

Resolution Agreement
Long Beach Unified School District
OCR Case No. 09-16-1258

In order to resolve the finding of non-compliance made by the U.S. Department of Education, Office for Civil Rights (OCR), in the investigation of the above-referenced complaint filed against the Long Beach Unified School District (District) pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulation, 34 C.F.R. Part 100, the District agrees to take the actions in this Resolution Agreement (Agreement).

I. Individual Remedies

- A. The District will send a letter to the Complainant and the Student highlighting its policies and procedures to ensure an educational environment free from discrimination for all of its students. The letter will:
1. State that discrimination, including harassment on the basis of race, color and national origin is prohibited and will not be tolerated;
 2. Identify the individual by position, and provide contact information, who the Complainant and Student should notify if any future incidents or concerns regarding discrimination occur;
 3. Identify a District certificated counselor with whom the Student can meet regularly, or as needed. The District will provide the name and contact information of the counselor to the Student and his parents.
 4. Summarize the steps the School is taking, and will continue to take, to ensure that it fosters and facilitates an educational environment free from discrimination for all its students;
 5. Include as an attachment a copy of the Anti-Harassment Statement referenced in Section II. below.

II. Anti-Harassment Notice

- A. The District will notify all parents/guardians, employees, and students at the XXXXXXXX XXXXXX XXXXXX (School), that the District does not tolerate harassment, including acts of harassment based on race, color, or national origin. The notice will:
1. Encourage any student or parent who believes he or she has been subjected to harassment to report the incident(s) to the District and note the District's commitment to conducting a prompt, adequate, and reliable investigation and providing an effective response to stop the harassment, prevent its recurrence and address its effects.
 2. Identify the individual(s) responsible for investigating complaints of harassment, provide information about the District's Uniform Complaint Process (UCP), which outlines the UCP process including time frames for completion of investigations and notice to complainants, and corrective actions such as counseling, training, and/or discipline of a student or employee as appropriate.

3. State that retaliation is prohibited and that allegations that students and/or employees have retaliated against individuals who report harassment will be promptly investigated and addressed.
- B. The statement will be posted on the School's web site and disseminated by email to School staff and parents/guardians at the School, unless a parent/guardian has not provided an email address, in which case it will be disseminated by mail.

III. Written Guidance

- A. The District will issue a written guidance memorandum to School staff which will, at minimum, include the following components:
1. A statement setting forth the District's commitment to a harassment-free environment;
 2. A general overview of Title VI, including how the law's nondiscrimination provisions apply to students;
 3. An explanation of the District's Title VI policies and procedures, including what constitutes racial harassment, the role of any designated compliance officer, and corrective or disciplinary actions related to findings of violations of the District's harassment policies and procedures, including the District policy prohibiting retaliation and intimidation;
 4. An explanation of what staff should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment;
 5. The names and contact information for the designated employee(s) to whom students or others may report allegations of harassment;
 6. Information regarding where staff can find the District's harassment policies and procedures; and
 7. Information about OCR and its authority to enforce Title VI.

IV. Training of District/School Personnel and Students

- A. The District will provide training to a representative of each District level office and School administrators, including the Principal, Assistant Principal and Counselor, who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment on the basis of race, color, or national origin, including principals, vice principals, compliance officers, counselors and personnel likely to receive reports of harassment. OCR is available, upon request, to conduct on-site training to meet this requirement. The training will provide instruction on:
- a. Prohibited conduct;
 - b. The District's policies and procedures for resolving reports and complaints of harassment on the basis of race, color, or national origin;
 - c. The duty of all employees to report alleged harassment promptly;
 - d. Instruction on appropriate follow-up and communication with students and parents/guardians;

- e. How to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations, and
 - f. Confidentiality and anti-retaliation requirements.
- B. The District will train the School administrators to provide age-appropriate, training for all students at the School in the 2017-2018 school year on race, color, and national origin discrimination. The student training will include examples of prohibited conduct, including harassment in various school-related contexts. The School will continue to provide age-appropriate annual learning opportunities for all students at the School on the District's harassment policies and procedures related to Title VI, including prohibited conduct.

V. Climate Surveys

The District will administer a school climate assessment to staff, students, and parents/guardians at the School to evaluate the climate at the School with respect to race and the extent to which the survey respondents are subjected to or witness race-based harassment. Participation in the survey by students will be voluntary, and the survey will be conducted in a manner consistent with applicable law. The survey shall specifically inquire about the experience, knowledge, and perceptions of employees, students, and parents/guardians about the climate at the School with respect to race, color, or national origin, and will assess whether employees, students, and parents/guardians have sufficient information about the District's anti-discrimination policies and are able to find the appropriate resources when necessary. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law. The District will analyze the results of the assessment and provide a proposed plan of action(s) to OCR to address any concerns identified.

VI. Maintenance of Data

- A. The School will maintain documents relating to complaints of racial harassment of students at the School, including those complaints that are filed through the District's UCP and reported informally, or confidentially pursuant to the District's Board Policies BP 5145.3, 5145.9, 1312 and/or observed or witnessed directly by a staff member at the School. The documentation will include the following:
 - 1. A copy of all reports, of incidents involving allegations of racial harassment;
 - 2. A narrative of all actions taken in response to the reports by District personnel, including any written documentation;
 - 3. A copy of any and all corrective or disciplinary actions issued to students or employees for violations of the harassment policies and procedures;
 - 4. Documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - 5. A narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

6. The information contained in VI.A will be sent to the District at the end of each school year.
- B. The District will provide OCR with documentation of any reports or complaints of racial harassment toward students at the School during the 2017-2018 school year. The documentation will include the data described in VI.A.1-5. If OCR identifies compliance concerns with respect to the aforementioned documentation, OCR will provide technical assistance to the District regarding those concerns.

VII. Monitoring and Reporting

A. Individual Remedy

1. Within 30 days after this agreement is signed, the District will submit documentation to OCR confirming that it has written and sent the letter to the Complainant and Student as described in Section I.A above.
2. Within 30 days after this agreement is signed, the District will submit documentation to OCR confirming that it has notified Complainant of the availability of school counselors as described in Section I.A.3 herein.

B. Anti-Harassment Statement

By January 15, 2018, the District will submit to OCR for its review and approval a draft of its anti-harassment statement. Within 30 calendar days of receipt of notice of OCR's approval, the District will submit to OCR documentation that the statement has been sent to all employees, students and parents/guardians at the School. The documentation shall include a copy of the statement, a description of the means by which it was disseminated (email or postal mail), and a link to the statement on the District's website.

C. Written Guidance

By January 15, 2018, the District will submit a draft of the guidance memorandum on the District's harassment policies and procedures to OCR for review and approval. The District will finalize the guidance memorandum within 30 days of receiving OCR's comments.

D. Training

1. District/School Personnel

- a. By February 15, 2018, the District will provide OCR with draft training materials and the qualifications of the individuals providing the training required under Section IV.A for OCR review and approval.
- b. By March 1, 2018, the District will provide training to all District administrators and all School administrators, teachers, and staff as required under Section IV.A.
- c. By April 1, 2018, the District will provide OCR with documentation that it has provided training on the District's harassment policies and procedures as required under Section IV.A. The documentation will include the dates of the training, the names and titles of the trainer(s), a copy of any materials used or

distributed during the training, and a list of District/School employees who attended the training, along with a plan to provide the training to any employees who did not attend the training.

2. Students

- a. By January 15, 2018, the School will provide OCR with draft training materials and the qualifications of the individuals providing the training required under Section IV.B for OCR review and approval.
- b. By March 1, and June 1, 2018, the District will provide training to all students at the School as required under Section IV.B.
- c. April 1, and June 30, 2018, the School will provide OCR with documentation that the School has provided training as required under Section IV.B. The documentation will include the dates of the student trainings, the names and titles of the trainer(s), a copy of any materials used or distributed and the grades and number students who participated.

3. 2018-2019 School Year

The District will submit the materials, trainer qualifications and documentation of training completion for the 2018-2019 school year for both the personnel training and the student orientations by July 1, 2019.

E. Climate Survey

1. Within 90 days of the date this agreement is signed, the District will submit a draft plan for School climate assessments for OCR review and approval. The draft plan will include an assessment timeline, the staff, student, and parent survey instrument, and a description of how the assessment will be conducted and data reviewed.
2. By April 18, 2018, and approval of the plan for school climate assessments, the District will provide OCR with documentation of the administration of the School climate assessment. The documentation will include, at a minimum, the date(s) the survey was administered, the survey results, the District's analysis of the survey results, and the proposed responsive actions the District took or will take to remedy the school climate, if necessary, for OCR review and approval.

F. Reporting Requirements

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

By July 1, 2018 and by July 1, 2019, the District will provide to OCR copies of the documentation of any complaint or other report of racial harassment toward any student at the School for the respective 2017-2018 and 2018-2019 school years.

G. Enforcement of this Agreement

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 the regulations implementing Title VI, at §§100.3(a) and (b)(i)-(iii), and Title IV, 42 U.S.C. § 2000c et seq., which were at issue in this case. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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

____11/07/2017_____

Date