

Pitt County Schools
OCR Docket #11-14-1119
Resolution Agreement

Pitt County Schools (the District) voluntarily submits this Resolution Agreement (the Agreement) to the U.S. Department of Education (the Department), Office for Civil Rights (OCR), to resolve the above-referenced compliance review, and to ensure its compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d *el seq.* (Title VI), and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination based on race, color, or national origin by a recipient of Federal financial assistance.

Prior to entering into this Agreement, the District requested assistance in developing its Action Steps to address racially disproportionate disciplinary referrals and implement positive behavioral supports and equitable disciplinary practices. OCR has provided the District with contact information for the Intercultural Development Research Association Equity Assistance Center (IDRA EAC-South), which is funded by the U.S. Department of Education to provide technical assistance and resources to school districts.

The District agrees to take the following Action Steps:

A. District Action Plan

1. By April 30, 2018, the District will draft a plan to achieve the District's goal of ensuring that discipline referrals are appropriately and equitably applied to all students regardless of race. The District's plan will include:
 - a. an analysis of discipline data from at least the XXXX school year at both the school and District levels and a description of how this data will be used to provide iterative feedback and improvements to the plan. The plan will specifically address students who receive multiple referrals, the use of the District's alternative education program, and law enforcement involvement.
 - b. a description of research-based program(s) the District is using or intends to use to encourage positive student behavior and reduce disproportionate discipline, such as Positive Behavior Interventions and Supports (PBIS) or restorative justice.
 - c. a district-wide plan to engage with school community stakeholders, including students, parents, District instructional staff, and community members. The District will utilize strategies and programs designed to solicit input from various members of the school community, including representation from various racial groups. The District's plan will encourage participation that is representative of the District's population and offer stakeholders the opportunity to make suggestions and recommendations to improve student behavior and the District's disciplinary practices.

Reporting Requirements: By April 30, 2018, the District will provide OCR with a copy of its plan developed pursuant to Action Step A, for OCR's review and approval.

8. Discipline Policies, Practices and Procedures

1. By June 30, 2018, the District will review and revise all of its student discipline and behavior policies, including but not limited to, the District's Board of Education's Policies, Student Code of Conduct, and Pin Academy Transition Center and RISE Student Handbook, and procedures to include the following:
 - a. Definitions of student behavior are clear and objective to the maximum extent possible, that clearly distinguish between similar acts (e.g., assault and fighting; disruption, insubordination, discourteous behavior and disrespect), and that include specific examples where necessary to assist staff in understanding each listed type of behavior.
 - b. Definitions of "repeat offenders," "aggravating factors," and "mitigating factors," and include specific examples where necessary to assist staff in understanding each term.
 - c. The range of sanctions for each type of student behavior and the criteria for selection within the range of sanctions, including but not limited to when staff may remove a student from a classroom and send the student to an alternate location within the school building.
 - d. The types of student behavior that may be addressed through the use of positive behavior interventions and supports, restorative justice, or other alternate methods or techniques instead of disciplinary sanctions.
 - e. A requirement that alternatives to suspension or to other sanctions that require removal from the educational setting be considered in all cases, except those where the immediate safety of students or staff is seriously threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by removal.
 - f. Clear and consistent guidelines regarding school's student behavior plans.
 - g. Clear and consistent guidelines for when and how students will be given credit for work completed during a suspension or other removal.
 - h. Clear and consistent requirements for staff and administrator concerning documentation of disciplinary referrals and sanctions, including provision for data entry into the District's electronic recordkeeping system of the information listed below in Action Step C.
1. Appropriate due process standards for all students disciplined, including students who receive a short term suspension, under the District's student discipline policies, practices, and procedures, not limited to exclusionary discipline, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for informal hearings, etc.).

Reporting Requirements: By June 30, 2018, the District will submit its revised student discipline policies, practices and procedures to OCR for review and approval.

2. Within 60 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, the District will adopt the OCR-approved policies, practices, and procedures, disseminate them to all District students, parents, and staff, and post them in a prominent location on the District's website and in each District school. Throughout the course of this Agreement, the District will submit for OCR review and approval any changes to the policies and procedures approved by OCR prior to their implementation.

Reporting Requirements: Within 60 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, the District will provide documentation demonstrating that it has fully implemented Action Step 8.2, including any board meeting minutes at which the revised policies or procedures were adopted; a description of the methods by which the revised policies, practices, and procedures were disseminated to all District students, parents, and staff; the web address where the District posted them on its website, and a description of where they were posted in each District school.

C. Alternative School Placements

The District will develop guidelines for District schools to follow when referring students to alternative schools. Specifically, the guidelines will provide factors to consider in assessing appropriateness of an alternative school referral, clarify whether a student's parent or guardian must consent to the placement and outline a procedure and supports (including, counseling, mentoring or other educational services) available for the student to return to their home school. The District will clarify what documentation is necessary when the referral to the alternative school is voluntary.

The District will develop guidelines for the District's alternative education program . Specifically, the District will provide information regarding the different placement options in the alternative education programs, will provide guidelines for the alternative education placements to follow when referring students to a specific alternative placement, and will provide guidelines for how and when a student can be returned to his or her regular education setting.

Reporting Requirements : By April 30, 2018, the District will provide OCR with documentation of its review of its Alternative School Placement procedures. OCR will notify the District when it has completed its review of the revised policies.

D. School Resource Officer Involvement in School Discipline

1. By March 31, 2018, the District will ensure that all school-based or related actions taken by school resource officers (SROs) are reported to the District. The District will ensure that all referrals to criminal justice courts, and the outcome of those proceedings, are reported to the superintendent or superintendent's designee(s). The District will record

information regarding the District's or an individual school's involvement in the proceedings.

2. By April 30, 2018, the District will develop guidelines, policies, and procedures for the District's SRO program. The guidelines will include but are not limited to the limited role of SROs in disciplinary incidents and the protocol by which and instances in which it would be appropriate for administrators to involve SROs in disciplinary incidents.
3. By April 30, 2018, the District will develop guidelines for investigating SRO concerns raised by staff, students or parents/guardians, including appointment of an impartial investigator, gathering of witness statements, and written reports of findings.

Reporting Requirements:

- a. By March 31, 2018, the District will provide OCR with documentation of completion of Action Steps D.1.
- b. By April 30, 2018, the District will submit to OCR for review and approval its updated guidelines, policies, and procedures developed in accordance with Action Step D.2 and D.3. Within 30 days of receiving OCR's approval, the District will distribute the updated guidelines, policies and procedures to all necessary District staff and SROs and post the guidelines, policies, and procedures on the District website.

E. Data Collection and Self-Monitoring

1. Beginning with the XXXX school year, the District will electronically collect data regarding student discipline referrals and sanctions at all District schools, including discipline referrals that do not result in exclusionary discipline. The data will be collected by incident number, so that each individual student incident is one row in the spreadsheet. If one incident involved multiple students, each student should be listed on a separate row. If one student for one incident is referred for multiple offenses (e.g., "disruption" and "defiance"), the incident will be listed on one row, with a separate column for each offense (e.g. "offense 1" and "offense 2.") If one student for one incident receives multiple sanctions (e.g., "detention" and "ISS"), the incident will be listed on one row, with a separate column for each sanction (e.g. "sanction 1" and "sanction 2.") Each row will include, but not be limited to:
 - a. The student's first name, last name, identification number, race and status as Hispanic/non-Hispanic , sex, disability status (including special education status), Limited English Proficiency status, grade level, and school.
 - b. An incident number, allowing reports to be run by incident number so that students involved in the same incident can be easily identified .
 - b. Time and date of the referral, detailed narrative description of the incident, staff ID of referrer, location of incident (e.g. classroom, bus, hallway, lunch, afterschool activity,

sporting event), staff-recommended resolution, staff member who assigned the penalty/sanction (by staff ID), misconduct for which discipline was imposed, resolution (e.g., conference with student/family, conflict mediation, use of restorative justice or other alternative techniques, teacher detention, administrative detention, in-school suspension, out-of-school suspension, expulsion, referral and/or notification to law enforcement, alternative education program), resolution start date, and number of days of resolution.

- c. The number of total referrals, including the current referral, for the student during that school year.
- d. A list of any actions taken in the classroom prior to making a referral.
- e. The name and identification number of any student or staff witness.
- f. The name and identification number of any other students involved in the incident.
- g. Whether the student was arrested or otherwise sanctioned by law enforcement.

Reporting Requirements: By March 31, 2018, the District will submit documentation to OCR demonstrating that its electronic data collection system is equipped to capture the information required by Action Step E.1.

By July 31, 2018, the District will provide to OCR the data referenced in Action Step E.1 for the XXXX school year. The District will provide the data for the XXXX school year by July 31, 2019; and the data for the XXXX school year by July 31, 2020.

- 2. By August 15, 2018, and quarterly thereafter, the superintendent or superintendent's designee(s) will meet with the principal of each District school to discuss the data gathered by the District under Action Steps D.1 and E.1, specifically considering any data suggesting that African American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races and any complaints of racial discrimination from students, staff, or parents regarding the implementation of the District's discipline policies and procedures.

Where the data shows that a particular student is receiving a high number of referrals, the relevant principal will meet with that student's teachers and other staff who work directly with the student to discuss appropriate behavioral supports and interventions to be implemented for that student.

If the information suggests that the principal or other school staff are failing to adhere to the District's student discipline policies, practices, and procedures or are engaging in discrimination, the superintendent or superintendent's designee(s) will take appropriate corrective action, including but not limited to additional training or disciplinary action. Where the data shows no disproportion at a school, the meetings will examine steps that

are being taken at the school to ensure the fair and equitable enforcement of the District's student discipline policies, practices, and procedures that might be adopted as "best practices" at those schools where disproportion exists.

Reporting Requirements: Within 15 days of each meeting, and for the next two years, the District will provide to OCR documentation of the meetings held pursuant to Action Step E.2, the data considered during those meetings, and documentation of all steps taken as a consequence of the information shared at the meetings.

F. District Staff Training

1. Within 90 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, and by September 30 annually thereafter, the District will provide training programs to all District teachers, administrators, paraprofessionals, school aides, bus drivers, and any other District personnel charged with supervising students, making disciplinary referrals, or imposing disciplinary sanctions. New administrators who impose disciplinary sanctions will receive training on the appropriate imposition of sanctions within 30 calendar days of their position start date and annually thereafter.
 - a. The training will include but not be limited to reviewing the District's behavioral support and discipline policies, practices, and procedures and discussing the District's commitment to using its policies to ensure a safe and orderly educational environment and the fair and equitable treatment of all students when addressing student behavior, making disciplinary referrals when necessary, and imposing disciplinary sanctions when necessary. The training will also include the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary sanctions and the information that must be input into the District's electronic discipline data system. The training will provide employees the opportunity to raise concerns or suggestions regarding the improvement of the District's behavioral supports and disciplinary policies, including any issues in connection with fairness and nondiscrimination on the basis of race.
 - b. The training will provide evidence-based techniques on classroom management and de-escalation approaches, including restorative justice and positive behavior interventions, information on how to administer discipline fairly and equitably, the concept of implicit bias and corresponding techniques to ameliorate implicit bias, resources that are available to staff who are having difficulty with classroom management, resources that are available to students to assist them in developing self-management skills, the value of recognizing and reinforcing positive student behavior, and the importance of ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program.
2. Within 90 calendar days of OCR's approval of the District's SRO policies, practices and procedures, and by September 30 annually thereafter, the District will provide training

programs to all District SROs. The training will include but not be limited to the District's behavioral support and discipline policies; the District's SRO policies and procedures; discussing the District's commitment to using its policies to ensure a safe and orderly educational environment and the fair and equitable treatment of all students when addressing student behavior, making disciplinary referrals when necessary, and imposing disciplinary sanctions when necessary; the limited role of SROs within the District's behavioral support and discipline system; and the documentation that must be developed and maintained by all SROs.

Reporting Requirements:

- a. At least 30 days before the trainings required in F.1. and F.2, the District will provide to OCR for review and approval the name(s) and qualifications of individual(s) who will provide the trainings, the date(s) and locations(s) of the training(s), and a copy of the training materials.
- b. Within 90 calendar days of OCR's approval of the District's revised policies, practices and procedures, and on October 15, 2019, and October 15, 2020, the District will provide documentation to OCR showing that it fully implemented Action Step F, including a list of the names of all District employees and SROs who attended the training, including their position and building, with their signature indicating attendance.

General Requirements

The District understands that, by signing this Agreement, it agrees to provide the foregoing 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 and is in compliance with Title VI and its implementing regulation at 34 C.F.R. § 100.3. Upon completion of the obligations under this Agreement, OCR will close this compliance review.

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 .

This Agreement will become effectively immediately upon the signature of the District's representative below.

/s/
Superintendent or Designee

12/14/2017
Date