

Resolution Agreement
Temecula Valley Unified School District
OCR Case Number 09-18-1109

The Temecula Valley Unified School District (District), without admitting to any violation of law, agrees to implement the following provisions in this Resolution Agreement (Agreement) to resolve the issues investigated by the Office for Civil Rights, U.S. Department of Education (OCR), under the Title VI of the Civil Rights Act of 1964 (Title VI).

The District agrees to take the following steps:

I. Program for Students

A. By June 8, 2018, the District will provide age-appropriate information and training for eighth grade students at the School¹ designed to increase awareness of what constitutes harassment based on race, color or national origin, encourage students to report harassment, and inform students of the impact of the harassment on the student who is the target of the harassment and the corrective actions and consequences for the harasser. The topics of the instructional program should include, but are not limited to:

1. The differences between bullying and harassment that may be discriminatory in nature;
2. The types of conduct that could constitute such harassment, including verbal acts and name-calling, graphic and written statements based on racial or cultural stereotypes, including those targeting a student's race, cultural background, primary language or English Learner status, or other conduct that may be physically threatening, harmful, or humiliating;
3. The negative impact that such harassment has on the educational environment and the impacted student(s)' access to the education programs and activities of the school;
4. The consequences that may be imposed on students who engage in harassment of other students based on race, color or national origin and the process for resolving such incidents; and
5. How students should respond if they experience or witness such harassment, including the reporting avenues available.

B. As part of the training, the District will ask students to convene in small groups to develop suggestions and recommendations as to how to prevent harassment and promote a safe school environment for all students. Such suggestions may include changes, removals or alterations to school materials or equipment, requests for training or counseling, or other such recommendations. At the conclusion of the training, the

¹ OCR previously notified the District of the name of the school.

students will present their suggestions and recommendations to School staff. The School will ensure that it documents the students' recommendations and suggestions in writing.

- C. The District will provide the training described in Section I.A. and opportunity for suggestions and recommendations described in Section I.B. to all students at the School by September 14, 2018.

Reporting Requirements

- D. By May 11, 2018, the District will provide a description of how it intends to provide the information and training to students described in Section I.A. to OCR for review and approval, including copies of the materials to be used, the name(s) and affiliations of the individual(s) who will deliver the information and training, and the schedule for providing it.
- E. By June 29, 2018, the District will provide OCR with documentation demonstrating that the information and training program for students described in Section I.A. has been completed. The documentation will include the date(s) of the training, the names of the individuals providing the training, and copies of the materials used and/or given to students. The District will also confirm to OCR that the students developed and submitted suggestions and recommendations to School staff and provide an account of those suggestions and recommendations to OCR.
- F. By July 20, 2018, the District will provide a description of how it intends to provide the information and training to students described in Section I.C. to OCR for review and approval, including copies of the materials to be used, the name(s) and affiliations of the individual(s) who will deliver the information and training, and the schedule for providing it. If the District intends to replicate the training provided to eighth grade students, the District will so notify OCR, and describe any intended changes in the administration of the training or materials used.
- G. By September 21, 2018, the District will provide OCR with documentation demonstrating that the information and training program for students described in Section I.C. has been completed. The documentation will include the date(s) of the training, the names of the individuals providing the training, and copies of the materials used and/or given to students. The District will also confirm to OCR that the students developed and submitted suggestions and recommendations to School staff and provide an account of those suggestions and recommendations to OCR.

II. Individual Remedies

- A. By May 11, 2018, the District will contact the Complainant² and offer to pay for the cost of up to ten one-hour counseling and ten one-hour academic tutoring sessions for the Student to address any ongoing effects of harassment limiting the Student's access to the District's programs and activities.

² OCR previously notified the District of the Complainant's and Student's names.

- a. If the offer is accepted, the District will coordinate with the Complainant and offer her the choice of counseling sessions for the Student to be provided in-person either by a District employee, or by a psychologist or other therapist mutually agreed upon by both the Complainant and the District, who is not a District employee, who has experience working with students to address the effects of harassment, and with whom the Complainant and the Student feel comfortable.
 - b. The District will also coordinate with the Complainant to arrange for tutoring sessions to be provided by an individual with appropriate expertise. These sessions are to be held between May 18, 2018 and May 31, 2019. Any sessions unused by the Student as of June 1, 2019 shall be forfeited.
- B. By May 11, 2018, the District will contact the Complainant to (1) offer to reimburse the Complainant for the Student's backpack (up to \$50.00) or (2) offer the Complainant a new District backpack for the Student that includes school supplies, depending on the Complainant's and Student's preference.

Reporting Requirements

- C. By May 18, 2018, the District will provide confirmation to OCR that it has contacted the Complainant regarding the offers of counseling and tutoring for the Student described in Section II.A.
- D. By May 18, 2018, the District will provide confirmation to OCR that it has reimbursed the Complainant for the cost of the Student's backpack or provided the Complainant a new District backpack for the Student including school supplies, depending on the Complainant's and Student's preference, in accordance with Section II.B.
- E. By October 12, 2018, the District will provide an update to OCR as to the provision of counseling and tutoring services for the Student.
- F. By June 14, 2019, the District will provide a final update to OCR as to the provision of counseling and tutoring services for the Student.

III. Policies and Procedures

A. Middle School Handbook

The District will revise its Middle School Handbook to include references to protected class as a basis for discriminatory harassment.

B. Online Bullying Prevention Complaint Form

The District will revise its Online Bullying Prevention Complaint Form to include specific information/questions about protected class as a basis for discriminatory harassment.

C. Guidance for Staff

The District will issue guidance to staff, which:

1. Notifies them of the revisions to the Middle School Handbook and to the Online Bullying Prevention Complaint Form; and
2. Clarifies the relationship between the Uniform Complaint Procedure (UCP) and the Online Bullying Prevention Complaint Form.

Reporting Requirements

- D. By June 29, 2018, the District will submit to OCR for review and approval the draft additions to the Middle School Handbook and the Online Bullying Prevention Complaint Form, as described in Sections III.A. and III.B.
- E. By June 29, 2018, the District will submit to OCR for review and approval the draft staff guidance described in Section III.C.
- F. Within 45 days of OCR's approval of the additions to the Middle School Handbook and the Online Bullying Prevention Complaint Form, as described in Sections III.A. and III.B., the District will publish the revised versions of both documents and provide confirmation of such to OCR.
- G. Within 45 days of OCR's approval of the draft staff guidance described in Section III.C., the District will circulate the guidance to staff and provide confirmation of such to OCR.

IV. Staff Training

- A. By September 14, 2018, the District will arrange for mandatory training on harassment based on race, color and national origin to be provided to all District administrators and School staff. Such training will include, but is not limited to, the following:
 - a. District policy prohibiting discrimination, including harassment, against a student based on race, color and national origin by another student, a District employee, or a third party;
 - b. The types of conduct that could constitute harassment based on race, color or national origin, such as verbal acts and name-calling, graphic and written statements about racial or cultural stereotypes, including those targeting an individual's primary language or English Learner status, or other conduct that may be physically threatening, harmful or humiliating;

- c. A review of the procedure the District uses to resolve complaints of discrimination, including harassment based on race, color or national origin; what an administrator should do if he or she observes or learns of harassment based on race, color or national origin of a student by a peer, District employee, or third party, including if applicable the site administrator's responsibility for promptly investigating such incidents and for notifying complainants of the outcome of a complaint, or for referring the complaint to a District administrator; and
 - d. An explanation of what staff members should do if they observe or learn of harassment based on race, color or national origin of a student by a peer, a District staff member, or a third party, and guidance on how administrators should ensure that staff members are aware of their responsibilities.
 - B. The District will distribute a guidance memorandum to all District staff and site administrators at the training that includes the information in Section IV.A above, and will provide a copy of the resources used at the training via e-mail or in hard copy to any District and site administrators who were unable to attend.
 - C. The District will designate a knowledgeable individual in the District to serve as a resource for any administrators or school site staff members who have questions as to how the guidance in Section IV.B. applies to a given situation and/or scenario.
 - D. By September 14, 2018, the District will provide specific in-person training to all physical education teachers at the School, and guidance in-person, via e-mail or via interoffice mail to all District staff, including physical education teachers, regarding harassment based on race, color or national origin and its prevention. This guidance is to include, but is not limited to, the following:
 - a. A description of what harassment based on race, color or national origin may look like, such as verbal acts and name-calling, graphic and written statements about racial or cultural stereotypes, including those targeting an individual's primary language or English Learner status, or other conduct that may be physically threatening, harmful or humiliating;
 - b. A reference to District policy prohibiting discrimination, including harassment, against a student based on race, color and national origin by another student, a District employee, or a third party;
 - c. A description of what staff members should do if parents, students, or others notify them of concerns involving bullying or discriminatory harassment (either in-person or in writing), or if they themselves observe behavior or actions that may constitute bullying or discriminatory harassment;
 - d. What kind of follow-up they can expect from their site administrators in response to any concerns involving bullying or discriminatory harassment that they may bring to their site administrators' attention;

- e. The name(s) of knowledgeable individual(s) whom staff members may contact with any questions about bullying and discriminatory harassment, including the steps to take in specific situations.
- E. By October 19, 2018, the District will also provide mandatory training, by a person with appropriate expertise, to District administrators and all individuals identified as having authority to receive or respond to discrimination complaints regarding the genesis and nature of bias in any form, including implicit bias, and how it impacts decision-making.

Reporting Requirements

- F. By July 29, 2018, the District will provide written descriptions of the proposed trainings described in Section V.A., V.D. and V.E. for OCR review and approval. The descriptions are to include the names and titles and qualifications of the proposed trainers, copies of the proposed agendas, and copies of the proposed materials to be used at the trainings.
- G. By July 29, 2018, the District will provide a draft of the guidance memorandum to OCR for review and approval. The District will finalize the memorandum within ten days of receiving OCR's approval.
- H. Within ten days of the date of the training in Section V.A., the District will provide OCR with a final copy of the guidance memorandum and distribution list.
- I. By September 21, 2018, the District will provide confirmation that the trainings described in Section V.A. and V.D. have been completed. This documentation is to include the date(s) of the training, a copy of the final agenda, copies of the materials used and/or given to participants and a list of staff participants.
- J. By October 26, 2018, the District will provide confirmation that the training described in Section V.E. has been completed. This documentation is to include the date(s) of the training, a copy of the final agenda, copies of the materials used and/or given to participants and a list of staff participants.

V. Monitoring

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further the District understands that during the monitoring of this agreement, 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 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) calendar days to cure the alleged breach.

_____/s/_____

Superintendent/Designee
Temecula Valley Unified School District

_____05/30/2018_____

Date