

Resolution Agreement
OCR Case No. 09-14-5003
Victor Valley Union High School District

The Victor Valley Union High School District (District) agrees to implement this Resolution Agreement (Agreement) to resolve the violations identified by the U.S. Department of Education, Office for Civil Rights (OCR), under Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation in the above-referenced OCR case number. Those violations include that the District engaged in disparate treatment based on race by disciplining African American students more frequently and more harshly than similarly situated white students and that the District failed to meet its recordkeeping and compliance reporting obligations.

Agreement Principles – A Safe and Nondiscriminatory School Environment

The District's goal is to provide all of its students with schools that offer a safe, nondiscriminatory environment that is conducive to learning. The District is committed to treating all students fairly and ensuring nondiscrimination in its administration of discipline. Throughout the implementation of this Agreement, the District will provide the funding necessary for the successful implementation of this Agreement and establish and approve a line item budget necessary for implementation.

Agreement Provisions

I. School Climate Director, Expert Consultant(s), and Stakeholder Equity Committee

To ensure the District has the staffing and expertise needed to implement this Agreement, the District will employ a Director of Positive School Climate, retain at least one expert consultant, and consider the input of a Stakeholder Equity Committee as set forth below.

- A. The District's Director Overseeing the Agreement's Implementation: Subject to OCR's review and approval, the District will employ a Director¹ to oversee positive school climate and the implementation of this Agreement to ensure that the District's discipline policies, procedures, and practices do not discriminate against students on the basis of race, color, or national origin (the Director). The Director will have experience with student discipline, alternatives to exclusionary discipline,² and promoting and sustaining a positive school climate and educational achievement for students of all racial and ethnic backgrounds. The Director also will be responsible for responding to complaints about the District's implementation of its discipline policies and procedures, including complaints of discrimination based on race, color, and national origin. The District may have an existing position carry out the Director's duties described here. If the District uses an existing position to carry out these duties,

¹ The District may fill this position with a District employee or an individual hired from outside the District.

² For purposes of this Agreement, the term "exclusionary discipline" refers to the formal or informal removal of a student from a class, school, or educational program on a short-term or long-term basis for violating a school rule. Examples can include in-school suspensions, out-of-school suspensions, bus suspensions, expulsions, disciplinary transfers to alternative schools, referrals to law enforcement, citations, and school-based arrests.

the District will ensure that the position is focused on them and has adequate District resources, including staffing, to fulfill these duties successfully. The Director will report to an Assistant Superintendent with authority to take corrective action against school administrators who engage in such discrimination. To fulfill the responsibilities of this role, the Director will coordinate as appropriate with others who are responsible for implementing this Agreement. The District will publish the Director's name and job title, office address, email address, and telephone number on its website, in all school publications, and in all relevant notices to parents,³ including at least an annual notice to parents.

Reporting Requirements:

By August 30, 2022, the District will submit to OCR the name, contact information, and resume of its preferred Director candidate, and if this person holds an existing District position, the District will explain how this position will have adequate time, resources, and support to carry out the Director's duties described here, for review and approval. Within 10 days of OCR's approval of the District's choice, it will fill the position with that applicant or confirm with OCR the existing position responsible for these duties.

By July 1, 2023, and by the same date in subsequent years, the District will provide OCR with a copy of all complaints of race, color, and national origin discrimination related to discipline for the prior school year, as well as a copy of the District's findings and resolutions of each such complaint.⁴

- B. Expert Consultant(s): The District will retain or designate one or more consultants with expertise in nondiscriminatory discipline practices, data analysis, research-based discipline strategies, and implicit bias to assist the District in implementing this Agreement.⁵ The expert consultant(s) will assist the District with: (1) the development and implementation of the Corrective Action Plan and Training required by Sections II and VII of this Agreement respectively; (2) monitoring and evaluating the District's discipline practices; and (3) engaging and soliciting feedback about such practices from stakeholders, including those on the Stakeholder Equity Committee required by Section I.C below. The District will provide the expert consultant(s) with all appropriate information they deem necessary to fulfill their role under this Agreement.

³ All references to "parents" in this Agreement includes guardians as well.

⁴ Under California law, school districts are required to respond to complaints of discrimination through their Uniform Complaint Procedures. See <https://www.cde.ca.gov/re/cp/uc/> (last visited on August 10, 2022).

⁵ The expert(s) with whom the District consults may be a District employee or an outside consultant with such expertise. "Nondiscriminatory discipline practices" includes practices that treat similarly situated students the same without regard to race, color, or national origin and ensure that any racial disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

Reporting Requirements:

Within 30 days, the District will provide to OCR for its review and approval (a) the names and qualifications of at least three potential expert consultant(s) and (b) the District's preferred selection(s). Within 15 days of OCR approving that one or more of these expert consultants has the requisite qualifications, the District will choose its expert consultant(s) and inform OCR of the selection(s), and if an outside consultant is selected, provide OCR with a copy of the outside consultant's contract with the District.

- C. Stakeholder Equity Committee: The District will establish a Stakeholder Equity Committee (Committee) of community representatives within 30 days of executing this Agreement. Such stakeholders will include school representatives, teachers, counselors, school administrators, District administrators, special education staff or administrators, students, parents, and members of community organizations.

To evaluate the District's progress in ensuring nondiscrimination in discipline and its implementation of the Corrective Action Plan required by Section II below, the Committee will meet at least twice a year by the end of January and the end of June to review (1) the District's and expert consultant's aggregate analysis of student discipline data broken down by race and national origin for the prior semester, and (2) other data and information relevant to the discipline analysis (e.g., proposed changes to its discipline policies and procedures or any independent discipline analyses). The Committee will make recommendations to the District regarding (1) its discipline data, policies, practices, and procedures to ensure that they are nondiscriminatory, and (2) its implementation of the Corrective Action Plan. The Director will coordinate the Committee's work and meetings throughout the duration of this Agreement.

The Committee will provide a report summarizing its findings and recommendations to the District ("the Report") by July 15, 2023, and by the same date in subsequent years. The District Superintendent and Board will review the Report and determine how to address its findings and recommendations in the Corrective Action Plan. For recommendations that the District does not address in the Plan, the District will provide its reasons in writing to the Committee.

Reporting Requirements:

By September 30, 2022, and by the same date in subsequent years, the District will provide OCR with the names and titles or positions of the Committee members, a calendar for its meeting(s) and any other activities for the coming year, and minutes from its previous meetings. By August 30, 2023, and by the same date in subsequent years, the District will provide OCR with a copy of the Committee Report(s), any amendments to the District's Corrective Action Plan, and any steps the District took in response to the Report(s).

II. Corrective Action Plan

Identify Root Causes and Develop Corrective Action Plan: In consultation with the Director and Committee, the District will examine the root causes of the racial disparities in the discipline of its students. This examination will include: the discipline data review and analysis required by Section V below, reviewing relevant literature and research-based practices, securing the input of the expert consultant(s), assessing implicit bias and cultural sensitivity, reviewing the District's discipline policies as described in Section III below, evaluating employee training practices, and engaging employees, students, and community stakeholders to identify short- and long-term corrective actions to address such root causes. Based on its examination of the root causes, the District will develop a Corrective Action Plan describing the corrective actions it has identified to ensure nondiscrimination on the basis of race, color, and national origin in the discipline of its students.

Reporting Requirements:

By November 30, 2022, the District will provide to OCR for review and approval a draft Corrective Action Plan that will include the root cause analysis. Within 30 days of OCR's approval, the District will begin implementation of the Corrective Action Plan. The District will provide OCR with documentation of such implementation no later than February 28, 2023, and by the same date in subsequent years. This documentation will include all proposed changes to the District's discipline policies, procedures, or practices and the reasons for such changes. Throughout the course of this Agreement, the District will submit for OCR review and approval any proposed changes to the Corrective Action Plan prior to their implementation.

III. Revised Discipline Policies and Procedures

- A. By November 30, 2022, the District will review its student discipline policies and procedures and propose revisions consistent with the Agreement's Principles above and in consultation with the expert consultant(s) and the Committee. In doing so, the District also will consider promising discipline-related policies and practices identified at any District schools. The District will ensure that its student discipline policies and procedures include the following:
1. definitions of misconduct that are clearly defined, uniform, and objective to the maximum extent possible and that clearly distinguish between similar acts, (e.g., fighting and physical aggression);
 2. 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;
 3. a clear explanation of how any progressive disciplinary policies, practices, and procedures will be implemented consistently at each school, including criteria or guidelines for discipline sanctions on first offenders and repeat offenders, with requirements to use non-exclusionary sanctions to the extent permitted by state and

- federal law before progressing to exclusionary sanctions like class suspensions, other in-school suspensions, out-of-school suspensions, and expulsions;
4. a requirement that District staff attempt and document a range of positive corrective measures before referring a student for exclusionary discipline, unless the exclusion is necessary to ensure the continuing safety of students or staff, or when other means of correction have been attempted and have failed to bring about proper conduct⁶ and it is the only means of stopping student misbehavior from substantially interfering with the delivery of instruction to others;
 5. a list of minor misbehaviors for which suspension or expulsion will not be used, and a list of minor misbehaviors that warrant interventions other than a referral or exclusionary discipline, including tardiness and truancy;
 6. elimination of vague, subjective, or redundant offense categories, including categories that allow for a high degree of subjectivity in enforcement (e.g., willful defiance, disruptive behavior, or inappropriate behavior) to the extent permitted by state and federal law;
 7. appropriate due process standards for all students disciplined under the District's student discipline policies and procedures, including a description of the key elements of the discipline process (timelines, hearings, appeals, alternative dispositions, etc.);
 8. a program that seeks to successfully reintegrate students within the School community who have been suspended, expelled, transferred, or otherwise excluded, or who return from alternative disciplinary placements, including counseling, tutoring, or other additional educational services to permit the student to make up lost instructional time;
 9. if the District continues to use pre-expulsion contracts, clear guidelines for such contracts, including the consequences and appropriate due process for students who violate any such contracts, supportive interventions for students placed on such contracts, and other criteria to ensure that such contracts provide an alternative to expulsion rather than a pathway to an expedited expulsion;
 10. a clear statement that complaints by students, parents, District employees, or others that allege discrimination against District students by school-based law enforcement may be filed through the District's Uniform Complaint Procedures and will be investigated by the District through those procedures; and
 11. clear definitions and limits to law enforcement involvement in disciplinary or behavioral incidents occurring in District programs or activities, including that school administrators, not law enforcement, are responsible for routine school discipline matters, and a statement that law enforcement on District campuses will be involved in addressing only major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by a school's internal disciplinary procedures.

⁶ "Other means of correction" refers to the non-exhaustive list of steps a school district must take before suspending a student (unless an exception applies) under Section 48900.5 of the California Education Code.

Reporting Requirements:

By November 30, 2022, the District will submit its proposed revisions to the student discipline policies and procedures to OCR for review and approval. Within 60 days of OCR's approval, the District will provide documentation to OCR of Board adoption of these policies and procedures and that the District has disseminated the revised documents to all District employees, students, and parents, and posted the documents in a prominent location on the District's website, including in Spanish and in any other major languages spoken by students and parents with limited English proficiency, and in a manner accessible to individuals with disabilities. Throughout the course of this Agreement, the District will submit for OCR review and approval any proposed changes to the discipline policies and procedures at least 30 days prior to their intended adoption by the Board and/or implementation by the District.

IV. Recordkeeping

- A. The District will develop a protocol to review and ensure the accuracy and completeness of its recordkeeping regarding student discipline. This protocol will create a uniform system to collect and record information about each disciplinary incident, electronically and otherwise as appropriate, including:
1. The specific data to record for each disciplinary incident or referral (including referrals that did not result in consequences), including at a minimum:
 - a. the Student's unique identifier;
 - b. the Student's race or ethnicity;
 - c. the Student's sex;
 - d. whether the Student has a Section 504 Plan or an IEP;
 - e. each alleged infraction of the District's discipline policy and/or matrix;
 - f. date of each alleged infraction;
 - g. a narrative description of each alleged infraction;
 - h. the other means of correction that was applied to each infraction before a suspension was imposed;
 - i. the unique identifiers of any other students involved in the incident;
 - j. the name and race of the employee who referred the student;
 - k. the name and race of the employee who disciplined the student;
 - l. the disciplinary sanction, if any, including any exclusionary or non-exclusionary sanction (e.g., a warning or in-school suspension (ISS));
 - m. the sanction's duration (e.g., a one-day out-of-school suspension (OSS));
 - n. whether school staff referred the student to law enforcement (Yes, No, N/A);
 - o. which law enforcement were involved, if any (e.g., a School Resource Officer (SRO), campus security officer, probation officer, or non-school-based officer);
 - p. any law enforcement consequences such as a citation, arrest, search, or detention; and
 - q. any use of force by school employees or law enforcement, including the type of force (e.g., pepper spray, physical restraint);

2. The identity of the employee(s) responsible for data input, maintenance, and correction;
3. The frequency of data input and review;
4. The process for training staff responsible for accurate data input and review;
5. The process for reviewing the discipline records for accuracy and completeness;
6. The process for correcting any inaccurate or incomplete records; and
7. The District's discipline referral form.

Reporting Requirements:

By September 30, 2022, the District will provide OCR with the draft recordkeeping protocol and discipline referral form for OCR's review and approval. Within 30 days of OCR's approval, the District will formally adopt the recordkeeping protocol and form, distribute both to all individuals responsible for implementing the protocol and completing the form, and provide OCR with documentation confirming its adoption and distribution of both.

By August 30, 2022, the District will provide OCR with an electronic, sortable spreadsheet of all of the discipline data required by Section IV.A.1-7 above for the 2021-2022 school year and will report such data to OCR for each semester of each subsequent school year under this Agreement by January 31, and June 30, of each subsequent year.

Upon request from OCR, the District also will provide electronic copies of the complete discipline files for any identified incidents reported in the electronic spreadsheet, including all related documentation (such as written citation or referral forms, investigations, calls and letters to parents, etc.) of each student listed in the discipline records provided.

- B. The District will assess how and why it submitted incomplete discipline data to the Civil Rights Data Collection (CRDC) for the 2017-2018 school year and will develop a plan to ensure submission of complete and accurate discipline data to the CRDC in the future.

Reporting Requirements:

By October 15, 2022, the District will:

1. identify steps that it has taken to ensure the quality of CRDC data;
2. submit the corrected data to the CRDC for the 2020-2021 school year, as needed; and
3. ensure that all employees charged with reporting data to the CRDC review all current directions for submitting such data in a timely, accurate, and complete way.

V. Discipline Data Analysis and School Team Meetings

- A. Starting with the spring semester of the 2022-2023 school year, the District will evaluate on a monthly basis the data referenced below to assess if the District is implementing its student discipline policies, practices, and procedures in a nondiscriminatory manner. The evaluation of the data will include an analysis for each school and for the District overall of whether:
1. students of a particular race or national origin are more likely than students of other races or national origins to receive:
 - a. disciplinary referrals;
 - b. disciplinary sanctions;
 - c. class suspensions,
 - d. ISS;
 - e. OCI;
 - f. OSS;
 - g. disciplinary transfers;
 - h. expulsions;
 - i. referrals to law enforcement;
 - j. law enforcement citations;
 - k. arrests stemming from school-related activity;
 - l. exclusionary sanctions for subjective offenses (e.g., defiance or disruption);
 - m. sanctions for tardies; and
 - n. sanctions for truancy;
 2. certain schools refer students of a particular race or national origin more often than students of other races and national origins for discipline;
 3. certain schools refer students of a particular race or national origin for harsher discipline sanctions than students of other races and national origins;
 4. certain teachers, administrators, or other staff members refer for discipline students of a particular race or national origin at a higher rate than students of other races or national origins for the same or similar offenses (e.g., first-time offenses);
 5. certain teachers, administrators, or other staff members impose harsher discipline sanctions on students of a particular race or national origin than students of other races or national origins for the same or similar offenses; and
 6. sanctions imposed for a given infraction are consistent with the District's discipline policies and matrix, and where exceptions are made, whether they are justified by legitimate, non-discriminatory reasons.

At the conclusion of each semester, the Director or the Director's designee will convene a meeting with each school's principal and discipline team to discuss the data required in this section, assist the school team with understanding, analyzing, and using these data, and assess the school's progress relevant to the Corrective Action Plan. After the meeting at the conclusion of each semester, the school's principal and discipline team will meet with the administrators, teachers, and other relevant staff at their school to discuss these data and the school's progress relevant to the Corrective Action Plan.

If the data required in this section reflect harsher or higher rates of discipline and/or law enforcement referrals or other contacts with law enforcement for students of a particular race or national origin at the District or school levels, the meeting with the Director (or designee), school principal, and discipline team will explore possible root causes for the higher or harsher rates, determine the steps needed to ensure nondiscrimination in discipline, and align any next steps with the Corrective Action Plan. Where appropriate, these steps will include having the Director, and the Assistant Superintendent to whom the Director reports, meet with the school principal(s) to discuss the data, examine whether the referrals were warranted, implement effective solutions, if needed, and/or take corrective action where needed.

If the data required by this section (or in Section IV.A above) show a particular teacher or other school staff member refers students of a particular race or national origin at a higher rate than students of other races or national origins or administers harsher consequences to students of a particular race or national origin than to students of other races or national origins, the Director and the principal will meet with that teacher or other staff member to discuss the data, examine whether the referrals were warranted, and implement an effective solution, if needed. If the information indicates that the teacher or other school staff member is failing to adhere to the District's student discipline policies, matrix, or procedures or is engaging in discrimination against students, the principal will take appropriate corrective action.

Reporting Requirements:

By June 30, 2023, and by the same dates in subsequent school years, 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, a description of the District and school meetings held regarding the evaluation of the District-level and school-level data, and any District and school-based actions taken to address the findings.

VI. Memorandum for Schools

- A. By August 30, 2022, the District will issue a written memorandum to all employees involved in student discipline, including teachers, counselors, administrators, and security personnel, including SROs, campus security officers, and probation officers, clarifying the following:
1. students will not be suspended (in or out of school or placed in OCI or any other similar intervention) for tardiness or truancy (including cutting class or being repeatedly late to class);
 2. all discipline consequences must be administered based on the District's discipline policies and matrix. Exclusionary discipline consequences that are not found in the

- District's discipline policies or matrix, such as placing students on "home custody" or pressuring disciplined students who are 18 or older to disenroll, are prohibited;⁷
3. students' misbehavior must be categorized in an accurate, consistent, and nondiscriminatory manner under the District's discipline matrix so that the same behavior receives the same consequence regardless of race, color, or national origin, taking into account the student's prior discipline history where relevant; and
 4. all discipline referrals, consequences, and relevant information about a student's disabilities and IEP or Section 504 Plan, must be accurately and timely entered into the District's uniform system for discipline records required by Section IV.A.1 above.

Reporting Requirements:

Within 10 days of signing this Agreement, the District will provide OCR with a draft of the Memorandum. Within 10 days of OCR's approval of the draft, the District will provide OCR with documentation showing it has issued the Memorandum. Within 30 days of issuing it, the District will provide OCR with documentation that it has provided training on the Memorandum to all employees involved in student discipline identified pursuant to this Section. The District may provide this training at the same time as the training required by Section VII below.

VII. Training

- A. Within 30 days of signing this Agreement, the District will propose to OCR at least three names of individuals with relevant experience to conduct training for all District teachers, administrators, school aides, SROs, campus security officers, and any other District or school staff who supervise students, make discipline referrals, and/or impose discipline sanctions. The District will provide the individuals' names, job titles, and qualifications to OCR and may use the expert consultant approved by OCR to provide the training if OCR agrees to this.
- B. Within 30 days of OCR's approval of the District's proposed trainer, the District will submit for OCR's review and approval a proposed training agenda and training materials that address the following:
 1. the District's commitments and goals as described in the Agreement Principles;
 2. detailed explanations of the District's discipline policy and procedures;
 3. the interventions, supports, and other means of correction to be documented and exhausted prior to imposing exclusionary discipline (e.g., suspensions) and the specific manner in which progressive disciplinary consequences will be employed if applicable;
 4. the District's policy regarding approved approaches for tardiness and truancy issues;
 5. the District's policy regarding pre-expulsion contracts;

⁷ If the District stops using pre-expulsion contracts, they will be added to this term of the Memorandum for Schools.

6. the records that must be created and maintained by staff who make disciplinary referrals or impose disciplinary sanctions, consistent with Section IV above;
 7. the District's system for analyzing student discipline data required by Section V above;
 8. how to administer discipline in a fair and nondiscriminatory way by eliminating any different treatment based on race, color, or national origin, including any explicit or implicit bias based on race, color, or national origin in discipline decision-making;
 9. the value of recognizing and reinforcing positive student behavior, and the importance of addressing misbehavior in a manner that does not exclude students from the class or education program/activity unless necessary to ensure the continuing safety of students or staff, or other means of correction have been attempted and have failed to bring about proper conduct and it is the only means of stopping student misbehavior from substantially interfering with the delivery of instruction to others;
 10. the prohibition on in-school and out-of-school suspensions for tardiness or truancy;
 11. the prohibition on "home custody" or any other disciplinary sanction that is not authorized by law or provided in the District's discipline policies or matrix; and
 12. the principle that District and school staff, rather than law enforcement, are responsible for addressing violations of school rules and routine school discipline matters and that law enforcement on District campuses will be involved in addressing only major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by a school's internal disciplinary procedures.
- C. By January 31, 2023, and by August 20, 2023, and the same date in subsequent years, the District will provide the OCR-approved training to all individuals described in Section VII.A. The District may provide the OCR-approved training more than once during each school year of this Agreement to ensure that all individuals described in this section are trained each year. After each training, the District will ask participants to complete a training survey to assess the effectiveness of the training. The District will revise its training as needed to respond to the survey feedback and submit revised materials for OCR's review and approval.

Reporting Requirements:

Within 20 days after completing the training(s), the District will provide OCR with a report that includes: the date(s) of the training(s), the name(s) of the trainer(s), sign-in sheets with participant names and job titles, a list of all individuals required to attend the training and the names of any who have yet to complete the training, a copy of the final materials used in the training(s), and the completed post-training participant surveys.

VIII. Student and Parent Information Sessions

- A. The District will provide informational sessions for students and parents at all District schools that will provide an explanation of the District's disciplinary policies, what is expected of students under the policies, and the District's efforts to ensure nondiscriminatory discipline for all students in a manner accessible to individuals with disabilities and limited English proficiency. The District will offer the informational sessions at times and locations to promote maximum participation by students and parents. The sessions will:
1. explain the District's discipline policy, matrix, and procedures, including the definitions of offense categories and how progressive discipline is imposed;
 2. provide parents and students with the opportunity to raise concerns or suggestions about the District's disciplinary policies, matrix, and procedures;
 3. include participation by staff involved in the administration of discipline (e.g., administrators, teachers, counselors);
 4. emphasize the District's commitment and goals as described in the Agreement Principles;
 5. explain the role of the Committee and opportunities for parent participation on the Committee;
 6. the rights of students to due process before discipline sanctions are imposed;
 7. the range of non-exclusionary interventions, supports, and approaches to student discipline to be exhausted prior to exclusionary discipline where possible and consistent with federal and state law;
 8. the resources that are available to students to assist them in developing social and emotional competencies;
 9. information about whom to contact if there is a concern about discipline policy implementation or if assistance is needed in addressing student behavioral problems; and
 10. the District's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible under state and federal law that student misbehavior is addressed in a manner that does not remove the student from the educational program.

Reporting Requirements:

By September 30, 2022, and by the same date in subsequent school years, the District will provide OCR with the materials distributed at the parent information sessions, any recommendations, suggestions or reports provided by parents and students at the sessions, and any revisions to the plans developed by the District or other steps taken in response to the parent and student input at these sessions.

IX. Publicly Available Discipline Data

For each school year, the District will publish the data it collects on the use of discipline by school and type (i.e., disciplinary referrals, class suspensions, ISS, OCI, OSS, disciplinary transfers, expulsions, referrals to law enforcement, and arrests), disaggregated by race and national origin and report the ten most common infractions that led to exclusionary discipline in the form of ISS, OCI, OSS, and expulsions, disaggregated by race. While protecting the privacy of individual student data, this information will be shared at a School Board meeting open to community members at least annually, will be published online on the District's website, and will include enrollment data and percentages by race and national origin, for comparison.

Reporting Requirements:

By April 30, 2023, 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. By July 30, 2023, and by the same date annually thereafter in subsequent school years, the District will provide documentation to OCR that it has made these data for the prior school year publicly available and held a public meeting discussing the data.

X. Memoranda of Understanding (MOU) with Law Enforcement

The District will revise its MOUs with the City of Victorville and the San Bernardino County Sheriff's Department to include provisions that meet the requirements of Sections III (Policies and Procedures), IV.A.1 (Recordkeeping) and VI (Memorandum for Schools) and require relevant training for officers who will respond to incidents at the District's schools, including SROs and probation officers, as required by Section VII (Training). Such MOU provisions and training will include the role of law enforcement in the District's schools, including that school administrators, not law enforcement, are responsible for routine school discipline matters and that law enforcement will be involved only to address major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by the school's disciplinary procedures. Trainings for SROs, probation officers, and any other law enforcement will address: the District's non-discrimination obligations under Title VI; the terms of the MOU; the District's revised student discipline policies, practices, and procedures; how to work with the District's students in a manner consistent with this Agreement; how to ensure accurate collection and reporting of data regarding law enforcement-student interactions, including citations, arrests, detentions, and any use of force (including physical restraints); and the District's commitment to reinforcing positive student behavior and ensuring to the maximum extent possible under state and federal law that misbehavior is addressed in a manner that does not exclude the student from the educational program.

Reporting Requirements:

By October 30, 2022, the District will provide, for OCR review and approval, a proposed draft of the MOU. Within 30 days of OCR's approval, the District will provide OCR with documentation that the revised MOU has been executed and is in effect. If the Police Department(s) propose changes to the terms of the draft MOU approved by OCR, the District will immediately notify OCR, and it will review and approve any proposed amendments, assist the District to resolve any differences with the Police Department(s), and finalize the MOU within 30 days. During the term of this Agreement, the District will not enter into an MOU with the Police Department(s) that is not approved by OCR.

XI. School Climate Surveys

Beginning in the 2022-2023 school year and following approval by OCR of the survey instrument and survey administration methodology, the District will annually administer a comprehensive climate survey to students, teachers/staff, and parents of all District schools to measure their perceptions of the District's administration of school discipline. The survey will measure perceptions of school safety, fairness and equity in the administration of discipline, and whether District and school rules and behavioral expectations are clear.

Reporting Requirements:

By November 30, 2022, the District will provide OCR for its review and approval the school climate surveys it proposes to use and the methods by which it will administer the surveys to maximize the response rate.

By June 30, 2023, and by the same date in subsequent school years, the District will provide OCR for its review and approval a copy of the survey results and a description of actions it proposes to take the following school year based on the survey results, including any changes to the Corrective Action Plan.

By June 30, 2022, and by the same date in subsequent school years, the District will document to OCR the steps it has taken during the prior year in response to the previous school year's survey results.

XII. Compensatory Education

- A. The District will conduct a thorough review of its discipline records to identify any students who were excluded from learning as a result of discriminatory practices from the 2018-2019 school year to the present, including students who were:
1. expelled from the District without appropriate due process protections (e.g., pursuant to a pre-expulsion contract and without an expulsion hearing, or based on checked-off secondary findings that were not actually made by the expulsion panel);

2. treated more harshly in discipline than similarly situated white students as identified by OCR, including by receiving a citation through the Clean Sweep program or otherwise from an SRO or probation officer;
 3. placed on “home custody” without a formal suspension and related due process protections;
 4. suspended (in or out of school, including placement in OCI) for tardy or truant behavior; and
 5. disciplined more severely based on an inaccurate characterization of their behavior as an offense under Section 48900.4 of the California Education Code.
- B. The District will conduct an analysis of the lost learning time as a result of exclusionary discipline for each such student identified above in items 1, 2, and 3 from the 2018-2019 school year to the present (including students no longer enrolled in the District), and each student identified above in items 4 and 5 who were still enrolled in the District during the 2021-2022 school year (calculating all lost learning meeting these criteria from the 2018-2019 through the 2021-2022 school years). Based on review and approval of this analysis by OCR, the District will offer each such student that amount of compensatory education. If the student is no longer a student in the District, the District will offer the student online compensatory services (including to assist students who have not yet graduated in obtaining their high school diploma) or an education fund amount commensurate with that amount of such services.

Reporting Requirements:

By October 15, 2022, the District will provide OCR with the list of students identified and the basis for their selection pursuant to Section XII.A above.

By October 15, 2022, the District will provide OCR with the analysis it conducted pursuant to XII.B above, to determine any appropriate compensatory education.

Within 45 days of OCR’s review and approval of the students and compensatory services proposed by the District, it will provide OCR with documentation that it has provided each student on the list with an appropriate offer of compensatory education in writing.

By June 30, 2023, and by the same date in subsequent school years, the District will provide OCR with documentation that it has delivered the appropriate compensatory education services pursuant to this Section, to those students who accepted the District’s offer of such services.

