

Resolution Agreement
San Diego Unified School District
OCR Case No. 09-17-1594

The San Diego Unified School District without admitting to any violation of law, voluntarily agrees to implement this Resolution Agreement (Agreement) to resolve the compliance concerns identified by 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 in the above-referenced OCR case number.

I. Anti-Harassment Statement

- A. The District will issue a statement to all XXXXX XXXXXXX High School (School) students, parents and staff that will be posted in a prominent location at the School, and published on the School's website, stating that the School does not tolerate 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 timely investigation. The statement will indicate 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 timely, responsive 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.
- B. Reporting Requirement:
1. By May 31, 2018, 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.A.

II. Written Guidance

- A. The District will issue a written guidance memorandum for School administrators, teachers, and staff who have responsibility for responding to complaints of harassment on the basis of race, color, or national origin. The guidance memorandum will include the following:
1. Information about the District's policy prohibiting racial discrimination and harassment on the basis of race, color or national (including a reference to the District's anti-harassment statement in Section I.A above).
 2. A statement that the District is responsible under Title VI for responding appropriately to notice of discriminatory harassment based on race, color, or national origin, even if a written complaint is not filed.
 3. 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).

4. In accordance with existing District policies and to ensure consistency, 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 ability to file a complaint.
5. 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. Included in this guidance will be the process the School should take to ensure that students, parents, or guardians receive notice of the outcome of the investigation in their primary language.
6. A description of the steps the District will take in response to harassing behavior that creates a hostile environment on the basis of race, color or national origin, including timely, reasonable, and effective responsive action that is within its authority 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 and others who were subjected to a hostile environment.

B. Reporting Requirement:

1. By May 31, 2018, the District will submit a draft of the guidance memorandum as described in Section II.A for OCR review and approval.
2. The District will finalize and issue the guidance memorandum required in Section II.A within 60 days of OCR's approval.

III. Individual Remedy

- A. The District will draft a written outcome of the investigation for the February, 2017 incident. The outcome letter will include whether the District found that the alleged conduct occurred, whether it constituted discriminatory harassment based on national origin, any individual remedies offered to the Student, and other steps the District has taken to eliminate the hostile environment, if the School found one to exist.

B. Reporting Requirement:

1. By June 29, 2018, the District will provide OCR with a draft letter of the outcome described in Section III.A. for review and approval. The District will mail the outcome to the Student's last known address and email address, translated in the Student's parent's first language, within twenty (20) days of OCR approval.

IV. Monitoring

The recipient understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the recipient understands that during the monitoring of the Agreement, if necessary, OCR may visit the recipient, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the recipient has fulfilled the terms of the Agreement. Upon the recipient's satisfaction of the commitments made under the Agreement, OCR will close the case. The recipient understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of the Agreement. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to

enforce the Agreement, OCR will give the recipient written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/s/_____
Superintendent /Designee
San Diego Unified School District

05/21/2018

Date