

Resolution Agreement
Chaffey Joint Union High School District
OCR Case No. 09-15-1359

In order to resolve the compliance concerns raised in the above-referenced complaint filed with 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 regulations, the Chaffey Joint Union School District (District) agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Definition of Harassment and Anti-Harassment Statement

- A. As used in this Agreement, the term “harassment” includes the use of derogatory language (including racial epithets), intimidation and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, postings on the Internet and social networking sites, text messages or voicemails, based on race, color, or national origin.
- B. The Superintendent and School Board will issue a statement to all XXX XXXX High School (“School”) students, parents and staff that will be sent via School Loop, posted in prominent locations at the School, and published on the District’s and School’s websites, stating that the District does not tolerate acts of harassment, including acts of harassment based on race, color, or national origin, by District or School staff, students or third parties. The statement will encourage any student who believes he or she has been subjected to harassment based on race, color, or national origin to report the harassment to the District, including appropriate contact information for reporting and a link to any complaint procedure utilized for investigating complaints, and note the District’s commitment to conducting a prompt investigation. The statement will state that staff and students found to have engaged in acts of harassment that create a hostile environment based on race, color, or national origin may be disciplined and provide that the District will take prompt action to stop harassment, prevent its recurrence, and address any harm to the student impacted and others in the school community. The statement will encourage students, parents and District/School staff to work together to prevent acts of harassment of any kind.
- C. Reporting Requirement:
 - 1. By March 24, 2017, the District will submit a draft of the statement to OCR for its review and approval. Within ten calendar days of receiving final approval from OCR, the District will provide OCR with documentation of its full implementation of Section I.B. of this Agreement, including a copy of the statement referenced in Section I.B., and evidence of its distribution in accordance with Section I.B.

II. Responses to Notices of Harassment

- A. The District will investigate Incidents One through Five (“Incidents”) (as described and referenced in the accompanying Resolution Letter) by reviewing all documents and information pertaining to these Incidents, and determining whether any responses or actions are needed to end the harassment, eliminate any hostile environment that may have been created, prevent its recurrence, and, where appropriate, remedy the effects of the harassment on the student who was harassed (and, as necessary, the School community). The District shall prepare a separate

investigative report and draft notice of outcome (which shall include its investigative findings, final determinations, any remedies and sanctions, as appropriate, and notices of its appeals procedures) for each Incident, for OCR's review and approval. Upon OCR's approval of each report and draft notice, the District shall issue a notice of outcome to each complainant.

B. Reporting Requirement:

1. Within 45 calendar days of the date of this Agreement, the District will provide OCR for review and approval a copy of each investigative report and draft notice, in accordance with Section II.A. of this Agreement. Within 15 calendar days of OCR's approval of each report and notice, the District shall issue a notice of outcome for each Incident, in accordance with Section II.A. of this Agreement.

III. Guidance Memorandum

A. The District will distribute a guidance memorandum to all District administrators and School staff, including campus supervisors and counselors, that includes the following:

1. An explanation of the District's obligation to comply with Title VI and its implementing regulations;
2. The definition and examples of racial discrimination and harassment, as well as the District's policy prohibiting racial discrimination and harassment (including a reference to the District's anti-harassment statement in Section I.B. above);
3. A statement that the District is responsible under Title VI for responding appropriately to reports of harassment based on race, color, or national origin, even if a written complaint is not filed;
4. An explanation of the steps School administrators, supervisors, and staff (including teachers and counselors) should follow if they learn of discriminatory harassment based on race, color or national origin (from School staff, parents, or students);
5. A description of the District's policy for processing, investigating and resolving discrimination and/or harassment complaints based on race, color or national origin, including a reference as to where individuals may locate a copy of the full policy; and
6. The name of the individual(s), by name or title, and contact information, responsible for compiling, receiving, and investigating reports of harassment and/or discrimination based on race, color or national origin.

B. Reporting Requirement:

1. By April 14, 2017, the District will submit a draft of the guidance memorandum required by Section III.A. to OCR for its review and approval, along with any Board Policies and Administrative Regulations that correspond with the memorandum. Within fifteen calendar days of OCR's approval of the draft guidance memorandum, the District will distribute the final version of the guidance memorandum to District and School administrators and staff, and provide documentation to OCR that it has distributed the memorandum.

IV. Training and Professional Development for District and School Staff

Harassment and Investigative Training

A. OCR will provide training to: 1) all District administrators; 2) School administrators and staff, including campus supervisors and counselors; and 3) any investigative staff at the District and the School on its policies and procedures prohibiting discrimination, including harassment based on race, color and national origin. OCR will work with the District to schedule the training within 60 days of the date on which the Agreement is signed. In each subsequent semester until July 31, 2019, the District will provide this training at the beginning of each semester no later than 45 days after the commencement of the student school year.

1. The training will include the following:
 - a. The definition and examples of racial discrimination and harassment, as well as the District's policy prohibiting racial discrimination and harassment;
 - b. A reference to the District's anti-harassment statement in Section I.B. above;
 - c. A statement that the District is responsible under Title VI for responding appropriately to reports of harassment based on race, color, or national origin, even if a written complaint is not filed;
 - d. A statement of District and School personnel's responsibility to report incidents of harassment, the procedures for doing so, and instructions on how to recognize, prevent, and respond appropriately to such reports;
 - e. The steps that School administrators, supervisors, and staff (including teachers and counselors) should follow if they learn of discriminatory harassment based on race, color or national origin (either by School staff, parents, or students); and the name of the individual(s), by name or title, and contact information, responsible for compiling, receiving, and investigating reports of harassment;
 - f. A description of the District's policy for processing, investigating and resolving discrimination complaints based on race, color or national origin, including a reference as to where individuals may locate a copy of the full policy;
 - g. A statement that a student or parent/guardian who has reported alleged incidents of harassment on the basis of race, color, or national origin should be notified of their right to file a complaint in accordance with existing District policies;
 - h. A description of the circumstances under which complaints of harassment based on race, color, or national origin are to be referred directly to the District level for processing, investigation, and/or resolution;
 - i. A description of the process that the School should use to notify the District of the reports or complaints of discrimination based on race, color or national origin, if any, that it has received;
 - j. Instructions on how to conduct and document reliable and impartial investigations of alleged discrimination, including harassment based on race,

color, or national origin, including a description of the records that School staff and/or administrators should maintain to document the processing, investigation and resolution of discrimination complaints or reports;

- k. Guidance on how and when the School should take steps to notify the students, parents or guardians who report alleged incidents of discrimination based on race, color or national origin of the outcome of the investigation of the reported incident;
- l. A description of the steps the District will take in response to any harassing behavior discovered, including actions to ensure that the offending student(s) understands the seriousness of the alleged offense, and where applicable, progressive disciplinary steps; and
- m. Designation of a knowledgeable individual at the District Office to serve as a resource for any School administrators or staff members who have questions or concerns as to the processing, investigation or resolution of a complaint of race, color or national origin.

B. Reporting Requirement:

- 1. By April 28, 2017, and annually by the same date in each subsequent semester until July 31, 2019, the District will identify an individual with relevant experience to conduct this training and provide the name, title and qualifications of this individual (except in the current school year where OCR will provide the training) and a copy of the agenda and training materials, for OCR's review and approval.
- 2. Within 30 calendar days of OCR's approval of the training materials and the individual identified to conduct the training, the District will provide OCR with documentation demonstrating that the training referenced in Section IV.A. of this Agreement has been completed. The documentation is to include the date(s) of training, the names of the trainer(s), a list of the staff participants, and a summary of the content/training materials distributed.

Cultural Competency and Implicit Bias Training

- C. By March 30, 2017, the District will develop a plan, for OCR's review and approval, to ensure that all District administrators and all School administrators, supervisors, and staff, including faculty advisors/supervisors of the School's National Honor Society ("NHS") and Yearbook, are provided with professional development on the cultures, customs and traditions of the School's student body and with respect to implicit bias and strategies for addressing it. The plan will include the proposed trainers, their qualifications and the proposed materials to be used. The District will provide the professional development to all District administrators and the School's administrators, and all School staff by July 31, 2017, and again by the same date in subsequent years until July 31, 2019.

D. Reporting Requirement

By August 15, 2017, and again by the same date in the subsequent years until August 31, 2019, the District will provide OCR with documentation demonstrating that the professional

development has been completed. The documentation is to include the dates of delivery, the names of the trainer(s), a list of the staff participants, and a summary of the content/training materials.

V. The School's Yearbook Approval Process

A. The District will revise the School's Yearbook approval process to include the following:

1. Prior to final approval of the Yearbook, the School's Yearbook advisor will review the names of all students listed in the Yearbook to ensure accuracy and completeness.
2. With respect to student clubs, sports, and other groups at the School (including the School's NHS), the Yearbook advisor will provide a rough draft of the relevant Yearbook pages to the appropriate School official/advisor for that respective club, sport, or group for approval. Once the respective School official approves the rough draft, the rough draft will be presented to the School's Yearbook advisor for final approval.
3. Upon completion of his/her review, the Yearbook advisor will approve the final version of the Yearbook.

B. Reporting Requirement:

1. By April 30, 2017, the District shall submit the School's current 2016-2017 Yearbook approval process; and the School's proposed Yearbook approval process for subsequent school years, for OCR review and approval. Beginning with the 2017-2018 school year, the District will implement the Yearbook approval process within 30 calendar days of receiving final approval from OCR. By May 30, 2017, and annually by the same date in each subsequent school year until July 31, 2019, the District shall provide documentation demonstrating the implementation of this approval process.

VI. Information and Training for Students

Anti-Harassment Information Sessions and Training

A. During the 2016-2017 school year, OCR will provide information sessions on harassment based on race, color and national origin to designated student groups, including the NHS and Yearbook, among others. OCR will work with the District to designate these student groups and schedule these information sessions within 75 days of the date on which the Agreement is signed. With respect to the 2017-2018 school year, OCR will provide these information sessions to all School students by October 15, 2017.

1. For the 2018-2019 school year, the District will provide this training to all School students by October 15, 2018.

B. Reporting Requirement:

1. By June 2, 2018, the District will provide OCR with the District's proposed harassment training materials for the 2018-2019 school year, proposed method for providing the training, and the proposed trainers for review and approval. The District will provide this training for the 2018-2019 school year to all Student students by October 15, 2018.

2. Within 10 calendar days after completing this training, the District will provide OCR a report that includes documentation that demonstrates the training occurred, including sign-in sheets, and a copy of the final materials used by the District in the training.

NHS Student Member Training

- C. By May 30, 2017, the District will provide training, by a person with appropriate expertise, to the School's NHS student members regarding the genesis and nature of implicit bias and how these factors impact decision-making.

D. Reporting Requirement:

1. Within 30 days of the execution of this Agreement, the District will provide a written description of the proposed training described in Section VI.C. above to OCR for review and approval. This description is to include the name and qualifications of the proposed trainer. Within 30 calendar days of receiving the final approval from OCR of the training, the District will conduct this training. Within 15 calendar days after the completed training, the District will provide OCR a report that includes documentation demonstrating the training occurred, including sign-in sheets, and a copy of the final materials used by the District in the training.

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

Climate Survey

- A. The District has conducted a climate survey for the 2016-2017 school year. With respect to subsequent school years (beginning with the 2017-2018 school year), the District will conduct a climate survey, which will be used on an annual basis during the effective period of the Agreement for School students and staff, to assess the educational environment being provided for School students and the presence and effect of harassment based on race, color, or national origin within the School. This climate survey should, among other things, solicit input from School students and staff regarding strategies for improving cultural awareness, preventing harassment and discrimination on campus, and identifying School staff members who students feel comfortable reporting race-based discrimination and harassment complaints to. The District will work with individuals who have experience developing and implementing such climate surveys and analyzing the results. The climate survey may be accomplished through written or electronic surveys, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person.

B. Reporting Requirement:

1. By July 15, 2017, the District shall provide to OCR a summary of the results of the 2016-2017 climate survey; and an explanation of how the District intends to address the results of the survey for OCR's review and approval.
2. By May 30, 2017, the District shall submit the proposed School climate survey it intends to use for subsequent school years (beginning with the 2017-2018 school year) to OCR, along with an explanation of how the District intends to implement the school climate survey, for OCR's review and comment. By January 31, 2018, and annually by the same date in each subsequent school year until July 31, 2019, the District will conduct the survey at the

School. By July 15, 2018, and annually by the same date in each subsequent school year until July 31, 2019, the District shall provide a summary of the results of the survey to OCR, and an explanation of how the District intends to address the results of the survey, for OCR's review and approval.

Monitoring Program of Anti-Harassment Efforts

C. The District will develop a monitoring program to annually assess the effectiveness of its harassment-prevention efforts at the School. The District will submit, for OCR's review and approval, the proposed monitoring program and an explanation of how the District intends to implement it. At the conclusion of each school year, including for beginning in the 2017-2018 school year, the District will conduct an annual assessment of the effectiveness of its harassment-prevention efforts. The District will designate, for OCR review and approval, an individual to implement the monitoring program and prepare these annual assessments ("Monitoring Program Designee"). Such assessment shall include:

1. Documentation demonstrating the creation, implementation, and maintenance of a system used to track written and oral complaints of race, color, or national origin discrimination;
2. Results from the climate survey described in Section VII.A. of this Agreement, other student and parent surveys, and at least one public meeting (open to students, parents, and School staff) to identify student, parent, and staff concerns and to determine where and when harassment on the basis of race, color or national origin occurs;
3. A copy of all written reports and a written narrative describing all oral reports of incidents involving allegations of harassment based on race, color, or national origin at the School (including all documents and correspondence relating to these written and oral reports); and all documentation relating to the District's/School's responses to these reports (including any documents related to the investigations of these reports, including e-mails, notes, letters, interviews, investigative reports, and all corrective actions taken to address and prevent the recurrence of harassment). This documentation should also include any remedial efforts offered and provided to the victim of the harassing incidents, such as counseling, tutoring or other appropriate services;
4. Evaluation and analysis of the data collected, including an assessment of whether the reported incidents of harassment have increased or decreased in number and severity; and
5. Proposed recommendations for improvement to the District's anti-harassment program and timelines for the implementation of the recommendations.

D. Reporting Requirements:

1. By July 15, 2017, the District will provide OCR with the identification and qualifications of the Monitoring Program Designee, for OCR's review and approval. By September 30, 2017, the District will provide OCR with its proposed monitoring program (including an explanation of how the District intends to implement the program), for OCR's review and approval.

2. By October 30, 2017, the District will provide OCR with a report and supporting documentation demonstrating that the monitoring program referenced in Section VII.C. has been established.
3. By July 15, 2018, and annually by the same date in each subsequent school year until July 31, 2019, the District will provide OCR, for OCR's review and feedback, with documentation of the annual assessment conducted in accordance with Section VII.C. of this Agreement. The report will include the results of the annual assessment, proposed recommendations for improvement to the District's anti-harassment program, and timelines for the implementation of the recommendations.

VIII. Technical Assistance for School Parents and Guardians

- A. The District, in conjunction with OCR, will provide technical assistance to School parents and guardians to include information about OCR's jurisdiction, Title VI and its regulations, and the District's obligations to provide a harassment-free environment on the basis of race, national origin, and color. This technical assistance will also include an explanation of the District's commitments under this Agreement and the identification of the District personnel designated to implement the same. The District will work with OCR to schedule the training for parents and guardians at the School within 75 days of the date on which this Agreement is signed.

IX. Monitoring

The District understands that OCR will not close the monitoring of this Agreement until such time that OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulation, at 34 C.F.R. §§ 100.3(a) and (b)(1) and (2), at issue in this matter.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this Agreement, OCR may visit the District, interview staff and students and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with Title VI and its implementing regulation, which were at issue in this 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 shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent
Chaffey Joint Unified High School District

Date 03/10/2017