

Resolution Agreement
Stockton Unified School District
OCR Case No. 09-17-1684

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 by the Complainant on behalf of the Student who attended a K-8 school in the District (School) pursuant to Title VI of the Civil Rights Act of 1964 and its implementing regulation, the Stockton Unified School District (District), without admitting any violation of federal law, agrees to take the actions in this Resolution Agreement (Agreement).

I. Individual Remedies

- A. The District will convene a team meeting to identify appropriate services and supports for the Student to redress the race-based harassment that she experienced during the 2017-2018 school year. The team will include, among others, the counselors from the School and the Student's high school and a District representative with authority to approve the team's final plan. The Complainant will also be a participant in the meeting in which these determinations are made. Supports and services may include private counseling sessions through August 2019, in-person academic tutoring sessions through August 2019, and any other supports and services identified by the team.
- B. The District will designate a person at the Student's high school with expertise working with students who have experienced trauma and/or race discrimination, with whom the Student can meet regularly, or as needed, to facilitate her transition to the high school and may serve as a liaison between her and the high school. The District will provide the name and contact information for the Student's designated high school liaison to the Complainant and Student no later than two weeks before the start of the 2018-2019 school year.
- C. The District will review the Student's discipline record for the 2017-18 school year to identify and address any instances where racial harassment and the School's response to it may have been a contributing factor to the Student's conduct. In instances where the District determines that racial harassment or its response to notice of the harassment may have been a contributing factor (e.g., where the Student's conduct was a reaction to racial harassment, or where the Student attempted to contact a parent or family member about harassment), the School will consider modifying the Student's disciplinary record and/or remediating for lost instruction time.

II. Written Guidance and Training

- A. The District will provide written guidance and training to District office employees who interact with parents on the District's policies and procedures regarding harassment based on race, color, and national origin, and the District's role in response to complaints of such harassment, either verbal or written.

- B. The District will provide written guidance and training to all School employees who are directly involved in processing, investigating, and/or resolving complaints or other reports of peer-to-peer harassment based on race, color, or national origin, and any School counselors or other School personnel who are likely to receive reports of harassment. The written guidance and training will review the District's racial harassment policies and procedures, including when school sites need to notify the District of a racial harassment complaint and when the Uniform Complaint Procedures apply. They will also involve instruction on what constitutes racial harassment and how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations and confidentiality requirements, and the steps that may be needed to not only stop the harassment and prevent its recurrence, but to also redress the effects of the harassment on the student(s). They will also address when it may or may not be appropriate for remediation purposes to require a meeting between the person who is subjected to harassment and the person who has engaged in the harassment.
- C. The District will provide age-appropriate, training on race, color, and national origin discrimination to all students at the School and at the Student's high school at least two times in the 2018-2019 school year. The student training will include examples of prohibited conduct, including harassment in various school-related contexts and the District's harassment policies and procedures.

III. Data Review

The School will conduct an assessment, at least two times during the 2018-2019 school year, of all complaints alleging discrimination based on race, color, or national origin. The District will analyze the results of the assessment for the 2018-19 school year and provide a proposed plan of action to OCR to address any concerns identified.

IV. 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 scheduled the meeting described in provision I.A above. By August 20, 2018, the District will provide to OCR documentation regarding the determinations made at the meeting described in provision I.A and a plan for the implementation of the services. By December 21, 2018, the District will provide to OCR documentation showing that the determinations made at the meeting are being implemented. By May 23, 2019, the District will provide to OCR documentation regarding the status of implementation of the determinations made at the meeting.
2. By August 2, 2018, the District will provide OCR confirmation that it has provided the name and contact information for the Student's designated high school liaison to the Complainant and Student.

3. By October 1, 2018, the District will submit its plan for conducting an assessment of the Student's discipline during the 2017-2018 school year. Within 60 days of OCR approval, the District will provide to OCR a summary of its review of the Student's discipline during the 2017-2018 school year, including a brief description of each disciplinary referral and consequence, its decision to modify, maintain, and/or provide compensatory services, and an explanation for its decision.

B. Written Guidance and Training

1. Within 60 days after this Agreement is signed, the District will submit to OCR for review and approval a draft of the guidance memorandum on the District's harassment policies and procedures and the role of the District in responding to harassment complaints, as described in Section II.A. The District will finalize the guidance memorandum within 30 days of receiving OCR's comments.
2. Within 30 days of finalizing the guidance memorandum, the District will submit to OCR for review and approval draft training materials and the qualifications of the individuals providing the training required under Section II.A. Within 30 days of OCR's approval, the District will notify OCR of the date of the training, which will be held within 60 days of such approval.
3. Within 30 days after the training date, the District will provide OCR with documentation that it has provided training described under Section II.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 the District employees who attended the training.
4. Within 60 days after this Agreement is signed, the District will submit to OCR for review and approval a draft of the guidance memorandum described in Section II.B. The District will finalize the guidance memorandum within 30 days of receiving OCR's comments.
5. Within 30 days of finalizing the guidance memorandum, the District will submit to OCR for review and approval draft training materials and the qualifications of the individuals providing the training required under Section II.B. Within 30 days of OCR's approval, the District will notify OCR of the date of the training, which will be held within 60 days of such approval.
6. Within 30 days after the training date, the District will provide OCR with documentation that it has provided training on the District's harassment policies and procedures as required under Section II.B. 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 the District employees who attended the training.

7. Within 60 days after the date that this Agreement is signed, the District will submit to OCR for review and approval the instructional materials for the fall 2018 lessons required under Section II.C. By December 15, 2018, the District will submit to OCR for review and approval the instructional materials for the spring 2019 semester lessons as required under Section II.C. The documentation will include the names of the individuals designated to implement the aforementioned programming and a timeline for the delivery of the curriculum. Within thirty days after the conclusion of each session, after receiving OCR's approval, the District will provide OCR with documentation that the lessons have been implemented. The documentation will include the dates of the programming, the names and titles of the instructors, a copy of any materials used or distributed, and a list indicating the students who attended the programming by either class and/or grade.

C. Data Review

By January 11, 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 first half of 2018-2019 school year and its proposed plan of action to address any concerns. By May 31, 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 second half of 2018-2019 school year and its proposed plan of action to address any concerns.

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. 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 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/_____

Superintendent or District Representative

_____07/19/2018_____

Date