

Cleveland Heights-University Heights City School District
OCR Docket #15-14-5001
Resolution Agreement

Cleveland Heights-University Heights City School District (District) voluntarily submits this Resolution Agreement (the Agreement) to the U.S. Department of Education (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 *et 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. Accordingly, the District agrees to take the following Action Steps:

A. Retention of an Expert/Consultant or Designation of Responsible Employee(s)

1. By **December 29, 2017**, the District will designate a responsible employee or retain an on call consultant, knowledgeable about non-discriminatory discipline practices, data analysis, and research-based strategies to address racially disproportionate disciplinary referrals and sanctions.
2. By **December 29, 2017**, the District will designate an employee(s) to serve as the District's Discipline Supervisor¹. The Discipline Supervisor will be responsible for ensuring that the implementation of the District's policies concerning discipline is fair and equitable, will oversee a quarterly review of the District's discipline data, and will be kept apprised by the District's Civil Rights Coordinators of all racial discrimination complaints from parents, guardians, students and others regarding the implementation of the District's disciplinary policies.

Reporting Requirements: By **December 29, 2017**, the District will provide OCR with the name(s) and qualifications of the responsible employee or expert/consultant designated pursuant to Action Step A.1, and the individual(s) appointed as the Discipline Supervisor pursuant to Action Step A.2.

3. By **December 29, 2017**, the expert/consultant or responsible employee will assist the District in drafting and submitting to OCR for review and approval a plan to achieve the District's goal of ensuring that discipline referrals and sanctions are appropriately and equitably applied to all students regardless of race; the District's plan will include an analysis of discipline data from at least the 2016-2017 school year at both the school and District levels.
4. By **December 29, 2017**, the District will publish the name and/or title, office address, e-mail address, and telephone number of the Discipline Supervisor on its website, in all school publications regarding discipline, and in any notices that the District sends to parents annually.

¹ The Discipline Supervisor may be the same individual designated as the responsible employee in Action Step A.1.

Reporting Requirements: By **December 29, 2017**, the District will provide OCR with a copy of its plan developed pursuant to Action Step A.3, for OCR's review and approval, and documentation showing that the District has fully implemented Action Step A.4, including the location(s) on the District's website where the Discipline Supervisor's information is published and a copy of any school publications regarding discipline, and any notices that the District sends to parents annually.

B. Discipline Policies, Practices and Procedures

1. By **December 29, 2017**, the District will establish a stakeholder-based Discipline Task Force (staff, students, parents and community members). The purpose of the Discipline Task Force is to promote a culture where discipline is issued fairly and justly and without regard to race, color or national origin; and where Positive Behavioral Supports & Interventions are incorporated.
2. By **June 1, 2018**, the District and its Discipline Task Force will develop a Code of Student Conduct focused on Positive Behavioral Supports & Interventions.
3. By **June 1, 2018**, the District will review, revise and submit to OCR for approval its student discipline policies, practices, and procedures, including the Code of Student Conduct developed under Action Step B.2. The policies, practices, and procedures will include the following:
 - a. Definitions of misconduct that are clear and objective to the maximum extent possible, that clearly distinguish between similar acts (e.g., assault and fighting; disruption, disorderly conduct, and horseplay; bullying/harassment/intimidation; and victimizing/threatening/bullying), and that include specific examples where necessary to assist staff in understanding each listed type of misconduct.
 - b. The range of sanctions for each type of misconduct 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.
 - c. The types of misconduct that may be addressed through the use of restorative justice or other alternate methods or techniques instead of disciplinary sanctions.
 - d. 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 threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by removal.
 - e. Clear and consistent guidelines for when and how students will be given credit for work completed during a suspension or other removal.

- f. 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.
- g. Appropriate due process standards for all students disciplined 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 1, 2018**, the District will provide OCR documentation demonstrating its compliance with Action Step B.1-3, including the names and titles of persons appointed to the Discipline Task Force; and a copy of the District's revised student discipline policies, practices and procedures, including the Code of Student Conduct.

- 4. Within 60 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, including the Code of Student Conduct, 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, practices, 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 B.4, 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. Data Collection and Self-Monitoring

- 1. Beginning with the 2017-2018 school year, the District will electronically collect data regarding student discipline referrals and sanctions at all District schools. The data collection system will include, but not be limited to:
 - a. For each student referred for discipline: First name, last name, identification number, race and 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.

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

Reporting Requirements: By **December 29, 2017**, the District will submit documentation to OCR demonstrating that its electronic data collection system is equipped to capture the information required by Action Step C.1.

By **July 31, 2018**, the District will provide to OCR the data referenced in Action Step C.1 for the 2017-2018 school year.

- 2. By **December 29, 2017**, and quarterly thereafter, the superintendent or superintendent's designee(s) and Discipline Supervisor will meet with the principal of each District school to discuss the data gathered by the District under Action Step C.1. The meetings will examine how discipline referrals and disciplinary sanctions imposed at each school compare to those at other District schools and consider any data suggesting that African American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races.

Where the data shows that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers African American students, the relevant principal will meet privately with that teacher to discuss the data, explore the reasons for the disproportion, and examine potential solutions.

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: By **July 31, 2018**, the District will provide to OCR documentation of the meetings held pursuant to Action Step C.2, the data considered during those meetings, and documentation showing steps taken as a consequence of the information shared at the meetings.

3. By **August 1, 2018**, the District will provide ongoing professional development and information to stakeholder groups (staff, students, parents and community members) related to the following:
 - a. Disciplinary practices resulting in disproportionate discipline based on race, color or national origin.
 - b. Positive behavioral supports & interventions.
 - c. Equity to include the promotion of a culture where discipline is issued fairly and justly.
 - d. The implementation and use of the adopted Code of Student Conduct with fidelity and consistency across students; without regard to race, color or national origin.

Reporting Requirements: By **August 15, 2018**, the District will provide documentation to OCR showing that it fully implemented Action Step C.3, including the name(s) and qualifications of individual(s) who provided the training(s), the date(s) and locations(s) of the training(s) or sharing of information, and a copy of the materials distributed during training(s) or otherwise shared with staff.

D. 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 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 making disciplinary referrals and imposing

disciplinary sanctions. 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 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 discipline, 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.

Reporting Requirements: Within 90 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, the District will provide documentation to OCR showing that it fully implemented Action Step D.1, including the name(s) and qualifications of individual(s) who provided the training, the date(s) and locations(s) of the training(s), a copy of the training materials, and a list of the names of all District employees 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

12/8/2017

Superintendent or Designee

Date