

Resolution Agreement
Alpine Union Elementary District
Case No. 09-17-1537

In order to resolve the findings 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 Alpine Union Elementary School District (District) pursuant to Title VI of the Civil Rights Act of 1964 (Title VI), at 42 U.S.C. §§ 2000d-2000d-7, and its implementing regulation, at 34 C.F.R. Part 100, the District agrees to take the actions described in this Resolution Agreement (Agreement).

A. Student: Within 20 days of the full execution of this Agreement and approval by District's Board, the District will send a written offer to the Student's parent(s) to provide or pay for the cost of 25 hours of counseling and/or educational tutoring services (at the election of the Student's parent(s)) to address the effects of the District's failure to provide an appropriate and effective response to notice of racial harassment, to be completed by June 30, 2022. These services may be provided by a service provider (including a qualified District staff member or a qualified outside provider) selected by the Student's parent(s). The maximum amount to be paid by the District for these services is \$175 per hour. These services may be provided online, and the Student's parent(s) may elect to delay the delivery of such services until in-person services may be provided, but all such services (in-person or online) must be completed by June 30, 2022 or they will be forfeited. The written offer will inform the Student's parent(s) that they may delay delivery of such services if they prefer in-person services (although if in-person services remain unavailable due to COVID-19, virtual services will be provided prior to June 30, 2022) and it will include a request that the parent(s) inform the District within 45 days of receipt of the written offer, of the amount of hours they elect for counseling and for academic tutoring, not to total more than 25 such hours, and the name of the service provider(s) selected. After receiving this information from the parent(s), the District will coordinate with the Student's parent(s) and service provider(s) to develop a schedule for service delivery and to arrange for payment. The provider(s) and service schedule shall be finalized within 20 days of the District's receipt of the parent(s) service hour and provider election.

B. Reporting Requirements:

1. Within 5 days of issuing (via electronic mail and first class mail) the written offer for services described above, the District will provide a copy of the offer to OCR.
2. Within 5 days of finalizing the service provider(s) and service schedule, the District will provide this information to OCR.
3. By January 15, 2022, the District will provide OCR with a log describing the services provided through December 31, 2021 (Log). The Log shall include the following information: the dates, times and locations that services were provided, and the name(s) of the service provider(s). In the event that the Student does not access the services, the District shall provide OCR with documentation showing the availability of the services in lieu of the Log.

4. If applicable, by July 15, 2022, the District will provide OCR with a Log describing the services provided between January 1, 2022 and June 30, 2022. The Log shall include the following information: the dates, times and locations that services were provided, and the name(s) of the service provider(s). In the event that the Student does not access the services, then the District shall provide OCR with documentation showing the availability of the services in lieu of the Log.

C. District Anti-Harassment Statement: The District will issue a written statement to all District parents/guardians, employees, and students, stating that the District does not tolerate bullying or harassment, including specifically acts of bullying or harassment based on race, color, or national origin. The statement will include the following:

1. encourage any student or parent who believes he or she has been subjected to harassment based on race, color, or national origin, or who has witnessed such 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 such harassment, prevent its recurrence and address its effects;
2. identify the individual(s) responsible for investigating reports of harassment based on race, color, or national origin, provide information about the District's Uniform Complaint Process (UCP), including the time frames for completion of such investigations and notice to complainants, and the appropriate corrective actions for individuals who engage in harassment, including, counseling, training, and/or discipline of a student or employee; and,
3. state that retaliation for reporting harassment based on race, color, or national origin is prohibited and that allegations that students and/or employees have retaliated against individuals who report harassment will be promptly investigated and addressed.

The District will post the statement on the District's web site and disseminate it by email to School staff and parents/guardians in the District, unless a parent/guardian has not provided an email address, in which case it will be disseminated by mail.

D. Reporting Requirements:

1. Within 20 days of the full execution of this Agreement and approval by District's Board the District will provide OCR with a draft of the anti-harassment statement described above.
2. Within 5 days of approval from OCR, the District will provide OCR with documentation that it has issued the statement.

E. Written Guidance for District and Site Employees: The District will issue a written guidance memorandum regarding the District's obligations under Title VI to ensure equal treatment of

all students on the basis of race, color, or national origin to appropriate District and site employees, including all District administrators and staff responsible for overseeing or responding to complaints of discrimination and/or harassment on the basis of race, color, or national origin (including through the District's Uniform Complaint Procedure), as well as all site administrators teachers, counselors, and other staff who regularly interact with students. The written memorandum will, at minimum, include the following components:

1. a statement setting forth the District's commitment to an environment free from discrimination, including harassment based on race, color, or national origin;
2. an 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 (student-student and employee-student), the role of the District's Coordinator for Nondiscrimination, 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. a description of what staff should do if they believe students have been subjected to harassment on the basis of 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. where staff can find the District's Title VI harassment policies and procedures; and,
7. information about OCR and its authority to enforce Title VI.

F. Reporting Requirements:

1. By March 30, 2021, the District will provide, for OCR review and approval, a draft of the written guidance described above for District and site employees.
2. Within 20 days of OCR approval, the District will provide OCR with documentation that it has distributed the written guidance as described above.

G. Training of District Personnel: The District will provide annual training to appropriate District administrators and School site administrators and staff who supervise the investigation of, or are directly involved in processing or resolution of complaints or other reports of harassment on the basis of race, color, or national origin, and personnel likely to receive reports of harassment, including principals, vice principals, compliance officers, and counselors. OCR is available, upon request, to conduct on-site training to meet this requirement. The training will provide instruction on:

1. prohibited conduct;
2. the District's policies and procedures for investigating and resolving reports and complaints of harassment on the basis of race, color, or national origin;
3. the duty of all employees to report alleged harassment on the basis of race, color, or national origin promptly;
4. appropriate follow-up and communication with students and parents/guardians;
5. how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations; and,
6. confidentiality and anti-retaliation requirements.

H. Reporting Requirements:

3. By March 30, 2021, the District will provide OCR with documentation that it has completed the training described above for the 2020-2021 school year. This documentation shall include the name and qualifications of the trainer(s), a copy of the training materials, and a list of attendees.
4. By September 15, 2021, the District will provide OCR with documentation that it has completed the training described above for the 2021-2022 school year. This documentation shall include the name and qualifications of the trainer(s), a copy of the training materials, and a list of attendees.

I. Student Training: The District will develop a plan to provide ongoing anti-discrimination training for students. The District will provide age-appropriate training for all students at the School at least one time in the 2020-2021 school year and at least two times during the 2021-2022 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 District will also provide annual mandatory orientation sessions for all students at the School on the District's harassment policies and Title VI policies and procedures, including the topics described above in Provision I as are relevant to students.

J. Reporting Requirements:

1. By March 30, 2021, the District will provide OCR with a draft plan for antidiscrimination training at the School for the remainder of the 2020-2021 school year, and for the 2021-2022 school year. The plan will identify the training selected and explain how it specifically focuses on antidiscrimination, including on the basis of race, color, or national origin, and will explain how it will be effectively integrated into ongoing District and site activities. Within 30 days of approval from OCR, the District will begin implementation.
2. By July 30, 2021, the District will provide OCR with documentation that it has completed the antidiscrimination student training described above for the 2020-2021 school year. This documentation shall include the name and qualifications of the trainer(s), a copy of the training materials, and date(s) of the training and any other activities held for the School, as well as a summary of how the training was integrated into ongoing District and school site activities.
5. By July 30, 2022, the District will provide OCR with documentation that it has completed the antidiscrimination student trainings described above for the 2021-2022 school year. This documentation shall include the name and qualifications of the trainer(s), a copy of the training materials, and dates of the trainings and any other related activities held for the School, as well as a summary of how the trainings were integrated into ongoing District and school site activities.

K. Climate Surveys: The District will administer a school climate assessment to staff, students, and parents/guardians in the District to evaluate the climate at each school site with respect to race and the extent to which students are subjected to, or witness race-based harassment. Participation in the survey by students and parents will be entirely 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 their school with respect to race, color, and 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. The District will analyze the results of the assessment, including perceptions among students of different racial or ethnic groups and will provide a proposed action plan to address any concerns identified based on the results.

L. Reporting Requirements:

1. By May 30, 2021, the District will provide OCR with a draft of the climate assessment described above. Within 60 days of approval from OCR, the District will provide OCR with documentation that it has issued the climate assessment.
2. By November 1, 2021, the District will provide OCR with the results of the assessment and any proposed action plan based on the results.
3. By July 30, 2022, the District will provide OCR with documentation of its implementation of the action plan developed based on the results of its climate assessment described above.

M. Complaints/Reports of Discrimination on the Basis of Race, Color, or National Origin: The District will provide OCR with copies of any complaints or reports (formal and informal) of discrimination based on race, color, or national origin, including regarding harassment towards students during the 2020-2021 and 2021-2022 school years. With respect to each complaint or report, the District will also provide OCR with a documentation of all actions taken by District personnel in response to the complaint or report, including a narrative explanation of the response, and documentation of any corrective or disciplinary actions issued to students or employees for violations of the District's nondiscrimination and harassment policies and procedures, any interim or remedial measures provided to or offered to the impacted student(s), and all actions taken to prevent the recurrence of such harassment or discrimination and to prevent retaliation.

N. Reporting Requirement:

1. By July 30, 2021, the District will provide OCR with a copy of all complaints and reports of discrimination based on race, color, or national origin, including regarding harassment, for the prior school year, and the resolution of each complaint as described above.
2. By July 30, 2022, the District will provide OCR with a copy of all complaints and reports of discrimination based on race, color, or national origin, including regarding harassment, for the prior school year, and the resolution of each complaint as described above.

O. Monitoring: The District understands that by signing the resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent or Designee

_____01/27/2021_____
Date