

**Resolution Agreement**  
**Millbrae Elementary School District**  
**OCR Case No. 09-15-1144**

In order to resolve the allegations raised in the above-referenced complaint investigated by the U.S. Department of Education, Office for Civil Rights under Title VI of the Civil Rights Act of 1964 and Section 504 of the Rehabilitation Act of 1973, and without admitting to any violation of the law, the Millbrae Elementary School District agrees to the following:

1. IEP Team Meeting. The District will convene a meeting of the Student's IEP team to consider the potential effects of bullying/harassment, including racial harassment, on the Student's educational program and environment. Taking into account guidelines included in the Dear Colleague letter issued by OCR on October 21, 2014,<sup>1</sup> the team will determine whether any compensatory or other services are appropriate to remediate the impact on the Student, and whether any modifications to the Student's IEP are necessary to ensure the Student continues to receive a free and appropriate public education (FAPE).

By October 31, 2015, the District will provide OCR with notes from the IEP team meeting, any resulting amendments to the Student's IEP, a description of any compensatory or other services to be provided to the Student, and an explanation of the basis for the decision regarding compensatory or other services. Upon OCR's approval of the decision regarding services, the District will provide them to the Student. By January 30, 2016, the District will provide evidence to OCR that has provided the services.

2. Point Person. The District will assign a Staff Contact to the Student. The Staff Contact may be a teacher, administrator, counselor, aide, or other school staff member to whom the Student feels comfortable talking. The Staff Contact will be the Student's primary School contact for concerns about harassment. The Staff Contact will ensure incidents are reported to appropriate administrators for investigation and response. However, the Student may also report harassment to any responsible employee.

On September 30, 2015 and January 30, 2016, the District will confirm to OCR that the District has assigned a Staff Contact as required.

3. Investigative Training. The District will provide annual training by a person with appropriate expertise on how to investigate and respond to allegations of racial harassment to District and school administrators with responsibility for investigating and responding to such allegations, including the school resource officer. The instruction will include a review of the District's harassment policies and procedures and cover, for example, how to conduct thorough investigations, how to evaluate evidence and weigh it in an impartial manner, how to make credibility determinations, and the appropriate

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<sup>1</sup> <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

standards for determining whether harassment has occurred. At the District's request, OCR may provide this training at no cost to the District.

By October 31, 2015, the District will provide a written description of the proposed investigative training, including the name and qualifications of the proposed trainer, to OCR for review and approval. The District will confirm to OCR by November 30, 2015 that it has provided the training.

4. Response to Harassment. Within ten school days of notice of any incident of possible race-based harassment of the Student, the District will provide OCR with documentation of the alleged conduct, how the District received notice of the incident, and the District's response, including investigative steps, factual findings, conclusions as to whether harassment occurred, and steps taken to stop the harassment, prevent its recurrence, and address its impact.
5. Student Instruction. The District will provide recurring age-appropriate student instruction designed to increase awareness of what constitutes harassment based on race. The instruction will discuss the negative effects of such harassment and how students may seek redress for it.

By January 30, 2016, the District will provide OCR with evidence that it provided the requisite student instruction during the preceding semesters

6. Revisions to Complaint Procedures. The District will revise its complaint procedures to ensure the adequate, reliable, and impartial investigation and resolution of alleged incidents of racial harassment.

By October 31, 2015, the District will provide OCR with a draft of the proposed procedure. Within 30 days of OCR's approval, the District will make the procedure available on its website, and post it in prominent locations at its school sites. The District will disseminate the revised procedure to parents and staff in its next routine written notification to those stakeholders.

7. Parent/Guardian Outreach. The District will inform parents and guardians of students attending the School in writing of the District's prohibition of harassment, how to report harassment, the District's obligation to respond appropriately to notice of harassment, and the potential consequences and corrective action the District may take in response to harassment.

By September 30, 2015, the District will provide OCR with a draft of the proposed written notice. Within 30 days of OCR's approval, the District will issue the notice to parents of all students at the School and confirm to OCR that it has done so.

8. Tracking System. The District will establish a system to track reported instances of racial harassment and identify any patterns, including identifying students who are subject to

repeat harassment and students who are engaging in repeated harassment. The District may use its existing technology, if sufficient for this purpose.

By September 30, 2015, the District will inform OCR in writing of its proposed system. Within 10 days of OCR's approval, the District will begin implementing the system and confirm to OCR that it has done so.

9. Monitor. The District will continue to assign a monitor to observe the Student's interactions with his peers, intervene appropriately if s/he observes harassment/bullying of the Student, and report incidents to appropriate administrators for response. The District will provide the monitor with instruction on what constitutes bullying/harassment, including racial harassment. The monitor will be assigned for this purpose for the 2015-16 school year, unless the District and the Student's parents mutually agree otherwise.

On September 30, 2015 and January 30, 2016, the District will confirm to OCR that an aide is assigned for this purpose.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled its terms and is in compliance with Title VI and Section 504 and their respective implementing regulations. The District understands that OCR will close the monitoring of this Agreement after the District has provided documentation that it has complied with the terms of this Agreement. The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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 the regulations implementing Section 504 and Title VI.

Millbrae Elementary School District

By: \_\_\_\_\_/s/\_\_\_\_\_

Date: 09/08/2015