

Resolution Agreement
Lodi Unified School District (District)
(Docket Number 09-13-1314)

The U.S. Department of Education, Office for Civil Rights (OCR) initiated the above-referenced investigation pursuant to Title VI of the Civil Rights Act of 1964 (Title VI) and its implementing regulation at 34 C.F.R. Part 100. In order to resolve compliance concerns and non-compliance identified by OCR, and without admitting any violation of state or federal law, Lodi Unified School District (District) agrees to implement this Resolution Agreement (Agreement).

Prior to entering into the Agreement, the District began implementing measures focused on ensuring the equitable administration of its disciplinary policies and procedures and working with students who have behavioral problems so that they remain engaged in the District's educational program and in class learning and are given every opportunity to reach their educational potential. These steps have included, but are not limited to, employing a Positive School Climate Coordinator; working with expert consultants at places such as The Better Mind, the California Technical Assistance Center of Positive Behavior Interventions and Supports (PBIS), and the Region IX Equity Assistance Center at WestEd; examining the District's racial disparities in the administration of student discipline; providing increased staff training on student discipline and elimination of bias; developing additional alternatives to exclusionary discipline; creating stakeholder committees to review discipline practices, such as the African-American Superintendent's Advisory Committee, and implementing positive behavior intervention and support and restorative justice practices

To the extent the District's efforts already meet some terms in the Agreement, the Agreement requires the District to provide OCR with documentation of the completion of those terms, and the District hereby commits to continuing these efforts as required by the Agreement. The District's goal is to fulfill the terms of the Agreement by the end of the 2018-19 school year.

Agreement Principles – Safe and Equitable Schools

The District's goal is to ensure that it provides all of its students with schools that are safe and that have an environment that is conducive to learning. The District is committed to nondiscrimination in discipline and to treating all students fairly and equitably in the administration of discipline, without regard to race, color, or national origin. The fair and appropriate implementation of student discipline policies grounded in research-based evidence is one means of achieving this objective. In addition, it is critical that students learn and are reinforced in appropriate behavior so that they are engaged in the District's education program, rather than its disciplinary system. The District is committed to ensuring that, to the extent possible and permitted by and consistent with the law, its student discipline policies and procedures are designed and implemented in such a way as to ensure that the imposition of discipline does not require a student's removal from the education program. Furthermore, the District is committed to applying school discipline policies and procedures in a manner that is in

compliance with Title VI and its implementing regulation. Therefore, to the maximum extent possible and permitted by and consistent with the law, the District strives to adopt and implement student discipline policies and procedures that: 1) keep students learning in the classroom; 2) ensure consistent and equitable implementation of research-based alternatives to exclusion; and 3) use exclusionary discipline only as a last resort.

Agreement Provisions

I. District Staff and Expert Consultant(s)

- A. District Positive School Climate Coordinator (Coordinator): The District presently employs a Positive School Climate Coordinator, and, throughout the term of the Agreement, the District will continue to employ a Coordinator. The District will provide OCR with the position description for review and approval. For any future final candidates considered for the position, the District will provide OCR with the candidates' resumes and relevant training, and OCR will have 10 ten days to contact the District with a response regarding the final candidate(s). The Coordinator will continue to be responsible under the Agreement for working in concert with other District designee(s), where necessary, to implement the Agreement. The Coordinator will have the responsibility of addressing any complaints regarding the implementation of the District's discipline policies, procedures, and practices, including those based on allegations of discrimination. Where deemed appropriate by the District, the Coordinator will address any complaints in concert with other District designee(s). The District will publish the Coordinator's name, title, office address, e-mail address, and telephone number on its website, in all school publications regarding discipline, and in the District's annual notice to parents and guardians.

Reporting Requirements: If the person employed as the Coordinator changes, the District will provide OCR with the resume, including any relevant training, of the final candidate(s) within a reasonable period after being selected and within the time specified above to provide OCR with an opportunity to contact the District regarding the final candidate(s). On June 30, 2017, and by the same date annually thereafter, the District will provide OCR with a copy of all complaints of race, color, or national origin discrimination in discipline, as well as a copy of the District's findings and resolution of each such complaint.

- B. Expert Consultant(s): The District will continue to consult with an expert consultant or consultants, as needed and as determined by the District, throughout the implementation of the Agreement, in nondiscriminatory¹ discipline practices, data

¹ "Nondiscriminatory discipline practices" and "nondiscrimination in school discipline" is the administration of discipline to ensure that any remaining racial disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulation.

analysis, and research-based discipline strategies.² The expert consultant(s) will assist the District in developing strategies for meeting the District's goals of ensuring that discipline is fairly and equitably applied to all students regardless of race, color, or national origin, as further described in "Agreement Principles – Safe and Equitable Schools" at page 1 of the Agreement, monitoring and evaluating the District's disciplinary practices, engaging stakeholders as described in the Agreement in II.B, and otherwise implementing the Agreement.

Reporting Requirement: If the District elects to employ the services of an expert consultant or consultants, the following reporting requirement will apply. At least 5 days prior to selecting a consultant or consultant(s), the District will inform OCR of the qualifications and name(s) of the consultant(s). The District will further provide evidence that the consultant(s) has/have agreed to provide the service(s) identified in the Agreement.

- C. Identify Root Cause(s) and Develop Action Plan: The District will, in consultation with the Coordinator and, if deemed necessary, expert consultants(s), examine the root cause(s) of the disparities in the discipline of students in the District, including African-American students, and identify and, subject to the review and approval of OCR, take appropriate actions necessary to address the root cause(s) as part of the District's obligation under the Agreement. This will include reviewing discipline data and analysis as described in VIII.A. and VIII.B, *infra*, securing any expert input, as needed, reviewing District policies and practices as described in II.A, *infra*, reviewing employee training and school-site practices, and engaging students, staff, and community stakeholders as described in II.B, *infra*. Based on this examination, the District will develop a plan describing the actions it has identified to ensure nondiscrimination in school discipline (Action Plan).

Reporting Requirements: By January 1, 2017, the District will provide OCR with its preliminary examination of the root cause(s) of the racial disparities in discipline, as required by I.C, *supra* and any initial steps it proposes to take during the Spring 2017 for OCR review and approval. By May 30, 2017, the District will provide OCR with its completed examination of the root cause(s) of the racial disparities in discipline, as required by I.C., *supra*, and Action Plan. Upon OCR review and approval, the District will implement the Action Plan, and will provide OCR with documentation of such implementation on January 31, 2018 and June 30, 2018 and by the same dates annually thereafter. Documentation of implementation will include, but is not limited to, changes in discipline policies, procedures, or practices and the reasons for such changes, as well as data analysis regarding student discipline rates by race, color, and national origin in District schools. Throughout the course of the Agreement, the

² The expert(s) with whom the District consults, as described herein, may be a District employee or employees or an outside consultant with sufficient expertise.

District will submit for OCR review and approval any changes to the Action Plan prior to implementation.

II. Policies, Procedures, and Practices

- A. **Policies, Procedures, and Practices Review and Revisions:** The District will continue to review its student discipline policies, procedures, and practices, and will commence making revisions to them, where applicable, by January 30, 2017, as necessary and consistent with the goals of the Agreement and will do so, in consultation, as needed, with any expert consultant(s) chosen by the District. In doing so, the District will consider factors, including recommendations made by the Stakeholder Discipline Equity Committee discussed in II.B, *infra*, any existing site specific practices and their relationship to discipline rates, and any best practices and concerns identified regarding the nondiscriminatory administration of discipline. The District will ensure that its student discipline policies, procedures, and/or practices include the following:
1. disciplinary referral standards that eliminate redundancies and provide clear and consistent definitions, categories, and procedures for staff to follow;
 2. elimination, to the maximum extent possible and permitted by and consistent with the law, of vague, subjective or redundant offense categories, including categories that allow for a high degree of subjectivity and individual discretion in enforcement (e.g., willful defiance or disruptive behavior). To the extent the District retains such categories, the District will provide specific examples of the conduct constituting each category so that District staff members understand the circumstances under which such categories can be used to impose disciplinary sanctions and the distinctions between such categories;
 3. a list of minor misbehaviors for which suspension or expulsion should never be used, and a list of minor misbehaviors that warrant interventions other than discipline;
 4. a requirement that, before suspending a student, school staff members attempt and document corrective measures that are appropriate to the particular circumstances and that do not result in the removal of a student from class, except where the behavior in question causes a danger to persons or disruption to the educational environment that can only be remedied by such suspension, and it is permitted by law. However, the Agreement shall not be interpreted to restrict suspension or expulsion where mandated or as permitted by California Education code section 48900.5, which, in part, specifies, that suspension shall only be imposed when other means of correction fail to bring about proper conduct, specifies a number of other means of correction to be used prior to suspension, and provides an exclusive list of five objectively serious offenses, in addition to when the

superintendent or principal determines that a pupil's presence causes danger to persons, for which suspension could be issued for a first offense.

5. definitions of misconduct that are clear and objective, to the maximum extent possible, and that clearly distinguish between similar acts, (e.g., fighting and physical aggression); such definitions must include clearly defined, uniform criteria for all offense categories;
6. the range of penalties that may be imposed for each infraction, and penalties that are proportionate to the type of misconduct;
7. uniform criteria for staff members to use when selecting a particular disciplinary sanction within the range of possible penalties;
8. a clear explanation of how any progressive disciplinary policies, procedures, and practices will be implemented consistently at all schools, including criteria or guidelines for disciplinary sanctions concerning first and repeat offenders; appropriate due process standards for all students disciplined under the District's student discipline policies, procedures, and practices, including a description of the key elements of the disciplinary process (i.e., appeals, alternative dispositions, timelines, provisions for hearings, etc.);
9. individualized efforts and strategies that seek to reintegrate students within the school community who have been suspended, expelled, or transferred, or who return from alternative disciplinary placements or periods of incarceration, including counseling, tutoring, or other additional educational services.
10. a clear policy statement that students may not be suspended (in school or out) for tardies or truancy; and,
11. a process to: (a) identify the predominant languages spoken by the District's Limited English Proficient (LEP) parents/guardians and English language learners (ELLs), for whom translation of the District's discipline policies, practices, procedures, and discipline notices and related documents is appropriate; and (b) offer oral interpretation of these documents upon request for LEP parents/guardians and ELLs who speak other less common languages.

Reporting Requirements: By March 30, 2017, the District will submit any draft revisions of its student discipline policies, procedures, and/or practices including any related definitions, to OCR for review and approval. OCR understands that the District School Board retains the sole authority to adopt policies and procedures for the District. Within 60 days of OCR's approval, the District will provide documentation to OCR that it is implementing the revised policies and procedures, and has (a) disseminated the revised student discipline policies and procedures to all

District staff, students, and parents; and (b) posted them in a prominent location on the District's website and at each District school. Within 60 days of OCR's approval, the District will also provide documentation to OCR that it has translated and/or offered oral interpretation of the revised student discipline policies, procedures, and practices for ELLs and LEP parents/guardians in their respective languages in a manner that is consistent with the District's obligations under Title VI. Throughout the course of the Agreement, the District will submit for OCR's review and approval any changes to the District's policies, procedures, and practices prior to their implementation.

- B. Stakeholder Discipline Equity Committee: The District will provide OCR with documentation of its Stakeholder Discipline Equity Committee (Committee) of appropriate stakeholders by January 30, 2017. Such stakeholders may include school site representatives (teachers, administrators, counselors, etc.), District administrators, special education staff or administrators, representatives of community organizations, community members, students, parents/guardians, and retained expert consultant(s), if any. The Committee will include staff members from school sites who are representative of different regions within the District. The District will take steps to ensure that Committee members are representative of all segments of the District's student population, and, in furtherance of this objective, will provide annual notification to District parents about the Committee and opportunities to participate in said Committee.

The Committee will meet semiannually at a minimum, by June 30, 2017 and December 31, 2017, and by the same dates annually thereafter, to review the District's student discipline aggregate data by race, color and national origin for the prior semester in a manner consistent with FERPA, and will include a review of the implementation of the Action Plan described in I.C, infra. The Committee will consult with any District expert consultant(s), as appropriate, and make recommendations to the District regarding the District's discipline policies, procedures, practices, and implementation of the Action Plan. The Committee may also provide recommendations regarding strategies to improve student behavior and reduce exclusionary discipline, train and support staff as appropriate, and conduct outreach to students, parents, and guardians. The District's Coordinator will be responsible for coordinating Committee meetings and its related work.

Based on each semiannual review, the Committee will provide a written summary of findings and recommendations, and will submit this report and its recommendations to the District by June 30, 2017 and December 31, 2017 or within 15 days thereafter, and by the same dates annually thereafter. The District Superintendent and Board will review the report submitted by the Committee and decide whether to implement any of the Committee's recommendations. The District will inform the Committee in writing of any of its recommendations that it has adopted and incorporate them into the Action Plan (I.C.).

Reporting Requirements: By June 30, 2017 and December 31, 2017, and by the same dates annually thereafter, the District will provide documentation to OCR that the Committee required by this item has been established and the annual parental notice was provided. The District will also provide the names, titles/positions, and, if self-identified on an application, the race/ethnicity of all Committee applicants and members, as well as a calendar for the coming year's meetings and other related activities, if any. By June 30, 2017 and, December 31, 2017, and by the same dates annually thereafter, the District will provide OCR with copies of the Committee reports and recommendations, including recommendations adopted by the District, if any.

III. Staff Training

- A. Training: The District will continue to provide training to all District teachers, administrators, school aides, school security officers, and any other District personnel charged with supervising students, making disciplinary referrals, and/or imposing disciplinary sanctions. The District will commence training by January 31, 2017, and by the same date annually thereafter. The training will include an opportunity for employees to raise any concerns or suggestions regarding the improvement of the District's disciplinary policies, procedures, and practices. The training will:
1. Emphasize the District's commitment to the goals as described in Agreement Principles – Safe and Equitable Schools and to using its discipline policies, procedures, and practices to ensure a safe and orderly educational environment and the fair and equitable administration of its disciplinary policies and procedures with respect to all students when making disciplinary referrals and imposing disciplinary sanctions;
 2. Include detailed explanations of discipline policy; the definitions of offense categories with emphasis on the impact of subjective judgment in relationship to nondiscrimination when determining whether a student's conduct meets the definition of an offense; 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 District staff members who make disciplinary referrals or impose disciplinary sanctions; evidence-based techniques on classroom management and de-escalation approaches; information on how to administer discipline fairly and equitably, including by addressing bias in discipline decision-making; resources that are available to staff members who need additional support with classroom discipline; resources that are available to students to assist them in developing self-management skills and social and emotional competencies; the value of recognizing and reinforcing positive student behavior; and the importance of

ensuring, to the maximum extent possible and permitted by and consistent with the law, that misbehavior is addressed in a manner that does not require removal from the educational program;

3. Provide information concerning the scope, function, and relation of School Resource Officers (SROs) to the disciplinary process with a focus on guidance as to when it is appropriate and inappropriate to refer a student to a SRO;
4. Offer the opportunity to raise concerns or suggestions regarding the improvement of the District's disciplinary policies, procedures, and practices, including any issues related to nondiscrimination on the basis of race, color, or national origin;
5. Highlight the value of recognizing and reinforcing positive student behavior and the importance of addressing misbehavior in a manner that, to the maximum extent possible and permitted by and consistent with the law, does not remove students from the District's educational program;
6. Explain the range of non-exclusionary interventions, supports, and approaches to discipline and classroom-management, grounded in research-based educational practices that seek to create a safe, inclusive, positive educational environment to be documented and exhausted consistent with the District goals; and
7. The District's system for maintaining and reviewing data on student discipline as described in VIII.A, *infra*, as applicable to the specific staff being trained.

Reporting Requirements: By June 30, 2017, and by the same date annually thereafter, the District will provide documentation to OCR that it has provided the training required by III.A. The District, at its election, may opt to conduct multiple staff trainings per year, as opposed to one training, for logistical reasons.

IV. Student and Staff Focused Remedies

- A. Student Support System: Effective no later than June 30, 2017, the District will ensure that each District school has available a range of non-exclusionary interventions, supports, and approaches to discipline to support staff and assist students grounded in research-based educational practices that seek to create a safe, inclusive, positive educational environment. These supports and interventions may include, but not be limited to, the following:
 1. Adult and/or peer in-school mentoring;
 2. Access to counselors, social workers, trauma service or other mental health personnel, as appropriate;

3. Involvement of parents in the discipline process;
4. Assistance with developing self-management skills; and,
5. Referral for psychological testing or other educational services, as appropriate.

Reporting Requirements: By June 30, 2017, and by the same date annually thereafter, the District will provide documentation to OCR demonstrating its implementation of this item.

B. Early Intervention for At-Risk Students: All District schools, to the extent permitted by and consistent with the law, will require and ensure that school staff members employ a range of non-exclusionary interventions, supports, and approaches before referring a student to disciplinary authorities, unless it can be documented that the safety of students and/or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral. By January 31, 2017 and by the same date annually thereafter, the District will develop and implement during the school year a plan to tailor effectively 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. To that end, the District will assess staffing levels of counselors, social workers, or other mental health personnel and, as applicable, staff trained in restorative practices and positive behavior intervention in the District to determine if there is sufficient availability of support services for students at each school. The school-based supports plan will describe the following:

1. The process for identifying students who are at risk for behavioral difficulties;
2. School-based intervention for students who are identified as at-risk for behavioral difficulties;
3. Skill-building, interpersonal, social, and emotional competencies for at-risk youth;
4. Support for school staff members to meet the needs of at-risk behavioral difficulties;
5. The schedule, if any, established to hire more guidance counselors, social workers, mental health workers and restorative practices and positive behavior intervention staff members, as applicable.

Reporting Requirements: By January 31, 2017, the District will provide OCR a copy of the school-based supports plan referenced in this item and begin implementation. Such plan can be included as a section of the Action Plan described in I.C., supra. The District will submit the plan to OCR for review and approval. By June 30, 2017, and by the same date annually thereafter, the District will provide to OCR documentation of the steps taken to implement the school-based supports plan in the prior school year.

V. Outreach to Students, District Staff and Community Members

- A. Student Discipline Annual Educational Session (Student Session): Each school in the District will conduct annual educational in-classroom sessions during regular school hours that specifically provides students with information regarding the District discipline policies, practices, and procedures, including definitions of terms and consequences for misbehavior. The Student Session shall take place by May 31, 2017 and by the same date annually thereafter. The sessions will also include an opportunity for students to provide suggestions for improvements in discipline policies, procedures, and practices. The District will select an appropriate format for each session based on the age and grade levels of students and the particular needs of each school, as long as each student is given the opportunity to participate meaningfully in such a session at least annually. At least one site administrator with school-wide responsibility for discipline for each school site will, on an annual basis, invite all students at the school site to provide him/her with suggestions for improvements in discipline policies, procedures, and practices at already scheduled education sessions, a school assembly, office hours, or through another appropriate means determined by the school site with the goal of ensuring students at the school are offered a meaningful opportunity to participate.

Reporting Requirements: By June 30, 2017 and by the same date annually thereafter, the District will provide documentation to OCR of each Student 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 District responses, if any.

- B. Parent/Guardian/Education Rights Holder Information Sessions on School Discipline Expectations (Parent Sessions): The District will develop and provide informational sessions for parents, guardians, and/or education rights holders of students at all District schools that will explain the disciplinary policies, procedures, and practices of the District, what is expected of students under said policies, procedures, and practices, and the District's efforts in achieving equitable administration of said policies, procedures, and practices for all students. The parent sessions may be incorporated into other planned parent meetings, conferences, or parent education or outreach programs. The District will ensure

that the informational programs are offered in such a manner as to ensure the maximum possible participation by parents and guardians from all segments of the community. This may include offering the program at multiple times in various locations and providing access to parents, guardians, and/or education rights holders who are unable to attend the program to the materials developed by the District in association with the program. The District will provide oral interpretation at the sessions and translated materials for ELL students and LEP parents/guardians consistent with the policies and procedures for such communications established pursuant to II.A.11. The sessions will:

1. provide parents, guardians, and/or education rights holders with the opportunity to raise concerns or suggestions regarding the improvement of the District's disciplinary policies, procedures, and practices, including any issues related the equitable administration of said policies and procedures in student disciplinary matters;
2. include participation by District officials who are involved in the administration of discipline (e.g., administrators, teachers, behavior interventionists, guidance counselors);
3. emphasize the District's commitment to treating all students fairly and equitably in the administration of discipline;
4. advise parents, guardians, and/or education rights holders of the right of students to due process in connection with any disciplinary action taken or proposed by the District;
5. include a detailed explanations of the discipline policies; the range of non-exclusionary interventions, supports, and approaches to discipline to be documented and exhausted, to the extent permitted by and consistent with the law, prior to exclusionary discipline; the definitions of offense categories; the specific manner in which progressive disciplinary consequences will be employed; the circumstances under which deviations from established policies may be justified; the resources that are available to students to assist them in developing social emotional competencies; and the District's commitment to recognizing and reinforcing positive student behavior and ensuring that misbehavior, to the maximum extent possible and permitted by and consistent with law, is addressed in a manner that does not require removal from the educational program;
6. advise the parents, guardians, and/or education rights holders of the District staff member or members who may be contacted, including a designated contact for LEP translations or interpretation services, if they have any concerns about the manner in which the District's discipline

policies, procedures, or practices are being implemented or if they need assistance in addressing student behavioral problems; and,

7. inform parents, guardians, and/or education rights holders of the Stakeholder Discipline Equity Committee described in II.B above, and their opportunity to participate in said committee.

Reporting Requirements: By June 30, 2017 and by the same date annually thereafter, the District will provide documentation to OCR demonstrating that the informational sessions required by this item have been conducted, including materials distributed at the sessions, any recommendations, suggestions, or reports that were submitted during the sessions by parents, guardians, and/or education rights holders, and actions taken by the District in response to the input received at these sessions, if any.

- C. Publicly Available Discipline Data: The District will develop a means, which may at its election include publishing a written report, placement on its website, or some other means, to convey to the public the data it collects on the use of discipline, disaggregated by race, ethnicity, school, grade level, and reasons leading to exclusionary discipline. While protecting the privacy of individual student data and in a manner consistent with FERPA, the aggregate data will include alternatives to exclusion, referrals for discipline, suspensions, disciplinary transfers, expulsions, referrals to law enforcement, citations, and arrest. This information will be updated and provided in a public District meeting open to community members held at least annually, and will include enrollment data and percentages by race for comparison.

Reporting Requirements: By January 31, 2017, the District will provide, for OCR review and approval, a description of how it will publicly provide the data described above, and the data points to be provided. By June 30, 2017, and by the same date annually thereafter, the District will provide documentation to OCR that it has made this data publicly available and held a public meeting discussing the data.

VI. School Climate Surveys

- A. Discipline Climate Survey: Beginning in the 2016-2017 school year, and following approval by OCR of the survey instrument and methodology for survey administration, the District will administer annually a comprehensive climate survey to students, teachers/staff members, and parents, guardians, and/or education rights holders of all District schools to measure their perceptions regarding the administration of school discipline. In particular, the survey will measure the perceptions of school community members about the relationship between school safety, the fairness and equity in the administration of student

discipline, and the clarity of rules, and behavioral expectations.

Reporting Requirements: By December 31, 2016 the District will provide OCR for its review and approval the climate survey it proposes to use and the method by which it will administer the surveys to maximize the response rate. By June 30, 2017, and by the same date annually thereafter, the District will provide OCR for its review a copy of the survey results and, for OCR review and approval, a description of actions, if applicable, it proposes to take in the following school year as a result of the survey results. By August 31, 2017, and by the same date annually thereafter, the District will document the steps, if applicable, it has taken in response to the previous school year's survey results.

VII. School Resource Officers

- A. SRO Review: By December 31, 2016, the District will complete a comprehensive review of its contractual engagement of School Resource Officers (SROs) to assess its effectiveness and identify any changes that should be made to its contractual engagement to ensure it aligns with and aids the District in accomplishing the goals and objectives set forth in the Agreement. The review will include, but not be limited to, the following:
1. meetings with SROs to assess whether they have a clear understanding of the District's obligations under Title VI and their expected role in the District, and whether their understanding aligns with the District's expectations. The meetings should also identify any SRO concerns regarding how they are used by the District, and suggestions for improvement on their use;
 2. meetings with school administrators and pupil services-personnel teams to assess whether they have a clear understanding of the role SROs are expected to play and its relation to disciplinary matters, and whether this understanding aligns with the District's expectations;
 3. a review of every instance during the 2015-2016 school year in which an SRO became involved in a student discipline matter to determine whether it was appropriate for the SRO to become involved, and whether, once involved, the SRO acted in a manner that was consistent with the District's expectations and its discipline policies, practices, and procedures. This review will also examine every instance where a District student was referred to law enforcement and consider whether the referral to law enforcement was appropriate under the circumstances present at the time and consistent with the treatment of other similarly situated students. If the District determines any SRO involvement or any referral to the SRO

and/or to law enforcement was inconsistent with the Agreement, specifically VII.B, *infra*, then it will promptly take remedial action.

Reporting Requirements: By April 1, 2017, the District will provide documentation to OCR of its review conducted pursuant to this item of the Agreement and a description of any revisions the District plans to make to its engagement of SROs based on the review. The District's report will also include all documentation associated with each instance during the 2015-2016 school year in which a SRO became involved in a student discipline matter or a student was referred to a SRO and/or to law enforcement. The District will further provide, for each incident, its determination as to whether a SRO's involvement or the referral of a student to the SRO and/or to law enforcement was consistent with the Agreement, specifically VII.B.3. *infra*. The District will also provide a description with supporting documentation of any actions the District proposes to take in those cases in which it determines the involvement of the SRO or the referral of a student to the SRO and/or to law enforcement, was not consistent with the Agreement, specifically VII.B.3. *infra*. Within 30 days of receipt of OCR's approval of the steps it proposes to take, the District will document to OCR that it has taken the proposed steps.

B. SRO Policies and Procedures Review and Revisions: The District will revise its internal policies, procedures, and practices to clearly define the roles, responsibilities, and authority of District/site personnel and SROs governing student and school interaction with SROs. These policies, procedures, and practices will not require the District to interfere with SRO's handling of emergency public safety matters, or serious school-based criminal conduct as described below. To the extent permitted by and consistent with the law, the revised policies and procedures will:

1. state that school administrators, not SROs, are responsible for routine discipline, and distinguish between disciplinary infractions appropriately handled by school officials versus threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by the school's internal disciplinary procedures, and how to contact and involve law enforcement when warranted;
2. require District administrators to ensure that the SROs receive appropriate training on their role and responsibilities as described in VII.C, *infra*, and on practices demonstrated to improve the school climate and student safety;
3. focus on the District's commitment to nondiscrimination in referral, citation, or arrest of students;

4. require the District to collect data as described in VII.D.1 and VIII.A, infra, and monitor actions SROs take with students (including referral, citation, and arrest) to ensure equitable treatment by the SROs;
5. require SROs to cooperate with OCR and internal District investigations regarding alleged discrimination as described in VII.D, infra;
6. clearly state that complaints by students, parents/guardians, education rights holders, or others alleging discrimination against students by SROs may be filed through the District's Uniform Complaint Procedures and will be investigated and addressed, to the extent permitted by and consistent with the law, through that process irrespective of whatever additional process may be available under state or local laws.

Reporting Requirements: The District will provide, for OCR review and approval, with a proposed draft of these revisions and written guidance to administrators and site staff by January 31, 2017. Within 60 days of approval from OCR, the District will adopt the revisions and distribute the written guidance.

- C. SRO Training: By January 31, 2017, and by the same date annually thereafter, the District will provide training to all District SROs that explains the District's obligations under Title VI, the changes being made to the District's engagement of SROs, the District's expectations under the revised engagement, and the District's revised student discipline policies, procedures, and practices. This may be conducted along with other SRO training provided by the District, if any. The District will also develop an orientation program for all SROs newly assigned to the District if the SRO begins work for the District more than two months before the annual training that is the same as the annual SRO training. The training and orientation will explain:

1. the distinction between disciplinary infractions appropriately handled by school officials for which SROs should not be involved, and threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by the school's administrative procedures;
2. the SROs' role in ensuring a safe and orderly educational environment and the fair and equitable treatment of all District students in relation to discipline;
3. information on how to work with the District's students in a manner consistent with the Agreement and the resources available to the SROs to assist them in this regard;

4. the District's discipline policy, 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, and resources that are available to students to assist them in developing social emotional competencies;
5. the District's commitment to recognizing and reinforcing positive student behavior and to ensuring, to the maximum extent possible and permitted by and consistent with law, that misbehavior is addressed in a manner that does not require exclusion from the educational program;
6. the District's obligations to ensure that all District programs and its engagement and use of SROs are administered in a nondiscriminatory manner.

Reporting Requirements: By June 30, 2017, and by the same date annually thereafter, the District will provide documentation to OCR of the training provided by the District 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.

D. SRO Memoranda of Understanding: The District will revise its Memoranda of Understanding (MOU) with the Lodi and Stockton Police Departments (Police Departments) with regard to SROs, to include, to the extent permitted by and consistent with the law and approved by the Police Departments, the following provisions:

1. the Police Departments will coordinate with the District to collect and regularly provide the District with data as described in VIII.A.1, 2, 3, 5, 6, 18-20 regarding law enforcement-student contacts and sanctions;
2. clear definitions and limits to the role of SROs in their interactions with students in and around campus, including that SROs will not be involved in routine school discipline matters, and will focus on major threats to school safety or serious school-based criminal conduct that cannot be safely and appropriately handled by the school's internal disciplinary procedures;
3. SROs will receive training and other law enforcement officers who are regularly on District school sites will be offered training, as described in VII.C. supra; and

4. SROs will cooperate fully with all OCR and District investigations regarding alleged discrimination.

Reporting Requirements: The District will provide, for OCR review and approval, with a proposed draft of the revised MOUs by September 15, 2016. Within 30 days of OCR approval, the District will provide OCR with documentation that the revised MOUs have been approved by the respective agencies and are in effect. If the Lodi and/or Stockton Police Department(s) proposes changes to the terms of the draft MOUs approved by OCR, the District will immediately notify OCR and will work with OCR to resolve any differences and finalize the MOU within the 30 day period. The District will not enter into an MOU with either department that is not approved by OCR. From the date of the execution of the Agreement and while the above-described MOUs with the Lodi and/or Stockton Police Departments are being approved by OCR and executed by the respective agencies, the District's existing contractual engagement with SROs and use of their services will remain in effect.

E. SRO Data Collection, Reporting and Analysis:

Beginning with the 2016-2017 school year, and annually thereafter, the Superintendent or Superintendent's designee(s) will meet at the conclusion of each school year with the SROs for the Lodi and Stockton Police Departments, as well as school site administrators where SROs are regularly stationed or used, to discuss the data gathered by the District pursuant to VII.D.1 above. The meetings will examine how and when students are referred, cited, and arrested at each school site, compared to those at other District schools and consider whether the data shows that African-American students are referred, cited, arrested, or sanctioned more harshly than similarly-situated white students, or similarly-situated students from other racial/ethnic groups. If higher rates exist for some racial/ethnic groups, including African-American students, the meetings will also explore possible causes for the higher rates of law enforcement contact for such students and determine the steps necessary to ensure nondiscrimination in law enforcement-student contacts. The District will use this information to make changes and/or additions to its corrective action plan as described in I.C. If the information suggests that the SROs or other local law enforcement officers are failing to adhere to the District's policies or the SRO MOUs, the Superintendent or Superintendent's designee(s) will take appropriate corrective action to the maximum extent permitted by and consistent with the law. Where the data shows nondiscrimination in application, these meetings will examine steps that are being taken at the school to ensure the fair and equitable use of SROs and law enforcement in addition to the implementation of the District's policies, procedures, and practices regarding student contact with law enforcement that might be adopted, including any best practices at other schools.

Reporting Requirements: By January 31, 2017, the District will provide documentation to OCR that it is collecting the data from the Police Departments required by this item and VII.D.1 of the Agreement to the extent permitted by and consistent with the law and approved by the Departments, and will provide a report with the data in Excel format for the first semester and second semester by February 28, 2017 and July 31, 2017, respectively, and by the same dates annually thereafter. By July 31, 2017, and by the same date annually thereafter, the District will provide documentation to OCR of the meetings held pursuant to this item, and steps, if any, taken as a result of information shared at the meetings.

VIII. Data Collection and Self-Monitoring

- A. Discipline Data Collection: The District will continue to collect and report data regarding the range of non-exclusionary interventions, supports, and approaches to student discipline, referrals for student discipline and the imposition of disciplinary sanctions, including warnings and non-exclusionary discipline consequences, as well as any exclusionary discipline consequences, including suspensions (in school and out), expulsions, disciplinary transfers, and referrals to law enforcement, citations, and arrests. The District will ensure that, during the 2016-2017 school year and thereafter, the District's discipline system will include collection of, at least the following information:
1. the name/identification number, race, ethnicity, sex, age, disability, and/or English Learner (EL) status, free or reduced price lunch eligibility, school, and grade level of each student referred for discipline;
 2. for each referral, the name/identification number, race, ethnicity, sex, age, grade level, disability and/or EL status, as applicable, and grade level of all other students involved in the incident, whether or not they were referred for discipline themselves;
 3. a detailed description of the alleged misconduct;
 4. a description of all the non-exclusionary interventions, supports, and approaches that were used and documented to address the behavior at issue prior to referral for discipline and prior to exclusionary discipline;
 5. the date of the referral;
 6. the specific discipline code violation for which the referral was made;
 7. the referring staff member (by staff identification/employee number);

8. the school and type of class from which the referral was made or other specific settings (e.g. bus referral, hallway referral);
9. whether there were any student and/or adult witness(es) of the incident; names of witness(es); number of witnesses;
10. the prior disciplinary history of the student;
11. the specific code violation for which the student was punished and the penalty/sanction imposed or, if no violation was charged or penalty/sanction imposed, the reason why, and if the sanction imposed was inconsistent with the sanction listed in the policy, the reason why;
12. for students with disabilities, the outcome of any manifestation determination, if applicable;
13. the date the penalty/sanction was imposed;
14. the length of the penalty/sanction (in number of days);
15. the staff member who assigned the penalty/sanction (by staff identification/employee number or other identifier);
16. whether the student was transferred to an alternative school or another school site;
17. whether the student was expelled, and if so, the length of and basis for the expulsion;
18. whether school-based or local law enforcement were involved (e.g. law enforcement was notified of the offense);
19. whether referral to law enforcement was mandatory and, if so, the governing legal authority;
20. whether the student was cited, arrested or otherwise sanctioned by law enforcement as a result of school-based or local law enforcement involvement;
21. any other non-punitive outcomes arising out of each referral incident, including, but not limited to, skill building, peer mentoring, counseling, restorative circle, etc.

22. whether the student was given access to 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 their parents were contacted in connection with each referral incident.

Reporting Requirements: By July 31, 2017 and by the same date annually thereafter, the District will provide to OCR the data referenced in this item for the just completed school year.

B. Discipline Data Analysis: The District will evaluate on an ongoing basis, but at least at the end of each semester, starting with the 2016-2017 school year, the data referenced in numbers 1-22 above, to assess whether the District is implementing its student discipline policies, procedures, and practices consistently and in a nondiscriminatory manner at each school. The evaluation of the data will include the following:

1. review of discipline referrals and sanctions to examine whether students of a particular race/ethnicity, including African-American students receive more referrals or sanctions than students of other races, analyzed with respect to each racial/ethnic group;
2. review of discipline consequences to determine whether students of a particular race/ethnicity, including African-American students, receive more exclusionary sanctions, such as suspensions, or more significant sanctions, such as longer suspensions or referrals to law enforcement, than students of other races, analyzed with respect to each racial/ethnic group;
3. review of the types of offenses leading to discipline sanctions to determine whether students of a particular race/ethnicity, including African-American students, receive more referrals or exclusionary discipline sanctions for certain types of offenses than students of other races, analyzed with respect to each racial/ethnic group;
4. review of student referrals for disciplinary transfers and expulsions to examine whether students of a particular race/ethnicity, including African-American students, receive more discipline transfers and/or expulsions than students of other races, analyzed with respect to each racial/ethnic group;
5. examination of whether certain teachers and administrators, and certain sites, refer students of a particular race/ethnicity, including African-American students, for discipline at a higher rate than students of other

racess, and whether certain teachers and administrators, and certain sites, impose disciplinary sanctions that include exclusion from the educational program for students of a particular race/ethnicity, including African-American students, at a higher rate than students of other races, analyzed with respect to each racial/ethnic group;

6. examination of whether students of a particular race/ethnicity, including African-American students, are disproportionately referred for subjective offenses compared to students of other race/ethnic groups;
7. examination of whether school-based or local law enforcement cite or arrest students of a particular race/ethnicity, including African-American students, more than students of other races, analyzed with respect to each racial/ethnic group;
8. examination of whether penalties imposed are consistent with the penalties specified in the District's discipline policies and procedures, and, where exceptions are made, whether they are justified by legitimate, non-discriminatory reasons.

Reporting Requirements: By February 1, 2017 and July 31, 2017 and by the same dates annually thereafter, the District will provide to OCR the data analysis and summary of findings discussed in this item.

- C. District-Site Discipline Review Meetings: Beginning with the 2016/2017 school year, and annually thereafter, the Superintendent or Superintendent's designee(s) will meet at the conclusion of each school year with the principal of each District school, to discuss the data gathered by the District pursuant to VIII.A. The meetings will examine how discipline referrals and disciplinary sanctions imposed at each school compare to those at other District schools and consider whether the data shows that African-American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated white students or similarly-situated students from other racial/ethnic groups. If higher rates exist for some racial/ethnic groups, the meetings will also explore possible causes for the higher rates and consider and determine steps to be taken, where warranted to ensure nondiscrimination in school discipline. The District and school sites will use this information to develop site-based corrective action plans that will be reassessed each year through this process. If the information suggests that the principal or other school staff members are failing to adhere to the District's student discipline policies, procedures, and practices, the Superintendent or Superintendent's designee(s) will take appropriate corrective action. Where the data shows no nondiscrimination in application, these 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, including any best practices that might be adopted at other schools.

Reporting Requirements: By July 31, 2017 and by the same date annually thereafter, the District will provide documentation to OCR of the meetings held pursuant to this item, and of any steps taken as a result of information shared at the meetings.

D. Site Discipline Review Meetings: Beginning with the fall 2016 semester, each school principal will meet at the conclusion of each semester with the administrators, teachers, SROs, and other relevant staff at his/her school to discuss the data gathered and analyzed pursuant to VIII.A, and VIII.B and the site-based corrective action plan, if applicable.

1. The meetings will examine how discipline referrals and disciplinary sanctions imposed at the school compare to those at other District schools and consider any data indicating that African-American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races;
2. If the data shows such higher rates of discipline and/or law enforcement contacts for African-American or students of other races/ethnicities, the meeting will explore possible causes for the higher rates and consider and determine steps to examine the cause for the disproportionality in discipline;
3. If the data shows a particular teacher refers students at a higher rate than other teachers, or refers African-American students at a higher rate than s/he refers other students, the principal will meet with that teacher to discuss the data, explore the reasons for the disproportionate referral, and examine potential solutions. If the information suggests that the teacher is failing to adhere to the District's student discipline policies, practices, and procedures or is engaging in discrimination, the District will take appropriate corrective action.

Reporting Requirements: By January 31, 2017, and, August 31, 2017, and by the same dates annually thereafter, the District will provide documentation to OCR of the meetings held pursuant to this item, and of steps taken, if any, as a result of information shared at the meetings.

E. Ongoing Data Review and Policy Revisions: At the conclusion of each school year, and consistent with the other provisions of this Agreement, the District will consider whether changes to its student discipline policies, practices, and procedures are warranted based on its evaluation of the District-wide student

discipline data, the meetings with administrators and staff, climate surveys, the student educational sessions, recommendations made by the expert consultant(s) it employs, and input from the Stakeholder Discipline Equity Committee.

Reporting Requirements: By August 31, 2017, and by the same date annually thereafter, the District will provide for OCR's review and approval all changes to policies, procedures, and practices it proposes to make pursuant to this item and the rationale for the changes or for not making changes. Throughout the course of Agreement, the District will submit for OCR review and approval any changes to the policies and procedures approved by OCR prior to their implementation.

IX. Harassment Based on Race, Color, or National Origin

- A. Written Guidance: By November 1, 2016, the District will provide OCR with a draft written guidance to be distributed to all school site administrators regarding appropriately and effectively responding to harassment of students based on race, color, and national origin, and will conduct annual training on the guidance at the School, which will include, but not be limited to, applicable federal and state laws, District Board Policies and Administrative Regulations, and the process for filing a complaint based on harassment. The guidance will be reviewed and approved by OCR prior to its dissemination, as further described below, and will include the following key elements: 1) examples of how to identify harassing conduct, including student-on-student harassment; 2) a clarification that reports of harassment raise the issue of potential discrimination, and, accordingly should be addressed through the District's relevant nondiscrimination/harassment complaint procedure, irrespective of whether other aspects of an incident are treated as disciplinary matters; 3) the role and responsibility of staff in reporting allegations of harassment and the appropriate District administrator to notify, including any related protocol to assist with the investigation; 4) the obligation to notify students and parents of their right to file a formal complaint if harassment is reported, and clarification that they should be provided with a copy of the District's complaint procedure; 5) the District is to take interim and corrective actions to address allegations of harassment, any effects on the target of the harassment, and, if applicable, ensure any harassing conduct has stopped and does not recur; and 6) provide notice to the students and parents of the District's findings and response in a timely manner.
- B. The School, in consultation with the District, will develop a plan to prevent and address incidents of racial harassment on campus, including through the education of students which, at a minimum, will provide all students with an educational training session once per year.

Reporting Requirements: By November 1, 2016, the District will provide, for OCR review and approval, a draft of the written guidance discussed in this item.

Within 15 days of approval by OCR of the guidance described in IX.A above, the District will provide OCR with documentation that it has distributed the guidance to all site administrators in the District. Within 90 days of issuing the guidance, the District will provide OCR with documentation that it has conducted an annual training for all School site administrators on the guidance and the District policy.

By January 31, 2017, the District will provide its draft school plan to prevent and address racial harassment for approval by OCR. OCR will provide a response or approval. By July 30, 2017, and by the same dates annually thereafter while this Agreement is in effect, the District will provide OCR with proof of implementation of its plan, including that it has conducted annual educational training sessions for students.

X. Individual Student Remedy

- A. Expunge Student's Discipline Record: The District will expunge the individual Student's discipline record with regard to the incident at issue in this case, and send the Student a letter notifying him that his record has been expunged based on this OCR complaint and review.

Reporting Requirements: The District will provide OCR with documentation that the Student's discipline record has been expunged by October 1, 2016.

- B. Compensatory Services Offer: The District will offer the Student 75 hours of compensatory education services in the form of career counseling and/or tutoring to be used to help the Student meet any post-secondary career and educational goals. These services can be provided telephonically, via Google Hangout, Skype, or similar means of communications, and/or in person in the District.

Reporting Requirements: Within 45 days of the date of this Agreement, the District will provide OCR with documentation that it has sent the Student and Complainant a written offer to provide career counseling and tutoring services. The offer will give the Student at least 30 days to inform the District as to whether he would like to receive the compensatory services and which type of service(s). If he elects to receive such service(s), the Student will have until November 1, 2017 to use the services and the District will provide a list of service providers near the Student's home that he can utilize and/or provide him reimbursement for the services that he utilizes. By December 1, 2017, the District will provide OCR with documentation that such services have been provided to the Student.

OCR will monitor this agreement for a minimum of three years from the date it is signed. The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulations implementing Title VI at 34 C.F.R. Part 100, which was at issue in this case.

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 and is in compliance with the regulation implementing Title VI at 34 C.F.R. Part 100, which was at issue in this case. Prior to the conclusion of OCR's monitoring, the District 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 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 will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

_____/S/_____
Dawn Vetica
Assistant Superintendent-Secondary Education
Lodi Unified School District

08/17/2016
Date