enforcement, expulsion, involuntary discipline transfers, out-of-school suspension, and in-school suspension, class suspension, and other informal short-term removals including referrals to the office for Administrative Intervention that result in a loss of instructional time (as described in the District's Positive Behavior Interventions and Supports (PBIS) Handbook). The term "exclusionary" does not refer to short-term consequences/interventions that are part of IEP or Section 504 plans to address behavior challenges, or interventions used by teachers to address misconduct, including through brief time-outs or other interventions while generally keeping the student in the classroom environment. Such "exclusionary" consequences also do not include other consequences or interventions that do not remove students from learning in their regular classroom, such as contacting parents/guardians, lunch or after-school detention, Saturday school, counseling, meditation, loss of other privileges, or other similar interventions, or counseling, mediation, restorative justice, and other techniques designed to assist the student in self-regulating and/or resolving a conflict or issue underlying the student's misbehavior.

investigate all conduct that may constitute harassment; and appropriately respond to mitigate the effects of harassment, including by eliminating any hostile environment that may arise from or contribute to harassment and remedying the effects of such harassment on students.

The District has informed OCR that it has adopted changes to some policies and procedures referenced herein. To the extent the District's efforts, including revised policies and procedures, meet some terms in this Agreement, the Agreement requires the District to provide OCR with documentation of the completion of those terms for OCR's review and approval, and the District hereby commits to continuing these efforts as required by the Agreement.

### **Agreement Provisions**

#### **I. Expert Consultants**

- A. Expert Consultant(s): The District will retain or designate, as needed throughout the implementation of this Agreement, one or more consultants with expertise in (1) nondiscriminatory discipline practices<sup>2</sup>; (2) identifying and serving students with disabilities; and, (3) preventing and effectively responding to harassment of students based on race, color, or national origin as described in "General Principles – Safe and Equitable Schools" above (General Principles).

The expert on nondiscrimination in school discipline will have demonstrated academic or practical experience in k-12 school discipline data analysis, research-based discipline strategies, such as Positive Behavior Supports and Interventions (PBIS), reducing disproportionate discipline of students of color, and stakeholder involvement.

The expert on identifying and serving students with disabilities will have demonstrated knowledge and work-history in serving students with disabilities pursuant to IDEA and Section 504, such as a County Office of Education/SELPA administrator, or special education director.

The expert on preventing and effectively responding to harassment of students will have demonstrated expertise regarding implementing proactive measures to ensure a positive and welcoming environment for all students, including using climate surveys to gather relevant information and inform actions.

At the District's request, OCR will provide the District with training regarding effectively responding to incidents of racial harassment.

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<sup>2</sup> "Nondiscriminatory discipline practices" and "nondiscrimination in school discipline" is the administration of discipline in such a manner as to ensure that any remaining racial disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

- B. The expert(s) with whom the District consults may be a District employee or employees or an outside consultant with sufficient expertise. Any expert will be approved by OCR. The District, after retaining its expert(s), shall promptly provide the expert with all appropriate information the expert(s) believes is necessary to engage in the work. The expert(s) identified by the District may have expertise in more than one of the areas listed, and thereby satisfy this provision. Such expert(s) may also be employees of the County Office of Education/SELPA.

Reporting Requirements:

Within 45 days of execution of this agreement, the District will inform OCR of any expert(s) proposed, their qualifications, and the proposed contracts to provide services required by this Agreement, for OCR review and approval. Within 45 days of OCR approval, the District will provide OCR with confirmation that the expert(s) has/have been retained. This deadline will be extended to the date of the Board Meeting, where the item has been placed on the Board's agenda for consideration at the next Board Meeting. If the District would like to change the expert or include an additional expert while the Agreement is in effect, the District will provide OCR with reasonable notice to provide for review and approval.

## **II. School Climate Director and Equity Committee**

- A. District Positive School Climate Director: Subject to OCR's review and approval, the District will identify a District Positive School Climate Director (Director). The Director may be an employee of the District, a County Office of Education employee, or may be a part-time consultant and may also fulfill the role of an expert as described above.

If the Director is a consultant, the District and OCR will determine an appropriate amount of time for the consultant to be present at the District, but not less than four days a month for at least a period of two years. During the course of the minimum two year term, the consultant will work with the District to identify and help train staff who will have responsibility for the consultant's duties after the term ends.

The Director will be responsible for overseeing the implementation of this Agreement, and ensuring that the District's policies and practices are fair and equitable and do not discriminate against students on the basis of race, color, national origin, or disability. The Director will have experience regarding creating and sustaining a positive school climate and educational achievement for all students, and particularly for Native American students. The Director will also be responsible for addressing complaints regarding the implementation of the District's policies, including complaints of discrimination. The District will publish the Director's name and/or title, office address, email address and telephone number on its website, in all school publications, and in all relevant the notices to parents, including an annual notice.

Reporting Requirements:

Within 90 days of execution of this Agreement, the District will submit to OCR for its review and approval, the name, contact information, and resume of its preferred Director candidate for OCR's review and approval. Within 45 days after OCR approval, it will fill the position with that applicant. This deadline will be extended to the date of the Board Meeting, where the item has been placed on the Board's agenda for consideration at the next Board Meeting.

By June 30, 2018, and by the same dates annually thereafter during the 2018-2019 and 2019-2020 school years, the District will provide OCR with a copy of all complaints of race, color, national origin, or disability discrimination, as well as a copy of the District's findings and resolutions of each such complaint.

- B. Stakeholder Equity Committee: The District will make a good faith effort, by writing, emailing, and, as needed, calling stakeholders to establish a Stakeholder Equity Committee (Committee) of community representatives and will provide OCR with documentation that it has done so within 90 days of execution of this Agreement. Such stakeholders should include Loleta Elementary School (School) site representatives, teachers, administrators, County Office of Education administrators, counselors, and special education staff, Native American tribal council members from local tribes, other local tribal leaders and members, community organizations, and parents/guardians.

If the District provides OCR with evidence it has made such a good faith effort to establish the Committee for one calendar year, and despite its efforts, the District has been unable to secure meaningful participation from the local tribes, community organizations, and parents, the District may discontinue its efforts to establish a Committee and instead hold community forums that address the same topics, at least twice a year in locations agreed upon with tribal leaders in the evening or on weekends when parents and other community members are available.

The Committee will meet twice a year at a minimum, by the following dates: January 31, 2018, June 30, 2018, and by the same dates annually thereafter during the 2018-2019 and 2019-2020 school years, to review the District's student discipline data by race/national origin for the prior semester, relevant data and information to evaluate the District's progress in ensuring a positive school climate and nondiscrimination in discipline, and development/implementation of the Corrective Action Plan described in Section III of this Agreement. If the stakeholders are not all available to meet at the same date and time, the District may convene a meeting with available stakeholders. Stakeholders who are unable to attend a meeting may submit recommendations by writing to the Director. The Director will coordinate Committee meetings and work. The Committee will make recommendations to the District regarding the effectiveness of the District's discipline policies, practices, and procedures, and implementation of its Corrective Action Plan.

The District will invite the County Office of Education to assign one or more members of its staff who has authority to approve budget expenditures authority and authority over the Humboldt Del Norte Special Education Local Plan Area (SELPA) and special education operations and fiscal priorities and allocations to attend all Committee meetings.

If the District is unsuccessful in establishing the Committee as described above, the Director will be responsible for completing the work of the Committee using information gathered from the community forums described above.

The Committee (or Director) will provide a written summary of findings and recommendations (Summary & Recommendations), and will submit one report to the District by June 30, 2018, and on the same date annually thereafter during the 2018-2019 and 2019-2020 school years. The District Superintendent and Board will review the Summary & Recommendations and determine how and whether to incorporate them into the Corrective Action Plan.

Reporting Requirements:

By June 30, 2018, and by the same date in the 2018-2019 and 2019-2020 school years, the District will provide documentation to OCR that the District has made good faith and reasonable efforts to establish the Committee required by this item, including the names and titles of all individuals invited to participate on the Committee, any Committee members and their name and position, and the calendar for the coming year's meetings and any other activities.

By August 15, 2018, and by the same dates annually thereafter in 2019 and 2020, the District will provide OCR with copies of the Committee Summary & Recommendations and any amendments to the District's Corrective Action Plan.

If the District moves to community forums after one year, by June 30, 2019 and by the same date during the 2019-2020 school year, the District will provide OCR with documentation of the dates, locations, and times of the community forums held, as well as the relevant information gathered at each such forum.

### **III. Corrective Action Plan**

- A. Identify Root Causes and Develop Corrective Action Plan: The District will, in consultation with the Director and Committee, examine the root causes of racial or national origin disparities in discipline, harassment, and school climate for Native American students in the District and, if identified through the data, for students with disabilities. This examination will include the following to assess root causes and inform the District's Corrective Action Plan:

1. completing the discipline data analysis as described in Section IV of this Agreement focused on the disparities in discipline of Native American students;
2. reviewing relevant literature regarding racial disparities in school discipline and harassment/school climate,
3. reviewing research-based practices such as restorative justice or Positive Behavior Interventions and Supports (PBIS), including the District's implementation of PBIS;
4. securing expert input;
5. assessing implicit bias and cultural sensitivity and their possible role in disparities in school discipline and racial harassment in the District;
6. reviewing and revising District policies and practices as described in Section IV of this Agreement including by determining whether any District policies and practices are resulting in the discriminatory exclusion of Native American students from the classroom (through disparate treatment or disparate impact), or are adequately addressing racial harassment in the District;
7. reviewing employee training practices with respect to consistent and effective discipline practices, including implementation of PBIS and classroom management; and,
8. gathering input regarding root causes and corrective actions from staff and community stakeholders through the Stakeholder Equity Committee or community forums.

Based on this examination, the District will develop a Corrective Action Plan describing the corrective actions it has identified to ensure a nondiscriminatory environment.

Reporting Requirements:

By June 1, 2018, the District will provide OCR with the examination of root causes and its Corrective Action Plan as required by Section III of the Agreement for review and approval. This deadline may be extended for good cause, until July 1, 2018, as requested by the District, if necessary to gather expert input, gather community input, or complete other steps outside the control of the District. The District will promptly commence implementation of the Corrective Action Plan. The District will provide OCR with documentation of implementation no later than 90 days after receipt of approval of the Corrective Action Plan, and by the same date in the 2019-2020 school year. Documentation of implementation of the Corrective Action Plan will include all changes in discipline policies or practices and the reasons for such changes, as well as data analysis regarding student discipline rates disaggregated by race, national origin and disability in the School, as compared to enrollment rates. While this Agreement is in effect, the District will submit for OCR review and approval of any changes to the Corrective Action Plan prior to implementation.

#### **IV. School Discipline**

- A. Policy and Procedures Review and Revisions: The District will review its student discipline policies and procedures, including those implementing PBIS, and make revisions, as necessary, consistent with the General Principles and in consultation with any expert consultant (as defined in Section I) by March 31, 2018. In doing so, the District will also consider recommendations or suggestions made by the Committee or Director as described in Section II. The District will ensure that its student discipline policies and procedures, include the following:
1. a requirement that School staff attempt and document a range of positive corrective measures before exclusionary discipline, except when the Principal or Superintendent of schools determines that student's presence causes a danger to persons, or when it is permitted by law (and School staff document the reasons for any such exceptions to using non-exclusionary discipline strategies, in the circumstances described here);
  2. a list of minor misbehaviors for which suspension or expulsion should never be used, and a list of minor misbehaviors that warrant interventions other than exclusionary discipline;
  3. elimination of referrals to the room known as the "hole" wherein students were placed without supervision or instruction and assessment of the use of the resource room with respect to classroom removals;
  4. to the extent permitted by and consistent with the law, elimination of or revisions to vague, subjective or redundant offense categories, including categories that allow for a high degree of subjectivity in enforcement;
  5. definitions of misconduct that are clearly defined, uniform, and objective, and that clearly distinguish between similar acts, (e.g., fighting and physical aggression);
  6. the range of penalties that may be imposed for each infraction, penalties that are proportionate to the type of misconduct, and uniform criteria for staff to use when selecting a particular discipline sanction within the range of possible penalties;
  7. due process standards, as provided by state and federal law, for all students disciplined under the District's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for hearings, etc.);
  8. a program that seeks to successfully reintegrate students within the School community who have been suspended, or excluded from a class as a disciplinary consequence, or who are returning to the District/School from expulsion or other disciplinary exclusion, including counseling, tutoring or other additional educational services to permit the student to make up lost classroom time; and,
  9. clear definitions and limits to law enforcement involvement in disciplinary or behavioral incidents occurring at the School and District sponsored programs and activities, including that the Sheriff's Department will not be contacted by School or District personnel for routine school discipline matters, and will focus on major threats to school safety (including student and staff safety) or serious school-based criminal conduct that cannot be safely and appropriately handled by the School's

internal disciplinary procedures, and instances where law enforcement contact is required by law.

Reporting Requirements:

By March 31, 2018, the District will submit its definitions and revisions to the student discipline policies and procedures to OCR for review and approval. Upon request by the District, OCR is available to consult with the District and provide technical assistance regarding these changes before and after the District submits its proposed definitions and revisions.

To the extent the District has already adopted policies and procedures consistent with these items, the District will provide OCR with documentation of such, and OCR will determine whether the District has met the relevant term of the Agreement or whether the District needs to take further action.

Within 60 days of OCR's approval, the District will provide documentation to OCR that it has disseminated the revised documents to all District staff, students, and parents, and posted them in a prominent location on the District's website and in the School and has begun the implementation process. While this Agreement is in effect, the District will submit for OCR review and approval any changes to the policies and procedures prior to their implementation.

- B. Early Intervention for At-Risk Students & Student Support System: Effective no later than March 31, 2018, the District will develop a School-Based Supports Plan to incorporate into the Corrective Action Plan to ensure that, unless necessary to ensure immediate safety of students, or as provided by law, School staff employ a range of non-exclusionary, research-based interventions, supports, and approaches (interventions and supports) before implementing exclusionary discipline in order to decrease misconduct and to increase students' ability to benefit from the learning environment.
1. The School-Based Supports Plan will describe the following:
    - a. how the District will ensure that a range of interventions and supports are used prior to disciplinary referral, including how such measures will be documented;
    - b. the process for identifying students who are at-risk of or demonstrate behavioral difficulties due to trauma or other experiences in and outside of school (see also Section V);
    - c. the process for building interpersonal, social and emotional competencies for at-risk youth;
    - d. support and training for School staff to help them meet the needs of at-risk students; and,
    - e. the schedule, if any, to hire a guidance counselor, social worker, mental health worker and, as applicable, restorative practices and positive behavior intervention



staff and/or to develop adult and/or peer in-school mentoring, mediation and restorative community building approaches.

Reporting Requirements:

By March 31, 2018, the District will submit a copy of the School-Based Supports Plan described in this item OCR for review and approval.

Within 30 days of receiving OCR approval, the District will begin implementation and by December 30, 2018 and June 30, 2019 and the same date during the 2019-2020 school year, the District will provide to OCR documentation of the steps taken to implement the plan in the prior school year.

C. Student and Parent/Guardian/Education Rights Holder Information Sessions: The District will provide informational sessions for parents/guardians of students and students at the School that will explain the disciplinary policies of the District in an easily understood manner, what is expected of students under those policies, and the District's efforts in achieving nondiscriminatory discipline for all students. The District will offer the informational programs in such a manner as to enable participation by students, parents and guardians from the Native American community and will, at a minimum, offer to provide information sessions for the Wiyot and Bear River Tribes, and Indian Action Council, at their respective offices or other mutually agreed-upon locations and dates/times that are convenient for community members to attend (e.g. evening or weekend). The District will provide oral interpretation at the sessions and translated materials for ELL students and LEP parents/guardians consistent with Title VI. The sessions will:

1. provide parents/guardians and students with the opportunity to raise concerns or suggestions regarding implementation of the District's disciplinary policies, including any issues in connection with fairness and nondiscrimination;
2. emphasize the District's commitment and goals as described in General Principles and how the District will be implementing its Corrective Action Plan;
3. advise parents/guardians and students of the right of students to due process;
4. advise the parents/guardians whom they may contact if they have any concerns about the manner in which the District's discipline policies are being implemented or if they need assistance in addressing student behavioral problems; and,
5. inform parents/guardians of the Committee, and of the opportunity to participate further to ensure equitable discipline in the District.

Reporting Requirements:

By September 1, 2018, and the same date in the 2019-2020 school year, the District will provide documentation to OCR demonstrating that the information sessions required by

this item have been conducted, including materials distributed at the sessions, any recommendations, suggestions or reports provided by parents/guardians at the sessions, and any revisions to the Corrective Action Plan developed by the District or other steps taken in response to the input at these sessions.

- D. Staff Discipline Training: The District will provide annual discipline training to all School teachers, administrators, School aides, and staff by March 31, 2018, and by January 31, 2019, and October 31, 2019. The discipline training will include an opportunity for employees to raise concerns or suggestions for improving the District's disciplinary policies, including any issues in connection with fairness and nondiscrimination on the basis of race and disability. The staff training will include:

1. the District's commitments and goals as described in General Principles and information about the Corrective Action Plan;
2. detailed explanations of the discipline policy; the interventions and supports to be documented and exhausted prior to exclusionary discipline; the specific manner in which progressive disciplinary consequences will be employed if applicable; the documentation that must be completed and maintained by all staff who make disciplinary referrals or impose disciplinary sanctions;
3. the District's system for maintaining and reviewing data on student discipline as described in Section IV.F., *infra*;
4. how to administer discipline fairly and equitably, including ensuring nondiscrimination in discipline by eliminating any bias or implicit bias in discipline decision-making; and,
5. the value of recognizing and reinforcing positive student behavior, and the importance of addressing misbehavior in a manner that does not remove students from the class and educational program.

Reporting Requirements:

By February 28, 2018, the District will provide OCR the training materials, and the qualifications of the individuals providing the training for OCR review and approval. Upon request by the District, OCR will provide the District with technical assistance regarding the staff training described in this provision. The District will provide documentation to OCR that it provided the first staff discipline training by June 1, 2018; the District will also provide documentation to OCR that it has provided subsequent trainings by February 28, 2019, and November 31, 2019.

- E. Publicly Available Discipline Data: The District will develop a means to convey to the community the data it collects on the use of discipline, disaggregated by race, color, national origin, disability, and reasons leading to exclusionary discipline. The aggregate data will include alternatives to exclusion, disciplinary referrals, suspensions, disciplinary transfers, expulsions, and referrals to law enforcement, citations and arrest, except where

such data totals for specific racial/national origin or any other category listed above, are so small that their publication would reveal private, identifiable student information. This information will be shared at a School Board meeting open to community members at least annually.

Reporting Requirements:

By March 31, 2018, the District will provide, for OCR review and approval, a description of how it will publicly provide the data described above, and the data points to be provided as well as any data points that will not be published publicly due to student privacy concerns. By June 30, 2018, and by the same date annually thereafter while this Agreement is in effect, the District will provide documentation to OCR that it has made this data publicly available and held a public meeting discussing the data, to the extent such data can be published without revealing private, identifiable, student information.

F. Discipline Data Collection: The District will establish uniform standards for the content of student discipline files. The District will collect and report data regarding the range of interventions and supports to student discipline, disciplinary referrals, including those that do not result in the imposition of discipline, and the imposition of disciplinary sanctions, including warnings and non-exclusionary discipline consequences, as well as any exclusionary discipline consequences. The District will ensure that by the end of the 2017-18 year and thereafter, the District's discipline system will include collection of, at least the following information at the School:

1. the name/identification number, race, color, ethnicity, sex, age, disability, school, and grade level of each student referred for discipline; and for each referral;
2. the name/identification number, race, ethnicity, sex, age, grade level, disability, as applicable, and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
3. a description of the alleged misconduct, date and time of day of the referral, location of referral (e.g., bus, classroom 2, playground), specific discipline code violation for which the referral was made, referring staff member;
4. a description of all the non-exclusionary interventions, supports, and approaches that were used and documented to address the behavior at issue prior to referral for discipline and prior to exclusionary discipline;
5. the names of any witnesses (students, staff, others) who provided evidence considered by the District to determine appropriate disciplinary action;
6. the prior disciplinary history of the student;
7. the specific code violation and the penalty/sanction imposed (including length and/or location, if sanction included involuntary transfer or expulsion) or, if no violation found or penalty/sanction imposed, the reason why, and if the sanction imposed was greater or less than the sanction listed in the policy, the reason why;
8. any other non-punitive outcomes arising out of each referral incident, including, but

- not limited to, skill building, peer mentoring, counseling, restorative circle.
- 9. the staff member who assigned the penalty/sanction/non-punitive outcome (by staff identification/employee number or other identifier);
- 10. for students with disabilities, the outcome of any manifestation determination; and,
- 11. whether the District notified local law enforcement, and to the extent District staff have information or knowledge, whether the student was cited, arrested or otherwise sanctioned by law enforcement as a result of misconduct related to school activity or attendance.

Reporting Requirements:

For the 2016-2017 school year, the District will provide the data (to the extent it was collected) by January 31, 2018.

For the 2017-2018 school year, the District will provide the data from July 1 to December 31, 2017, (to the extent it was collected) and for January 1 to June 30, 2018, by July 31, 2018.

By July 31, 2019, and July 31, 2020, the District will provide to OCR the data referenced in this item for the previous full academic school year.

To the extent the District is already collecting the information described here through its implementation of PBIS, the District may provide OCR with documentation of such data collection to satisfy this provision, or parts hereof.

- G. Discipline Data Analysis: Starting with the 2017-2018 school year, the District will evaluate on an ongoing basis but at least monthly basis, the data referenced herein, to help assess whether the District is implementing its student discipline policies, practices and procedures in a nondiscriminatory manner. The School Principal or Director will meet each semester with the administrators, teachers, and other relevant staff at the School to discuss the data gathered and analyzed (regarding the prior semester) and the School's progress on the Corrective Action Plan. The evaluation of the data may be conducted as part of the Committee, or separately, and will analyze whether:
  - 1. students of a particular race or national origin, including Native American students are more likely than students of other races or national origins to receive:
    - a. discipline referrals and sanctions;
    - b. exclusionary sanctions, such as suspensions, or harsher sanctions, such as longer suspensions or referrals to law enforcement;
    - c. certain types of offenses leading to discipline sanctions, or exclusionary discipline sanctions for referrals for certain types of offenses, such as subjective or objective offenses;
    - d. referrals for disciplinary transfers and expulsions; and/or,

- e. referrals, citations, or arrest by school-based or local law enforcement;
- 2. certain teachers and administrators refer students for discipline or impose exclusionary discipline sanctions on students of a particular race or national origin, including Native American students, at a higher rate than students of other races or national origins,
- 3. penalties imposed are consistent with the penalties specified in the District's discipline policies and procedures for students of a particular race or national origin including Native American students, and where exceptions are made, whether they are justified by legitimate, non-discriminatory reasons;
- 4. whether students with disabilities receive more or harsher discipline than students without disabilities overall and for similar offenses, and/or for disability-related reasons;
- 5. if the data shows such higher rates of discipline and/or law enforcement contacts for Native American students or students with disabilities, the meeting will explore possible causes for the higher rates and consider and determine steps needed to ensure nondiscrimination in discipline and incorporate any next steps into the Corrective Action Plan; and,
- 6. if the data shows a particular teacher refers students at a higher rate than other teachers, or refers Native-American students at a higher rate, the principal will meet with that teacher to discuss the data and examine potential solutions. If the information suggests that the teacher is failing to adhere to the District's student discipline policies, practices and procedures or is engaging in discrimination, the principal will take appropriate action.

The District will conduct this analysis by calculating the raw numbers as well as the rate for each race/national origin group (to control for different enrollments of each group). The District will calculate the rate by dividing the number of students of each race/national origin who receive a referral or sanction or are involved in an offense (as described above), by the enrollment that race/national origin group. The analysis and steps described in G.2 and G.6 above will note the student population the teacher or administrator is working with, (e.g. the race/national origin enrollment in a teacher's class) in assessing whether the discipline rates are disproportionate for that teacher or administrator. Upon request, OCR is available to provide technical assistance regarding the data analysis described in G.1-6.

Reporting Requirements:

By September 1, 2018 and February 15, 2019, and by the same dates in the 2019-2020 school years (through September 1, 2020), the District will provide to OCR the data analysis and summary of findings discussed in this item, including any amendments that it proposes to make to its Corrective Action Plan to address the findings. Upon request by the District, OCR will assist the District in conducting this analysis and provide related technical assistance.

- H. Letter to Law Enforcement: The District will send Humboldt County Sheriff's Department (Sheriff's Department) a letter notifying the Sheriff's Department of its student discipline policies and procedures, including specifically regarding law enforcement involvement and support at the School, and requesting that the Sheriff's Department provide support in accordance with the District's related policies and procedures. The letter will also invite the Sheriff's Department Officers who have or are likely to respond to incidents at District sponsored programs or activities to the next District staff training regarding its discipline policies and procedures. The District Superintendent or Director will also offer to meet with such law enforcement officers to review the District's obligations under Title VI, revised student discipline policies, practices, and procedures, working with the District's students in a manner consistent with this Agreement, and the District's commitment to reinforcing positive student behavior and addressing misbehavior with interventions that do not require exclusion from the educational program.

Reporting Requirements:

Within 45 days after execution of this Agreement the District will provide for OCR review and approval, a draft of the letter the District will send to the Sheriff's Department. Within 20 days of approval from OCR, the District will provide documentation to OCR that it has sent the letter as specified above. The District will notify OCR of the Sheriff's Department's response within 30 days after receipt and, if the Sheriff's Department agrees to a meeting, the District will notify OCR of the meeting date. Within 30 days after the meeting date, the District will notify OCR whether the meeting proceeded as scheduled and the matters and materials covered during the meeting. If the Sheriff's Department sends any officers to the District's staff training, the District will provide OCR with documentation of such in its reporting to OCR regarding the training.

**V. Evaluation, Placement, and Service Implementation for Students with Disabilities**

- A. Expert Consultation & Development of Action Plan: The District will work with an expert ("Expert") with experience identifying and serving students with disabilities as specified in Section I.A. Working in partnership with the Expert, the District will include

in the Corrective Action Plan (described in Section III), a written plan (“Action Plan for Students with Disabilities”) describing the specific action steps and dates for completion related to the steps the District will take to ensure compliance with Section V. The District and Expert will schedule a meeting with the appropriate individuals at the County Office of Education and SELPA to discuss the District’s needs with respect to students with disabilities.

Reporting Requirements:

The District will submit to OCR, for OCR’s review and approval, the identity, qualifications, and proposed services contract of its proposed Expert in accordance with Section I of this Agreement.

By March 31, 2018, the District will submit to OCR for its review and approval the Action Plan for Students with Disabilities. While this Agreement is in effect, the District will submit for OCR review and approval, any changes to the Action Plan for Students with Disabilities prior to implementation.

- B. Student Records and IEP/Section 504 Plan Implementation: Working with the Expert and the District’s Section 504 Coordinator, the District will ensure that a file for each student with a disability is created (if one does not already exist) and that each special education instructor and service provider documents the following information in the files as services are provided:

1. the date, duration, and method of service delivery for each special education and related service actually provided to the student, as compared to what is required by the student’s placement and services plan; and,
2. the name and title of the instructor or service provider who provided the service.

When the Section 504 Coordinator or other staff identify or a review of the student records shows that a service required by a Section 504 plan or IEP has not been provided to a student, the student will receive the missed services within thirty business days of the original scheduled date of service if the student is still enrolled in the School. If a student misses services due to his or her actions or actions of his/her parent or guardian, the District will document this in the student’s file, and shall not be responsible for providing these services, unless the student’s action is related to their disability<sup>3</sup>, in which case the District will be responsible for delivering the service and/or revising the IEP or Section 504 plan to provide a FAPE. The receipt of any make-up services will be recorded in the student’s file with the service date and time, and the provider’s name.

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<sup>3</sup> This will not include discipline removals that may be related to a student’s disability, which do not result in a significant change in placement.

Reporting Requirements:

By January 31, 2018, the District will submit documentation to OCR showing that it has developed the student record system described in Section V.B. and, by June 30, 2018, and by the same dates in the 2018-2019, and 2019-2020 school years, a list of students with disabilities including the information collected in Section V.B., and will provide all or a sample of student files as requested by OCR for review.

C. Evaluations: The District will establish a system for ensuring evaluations are conducted in a timely and appropriate manner, as follows:

1. Initial Evaluation: The District will establish a system for ensuring that students who need or whom the District has reason to believe need special education or related services because of a disability are identified and timely referred for evaluation consistent with Section 504 and Title II. This system will include: a) a referral form for teachers and other staff and parents to request an evaluation and information about procedural rights; b) documentation of referrals, notice to parents, and timelines for evaluation in the District's data system; c) a process for reviewing files and academic progress of all students who do not currently have a Section 504 plan or IEP on an annual basis to determine, for at least two years following the execution of this agreement, whether students need to be evaluated consistent with Section 504 and Title II; d) an annual training for all School administrators, instructional staff, counselors, and other site-based service providers regarding their responsibilities for identification and referral; and, e) an information session for parents/guardians regarding how to request an evaluation, the timelines for completing such an evaluation, and the procedural rights and substantive requirements of Section 504 and Title II. With respect to the District's review of student files and academic progress (as described in 1c. above), the District is considered to satisfy an annual review required above, if it conducts an assessment of a student's file and academic progress through another process (such as an SST meeting).
2. Evaluating All Areas of Suspected Disability: The District will ensure that it has a process for evaluating students with existing Section 504 plans and/or IEPs in all areas of suspected disability and for reviewing student files and progress for students with disabilities in the District to determine whether evaluation for additional areas of suspected disability or reevaluation and services are needed, with particular attention to whether evaluations in the areas of social, emotional, mental health, or behavior are needed. An existing District process for identifying students in all areas of suspected disability may, with OCR's review and approval, satisfy this requirement.
3. Significant Change in Placement: The District will ensure that it has a system for documenting exclusionary removals for all students with disabilities and shall include the time that a student is temporarily removed, including through a referral to the office or other room, in the calculation of the number of school days for purposes of assessing whether a significant change in placement has occurred. The District will ensure the system developed under this Section is consistent with the recordkeeping



system for disciplinary referrals required by Section IV.F. of this Agreement. The District will also develop a system for assessing whether students with disabilities are being disciplined for disability-related behavior with manifestation determination meetings when there is a significant change in placement. The data will be stored in the District's data system and a system will be established for conducting evaluations or assessing whether to conduct evaluations and hold meetings to discuss manifestation determination and the evaluations for students with disabilities when the District has employed exclusionary discipline for more than 10 consecutive days, or 10 cumulative days that are a series of removals constituting a pattern, and thereby resulting in a significant change in placement.

4. Individual Evaluations:

- a. The District will offer to conduct evaluations for all students with suspected disabilities who are currently enrolled in the District, including the 15 students that OCR is aware of, in order to fully assess these students in all areas of suspected disabilities. The District will provide this offer to the students' parents/guardians in accordance with the District's policies on providing notice of evaluations. Upon receiving consent from the student's parent/guardian, the District will hold a Section 504 or IEP meeting, as appropriate, with a group of knowledgeable persons (*i.e.* the student's teacher, a person familiar with the evaluation information, a person familiar with the placement options, the student's parent/guardian, and any other relevant individuals) to discuss the results of the evaluation and determine eligibility, placement, and compensatory services consistent with the applicable law and regulations.

The District will conduct a student's evaluation and hold this meeting within 60 days of receiving consent from the student's parent/guardian.

If the District does not receive consent from the student's parent/guardian, the District is not required to propose to conduct this evaluation until the student's next annual or triennial evaluations. Section V.C.4.a. of this Agreement shall not apply to any student whom the District has assessed in all areas of suspected disability within the 12 month period immediately preceding the execution of this Agreement.

- b. For any of the 15 students identified by OCR who are no longer enrolled in the District, the District will offer, via letter to the student's parent/guardian to conduct an evaluation of the student to fully assess the student in all areas the District had reason to suspect a disability. The letter will inform the parent/guardian of the proposed areas of assessment, and request that the parent/guardian inform the District if the student has been assessed in the proposed areas since leaving the District, because the student may be eligible for compensatory services (although a new evaluation by the District would not be appropriate).

For any students who have a Section 504 plan or IEP in an area other than the area of suspected disability, the District will offer assessment in the suspected area, unless the student has already been assessed in that area, and conduct such assessments upon parent/guardian consent.

Upon receiving parent/guardian consent, the District will contact the relevant Section 504 or Special Education Coordinator in the student's current district of enrollment to inform that district of the District's intent to evaluate the student and hold a meeting with a group of knowledgeable persons to discuss the results of the evaluation and determine the student's eligibility for compensatory services consistent with the applicable law and regulations. The District will also invite a representative of the student's current district of enrollment to participate in this meeting, but will proceed with the meeting regardless of the current district's participation. The District will hold this meeting at a time mutually convenient for the parent/guardian and District within 60 days of receiving the parent's/guardian's consent. If the District does not receive consent from a student's parent/guardian within 45 days after mailing the letter, the District is not required to conduct an evaluation for any such student(s). Section V.C.4.b. of this Agreement shall not apply to any student whose parent/guardian moved out of the District's boundaries two or more years prior to the District's execution of this Agreement.

5. Remedies for Failure to Timely Evaluate: For any student that is (a) determined to be a student with a disability based on the evaluation conducted in accordance with Sections V.C.4.a-b. above, and is either newly identified under Section 504 or IDEA, or for whom an additional area of disability is identified; or, (b) whom the District identified as an individual with a disability within the 12 month period immediately preceding the execution of this Agreement, the group of knowledgeable persons (as explained above) will determine and document if the District had reason to suspect the disability previously. If so, the group of knowledgeable persons will determine the type and amount of compensatory education services necessary to address the academic deficits or other educational progress that may have resulted due to the failure to timely evaluate either from the date of the first evaluation request made for the student or the date from which the student's suspected disability should have triggered the evaluation, whichever period is shorter. In no event, however, shall compensatory services be based on a period that (a) extends beyond the three calendar years immediately preceding the District's execution of this Agreement ("Three Year Period") for students with a Section 504 plan and/or IEP; or (b) any period in which the student was not a resident of the District two or more years prior to the District's execution of this Agreement.

For students currently enrolled in the District, the District will document in an addendum to the student's Section 504 plan or IEP the type and amount of any

compensatory services that will be provided, and how they will be provided. For any student who is no longer enrolled in the District, if the student's parent/guardian consents, the District will offer compensatory services (as determined by the group of knowledgeable persons) for the academic or other deficits incurred by that student due to the failure to timely evaluate the student during the Three Year Period, and will inform the student's current district of enrollment of these services.

Reporting Requirements:

By March 31, 2018, the District will provide OCR with a description of the systems, forms and training developed to comply with Sections V.C.1-3. of the Agreement and, by June 30, 2018 and the same date in the 2018-2019 and 2019-2020 school years, data collected from these systems and proof of the training provided, including materials and an attendance list, for OCR review and approval. Upon request by the District, OCR is available to provide the training described in these sections (V.C.1-3.) for the District.

By May 31, 2018, the District will provide for OCR review, the documentation of the evaluations offered and conducted as described in V.C.4., the letters and notices provided to parents/guardians of all students identified in Section V.C.4. above and to other districts, as appropriate, documentation of the evaluations offered and conducted pursuant to Section V.C.4. above, documentation of the resulting meetings with knowledgeable persons, and the proposed compensatory services plans for each of the identified students in V.C.5. By June 30, 2018 for the 2017-2018 school year, and by the same date in the 2018-2019 and the 2019-2020 school years, the District will provide documentation to OCR of the dates, times and locations that compensatory services were provided to students on the list (if such services are due), along with a description of what was provided, and the name of the service providers, until such services have been exhausted.

To the extent the District has already entered into any settlement agreement(s) with students who are covered by provisions V.C.4. and V.C.5. above, for the same time period (or portion thereof) and same issues covered in the respective provisions, the District may provide OCR with a copy of the settlement agreement by December 31, 2017, and OCR will not require the District to also offer the evaluation and compensatory services discussed above for the time period addressed by the settlement.

- D. Remedies for Failure to Implement Student's IEP or Section 504 Plans: For each student with an IEP or Section 504 plan currently enrolled at the School, the District will review the student's IEP or Section 504 plan and by no later than the last student day in the 2017-2018 school year, and convene a meeting with a group of knowledgeable persons, including the parent/guardian, to review and, if appropriate, determine whether the student needs compensatory services as a result of the District's failure to provide regular and/or special education or related aids and services to ensure a FAPE, during the Three Year Period. If so, within 30 days of its determination, the group will develop a plan for providing timely compensatory services up to two years after the decision is made. The District will provide the student's parent/guardian notice of the procedural safeguards

including the right to challenge the group's determination through an impartial due process hearing.

Reporting Requirements:

By June 30, 2018, the District will provide to OCR for review and approval a list of all students whose Section 504 Plan or IEP have been reviewed and provide documentation showing the participants in the meetings, documentation of the decisions made and their basis, the information considered, and, if applicable, a description of and schedule for providing any compensatory services to the students.

By June 30, 2018 and for the same date in the 2018-2019 and the 2019-2020 school years, the District will provide documentation to OCR of the dates, times and locations that compensatory services were provided to students on the list, along with a description of what was provided, and the name of the service providers, until such services have been exhausted or the two year period has expired, whichever comes first.

To the extent the District has already entered into any settlement agreement(s) with students who are covered by provision V.D above, based on the same time period (or portion thereof) and same issues covered in this provision, the District may provide OCR with a copy of the settlement agreement by December 31, 2017, and OCR will not require the District to also offer compensatory services discussed above for the time period addressed by the settlement.

- E. Program Monitoring: In consultation with the Expert, the District will develop a monitoring system for ongoing assessment of the District's progress in meeting Section V of the Agreement.

Reporting Requirements:

In consultation with the Expert, the District will complete program monitoring reports of the District's compliance with Section V by June 30, 2018, January 31, 2019, and June 30, 2019. OCR will be given access to any of the raw data used to develop such reports. To the extent the reports identify problems through the program monitoring system, the District will take action to address such problems.

- F. Notice, Dissemination of Procedures, and Staff Training: The District will provide an informational summary of the Action Plan for Students with Disabilities described in Section V of the Agreement to all staff at the School. The District will disseminate any procedures developed and modified as a means of implementing this Agreement to all staff (including administrator(s), instructional staff, counselors, and counselors, and other site-based service providers) with duties related to the identification, referral, evaluation, placement, recordkeeping, appropriate use of the School's resource room, and provision of special education and related aids and services to students with disabilities enrolled in the School. The District will also provide an annual training (for the 2017-2018, 2018-2019, and 2019-2020 school years) to the District's Section 504/Title II Coordinator and

School administrator(s), instructional staff, counselors and other site-based service providers regarding the requirements in Section V of the Agreement, including staff responsibilities for implementing IEPs and 504 Plans. Beginning in the second year of this annual training, after receiving the first annual training from OCR, the trainer may be the Expert or the District's Section Title II/504 Coordinator, provided that individual has received the training described above and approved by OCR.

#### Reporting Requirements

##### *Notice and Dissemination of Policies*

Within 30 days after OCR's approval of the Action Plan for Students with Disabilities, the District will provide OCR, for review and approval, the informational summary and dissemination of revised procedures, as required by Section V of the Agreement. While this Agreement is in effect, the District will submit for OCR review and approval any changes to the informational summary or the revised policies prior to implementation.

Within 60 days after OCR's approval of the informational summary, the District will provide OCR with documentation to demonstrate that a copy of procedures and the informational summary has been disseminated in accordance with Section V of the Agreement.

##### *Staff Training*

Within 30 days of executing this Agreement, the District will submit to OCR its availability prior to March 31, 2018 for OCR to conduct the training specified in Section V.F. of the Agreement.

While this Agreement is in effect, the District will submit to OCR, for OCR's review and approval, the agenda, training topics, proposed trainer and qualifications, and other written materials prior to conducting subsequent trainings for the 2018-2019 and 2019-2020 school years, or a request for OCR to provide such trainings. By September 30, 2018 and on the same date during the 2019-2020 school year, the District will provide OCR with documentation that the trainings in Section V of the Agreement have been conducted, including the agendas, training topics, attendance lists, and other written materials.

## **VI. Review of Policies Related to Participation in Graduation Exercises and Extracurricular Activities**

- A. The District will review and revise its policies and procedures related to graduation exercises and extracurricular activities to ensure that students are not discriminated against on the basis of disability. Specifically, the District will ensure that such policies include consideration of accommodations and modifications for students with disabilities.

To the extent that revisions are made, the District will draft a guidance memorandum for staff to ensure proper implementation and provide notice to parents and guardians of students regarding the amendments and their impact.

Reporting Requirements:

By January 31, 2018, the District will provide OCR with a copy of any revisions to policies and procedures (or its current policies or procedures, if these have been revised since OCR's investigation), the guidance memorandum, and notice, as described above in this Section (Section VI), for OCR's review and approval. Within 45 days of receiving approval of the guidance document and notice, the District will disseminate the guidance document to staff and the notice to all parents and guardians of students enrolled at the School and provide OCR with documentation showing the same.

**VII. Harassment Based on Race or National Origin**

- A. Procedure for Investigating Complaints Against the Principal/Superintendent: The District will establish a procedure through amendment of existing Board Policy and Administrative Regulations for ensuring that complaints of harassment based on race, color, or national origin made against the School's top administrator, the Principal/Superintendent, can be made to the Board, and the Board will arrange for an independent party to investigate the complaint on its behalf. This procedure will ensure that the independent investigator retained to conduct the investigation has appropriate training and qualifications for investigation of complaints of racial, color, and national origin harassment and the authority to conduct an investigation, identify the grievance procedure under which the investigation will take place, make findings consistent with the District's harassment grievance procedure, and report directly to the Board with respect to the finding and recommendations for corrective actions and remedies.

Reporting Requirements:

By January 31, 2018, the District will provide its draft of its amended policies and procedures as described in Section VII of the agreement for review and approval by OCR. Within 60 days of OCR approval, the District will provide OCR with documentation showing that the amended policies and procedures have been adopted.

- B. Written Guidance: The District will develop written guidance for all staff summarizing the District's responsibility to provide a timely and adequate response to complaints of harassment of students based on race, color, or national origin, and the applicable District policies and procedures, and will conduct annual training on the guidance.

Reporting Requirement:

By February 28, 2018, the District will provide, for OCR review and approval, a draft of the written guidance. Within 15 days of approval of the guidance, the District will provide OCR with documentation that it has distributed the guidance to School staff.

- C. Staff Harassment Training: The District will provide harassment training to the Board, Superintendent/Principal, Director, and any other District/School staff responsible for reporting and responding to complaints of harassment of students based on race, color, or national origin. The District may utilize an expert in conducting discrimination investigations, or request that OCR provide the first training. The District will continue to provide such training on an annual basis for the 2018-2019 and 2019-2020 school years, and may choose to have its Director conduct such trainings. The training will cover the following topics: a) the District procedure and written guidance applicable to complaints of racial harassment; b) how to identify racially harassing conduct, including adult-to-child and peer-to-peer harassment; c) how staff and administrators should respond to reports of racial harassment, including the duty to notify when an incident is reported and, consistent with policy, how to investigate and document the investigation; d) if racial harassment is reported, students and parents must be notified of their right to file a complaint and be provided with a copy of the District discrimination complaint procedures; e) steps that the designated District or School site administrator(s) should take to investigate the incident and guidance on how to document the investigation; f) that when a report of racial harassment is made, site administrators should take necessary interim actions to ensure that the harassing conduct has stopped and does not continue and address the effects on the target of the harassment; g) that students and parents must be notified of steps the District is taking in response to the reported incident; how and when the notification should be provided; and, h) corrective steps schools should take when racial harassment occurs, including actions to prevent recurrence, address the effects of the harassment on the victim, and eliminate any hostile environment for students at the School.

Reporting Requirement:

Within 30 days of executing this Agreement, the District will submit to OCR its availability, prior to March 31, 2018 for OCR to conduct the training specified in Section VII.C. of the Agreement, or if the District selects a different trainer, it will provide to OCR for review and approval, the proposed training materials including the agendas, training topics, proposed trainer and qualifications, and other written materials.

While this Agreement is in effect, the District will submit for OCR review and approval, the agenda, training topics, proposed trainer and qualifications, and other written materials for conducting subsequent trainings for the 2018-2019 and 2019-2020 school years, or a request for OCR to provide the training.

By March 31, 2018, October 31, 2018, and October 31, 2019, the District will provide OCR with documentation that the training in Section VII.C. of the Agreement has been implemented, including the list of attendees and training materials provided.

- D. Staff and Student Climate Programs and Training: The District, in consultation with the Committee or Director and any expert consultants (in accordance with Sections I and II of this Agreement), will develop program(s) and training for all staff and students at the School to promote a positive school climate and nondiscriminatory environment. The program(s) will be designed to promote sensitivity to and appreciation of the diversity of the student body, including local Native American culture, and develop connections/understanding between staff and students of different races and national origins.

Reporting Requirements:

By March 31, 2018, the District will provide OCR for its review and approval, the staff and student program(s) it proposes to use, including how the student program(s) will be delivered at each grade level, training plans, and other relevant materials. If the District utilizes an expert consultant to develop or deliver the programs and training, the District will submit the name, contact information, and resume of its preferred consultant candidate for OCR's review and approval (in accordance with Section I of this Agreement).

By May 1, 2018, and by October 31, 2018 and by the same date during the 2019-2020 school year, the District will conduct the staff and student trainings, and provide OCR a copy of the final training materials used. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the relevant trainings or materials prior to implementation.

- E. School Climate Assessment/Survey: Following review and approval by OCR of the survey instrument and methodology for survey administration, the District will administer annually during the 2017-2018, 2018-2019, and 2019-2020 school years a climate survey to students, teachers/staff, and parents/guardians of students at the School to measure the perceptions of students and other members of the District community in connection with the administration of school discipline, racial discrimination, provision of special education services, and parent and community engagement. (Upon approval by OCR and with appropriate additions if needed, the District may continue to use the climate survey it is currently using for students.) The District will consult with the Committee or Director regarding the most effective methods of surveying parents/guardians and will share the results of the survey with the Board and Committee or Director within 45 days after receipt of the survey's results. Within 60 days of the survey administration, the District will determine how to incorporate feedback from the survey into its Corrective Action Plan, Action Plan for Students with Disabilities, and trainings.



Reporting Requirements:

By February 15, 2018, the District will conduct the Healthy Kids Survey for the 2017-2018 school year. By June 30, 2018, the District will provide OCR for its review and approval a copy of the Healthy Kids Survey results and a description of any actions it proposes to take in the following school year as a result of the survey. Within 45 days of OCR's approval, the District will provide OCR with evidence of its implementation of the proposed actions.

By January 31, 2019, and by the same date in the 2019-2020 school year, the District will provide OCR for its review and approval the climate surveys it proposes to use and the methods by which it will administer the surveys to maximize the response rate. By June 30, 2019, and by the same date in the 2019-2020 school year, the District will provide OCR for its review and approval a copy of the survey results and a description of any actions it proposes to take in the following school year as a result of the survey. Within 45 days of OCR's approval, the District will provide OCR with evidence of its implementation of the proposed actions.

**VIII. Monitoring**

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, 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, Title II, and Section 504 and the regulations implementing these statutes, which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss the case.

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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

\_\_\_\_\_/s/\_\_\_\_\_  
Superintendent or Designee

\_\_\_\_\_11/20/2017\_\_\_\_\_  
Date