

**Resolution Agreement**  
Fallbrook Union High School District  
OCR Case No. 09-20-1203

The Fallbrook Union High School District (District), without admitting to any violation of law, agrees to implement this Resolution Agreement (Agreement) to resolve the issues 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 regulation, 34 C.F.R. Part 100 in the above-referenced OCR case number.

**I. Individual Remedies**

- A. The District will expunge the suspensions for Student 1 and Student 2 related to the January XX, 2020 incident.

Reporting: By September 30, 2020, the District will submit documentation to OCR confirming that Student 1 and Student 2's educational records were expunged.

- B. The District will send a letter to the Complainant, Student 1 and Student 2 reaffirming its obligations to provide an educational environment free from discrimination for all its students and committing to resolving incidents implicating race, color or national origin in a manner consistent with its Uniform Complaint Procedures and Title VI.

Reporting: By September 30, 2020, the District will submit documentation to OCR confirming that it sent the letter described above to the Complainant, Student 1 and Student 2.

- C. The District will designate a School employee to serve as a contact for Student 1 and Student 2 to report any future incidents at the School involving their safety, intimidation, racial graffiti and racial slurs. The District will consult with Student 1 and Student 2 to identify an appropriate employee to serve this role.

Reporting: By September 30, 2020, the District will submit documentation to OCR confirming that it designated a School employee to serve as a contact as described above.

**II. Anti-Harassment Statement to Parents/Guardians**

The District will issue a statement to parents/guardians at the School, stating that the District does not tolerate harassment, including acts of harassment based on race, color, or national origin. The statement will be posted on the School's web site and disseminated by email to parents/guardians at the School, unless a parent/guardian has not provided an email address, in which case it will be disseminated by mail. Specifically, the District will communicate in writing to all School parents/guardians its commitment to create an educational environment free from discrimination, including racial harassment in all academic, extra-curricular and school sponsored activities. The communication will summarize relevant policy and procedures and include a description of how to file a complaint. The communication will include the District's prohibition against retaliation,

and commitment to investigate all reports of harassment involving race, color, national origin.

Reporting: By September 30, 2020, the District will submit its anti-harassment statement to OCR for review and approval. Within 30 calendar days of receipt of OCR's approval, the District will submit to OCR documentation that the statement has been sent to all parents/guardians and students at the School. The documentation shall include a copy of the statement, a description of the means by which it was disseminated (email or postal mail), and a link to the statement on the School's website.

### **III. Communication to Students**

The District will communicate to all students, in an age-appropriate manner, the prohibition against harassment, and how to report an incident involving harassment. Such communications will include but not be limited to age-appropriate student trainings, assemblies or orientation sessions at the School on the District's prohibition against harassment on the basis of race, color and national origin and the District's policies and procedures regarding the same.

Reporting: By September 30, 2020, the District will submit its student communications to OCR for review and approval. Within 30 calendar days of receipt of OCR's approval, the District will submit to OCR documentation that the communications occurred.

### **IV. Written Communication to Staff**

The District will issue a written guidance memorandum to School employees regarding its anti-harassment statement on the basis of race, color, or national origin, and the steps staff should take when they notice or are told of harassment. Specifically, the District will communicate in writing to all School administrators, teachers and personnel its commitment and responsibility to create an educational environment free from discrimination, including racial harassment. The communication will encourage them to report all incidents of race, color, national origin harassment to the School principal or designee, and will reference and summarize relevant policy and procedures, including but not limited to BP 1312.3. The memorandum will clarify which School employees are responsible for investigating and resolving complaints discrimination and how records of such investigations are maintained. The communication will also include the District's prohibition against retaliation. Employees, especially principals, assistant principals and counselors, will be reminded that remedial actions will directly address, in an age-appropriate manner, issues of discrimination and harassment, including usage of the n-word in written or verbal form.

Reporting: By September 30, 2020, the District will submit a draft of the guidance memorandum on the District's harassment policies and procedures to OCR for review and approval. Within 30 calendar days of OCR's approval, the District will submit to OCR documentation that the guidance memorandum was sent to all employees at the School. The documentation shall include a copy of the guidance memorandum, a description of the means by which it was disseminated (email or postal mail), and a link to the guidance memorandum on the District's and School's website.

## **V. Training for School Employees**

### **A. Training for Staff**

The District will provide training for School site staff on how to recognize conduct that may constitute racial harassment, and the steps that should be taken when such conduct occurs. The training will include:

- instruction that is designed to increase awareness and recognition of what constitutes racial harassment and racial discrimination;
- instruction on the impact that racial harassment and racial discrimination has on all individuals;
- instruction on the School's expectations regarding the role of staff as it relates to racial harassment and racial discrimination, including an emphasis on staff's duty to report incidents of racial discrimination.

### **B. Training for Administrators and Individuals Designated to Investigate Racial Harassment**

The District will provide training to School site administrators and those responsible for investigating racial harassment complaints. This training will focus on how to conduct racial harassment investigations, who will be responsible for investigating racial harassment complaints, how to supervise investigators conducting an investigation, and making final determinations of fact. The training will include:

- an in-depth discussion of the District's racial harassment policies and procedures. This instruction will include what constitutes notice of racial harassment, who is responsible for responding to racial harassment, and how to respond to racial harassment;
- an emphasis on the affirmative responsibility of the District to respond to any reports of incidents of racial discrimination by resolving the issues, conducting an investigation and, if merited, undertaking remedial action;
- a discussion regarding what constitutes a racial harassment investigation, including maintaining documentation, making a finding, and addressing issues related to school climate;
- notice that failure to respond to concerns of racial harassment, whether raised in writing or orally, is inconsistent with the District's responsibility under Title VI of the Civil Rights Act of 1964.

### **C. The trainings will recur on an annual basis.**

### **D. The trainings will be conducted by a person with appropriate expertise (this may include District staff with at least 3 years of training and experience).**

Reporting: By June 30, 2021, and June 20, 2022 the District will provide OCR with documentation that the trainings were completed. During the 2020-2021 school year, the

District will complete voluntary staff training where staff will be encouraged to attend, and during the 2021-2022 school year, the District will conduct mandatory staff training.

## **VI. Self-Evaluation**

- A. The District will develop a written self-evaluation plan for monitoring the climate at the School and tracking incidents that suggest a potential hostile environment based on race. The self-evaluation plan will be presented to the Governing Board by August 2021.
- B. The Superintendent or designee will complete the written self-evaluation by the end of the 2021-2022 school year, and on a regular basis thereafter for a time period determined necessary by the District. The self-evaluation will be presented annually to the School Board.
- C. Based on the self-evaluations, the District will determine the need for specific proactive measures to address incidents that suggest a potential hostile environment.

Reporting: By June 30, 2021 the District will provide OCR with a copy of the self-evaluation plan, and by June 30, 2022 the District will provide OCR with a copy of the self-evaluation and documentation that it was presented to the Board, and any corresponding measures taken.

## **VII. Enforcement of this Agreement**

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 proceedings to enforce the specific terms and obligations of this Agreement or Title VI and implementing regulation. 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  
Fallbrook Union High School District

\_\_\_\_09/02/2020\_\_\_\_\_

Date