

Resolution Agreement
Riverside Unified School District
OCR Case No. 09-17-1309

In order to resolve the allegations in the above-referenced complaint filed with the U.S. Department of Education, Office for Civil Rights (OCR), pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulation, the Riverside Unified School District (District) agrees to take the actions in this Resolution Agreement (Agreement).

I. Individual Remedy

- A. The District will ensure that the Student has access to up to twenty-five (25) hours of counseling sessions with a licensed psychologist or therapist approved by the Complainant. If the provider approved by the Complainant is not an employee of the District, the maximum amount to be reimbursed by the District to the Complainant for these services is \$50 an hour, conditioned on reasonable proof of expenditure by or on behalf of Student. These sessions are to be held between the date on which this agreement is signed and September 1, 2018. Any hours unused by the Student as of September 1, 2018 shall be forfeited.
- B. The District will ensure that the Student has access to up to twenty-five (25) hours of tutoring sessions with an academic tutor approved by the Complainant. If the provider approved by the Complainant is not an employee of the District, the maximum amount to be reimbursed by the District to the Complainant for these services is \$35 an hour, conditioned on reasonable proof of expenditure by or on behalf of Student. These sessions are to be held between the date on which this agreement is signed and September 1, 2018. Any hours unused by the Student as of September 1, 2018 shall be forfeited.

II. Anti-Harassment Statement

The District will issue an anti-harassment statement to all parents, guardians, employees, and students at XXXX XXXX School (the School), as set forth in Exhibit 1 to this Agreement. The statement will be disseminated to the aforementioned individuals via electronic mail or postal mail and posted on the School's web site.

III. Written Guidance and Training for Staff and Students

- A. The District will issue a written guidance memorandum and facilitate training for all faculty and staff at the School on the District's harassment policies and procedures. The training will be provided by someone who is knowledgeable about the requirements of Title VI and about the District's procedures for responding to complaints of harassment. The guidance memorandum and training will, at minimum, include the following:
 - 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 the designated compliance

officer(s), 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. the existence of OCR and its authority to enforce Title VI.

B. The District will provide training to all School administrators and other District employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment, arising from the School, on the basis of race, color, or national origin. The training will review the District's harassment policies and procedures and include instruction on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations. The training will be provided by someone who is knowledgeable about the requirements of Title VI and about the District's procedures for responding to complaints of harassment.

C. At least twice prior to December 31, 2018, with at least one session occurring during the 2017-18 school year, the District will provide sessions for all students at the School addressing discrimination based on race, color, or national origin, and examples of prohibited conduct, including harassment, in school-related contexts. These sessions will also include information about how to report incidents of harassment.

IV. Investigation

The District will complete an investigation into the following allegations made by the Complainant and the Student: 1. That members of XXX XXXXXXXXX team referred to Student by the nickname "Hershey" based on the color of his skin; 2. That members of XXX XXXXXXXXX team chanted "build that wall" which was perceived by Student as a slur based on race, ethnicity or national origin; 3. That after a racial slur appeared on XXX XXXXXXXXX XXXXXX, other members of XXX XXXXXXXXX team made statements to the Student in the team room that "it is obvious that someone doesn't want you here" and joked that he should "go back to Africa." At the completion of that investigation, the District will take additional action beyond the steps required above, if any are necessary, that is reasonably calculated to eliminate any hostile environment that may have been created on the basis of race, prevent the recurrence of harassment that would create a hostile environment, and remedy the effects of any hostile environment created by such harassment. After the investigation is completed, the District will submit a plan for OCR review and approval regarding what additional steps, if any, which the District proposes to take.

V. Monitoring and Reporting

A. Individual Remedy

Within 30 days after this agreement is signed, the District will submit documentation to OCR confirming that it has contacted the Complainant regarding the District's responsibilities for tutoring and counseling sessions described in Section I. By October 1, 2018, the District will provide documentation to OCR confirming that the tutoring and counseling sessions took place and/or that they were forfeited. If Complainant elects to utilize a provider that is not an employee of the District, records showing Complainant's requested reimbursement and District reimbursements are sufficient to satisfy the foregoing requirement.

B. Anti-Harassment Statement

Within 30 calendar days of the date of this Agreement, the District will submit to OCR documentation that the statement referenced in Section II has been sent to all students, parents and employees. The documentation shall include a copy of the statement, a description of the means by which it was disseminated, and a link to the statement on the School's website.

C. Written Guidance and Training/

1. By January 31, 2018, the District will submit a draft of the guidance memorandum described in Section III.A to OCR for review and approval. By that date, the District will also provide OCR with draft training materials and the qualifications of the individuals providing the training required under Section III.A and III.B, for OCR review and approval. Within 90 days of OCR review and approval, the District will provide OCR with documentation that it has issued the guidance memorandum and provided the training required under Section III.A and III.B. The documentation of the training 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 employees who attended the training.
2. By March 30, 2018, the District will provide OCR with the documentation or other materials the District plans to use for the student sessions described in Section III.C, for OCR review and approval. By December 31, 2018, the District will provide OCR with documentation that it has provided the student sessions described in Section III.C. The documentation will include the dates of the sessions, the names and titles of the individuals who led the sessions, and a copy of any materials used or distributed during the sessions.

D. Investigation

By February 28, 2018, the District will submit documentation to OCR of the findings from the investigation described in Section V, for OCR review and approval. That plan will include timelines for any future steps described in the plan. Within 30 calendar days of the full implementation of the plan, the District will submit to OCR documentation showing that the plan has been fully implemented.

E. Reports of Harassment

By July 31, 2018, 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 from January 1, 2018 through the end of the 2017-2018 school year, including the School or District's

response to the complaint or report. If OCR identifies concerns regarding how the School or District has responded to the complaints, OCR will provide technical assistance to the District.

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, at 34 C.F.R. Part 100, which were specifically at issue in the Complaint. 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) days to cure the alleged breach.

_____/s/_____
Timothy R. Walker
Assistant Superintendent
Pupil Services/Special Education Local Plan Area

11/17/2017
Date

Exhibit 1

[School Logo/Letterhead]

To All Students, Parents, Guardians and Staff of XXXX XXXX School,

This notice is being sent to emphasize that the Riverside Unified School District and XXXX XXXX School do not tolerate harassment, including acts of harassment based on race, color, or national origin.

Any student or parent who believes he or she has been subjected to harassment is encouraged to report the incident(s) to the District. The District Superintendent has delegated responsibility for investigating complaints of harassment to the following Senior Administrator:

[Name], [Title]
5700 Arlington Avenue, Riverside CA 92504
951-352-1200

The District is committed to conducting a prompt investigation.

Claims of harassment and discrimination are investigated according to Uniform Complaint Procedures. (See Board Policy and Rules and Regulations 1312.3 & 5145.3.) All such complaints will be investigated and notice provided to complainants of the District's determination within 60 calendar days of the District's receipt of a complaint, unless the complainant agrees in writing to an extension of the timeline.

The District will take appropriate corrective or disciplinary actions when it is found that individuals have engaged in harassment. Such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The District's corrective action will be reasonably calculated to end the harassment, eliminate any hostile environment that has been created, prevent its recurrence, and, where appropriate, remedy the effects of the harassment on the student who was harassed.

Retaliation against any person making a report of harassment or participating in an investigation of a complaint of harassment is strictly prohibited. Allegations that students and/or employees have retaliated against individuals who report harassment or participate in an investigation of alleged harassment will be promptly investigated and appropriately addressed.