

RESOLUTION AGREEMENT
Norwin School District
OCR Case No. 03-22-1010

The Norwin School District (the District) has entered into this agreement to resolve the allegations in OCR Case No. 03-22-1010, and to ensure the District's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), and its implementing regulation at 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance.

The District agrees to the following terms:

Action Item 1: Individual Remedies

- A. Within 30 days of signing this Agreement, the District will identify, for OCR's review and approval, services the District proposes to offer to any students identified in Section B(1), *infra*. (under "Reporting Requirements"), who experienced a hostile environment based on race during 2021 at the Middle or High School due to the incidents identified in OCR's letter of resolution for this complaint. The remedial services may include, but are not limited to, offering academic services, counseling and reimbursement for documented private counseling and/or psychological support for the 2021-2022 school year.
- B. Within ten days of OCR's approval of the District's proposed offer of remedial services, the District will provide each parent/guardian with a written offer of the services it is offering to their child and explain it is offering the services in order to remedy the effects of the race-based harassment the student(s) reported having experienced during 2021- due to the incidents identified in OCR's letter of resolution for this complaint. The District will provide the parent/guardian 30 days to respond.

Reporting Requirements:

- 1. Within 45 days of signing this Agreement, the District will provide OCR with a list of students that the District has identified as impacted by the incidents identified by OCR and occurring during the 2021-2022 school year, and a copy of the draft written offer of remedial services the District proposes to send to the parent/guardian of any students who experienced a hostile environment on the basis of race during the 2021-2022 school year.
- 2. Within 60 days of OCR's approval of the draft offer letters prepared pursuant to Action Item I.B., the District will provide OCR with documentation showing whether the parent/guardian(s) accepted the written offer of services and/or other remedies and, if accepted, that the District provided the services and/or remedies to any students who experienced a hostile environment based on race.

Action Item 2: District Policies and Procedures

- A. The District will review its policies and procedures to ensure that the District adequately addresses Title VI's prohibition on discrimination based on race, color, and national origin and the District's legal duty to redress a hostile environment, by taking prompt and effective steps that are reasonably calculated to end the harassment, eliminate any hostile environment and its effects, and prevent the harassment from recurring. During its review, the District will identify the relevant policies and procedures currently in effect; if determined to be necessary, timely revise the policies and procedures, as described below; and if determined to be necessary, timely adopt and disseminate the revised policies and procedures. The District will, if determined to be necessary, disseminate the revised policies and procedures by email distribution to all school administrators who will be directed to distribute, convene, and discuss the revised policies and procedures with site-based staff. Any dissemination will include a web link to the revised policies and procedures. At a minimum, the District will ensure its policies and procedures include the following:
- i. Non-discrimination and reporting
 - 1. A statement setting forth the District's commitment to having a school environment free from all discrimination, including harassment, on the basis of race, color, and national origin. The statement must explain that the District prohibits harassment based on race, color, and national origin in the school environment, including all academic, extra-curricular, and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff must promptly report to the designated District or school administrator(s)/staff member(s) all incidents of harassment of which they become aware, regardless of whether a complaint is filed. The statement will specify that the District will investigate all complaints of discrimination and harassment based on race, color, and national origin;
 - 2. An explanation of the right to file a complaint pursuant to the District's policies and procedures and be offered a copy of the procedures;
 - 3. A requirement that District personnel report incidents of possible discrimination or harassment based on race, color, or national origin involving students and possible discrimination or harassment based on race, color or national origin involving staff that may be based on race, color, or national origin that District personnel witness or about which they have received reports or information, whether such incidents are verbal or physical or amount to harassment in other forms;
 - 4. A statement of the District's legal duty to redress a hostile environment by taking prompt and effective steps that are reasonably calculated to end the harassment,

eliminate any hostile environment and its effects, and prevent the harassment from recurring;

5. Examples of the type of harassing conduct and behavior that is covered by the non-discrimination policy; and
6. A statement that retaliation is prohibited against persons who report discrimination or harassment based on race, color, and national origin, or participate in related proceedings.

B. Complaint Procedures

1. A definition of the term harassment.
2. The name or title, office address, and telephone number for the District employee(s) responsible for receiving and investigating complaints of harassment.
3. A description of the procedures that will be used to receive, investigate, and resolve complaints, including how to file a complaint, the steps that will be taken as part of the complaint investigation, and notice of the outcome of the complaint. At a minimum, the description of the procedures will include the following:
 - i. A requirement that all interviews with individuals who have information about the complaint, including but not limited to, the complainant, the person accused of discrimination or harassment, witnesses, and anyone mentioned as having relevant information will be documented in writing or other recording.
 - ii. Review of any records, notes, statements, or other documents related to the complaint.
4. Notice of the outcome of the complaint, including:
 - i. The findings of fact based on the evidence gathered;
 - ii. As to each allegation, the District's conclusion(s) as to whether discrimination and/or harassment based on race, color, or national origin occurred, and the reasons or rationale for such conclusion(s);
 - iii. The consequences imposed on any individual(s) found to have engaged in discrimination or harassment based on race, color, or national origin that relate to the subject of the complaint; and,
 - iv. Notice to the complainant to immediately report any recurrence of the conduct or of acts of retaliation to the District.

5. An express commitment that after a finding that harassment based on race, color, or national origin has created a hostile environment, the District will fulfill its legal duty by taking steps to end the harassment, prevent its recurrence, and address its effects on the complainant and any other affected individuals.

Reporting Requirements:

1. Within 90 days from approval of this Agreement by the District and OCR, the District will submit to OCR documentation that demonstrates the District has: (i) identified all relevant policies and procedures; and (iii) revised the policies and procedures pursuant to the requirements in Action Item 2. The District will include in its submission to OCR a draft of the proposed revisions for OCR's review and approval. The District will promptly and fully address OCR's feedback, if any, until the District receives OCR's final approval of the revised policies and procedures and notice from OCR that no further reporting is required for this Reporting Requirement. The District will submit the revised policies and procedures by submitting a: (i) red-lined version of the proposed changes, and (ii) clean copy of the proposed final policies and procedures.
2. Within 30 calendar days of receiving OCR's final approval of the revised policies and procedures, the District will submit to OCR documentation which demonstrates the District has: (i) formally adopted the revised policies and procedures, and (ii) disseminated the adopted policies and procedures to all District staff. The District will promptly and fully address OCR's concerns, if any, until the District receives notice from OCR that no further reporting is required for this Reporting Requirement.

Action Item 3: School Staff Training

- A. The District will provide all Middle and High School administrators, faculty, and staff with effective training on the District's revised policies and procedures that address discrimination and harassment based on race, color, and national origin in alignment and coordination with professional development scheduled during the 2024-2025 school year, by no later than February 25, 2025. At a minimum, the training will include the following:
 1. A statement that the District is committed to maintaining a school environment free from discrimination and harassment based on race, color, and national origin and will explain what employees should do if they believe a student or students have been subjected to discrimination or harassment based on race, color, or national origin, including their duty to immediately report all allegations or observations of possible discrimination or harassment based on race, color, or national origin to District administrators. The training will also include a warning that discrimination and harassment of students based on race, color, or national origin will not be tolerated and that students who created a hostile environment based on race, color, or national origin will be disciplined.

2. A general overview of Title VI, including how the regulation's non-discrimination provisions apply to students, the name and contact information for the school designated employee(s) to whom students or others may report allegations or observations of discrimination and harassment based on race, color, or national origin, where to locate the District's harassment policies and procedures on the District's website and the existence of OCR and its authority to enforce Title VI.
3. An explanation that Title VI requires a District to respond promptly and effectively to actual or constructive notice that a student has been subjected to harassment based on race, color, or national origin that creates a hostile environment, including by taking reasonable steps to eliminate the hostile environment. In addition, the District's response must be reasonably calculated to prevent its recurrence and must be tailored to redress fully its effects;
4. An explanation of the District's non-discrimination policies and procedures, including what constitutes harassment based on race, color, or national origin, the role of the District staff member(s) responsible for investigating and resolving complaints of harassment based on race, color, or national origin, disciplinary sanctions related to findings of violations of the District's harassment policies and procedures, including the District policy prohibiting retaliation and intimidation, and measures and remedies, including counseling, academic services, and a safety plan, available to students who were subjected to harassment based on race, color, or national origin.
5. The District will distribute written materials that contain the information discussed.

Reporting Requirements:

1. Within 45 days of signing this Agreement, the District will provide OCR with the proposed training plan that it has developed pursuant to Action Item 3.A, for OCR review and approval. The District will provide OCR with PowerPoint slides of the proposed training and the name and credentials of the trainer.
2. By February 28, 2025, the District will provide OCR with documentation that it has provided the training pursuant to Action Item 3.A for the 2024-2025 school year, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Middle and High School employees who attended the training.
3. By March 31, 2025, the District will provide OCR with documentation that it has provided the training pursuant to Action Item 3.A for the 2024-2025 school year, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Middle and High School employees who attended the training.

Action Item 4: Investigative Staff Training

- A. The District will train all Middle and High School employees who are directly involved in processing, investigating and/or resolving complaints or other reports of harassment

based on race, color, or national origin, and any counselors or other School personnel who are likely to receive reports of harassment based on race, color, or national origin. The training will review the District's policies and procedures prohibiting harassment based on race, color, or national origin, and will include instruction on how to investigate and respond to harassment based on race, color or national origin in a timely and thorough manner, including the appropriate legal standards to apply in such investigations, the importance of evaluating the totality of the circumstances and cumulative effect of the harassment, including previous acts of harassment. The training will also address the need to take appropriate measures to end the harassment, ensure that the harassment does not recur and appropriate measures to remedy the effects of the harassment on any affected students.

Reporting Requirements:

1. Within 45 days of signing this Agreement, the District will provide OCR with the proposed training plan that it has developed pursuant to Action Item 4.A, for OCR review and approval. The District will provide OCR with PowerPoint slides of the proposed training, and the name and credentials of the trainer.
2. Prior to January 31, 2025, the District will provide OCR with documentation that it has provided the training pursuant to Action Item 4.A for the 2024-2025 school year, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Middle and High School employees who attended the training.
3. By October 15, 2025, the District will provide OCR with documentation that it has provided the training pursuant to Action Item 4.A for the 2025-2026 school year, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of Middle and High School employees who attended the training.

Action Item 5: Staff Training Surveys

- A. The District will assess the effectiveness of the training referenced in Action Items 3 and 4 by conducting surveys of the administrators, faculty, staff, and employees who attended the training(s). The surveys for staff trained pursuant to Action Item 3 of this Agreement will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible discrimination and harassment based on race, color or national origin to a District administrator, and the process for doing so. The surveys for the staff trained pursuant to Action Item 4 of this Agreement will specifically inquire about how to recognize conduct, complaints and reports that could constitute discrimination and harassment based on race, color, or national origin, how to conduct an investigation and the grievance process, and how to offer appropriate measures and remedies, including counseling, academic services and a safety plan, as appropriate. Following these assessments, the District will determine whether additional training is needed.

Reporting Requirement:

1. Within 45 days of the trainings held pursuant to Action Steps 3 and 4, the District will provide OCR with documentation of the results of the surveys referenced in Action Item 5.A and a description and dates of implementation of any actions the District proposes to take in response, including conducting additional training sessions. By Within 30 days of providing the documentation of the survey results to OCR, the District will provide OCR documentation of any action(s) taken as a result of the survey results.

Action Item 6: Student Orientation Session

- A. Within 60 days of OCR approving the District's revised policies, and annually thereafter, the District will provide a mandatory age-appropriate orientation session for all Middle and High School students on the District's policies and procedures prohibiting discrimination and harassment based on race, color, or national origin. The orientation will remind students of the District's commitment to maintain an environment free from discrimination and harassment based on race, color, and national origin and will explain what students should do if they believe they or other students have been subjected to discrimination and harassment based on race, color, or national origin. The orientation session will also include a warning that discrimination or harassment of students based on race, color, or national origin will not be tolerated, that students who discriminate or harass students based on race, color, or national origin will be disciplined consistent with District policy, and that students who are subjected to discrimination and harassment based on race, color or national origin are entitled to supportive measures and remedies, including counseling, academic services, and a safety plan.

Reporting Requirement:

1. Within 30 days of providing the orientation session, the District will provide OCR with documentation that it has provided the orientation session referenced in Action Item 6.A for the 2024-2025 school year, including the dates of the orientation session, the names and titles of the trainer(s), a copy of any materials used or distributed during the orientation session, and a list of Middle and High School students who attended the orientation session.

Action Item 7: Student Climate Survey

- A. The District will administer a school climate survey to administer to students at the Middle and High School to assess the effectiveness of the orientation session referenced in Action Item 6 and to ensure that each School is free of discrimination and harassment based on race, color, or national origin. The school climate survey may be accomplished through the use of a written or electronic survey, and may be incorporated into existing District climate surveys currently performed and, if determined to be necessary, may include additional measures, including: (i) focus groups, (ii) open forum information session, (iii) and/or publicized walk-in hours for student input. Students receiving the

survey must be notified of a contact person, such as a counselor, should they wish to discuss the issue in person. The survey will, at a minimum, address:

1. Students' knowledge and perceptions about conduct that constitutes discrimination and harassment based on race, color, or national origin;
 2. The prevalence of discrimination and harassment based on race, color, or national origin at the School;
 3. Students' willingness to report incidents of discrimination and harassment based on race, color, or national origin to District personnel;
 4. Students' knowledge and understanding of the process to report complaints of discrimination and harassment based on race, color, or national origin to District personnel;
 5. Students' perception of the District's handling of reports and complaints of discrimination and harassment based on race, color, or national origin; and
 6. Suggestions for reducing incidents of discrimination and harassment based on race, color or national origin in the School and improving the District's response to reports and complaints of discrimination and harassment based on race, color, or national origin.
- B. Within 60 days of OCR approval of the school climate survey, and within 60 days of the date(s) upon which any student orientation sessions, referenced in 7.A, the District will administer the school climate survey to students at the Middle and High School. Upon completion of the survey, the District will review the results to assess whether any additional student or other training is needed to ensure the District is appropriately responding to discrimination and harassment based on race, color or national origin that creates a hostile environment and to further improve the climate at the Middle and High School.

Reporting Requirements:

1. Within 60 days of signing this Agreement, the District will provide OCR with the school climate survey it proposes to use, and the methods by which it will administer the survey to maximize the response rate, in addition to a description of any other measures taken to obtain information from students, for OCR review and approval.
2. Within 60 days of the District's administration of the school climate survey, the District will provide OCR with a copy of the final survey together with a report summarizing the results of the survey. The District will also provide OCR for its review and approval a description of any actions it proposes to take, if any, in response to the survey results.
3. Within 60 days of the provision of the survey and report in accordance with Paragraph 2, the District will provide OCR with documentation of additional training or other actions taken in response to the survey results.

Action Item 8: Audit of Incidents and Complaints of Harassment based on Race, Color or National Origin

- A. The District will prepare and provide to OCR a spreadsheet in MS Excel format of all incidents, however coded for purposes of discipline, that involve harassment based on race, color, or national origin or possible harassment based on race, color, or national origin at the Middle and High School during the 2022-2023 and 2023-2024 school years. The District will review all incidents in which a student was found in violation of the following disciplinary infractions, which are listed in the District's Student Handbook, to determine if any involved harassment based on race, color, or national origin or possible harassment based on race, color, or national origin: abusive language; agitating others; disturbances in the classroom, hallway, auditorium, cafeteria, locker room; inappropriate written/verbal comments or gestures; bus misconduct; appropriate attire violations; intimidation/harassment; misuse of school property; assault/battery; threat to others; unacceptable language/gesture to an administrator, faculty or staff member; vandalism; violation of the internet use agreement policy/guidelines; violation of the personal electronic device policy/guidelines; harassment of staff; hazing; and terroristic threats. The District will highlight in the spreadsheet any of the above disciplinary infractions which involved harassment based on race, color or national origin or possible harassment based on race, color, or national origin. At a minimum, the spreadsheet will include:
1. The date of the alleged incident;
 2. The date the incident occurred;
 3. A summary of the incident including a summary of the alleged conduct;
 4. The identity of the parties;
 5. Indicate whether any of the parties are students with a disability;
 6. Any supports provided to the recipient of the alleged harassment;
 7. The date of notice of outcome to the parties; and
 8. Any findings of responsibility and associated remedies.
- B. The District will prepare and provide to OCR a spreadsheet in MS Excel format of all complaints that involve harassment based on race, color, or national origin or possible harassment based on race, color, or national origin at the Middle and High School during the 2022-2023 and 2023-2024 school years. At a minimum, the spreadsheet will include:
1. The date of the complaint;
 2. The date the incident occurred;
 3. A summary of the District's response to the complaint, including any supports provided to any student due to the alleged harassment;
 4. The identity of the parties;
 5. Indicate whether any of the parties are students with a disability;
 6. The date of notice of outcome to the parties; and
 7. Any findings of responsibility and associated remedies.
- C. The District will review each of the highlighted incidents in Action Item 8.A and each complaint in Item 8.B, above, to determine if any action is required to fulfill its Title VI obligations and provide OCR with the results of its review, including steps the District

will take to address any hostile environment and remedy its effects on any student or students. The District will prepare a narrative summary describing its review.

Reporting Requirements:

1. By June 1, 2025, the District will provide to OCR the spreadsheets described in Action Item 8.A - 8.C and any documents relied upon to complete Action Item 8.A and 8.B for the 2022-2023 and 2023-2024 school years.
2. By July 1, 2025, the District will provide to OCR the list described in Action Item 8.A and any documents relied upon to complete to Action Item 8.A for the 2024-2025 school year.
3. By June 1, 2025, and July 1, 2025, the District will also provide OCR with a narrative summary describing its review of the incidents and the steps it proposes to take to respond to a hostile environment at the Middle or High School and redress its effects. The District will take any additional action that OCR identifies is necessary to effectively respond to a hostile environment. To the extent that OCR requests documentation of the steps that the District has taken, the District will comply with these requests until the monitoring of this Agreement has completed.

Action Item 9: Consultant

- A. The District will retain or designate a consultant (Consultant) with expertise on the issue of harassment of students on the basis of race, color, and national origin. The Consultant shall work with the Middle and High School to assist in the development and delivery of the training referenced in Action Item 4, 5 and 6 and the school climate survey referenced in Action Item 7, and to assist in any other actions to prevent and address discrimination and harassment based on race, color, or national origin at the School, and to timely, reasonably and effectively address incidents of discrimination and harassment based on race, color, or national origin. The Consultant may be an independent contractor for the District and/or an employee of the District. The Consultant will be approved by OCR. The District, after retaining its Consultant(s), shall promptly provide the Consultant with all appropriate information the Consultant believes is necessary to engage in this process. The School will work with the Consultant to review current practices and procedures, assess the School climate with regard to race, color, and national origin, and develop a Plan. The Plan will specify the dates for each action and the individual(s) responsible, and can incorporate existing policies and initiatives, as appropriate.

Reporting Requirement:

1. Within 30 days of signing this Agreement, the District will provide to OCR the name and credentials of the Consultant, for OCR review and approval. This will include documentation of the Consultant's expertise, (i.e., a resume or curriculum vitae listing education completed on the topic of racial harassment).

2. Within 60 days of signing this Agreement, the District will provide OCR with a draft of the Plan developed in collaboration with the consultant, for OCR review and approval.
3. Within 30 days of OCR approval, the District will begin implementation of the Plan.
4. By, June 1, 2025, the District will provide OCR with documentation that it has implemented the Plan.

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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 and obligations of this Agreement. Upon the District's satisfaction of the terms and obligations of the resolution agreement, OCR will close the case.

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.

By: _____/s/_____ Date: _____9-30-24_____

Superintendent or designee