

**Resolution Agreement  
Amherst County Public Schools  
OCR Complaint No. 11-14-1224**

Amherst County Public Schools (the Division) submits this Agreement to the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve OCR Complaint No. 11-14-1224. The Division submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d (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. The Division agrees to take corrective action including but not be limited to, the specific actions discussed in the paragraphs set forth below, as follows:

**General Principles**

The goal of the Division is to ensure that all Division students are provided schools that are safe and create an environment conducive to learning. The fair and appropriate implementation of student discipline policies and procedures that are grounded in evidence-based research is one means of advancing this objective. Therefore, the Division is committed to ensuring that, to the maximum extent possible, its student discipline policies and procedures are designed and implemented in such a way as to ensure that disciplinary sanctions do not include the loss of educational instruction time for any students, except in those cases where it is necessary to ensure the immediate safety of students and staff, when it is the only means of ensuring that student misbehavior does not substantially interfere with the delivery of educational instruction to others, or when it is required by applicable law. As described in more detail below, the Division is committed to working with students who exhibit behavior problems to ensure that the students remain engaged in the Division's educational program.

**Designation of Responsible Employee/Collaboration with Experts**

1. (a) The Division will designate an employee to serve as the Division's Discipline Supervisor, and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in all school publications regarding discipline, and in any notices that the Division sends to parents annually. The Discipline Supervisor shall be responsible for ensuring that the implementation of the Division's policies concerning discipline is fair and equitable. In addition, the Discipline Supervisor will address complaints from parents, guardians, students and others regarding the implementation of the Division's disciplinary policies.  
  
(b) Throughout its implementation of this Agreement, the Division will consult with and, as necessary, retain an expert or experts in non-discriminatory discipline practices<sup>1</sup>, as well as data analysis and research-based strategies, to ensure the non-discriminatory use of school discipline for all students. The expert(s) will provide the

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<sup>1</sup> If the Division has a qualified staff member, he or she may provide the consulting services.

Division with strategies for meeting the Division's goal of ensuring that discipline is appropriately and equitably applied to all students regardless of race, implementing this Agreement, monitoring and evaluating practices, and stakeholder involvement.

(c) The Division will, in consultation with the Discipline Supervisor and/or expert(s), examine the root cause(s) of any racial disparity in the discipline of students in the Division. The Discipline Supervisor and/or expert(s) will examine literature, secure expert input and engage students, staff and the community in order to identify and take, where appropriate, immediate and/or long-term corrective actions necessary to address the root causes(s) of any racial disparity as part of the Division's strategies for meeting its goal, as described in item 1(b). The Division will engage in the efforts described in this item 1(c) while this Agreement is effective.

#### REPORTING REQUIREMENTS:

By **October 1, 2015**, the Division will provide OCR the name and qualifications of the individual appointed as the Discipline Supervisor and the expert(s) it intends to use to fulfill its obligations under items 1(b) and 1(c).

By **March 31, 2016**, the Division will provide OCR documentation of the completed examination of any root cause(s) referenced in item 1(c) and will provide for OCR's review and approval, a copy of any plan the Division develops describing the corrective action determined necessary to address any identified disparity in student discipline, as described in item 1(c). This plan shall be identified as the Remediation of Disparate Discipline Plan ("Remediation Plan"). If OCR has any objections to the Remediation Plan submitted by the Division for review, OCR will promptly notify the Division of its objections.

By **March 31, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR regarding its implementation of the notice requirements of item 1(a), copies of all complaints received about discipline by the Discipline Supervisor referenced in item 1(a), and documentation regarding its implementation of 1(b) and (c), including the identity of the experts it has consulted and/or retained, the input received from the experts, any further planned examinations and/or determinations concerning the root cause(s) of any racial disparity in the discipline of Division students, and the resulting changes to policies and/or practices the Division makes as required by this Agreement. Until OCR closes its monitoring of this Agreement, the Division will submit for OCR review and approval any changes to the Remediation Plan approved by OCR prior to their implementation by the Division.

#### **Early Identification of At-Risk Students and Early Intervention**

2. The Division will require that XXXX School ("High School") ensure that its educational staff members employ a range of corrective measures before referring a student to disciplinary authorities, unless it can be documented that the safety of

students and/or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as required by applicable law. The Division will assess its current staffing levels of guidance counselors, social workers and other mental health workers to determine if there is sufficient availability at the High School. The Division will develop a plan to effectively tailor school-based services that are supportive of the needs of students in order to decrease behavioral difficulties that manifest in school and to increase students' ability to benefit from the learning environment. This plan shall be known as the Behavioral Supports Plan. The Behavioral Supports Plan will describe the following:

- a. the process for identifying students who are at-risk for behavioral difficulties due to their experiences in and outside of school;
- b. school-based interventions for students who are identified as at-risk for behavioral difficulties;
- c. skill-building for at-risk youth;
- d. support for school staff to meet the needs of the at-risk students; and
- e. timeframes by which the Division will hire additional guidance counselors, social workers or other mental health workers, where determined to be necessary to achieve the Division's goals.

**REPORTING REQUIREMENTS:** By **March 31, 2016**, the Division will provide OCR a copy of the Behavioral Supports Plan. By **June 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide to OCR documentation of the steps taken to implement the Behavioral Supports Plan in the just-completed school year.

### **Outreach to Students, Division Staff and Community Members**

3. The High School will conduct an annual forum for the High School student and parent community that specifically provides an opportunity for students to discuss with faculty and administrators discipline matters, including non-discrimination, and provide recommendations for improvement in the Division's discipline policies. At least one site administrator with school-wide responsibility for discipline will attend each forum. The Division will select an appropriate format for each session based on the age and grade levels of students and the particular needs of the school, as long as each student is given the opportunity to participate meaningfully in such a session at least annually.

**REPORTING REQUIREMENTS:** By **March 31, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR of each student forum session including the date, time, length and location of each session, the number of students attending, a summary of the concerns and suggestions expressed by students at each such session, and the Division's responses to the student concerns and suggestions.

4. The Division will establish a working group at the High School ("Working Group") consisting of school personnel, including teachers, administrators and other school staff who are involved in making discipline referrals and imposing disciplinary sanctions, parents of school students and community leaders, and at least two High School students.
  - a. The working group will consult with the Division expert(s) identified in item 1 as appropriate, and will develop and make recommendations to the Division regarding the effectiveness of the Division's discipline policies, practices, and procedures.
  - b. The Division will take steps to ensure that the Working Group is representative of the High School's student population and will encourage the parents or guardians of African American and other minority students to participate on the Working Group.
  - c. The High School will designate an employee to coordinate the Working Group's meetings and work.
  - d. The Working Group will provide Division officials with input regarding strategies for improving student behavior, addressing student misbehavior by means other than disciplinary actions, and reducing any racial disparity in referrals for discipline, the imposition of discipline and the exclusion of students from the educational program.
  - e. The Working Group will provide continuing input to Division officials regarding strategies to ensure that High School staff members have access to or are aware of available resources for assisting them in managing and de-escalating student behavior that is disruptive to the educational environment.
  - f. The Working Group will also provide specific suggestions for developing training and informational programs that promote a safe and orderly educational environment and ensure the fair and equitable discipline of all students.
  - g. The Working Group will develop outreach efforts to families to garner support for the Division's discipline policies, practices and procedures and for the Division's goal of addressing student misbehavior without excluding students from the educational program, as further described in the Agreement above.
  - h. The designated employee identified in item 4(c) will prepare and submit a written summary of the recommendations and suggestions of the Working Group to the Division by no later than **April 30** of each school year.
  - i. The Division will finalize a plan for implementing the group's recommendations and suggestions, as appropriate, by no later than **June 30** of each school year. This plan shall be referred to as the Annual Working Group Plan.

**REPORTING REQUIREMENTS:**

By **October 31, 2015**, the Division will provide documentation to OCR that the Working Group required by this item has been established, including the identity of the members of the Working Group and the Division employee who has been designated to coordinate or oversee the activities of the Working Group as required by item 4(c). In addition, by February 28, 2016, the Division will provide to OCR a summary of the initial activities undertaken by the Working Group.

By **June 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide for OCR's review and approval documentation of the written reports submitted by the Working Group; the Annual Working Group Plan developed by the Division in response to the reports; the steps taken by the Division in response to the reports; and written explanations provided by the Division for its decision not to implement any of the recommendations or suggestions made by the Working Group. Throughout the course of this Agreement, the Division will submit for OCR review and approval any changes to the Working Group Plan prior to their implementation.

**Policies, Practices and Procedures**

5. The Division will review and revise its student discipline policies, practices, and procedures. In doing so, the Division will consider the recommendations or suggestions made at the student forums in item 3 and from the Working Group in item 4. The Division will ensure that its student discipline policies, practices and procedures are compliant with applicable law, and include the following:
  - a. Standards for disciplinary referrals that include clear definitions and categories for disciplinary infractions and clear procedures for staff to follow when making student discipline referrals;
  - b. The elimination, to the maximum extent possible, of vague or subjective offense categories including those that necessarily require a high degree of subjectivity and individual discretion (e.g., disrespectful behavior, insubordination, disruptive behavior). OCR and the Division expressly understand and agree that the Division is bound to report infractions to the Virginia Department of Education under discipline codes established by the Virginia Board of Education that include the above-referenced examples. To the extent the Division retains such categories, the Division will provide specific examples to ensure that staff understand the circumstances under which such categories can be used to impose disciplinary sanctions and the distinctions between such categories, but reserving to school authorities the right and obligation to maintain the safety and well-being of all ACPS students and staff;

- c. Definitions of misconduct that are clear, objective and clearly distinguish between similar acts, e.g., fighting and physical aggression. OCR and the Division expressly understand and agree that the Division is required to report infractions to the Virginia Department of Education under discipline codes established by the Virginia Board of Education;
- d. The range of penalties that may be imposed for each infraction and penalties that are proportionate to the type of misconduct;
- e. The criteria for selection within the range of possible penalties when imposing disciplinary sanctions, where appropriate and permitted by applicable law;
- f. An explanation of how the Division will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies, practices and procedures will be implemented, where appropriate and permitted by applicable law;
- g. A requirement that alternatives to expulsion, suspension or 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 threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by removal, or where required by applicable law;
- h. A requirement that school staff attempt a range of corrective measures before referring a student to disciplinary authorities unless it can be documented that the safety of students or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as otherwise required by applicable law;
- i. Appropriate due process standards for all students disciplined under the Division's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for informal hearings, etc.); and
- j. A program that seeks to successfully reintegrate students within the school community who have been suspended, expelled or excluded, or who return from alternative disciplinary placements or periods of incarceration, including counseling, tutoring or other additional educational services to permit the student to make up lost classroom time, as authorized by applicable law.

**REPORTING REQUIREMENTS:**

By **June 30, 2016**, the Division will submit its revisions, if any, to the student discipline policies, practices and procedures to OCR for review and approval. OCR will promptly provide to the Division any objections to the proposed revisions to policies and procedures.

Within **45 days** of OCR's approval, the Division will provide documentation to OCR that it is implementing the revised policies and has disseminated the revised student discipline policies, practices and procedures to all Division students, parents and staff, and posted the revised policies in a prominent location on the Division's website and in each Division school. Throughout the course of this Agreement, the Division will submit for OCR review and approval any changes to the student discipline policies and procedures prior to their implementation.

**Staff and Student Training**

6. The Division will provide annual training programs to all Division teachers, administrators, instructional paraprofessionals, and any other Division personnel charged with supervising students, making disciplinary referrals or imposing student discipline.
  - a. The training will emphasize the Division's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing discipline.
  - b. As appropriate, the training for Division employees will include but not be limited to, explanations of the discipline policies; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; the circumstances under which deviations from established policies and procedures may be justified; the documentation that must be developed and maintained by all Division staff who make disciplinary referrals or impose disciplinary sanctions; evidence-based techniques on classroom management and de-escalation approaches for student misbehavior; information on how to administer discipline fairly and equitably; resources that are available to Division staff who are having difficulty with classroom discipline; resources that are available to Division students to assist them in developing self-management skills; the value of recognizing and reinforcing positive student behavior; and the importance of ensuring that misbehavior is addressed in a manner that does not require removal from the educational program, except in instances where the safety of students or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as otherwise required by applicable law.

- c. The training will provide Division employees with the opportunity to raise concerns or suggestions regarding the improvement of the Division's disciplinary policies, including any issues in connection with fairness and non-discrimination on the basis of race.

**REPORTING REQUIREMENT:** By **February 28, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR that it has provided the training required by this item.

7. The Division will provide annual training programs regarding student discipline to all Division students in an age appropriate, easily understood manner. This training may be provided in conjunction with the student forums referenced in this Agreement.
  - a. The training will emphasize the Division's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing discipline. The training will advise students of their right to appropriate due process procedures in connection with any disciplinary action taken or proposed by the Division.
  - b. The training will include, but not be limited to, explanations of the Division's discipline policies; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; resources that are available to Division students to assist them in developing self-management skills; and the Division's commitment to recognizing and reinforcing positive student behavior and to ensuring that student misbehavior is addressed in a manner that does not require removal from the educational program, except in instances where the safety of students or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as otherwise required by applicable law.

**REPORTING REQUIREMENT:** By **February 28, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR that it has provided the training required by this item.

### **School Resource Officers**

8. The Division will complete a comprehensive review of its School Resource Officer (SRO) program, including the existing Memorandum of Understanding between the Amherst County Sheriff's Department and the Division ("SRO MOU"), to assess the program's effectiveness and identify any changes that should be made to the program and/or the MOU to ensure that the program and MOU support the Division in accomplishing the goals and objectives set forth in this Agreement. The review will include, but not be limited to, the following:

- a. Individual meetings with every SRO to assess the extent to which they have a clear understanding of the Division’s obligations under Title VI, the role they are expected to play in the Division, and the SROs' obligations under the MOU. The meetings may serve to illicit from the individual SROs input regarding problems and/or challenges the SROs believe exist with their utilization by Division staff and suggestions they have for improving the program;
- b. Individual meetings with school administrators and pupil-personnel teams to confirm a clear understanding of the role SROs are expected to play in the schools, including the SROs' limited role in the student discipline process;
- c. Meetings, as appropriate, with students identified in item 3 of this Agreement and the Working Groups identified in item 4 of this Agreement to assess the relationship SROs in Division schools have with students and parents, and how they are utilized as part of the overall effort to promote a positive school climate;
- d. A review of every instance during the **2013-14** and **2014-15** school years in which an SRO became involved in a student discipline matter to determine whether: it was appropriate for the SRO to become involved in the matter; and whether, once involved, the SRO acted in a manner that was consistent with the Division’s expectations, its discipline polices, practices and procedures, and applicable law. This review will also examine every instance in which the Division referred a student to law enforcement and carefully consider whether the referral to law enforcement was appropriate under the circumstances present at the time, consistent with the treatment of other similarly situated students, and consistent with applicable law. If the Division determines that any referral was inappropriate, then it will promptly take actions to remedy any adverse effects from the referral, including, where warranted, correction of Division records and efforts to discontinue law enforcement involvement in the incident.

**REPORTING REQUIREMENT:** By **March 31, 2016**, the Division will provide documentation to OCR of its review conducted pursuant to this item of the Agreement and a description of any revisions the Division plans to make to its SRO program based on the review. The Division’s report will also include: all documentation associated with each instance during the **2013-14** and **2014-15** school years in which an SRO became involved in a student discipline matter; for OCR’s review and approval, the determinations made by the Division with respect to each incident as to whether an SRO’s involvement was appropriate; and a description, with supporting documentation, of any actions the Division proposes to take in those cases in which it determines the involvement of the SRO was not appropriate. The Division’s report will also provide for OCR’s review and approval a list of instances in which it was determined that a referral to law enforcement was made inappropriately and a description with supporting documentation of the steps the Division proposes to take to remedy any adverse effects resulting from the referral. If OCR has any objections to the actions the Division proposes to take , OCR will notify

the Division of its objections promptly, no later than 60 calendar days after receiving the draft actions. Within 30 days of receipt of OCR's approval of the steps the Division proposes to take regarding any instances in which the Division determined that the involvement of the SRO was not appropriate and/or a referral to law enforcement was inappropriate, the Division will document to OCR that it has taken the proposed steps.

9. The Division will provide annual training to all Division SROs that explains the Division's obligations under Title VI, the revisions being made to the SRO program and what is expected of the SROs under the revised program, and the Division's student discipline policies, practices and procedures. The Division will also develop an orientation program to be delivered to all SROs newly assigned to Division schools that explains the SRO program, what is expected of SROs in the SRO program, and the Division's student discipline policies, practices and procedures.
  - a. The training and orientation will emphasize the SROs' role in ensuring a safe and orderly educational environment and the fair and equitable treatment of all Division students when taking disciplinary action.
  - b. The training and orientation will also provide the SROs with information on how to work effectively with the Division's elementary and secondary students and identify resources available to the SROs to assist them in this regard.
  - c. The training and orientation will provide the SROs with instruction distinguishing the role of law enforcement officers and school authorities with regard to student discipline and referrals for criminal conduct on Division property;
  - d. The training and orientation will also include explanations of the Division's discipline policies; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed, if applicable; the circumstances under which deviations from established policies and procedures may be justified; resources that are available to students to assist them in developing self-management skills; the Division's commitment to recognizing and reinforcing positive student behavior and ensuring that misbehavior is addressed in a manner that does not require exclusion from the educational program, except in instances where the safety of students or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as otherwise required by applicable law; and
  - e. The training and orientation will include a discussion regarding the Division's obligations to ensure that the SRO program is administered in a non-discriminatory manner.

REPORTING REQUIREMENT: By **March 31, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR of the training provided by the Division in accordance with this item, the name(s) of the person(s) who delivered the training, and a description with supporting documentation of the person's qualifications.

10. The Division will implement any changes made to its SRO program pursuant to the review referenced under item 8 of this Agreement.

REPORTING REQUIREMENTS: By **March 1, 2016**, the Division will provide documentation to OCR that it has implemented this item of the Agreement.

### **School Climate Survey**

11. The Division will administer annually a comprehensive climate survey to students, teachers/staff, and parents at the High School to measure the perceptions of students and other members of the Division community in connection with the administration of school discipline. In particular, the survey will measure perceptions of relationships among the school community members, school safety, and fairness and clarity of rules and behavioral expectations.

REPORTING REQUIREMENTS:

By **November 30, 2015**, the Division will provide OCR for its review and approval the climate survey it proposes to use and the methods by which it will administer the survey in order to maximize the response rate. If OCR has any objections to the survey submitted by the Division for review, OCR promptly will notify the Division of its objections.

By **April 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide OCR for its review and approval a copy of the survey results and a description of actions it proposes to take in the following school year as a result of the survey results. OCR will promptly after receiving the results and description provide to the Division any objections it has to Division's proposed actions.

By **June 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will document the steps it has taken in response to the previous school year's survey results.

### **Data Collection and Self-Monitoring**

12. The Division will collect available data regarding referrals for student discipline and the imposition of discipline, including administrative transfers, at all Division schools. The data collection system will be revised to ensure that beginning with the **2015-2016** year, it will include, but not be limited to, the following:

- a. The name/identification number, race, ethnicity, sex, age, disability and/or English Language Learner (ELL) status, and grade level of each student referred for discipline;
- b. For each referral, the name/identification number, race, ethnicity, sex, age, grade level, disability and/or ELL status, as applicable, and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
- c. A detailed description of the misconduct;
- d. A description of all approaches that were attempted in order to address the behavior at issue prior to referral for discipline;
- e. The date of the referral;
- f. The specific Student Code of Conduct/Division policy violation for which the referral was made;
- g. The referring staff member (by staff identification/employee number);
- h. The school and type of class from which the referral was made or other specific settings (e.g. bus referral, hallway referral);
- i. The names and number of student and adult witness(es);
- j. The prior disciplinary history of the student referred for discipline;
- k. The specific Student Code of Conduct/Division policy violation for which the student was punished and the penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the reason(s) why;
- l. The outcome of the special education or Section 504 manifestation hearing determination for the referred student, if applicable;
- m. The date the penalty/sanction was imposed;
- n. The length of the penalty/sanction (in number of days);
- o. The staff member who assigned the penalty/sanction (by staff identification/employee number);
- p. Whether the student was transferred to an alternative school or to a different school site;

- q. Whether local law enforcement was involved (e.g. law enforcement was notified of the offense);
- r. Whether the referral to law enforcement was mandatory and, if so, the Division policy, statute or ordinance governing the referral;
- s. Whether the student was arrested or otherwise sanctioned by law enforcement as a result of school-based or law enforcement involvement;
- t. Any other non-punitive services which the referred student received, including, but not limited to, skill building, peer mentoring, etc.
- u. Whether the Division provided the referred student access to appropriate due process procedures in connection with the penalty/sanction, including, but not limited to, being given the opportunity to present his or her version of events and/or an explanation for their conduct prior to the imposition of sanctions, and whether, when, and how the referred student's parents were contacted in connection with each referral incident.

**REPORTING REQUIREMENT:** By **June 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide to OCR the data referenced in this item for the just completed school year.

13. The Division will evaluate on an on-going basis, and at a minimum at the end of each academic semester, the data referenced in item 12 to assess whether the Division is implementing its student discipline policies, practices and procedures in a non-discriminatory manner at the High School. The evaluation of the data will include, but not be limited to, the following:
- a. Review of discipline referrals and penalties imposed to examine whether African American students are receiving more referrals or discipline than students of other races;
  - b. Review of student referrals for expulsions to examine whether African American students are receiving more expulsions than students of other races;
  - c. Examination of whether certain teachers and administrators refer disproportionately high numbers of students of a particular race for discipline or are disproportionately responsible for imposing discipline that includes exclusion from the educational program;
  - d. Examination of whether African American students are disproportionately referred for offenses in which subjective judgment is exercised;
  - e. Examination of whether all students are consistently referred for similar misbehaviors, without regard to race;

- f. Examination of whether waivers of punishment, if available, are available to all students, without regard to race;
- g. Examination of whether penalties imposed are consistent with the penalties specified in the Division’s discipline policies and procedures and, where exceptions are made, whether they are justified.

**REPORTING REQUIREMENT:** By **February 28, 2016, June 30, 2016**, and at the end of each subsequent semester until OCR closes the monitoring of this Agreement, the Division will provide to OCR the evaluations referenced in this item for the just completed semester.

14. The Discipline Supervisor will meet at the conclusion of each semester with the principal of the High School to discuss the data gathered by the Division. If the data suggest disparities in the implementation of discipline based on race, the meetings will explore possible causes for any such disparities and the Discipline Supervisor will consider steps that can be taken to eliminate the disparities to the maximum extent possible.

**REPORTING REQUIREMENT:** By **February 28, 2016, June 30, 2016**, and at the end of each subsequent semester until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

15. The High School principal will meet at the conclusion of each semester with the teachers at the High School to discuss the data gathered and analyzed by the Division.
- a. If the data suggest a disparity in the implementation of discipline based on race, the meeting will explore possible causes for the disparities and the principal shall consider steps that can be taken to eliminate the disparities, to the maximum extent possible.
  - b. Where the data show that a particular teacher is responsible for a disproportionate number of referrals or that a specific teacher disproportionately refers African American students for discipline, the principal will meet privately with that teacher to discuss the data, explore the reasons for the disproportion, and examine potential solutions.
  - c. Where the data show no disproportion or suggests that a teacher has been particularly successful in managing student discipline at the classroom level, the meetings will examine steps that are being taken at the High School or by the individual teacher to ensure the fair and equitable enforcement of the Division’s student discipline policies, practices and procedures that might be shared as “best practices” with other teachers at the High School.

REPORTING REQUIREMENT: **February 28, 2016, June 30, 2016**, and at the end of each subsequent semester until OCR closes the monitoring of this Agreement, the Division will provide documentation to OCR of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

16. At the conclusion of the 2015-2016 school year and each school year thereafter, the Division will consider whether changes to its student discipline policies, practices and procedures are warranted based on its evaluation of the High School student discipline data, the meetings with administrators and staff, and the findings made by the Working Group.

REPORTING REQUIREMENT: By **June 30, 2016**, and annually thereafter until OCR closes the monitoring of this Agreement, the Division will provide for OCR's review and approval all changes to policies, practices, and procedures it proposes to make pursuant to this item and the rationale for the changes or for not making changes. Throughout the course of this Agreement, the Division will submit for OCR review and approval any changes to the policies and procedures prior to their implementation.

The Division understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the Division understands that, during the monitoring of this Agreement, OCR may visit the Division, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at §§ 100.3(a) and (b)(i)-(iii), which were at issue in this case.

The Division understands that OCR will not close the monitoring of this Agreement until OCR determines that the Division has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI, at §§ 100.3(a) and (b)(i)-(iii), which were at issue in this case. Prior to the conclusion of OCR's monitoring, the Division will provide documentation establishing that any remaining disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

The Division 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 Division written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Amherst County Public Schools.

\_\_\_\_\_/S/\_\_\_\_\_  
Division Superintendent

\_\_\_\_9/1/15\_\_\_\_\_  
Date