

Resolution Agreement
Gilroy Unified School District
OCR Case No. 09-17-1293

In order to resolve the compliance concerns raised in the investigation of the above-referenced complaint by the U.S. Department of Education, Office for Civil Rights (OCR) under Title VI of the Civil Rights Act of 1964 (Title VI), the Gilroy Unified School District (District), agrees to take the actions outlined in this Resolution Agreement (Agreement).

I. Training to Prevent Harassment Based on Race, Color, and National Origin

- A. By March 30, 2018, the District will develop and provide to OCR a plan to provide age-appropriate training to all students in the XXX XXXXXX Elementary School and XXXXX XXXXXX Middle School during the 2017-2018 academic year. The training will be designed to address and prevent harassment and discrimination based on race, color, and national origin. The plan will identify the training, trainers, and timeline for providing the training. The District agrees to provide the training within 30 days of OCR's approval.
- B. By August 30, 2018, the District will conduct mandatory training for staff and administrators at XXX XXXXXX Elementary School and XXXXX XXXXXX Middle School who have responsibility for investigating or supervising the investigation of complaints of discrimination or harassment based upon race, color, or national origin. The training will include a review of the District's relevant policies and procedures for responding to complaints. Within 60 days of the execution of this Agreement, the District will provide OCR with the names/titles of the individuals conducting the training and the training materials for OCR approval. Within 30 days of the completion of the training, the District will provide OCR with details about the training including where and when it was held, who conducted it, the names and titles of those attending, and a plan for providing the training to any individuals who were required but not able to attend.

II. Written Guidance

- A. The District will issue a written guidance memorandum to the staff at XXX XXXXXX Elementary School and XXXXX XXXXXX Middle School which will, at minimum, include the following components:
 - 1. A statement setting forth the District's commitment to an environment free from harassment and discrimination based on race, color, and national origin;
 - 2. A general overview of Title VI, including how the law's nondiscrimination provisions apply to students;

3. An explanation of the District's policies and procedures that prohibit discrimination, including what constitutes racial harassment, the role of any designated compliance officer who investigates discrimination complaints, 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 based on race, color, or national origin, 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 based on race, color, or national origin;
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.

B. By March 30, 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 and distribute the guidance memorandum within 30 days of receiving OCR's approval.

III. Individual Remedy

A. Final Written Decision

By March 30, 2018, and consistent with the District's Administrative Regulation 1312.3, the District will provide the Complainant with notice describing its investigation of her complaints on February X, 2017 and September XX, 2017, including 1) whether there was a determination that race-based discriminatory harassment occurred based on the alleged incidents and any others reported to the District, and if so, 2) the corrective actions imposed on the responding students and any individual remedies offered or provided to the Student (e.g., counseling). The notice should also include 3) whether the District determined that a hostile environment was created, the basis for this determination, and if appropriate, the measures the District has taken to eliminate a hostile environment, redress the discrimination and prevent its recurrence. The notice should include information about any appeal rights that would be available to other students alleging discrimination or harassment on the basis of race, color or national origin under the District's policies and procedures.

B. Student Support Meeting

By March 30, 2018, the District will contact the Complainant and offer to hold a Student Support Meeting with her to address her concerns related to notification of the outcome

of her February X, 2017 and September XX, 2017 complaints to the District that the Student was subjected to race-based harassment. If the Complainant requests to have a Student Support meeting, the District agrees to hold it within 30 days.

C. Designation of Staff Support Person

By March 1, 2018, the District will designate a Staff Support Person to serve as a point of contact for the Complainant and Student regarding any future concerns of peer-to-peer harassment, race-based discrimination, or other related issues. The Staff Support Person will be located at XXXXX XXXXXX Middle School unless the Complainant requests otherwise, and will contact the Complainant and/or Student to introduce themselves and provide contact information and will meet no less frequently than monthly with the Complaint and/or Student, unless the Complainant and/or Student so request fewer meetings.

IV. Monitoring

The District understands that OCR will not close the monitoring of this agreement until OCR determines that the recipient has fulfilled the terms of this agreement and is in compliance with Title VI and its implementing regulations, which were at issue in this case.

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 and its implementing regulations, 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) days to cure the alleged breach.

_____/s/_____

Deborah Flores, Ph.D.
Superintendent, Gilroy Unified School District

____02/26/2018_____

Date