

## **VOLUNTARY RESOLUTION AGREEMENT**

### **Tupelo Public School District OCR Case No. 06-11-5002**

The Tupelo Public School District (District) enters into the following voluntary resolution agreement (Agreement) to resolve U.S. Department of Education, Office for Civil Rights (OCR) Case No. 06-11-5002, and to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d et seq., and its implementing regulations at 34 C.F.R. Part 100. The District enters into this Agreement for purposes of resolving a disputed claim that it violated federal law. By entering into this Agreement, the District does not admit liability and this Agreement is not to be construed as an admission of liability. Accordingly, consistent with its obligation to comply with the requirements of Title VI, the District voluntarily commits to the following:

#### **General Principles**

The goal of the District is to provide a safe, secure and orderly environment in all schools. The fair and appropriate implementation of student discipline policies and procedures that are grounded in evidence-based research is one means of advancing this objective. Therefore, the District is committed to ensuring, to the maximum extent possible, that its student discipline policies and procedures are designed and implemented in such a way that disciplinary sanctions do not include the loss of educational instruction time for any students, except in those cases where it is necessary to protect the immediate safety of students and staff or when it is the only means of ensuring that student misbehavior does not substantially interfere with the delivery of educational instruction to others. As described in more detail below, the District is committed to working with students who exhibit behavior problems so that the students remain engaged in the District's educational program and are given every opportunity to reach their educational potential and to providing teacher and staff training and support to further the goals and requirements of this Agreement. The District is committed to implementing the terms of the Agreement and shall report to the OCR on all included items through the 2016-2017 school year (Term). Beyond that, the District shall remain committed to the general principles stated herein. The District expects to fulfill the terms of the Agreement by the end of the 2016-2017 school year.

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

1. (a) By September 30, 2014, the District will designate an employee(s), subject to OCR's review and approval, to serve as the District's Discipline Supervisor(s), and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in all school publications regarding discipline, and in the notice that the District sends to parents annually. The Discipline Supervisor(s) shall be responsible for overseeing the implementation of the District's policies concerning discipline in a fair and equitable manner. In addition, the District's Discipline Supervisor will address complaints from parents, guardians, students and others regarding the implementation of the District's disciplinary policies.

(b) Throughout its implementation of this Agreement, the District will as necessary, consult with and/or retain expert(s) in non-discriminatory discipline practices, as well as data analysis and research-based strategies, to prevent discrimination against African American students with respect to the use of school discipline. The expert(s) will provide the District strategies for meeting the District's goals of ensuring that discipline is appropriately and equitably applied to all students regardless of race, and implementing this Agreement, monitoring and evaluating practices, and ensuring stakeholder involvement. The District may form a committee or hire a consultant or engage another assessor(s), subject to OCR's review and approval, as its expert(s) to conduct a review and assessment and make recommendations. The District will provide any committee, consultant, or other assessor(s) with all information identified by the assessor(s) as necessary to engage in the review and assessment. The District will additionally ensure that the committee or consultant or other assessor(s) have expertise in addressing the fair and equitable implementation of student discipline policies and procedures.

(c) By October 15, 2014, the District will, in consultation with the Discipline Supervisor and/or expert(s), examine the root cause(s) of the racial disparity in the discipline of students in the District, and identify and, subject to the review and approval of OCR, take appropriate corrective actions necessary to address the root causes(s) as part of the District's strategies for meeting its goals, as described in item 1.b.

(d) By October 15, 2014, the District will, in consultation with the Discipline Supervisor and/or expert(s), examine its policies and procedures for referring students to the alternative school, to ensure that the policies and procedures include: (1) clear entry criteria for placement; (2) guidelines on length of placement; (3) guidelines for the provision of behavior supports and services for students placed at the alternative school; (4) provisions for transition back to the home school environment; and (5) approval by the Discipline Supervisor for any placement at the alternative school. The goal of the alternative school shall be to improve the student's behavior so that the student can return his or her home school in a timely fashion.

**REPORTING REQUIREMENT:** By September 30, 2014, the District will provide OCR the name and qualifications of the individual(s) appointed as the Discipline Supervisor(s) and the identity of any experts consulted and/or retained for OCR's review and approval. By September 30, 2014, the District will provide documentation to OCR regarding its implementation of the notice requirements of item 1(a). By July 31, 2015 and by the same date annually during the Term of this Agreement, the District will provide to OCR copies of all complaints about discipline received by the administrator referenced in item 1(a), and documentation regarding its implementation of 1(b), (c) and (d), including any input received from experts and the proposed changes made by the District.

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

2. By September 30, 2014, all District schools will require that school staff employ a range of corrective measures before referring a student to disciplinary authorities and/or law

enforcement 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 September 30, 2014, and by the same date annually thereafter the District will develop and implement during the school year a plan to effectively tailor school-based services that are supportive of the needs of students in order to decrease behavioral difficulties that manifest in school and to increase students' ability to benefit from the learning environment. The plan will describe the following:

- a. the process for identifying students who are at risk for behavioral difficulties;
- b. school-based interventions for students who are identified as at-risk for behavioral difficulties;
- c. skill-building for at-risk youth; and
- d. support for school staff to meet the needs of the at-risk students.

**REPORTING REQUIREMENT:** By September 30, 2014, the District will provide OCR a copy of the plan referenced in this item. By September 30, 2015, and by the same date annually thereafter during the Term of this Agreement, the District will provide to OCR documentation of the steps taken to implement the plan in the just-completed school year.

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

3. By October 31, 2014, the District will establish a student committee at Tupelo Middle School and Tupelo High School to discuss matters concerning the equitable treatment of students in the implementation of the District's discipline policies, practices and procedures and to identify steps the students believe the District could take to improve student behavior and cause students to be more engaged in the educational program.
  - a. The District will take steps to ensure that the student committees are representative of each school's student population.
  - b. The District will also invite students who have been subjected to disciplinary consequences and students who are struggling academically to participate on or provide input to the committees.
  - c. The District will encourage the student committees to identify the aspects of the District's educational program they see as positive and likely to encourage positive student behavior and the aspects of the District's educational program they see as negative and likely to result in student misbehavior. The student committees will also be encouraged to identify actions students can take to help their classmates engage in positive school behavior.
  - d. The student committees will have the same privileges as other District extracurricular activities, including access to meeting space in District schools and public notice about the committees, their meetings and their activities.

- e. The District will appoint a District staff person to work with each committee to assist them in operating efficiently and effectively and in organizing their reports to the District. The function of this staff person will be to assist the committees in achieving their objectives, not to attempt to influence or control the committees' discussions.
- f. The student committees will provide specific suggestions for improving the District's discipline policies, practices and procedures and establishing a safe school environment that is conducive to learning via the submission of a written report by no later than March 15 each school year.
- g. The student committees will conduct an annual forum during regular school hours that specifically provides the opportunity for students to discuss with faculty and administrators any matters relating to discipline, including non-discrimination, and provide their input for any improvements in the District's discipline policies.
- h. The District will carefully consider the suggestions submitted by the student committees and develop a plan, subject to OCR's review and approval, for implementing the committees' suggestions as appropriate by no later than May 1 of each school year. The District will provide the committees with a copy of the plan.

REPORTING REQUIREMENT: By June 30, 2015, and by the same date during the Term of this Agreement, the District will provide documentation to OCR that the student committees required by this item have been established, including the high school year(s) of the members of each student committee and the District employees (and the employee's title and job responsibilities) who have been designated to coordinate or oversee the activities of each student committee and a summary of the initial activities undertaken by each student committee, the written reports submitted by the student committees. The District will submit the plans it has developed to OCR for review and approval. Within 60 days of OCR's approval of the proposed plans, the District will provide documentation concerning the District's implementation.

- 4. By October 31, 2014, the District will establish a working group at Tupelo Middle School and Tupelo High School consisting of school personnel, including teachers, administrators and other school staff who are involved in making discipline referrals and imposing disciplinary sanctions, parents of school students and community leaders.
  - a. The working group will develop and make recommendations to the District regarding the effectiveness of the District's discipline policies, practices, and procedures in promoting a safe and orderly educational environment and ensuring that discipline is appropriately and equitably applied to all students regardless of race.
  - b. The District will invite community members, including the parents or guardians of African American and other minority students, to participate on the working groups.
  - c. The District will designate an employee to coordinate the group's meetings and work.

- d. The working group will be asked to provide District officials with input regarding strategies for improving student behavior, addressing student misbehavior by means other than disciplinary sanctions, and reducing any racial disparity in referrals for discipline, the imposition of disciplinary sanctions and the exclusion of students from the educational program.
- e. The working group will also be asked to provide continuing input to District officials regarding strategies to ensure that school staff members have access to or are aware of available resources for assisting them in managing and de-escalating student behavior.
- f. The working group will also be asked to provide specific suggestions for developing training and informational programs, as described in items 10 and 11, that promote a safe and orderly educational environment and the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
- g. The group will consider if and how outreach efforts to families can be made to garner support for the District's discipline policies, practices and procedures and for the District's goal of addressing student misbehavior without excluding students from the educational program.
- h. The designated employee will prepare a written summary of the recommendations and suggestions of the working group and submit a report to the District setting forth the recommendations and suggestions by no later than June 30 of each school year.
- i. The District will review the report submitted by the working groups and develop a plan for implementing the groups' recommendations and suggestions as appropriate by no later than June 30 of each school year. The District will provide the working groups with a copy of the plan.

**REPORTING REQUIREMENT:** By October 31, 2014, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR that the working groups required by this item have been established, including the identity of the members of each working group and the District employees who have been designated to coordinate or oversee the activities of each working group and a summary of the initial activities undertaken by each working group. By June 30, 2015, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR of the written reports submitted by the working groups. The District will submit the plans developed by the District in response to the reports to OCR for review and approval. Within 60 days of OCR's approval of the proposed plans, the District will provide documentation concerning the District's implementation

- 5. By October 31, 2014, and by the same date annually thereafter during the Term, the District will develop and provide informational programs for parents or guardians of students at all District schools that will explain the disciplinary policies of the District in an easily understood manner and what is expected of students under those policies and the District's efforts in achieving fair discipline of all students. The parent programs may be incorporated

into other planned parent meetings, conferences or parent outreach programs. The District will offer the informational programs in such a manner as to provide the maximum possible participation by parents or guardians. This may include offering the program at multiple times in various locations and will include providing access to parents or guardians who are unable to attend the program to the materials developed by the District in association with the program. This will include offering the program and the program materials in languages other than English as necessary for English language learners and their parents. The program will:

- a. provide parents the opportunity to raise concerns or suggestions regarding the improvement of the District's disciplinary policies, including any issues in connection with fairness and non-discrimination;
- b. include District officials involved in the administration of discipline (e.g., administrators, teachers, behavior interventionists, guidance counselors);
- c. emphasize the District's commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
- d. advise the parents or guardians of the right of students to appropriate due process in connection with any disciplinary action taken or proposed by the District;
- e. include but not be limited to detailed explanations of the discipline policy, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, resources that are available to students to assist them in developing self-management skills and the District's commitment to (1) recognizing and reinforcing positive student behavior, and (2) addressing misbehavior in a manner that does not require removal from the educational program;
- f. advise the parents or guardians whom they may contact if they have any concerns about the manner in which the District's discipline policies are being implemented or if they need assistance in addressing student behavioral problems.

**REPORTING REQUIREMENT:** By November 30, 2014, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR demonstrating that the information programs required by this item have been conducted. By June 30, 2015, the District will provide documentation to OCR of any recommendations, suggestions or reports that were provided by parents or guardians at the programs, and indicate the plans developed and steps taken by the District in response to the input at these programs.

6. By June 30, 2015, and by the same date annually during the Term-of this Agreement, the District will continue to provide the School Board a detailed report regarding the discipline imposed at each school site.

**REPORTING REQUIREMENT:** By June 30, 2015, and by the same date annually thereafter during the Term of this Agreement, the District will provide the documentation to OCR describing the means it plans to use to convey information. By June 30, 2015, and by the same date annually thereafter during the Term of this Agreement, the District will provide documentation to OCR that it has provided the information referenced pursuant to this item.

### **Policies, Practices and Procedures**

7. By January 31, 2015, the District will review and revise its student discipline policies, practices and procedures, taking into account any recommendations made by the student committees and working groups referenced in items 3 and 4 of this Agreement, to ensure that they include the following:
  - a. Standards for disciplinary referrals that eliminate redundancies and include clear definitions, categories and clear procedures for staff to follow when making referrals;
  - b. The elimination, to the maximum extent possible, of vague, subjective or redundant offense categories including those that necessarily require a high degree of subjectivity and individual discretion (e.g., defiance/disobedience, other misbehavior, disruptive behavior). To the extent the District retains such categories, the District will provide specific examples to ensure that staff understand the circumstances under which such categories can be used to impose disciplinary sanctions and the distinctions between such categories;
  - c. Definitions of misconduct that are clear and objective to the maximum extent possible, including clearly defined criteria for all offense categories that allow deviations only if they are justified and well documented;
  - d. The range of penalties that may be imposed for each infraction and penalties that are proportionate to the type of misconduct;
  - e. The criteria for selection within the range of possible penalties when imposing disciplinary sanctions;
  - f. An explanation of how the District will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies, practices and procedures are implemented;
  - g. A requirement that alternatives to dismissal, suspension or other sanctions that require removal from the educational setting be considered in all cases except those where the immediate safety of students or staff is threatened, where the behavior in question is such that the disruption to the educational environment can

only be remedied by removal, or where the student's removal is a result of the District's progressive discipline policy;

- h. A requirement that school staff attempt a range of corrective measures before referring a student to disciplinary authorities and/or law enforcement unless it can be documented that the safety of students or staff is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral;
- i. A clear description of the circumstances that must be present for school staff to involve school resource and/or security officers in the discipline of District students, including whether threatening or violent behavior must be involved, along with examples, if applicable, of circumstances where behavior that is neither threatening nor violent can nonetheless result in the involvement of school resource officers;
- j. Appropriate due process standards for all students disciplined under the District's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for informal hearings, etc.);
- k. A program that seeks to successfully reintegrate students within the school community who have been suspended, expelled or excluded, or who return from alternative school or periods of incarceration, including counseling, tutoring or other additional educational services to permit the student to make up lost classroom time.
- l. Any new provisions relating to the referral of students to the District's alternative school in light of the examination conducted pursuant to item 1.d.

**REPORTING REQUIREMENT:** By January 31, 2015, the District will submit its student discipline policies, practices and procedures to OCR for review and approval. OCR acknowledges that the School Board retains the sole authority to adopt policies and procedures for the District. Within 30 days of OCR's approval, the District will provide documentation that it has disseminated the student discipline policies, practices and procedures to all District students, parents and staff and/or posted them in a prominent location on the District's website and in each District school. Within 45 days of OCR's approval, the District will also provide documentation to OCR that it has translated the revised student discipline policies, practices and procedures as necessary to accommodate English language learners and their parents.

### **Student-Focused Remedies**

- 8. Effective no later than October 31, 2014, the District will ensure that it has in place at each District school a system of supports to assist students who display behavior problems. These supports may include, but need not be limited to, the following:



- a. Adult in-school mentoring;
- b. Peer in-school mentoring;
- c. Access to guidance counselors, social workers or student advocates as appropriate;
- d. Involvement of parents in the discipline process;
- e. Assistance with developing self-management skills;
- f. Referral for psychological testing or other educational services, where indicated.

**REPORTING REQUIREMENT:** By January 31, 2015, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR demonstrating its full implementation of this item.

### **Staff and Student Training**

9. By November 1, 2014, and by the same date annually thereafter, the District will provide training programs to all District teachers, administrators, school aides, and any other District personnel charged with supervising students, making disciplinary referrals or imposing disciplinary sanctions. The training will incorporate input provided by the working group, as required by item 4 above.
  - a. The training will emphasize the District's commitment to using its discipline policies, practices and procedures to provide a safe and orderly educational environment and to facilitate the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
  - b. As appropriate, the training for District employees may include but not be limited to detailed explanations of the 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, the documentation that must be developed and maintained by all District staff 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, resources that are available to staff who are having difficulty with classroom discipline, resources that are available to students to assist them in developing self-management skills, the value of recognizing and reinforcing positive student behavior, and the importance of ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program.
  - c. The training will emphasize the District's requirement that staff employ a range of corrective measures before referring a student to disciplinary authorities and/or law enforcement 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.

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

**REPORTING REQUIREMENT:** By November 30, 2014, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR that it has provided the training required by this item.

10. By November 30, 2014, and by the same date annually thereafter, the District will provide training programs to all District students in an age appropriate, easily understood manner. This training may be provided in conjunction with the student forums referenced in this agreement. The training will incorporate the input provided by the working group, as required by item 4 above.
  - a. The training will emphasize the District's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions. The training will advise students of their right to appropriate due process procedures in connection with any disciplinary action taken or proposed by the District.
  - b. The training will include but not be limited to detailed explanations of the discipline policy, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, resources that are available to students to assist them in developing self-management skills and the District's commitment to (1) recognizing and reinforcing positive student behavior, and (2) addressing misbehavior in a manner that does not require removal from the educational program;

**REPORTING REQUIREMENT:** By November 30, 2014, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR that it has provided the training required by this item.

### **Law Enforcement**

11. By January 31, 2015, and by the same date annually thereafter, the District will complete a comprehensive review of its use of law enforcement officials, including School Resource Officers (SROs) and School Safety Officers (SSOs), to assess the effectiveness of the use of these officials and identify any changes that should be made to the use of these officials to ensure the use aligns with and aids the District in accomplishing the goals and objectives set forth in this Agreement. The review may include, but not be limited to, the following:
  - a. Individual meetings with every SRO and SSO to assess the extent to which they have a clear understanding of the District's obligations under Title VI and the role they are expected to play in the District and the extent to which the understanding expressed by the SROs and SSOs aligns with the District's expectations. The meetings should also

attempt to identify any problems the SRO and SSOs believe exist with how they are being utilized by the District and suggestions they have for improving the program;

- b. Meetings, as appropriate, with the student committees identified in item 3 of this Agreement, the working groups identified in item 4 of this Agreement, school administrators and pupil personnel teams to assess the extent to which the SRO and SSOs in District schools are trusted by students, and parents, and utilized as part of the overall effort to promote school discipline and establish a positive school climate, rather than police officers merely available to arrest students;
- c. A review of instances during the 2014-15 and subsequent school years in which an SRO or SSO became involved in a student discipline matter to determine whether it was appropriate for the SRO or SSO to become involved in the matter and whether, once involved, the SRO or SSO acted in a manner that was consistent with the District's expectations and its discipline policies, practices and procedures. If appropriate, the review may be done by random sampling. This review will also examine instances where a District student was referred to law enforcement and carefully 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 the referral was inappropriate, it will promptly take steps to remedy any adverse effects, including efforts to expunge records and discontinue law enforcement involvement.

**REPORTING REQUIREMENT:** By February 28, 2015, the District will provide documentation to OCR of its compliance with parts a. and b. of this item. By November 30, 2015, the District will provide documentation to OCR of its review conducted pursuant to part c. of this item of the Agreement and provide a description of any revisions the District plans to make to its SRO and SSO program based on the review. The District's report will also include documentation associated with the review of instances during the previous school year in which an SRO or SSO became involved in a student discipline matter, the determination made by the District with respect to each incident as to whether the SRO or SSO involvement was appropriate and a description with supporting documentation of any actions taken by the District in those cases in which it determines the involvement of the SRO or SSO was not appropriate. The District's report will also identify any instances in which it was determined that a referral to law enforcement was made inappropriately and provide a detailed description with supporting documentation of the steps taken by the District to remedy any adverse effects resulting from the referral.

12. By January 31, 2015, and by the same date annually thereafter, the District will provide training to all District SROs and SSOs that explains the District's obligations under Title VI, the revisions being made to the SRO and SSO program and what is expected of the SROs and SSOs under the SRO and SSO program and the District's revised student discipline policies, practices and procedures. The District will also make good faith efforts to collaborate with the local police department with which it contracts for SROs to develop an orientation program to be delivered to all SROs and SSOs newly assigned to the District that

explains the SRO and SSO program, what is expected of SROs and SSOs in the SRO and SSO program and the District’s student discipline policies, practices and procedures.

- a. The training and orientation will emphasize the SRO and SSO role in ensuring a safe and orderly educational environment and the fair and equitable treatment of all District students when taking disciplinary action.
- b. The training and orientation will also provide the SROs and SSOs with information on how to work effectively with the District’s elementary and secondary students and identify resources available to the SROs and SSOs to assist them in this regard.
- c. The training and orientation will also include but not be limited to detailed explanations of 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, resources that are available to students to assist them in developing self-management skills, the District’s commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require exclusion from the educational program and the District’s obligations to ensure that the SRO and SSO program is administered in a non-discriminatory manner.

**REPORTING REQUIREMENT:** By February 28, 2015, 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.

13. By March 30, 2015, and by the same date annually thereafter, the District will implement any changes made to its SRO and SSO program pursuant to the review referenced under item 11 of this Agreement.

**REPORTING REQUIREMENTS:** By September 30, 2015, the District will provide documentation to OCR that it has implemented this item of the Agreement.

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

14. Beginning with the 2014-15 school year, the District will collect data, by school, regarding referrals for student discipline, the imposition of disciplinary sanctions, referrals to law enforcement and expulsion at all District schools. The data collected will include, but not be limited to, the following:
  - a. The student’s name, identification number, race, sex, and grade;
  - b. The student’s disability and ELL status, if applicable;
  - c. The date of the referral, if any;
  - d. The specific offense(s) for which the referral was made;
  - e. The referring staff member (by staff identification/employee number);

- f. The type of class from which the referral was made or other specific settings (e.g., bus referral, hallway referral);
- g. The specific offense for which the student was punished and the penalty/sanction imposed or, if no offense was charged or penalty/sanction imposed, the reason why;
- h. The manifestation hearing determination, if applicable;
- i. The date the penalty/sanction was imposed;
- j. The length of the penalty/sanction (in number of days);
- k. The staff member who assigned the penalty/sanction (by staff identification/employee number);
- l. Whether school-based or local law enforcement were involved (e.g., law enforcement was notified of the offense);
- m. Whether the referral to law enforcement was mandatory and, if so, the statute or ordinance governing the referral;
- n. Whether the student was arrested as a result of school-based or law enforcement involvement;
- o. Any other non-punitive outcomes arising out of each referral incident, including, but not limited to, referral for homebound services, disability evaluation; and
- p. Whether the student was given access to appropriate due process procedures in connection with the penalty/sanction.

**REPORTING REQUIREMENT:** By June 30, 2015 and by the same date annually thereafter during the Term of this Agreement, the District will provide to OCR the data referenced in this item for the just completed school year.

15. Effective with the 2014-15 school year, the District will evaluate on an ongoing basis but at least at the end of each semester the data referenced in item 14 of the Agreement to assess whether the District is implementing its student discipline policies, practices and procedures in a non-discriminatory manner. The evaluation of the data will include, but not be limited to, the following:
  - a. Review of discipline referrals and penalties imposed to examine whether African American students are receiving more referrals or discipline than students of other races;
  - b. Review of referrals to the District's alternative school to examine whether African American students are receiving more referrals than students of other races;
  - c. Review of referrals to law enforcement to examine whether African American students are receiving more referrals than students of other races;
  - d. Review of student expulsions to examine whether African American students are receiving more expulsions than students of other races;
  - e. Examination of whether certain teachers and administrators refer disproportionately high numbers of students of a particular race for discipline or are disproportionately

responsible for imposing disciplinary sanctions that include exclusion from the educational program;

- f. Examination of whether certain SSOs refer disproportionately high numbers of students of a particular race to law enforcement or are disproportionately responsible for making referrals to law enforcement;
- g. Examination of whether African American students are disproportionately referred for offenses in which subjective judgment is exercised, while students of other races are not;
- h. Examination of whether all students are consistently referred for similar misbehaviors without regard to race;
- i. Examination of whether waivers of punishment, if available, are available to all students without regard to race;
- j. 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.

**REPORTING REQUIREMENT:** By January 31, 2015, and by June 30, 2015, and by the same dates annually during the Term of this Agreement, the District will provide to OCR the evaluations referenced in this item for the just completed semester. The District will submit any recommendations or changes to the District's discipline policies and procedures proposed as a result of this evaluation to OCR for review. The District may proceed with the recommendations or changes if OCR has not raised any objections by the 30<sup>th</sup> calendar day after submission of the recommendations or changes to OCR.

16. Effective no later than September 30, 2014, the District will establish uniform standards for the content of student discipline files at all District schools. The standards will be designed to ensure that the District keeps accurate and complete records of all discipline incidents, including those that do not result in sanctions. To this end, the District will develop a uniform District referral form to be used by all District staff when making disciplinary referrals and a uniform District disciplinary sanctions form to be used by all District staff when imposing disciplinary sanctions. At a minimum, the forms will require the person completing the form to identify the date the referral was made or the sanction was imposed, the name(s) of the student(s) being referred or disciplined, the specific offense(s) for which the referral was made or the sanction was imposed, the name or staff identification/employee number of the person making the referral or imposing the sanction; and the type of class or other specific setting (e.g., bus, cafeteria, hallway) from which the referral was made. These forms will require staff to provide sufficiently detailed information to explain the circumstances that led to the disciplinary referral, the factual basis for the sanction imposed and the justification for the selection of the particular penalty imposed from within the range of possible penalties that could have been imposed, or, if no sanction was imposed, the

reason for that decision. The District may use an electronic database for collecting and maintaining this information.

**REPORTING REQUIREMENT:** By October 31, 2014, the District will provide documentation to OCR with the forms developed pursuant to this item of the Agreement.

17. Effective with the 2014-15 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 under item 14 of this Agreement. The meetings will examine how discipline referrals and disciplinary sanctions imposed at each school compare to those at other District schools and consider any data suggesting that African American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races. If the data suggests such disproportion, the meetings will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible. If applicable, the principals will be reminded of District resources that are available to assist them in addressing the disproportion. If the information suggests that the principal or other school staff are failing to adhere to the District's student discipline policies, practices and procedures or are engaging in discrimination, the Superintendent or Superintendent's designee(s) will take appropriate corrective action, including but not limited to, additional training or disciplinary action. Where the data shows no disproportion, the meetings will examine steps that are being taken at the school to ensure the fair and equitable enforcement of the District's student discipline policies, practices and procedures that might be adopted as "best practices" at those schools where disproportion exists.

**REPORTING REQUIREMENT:** By June 30, 2015, and by the same date annually thereafter during the Term of this Agreement, the District will provide documentation to OCR of the meetings held pursuant to this item and of all steps taken as a consequence of information shared at the meetings.

18. Effective with the 2014-15 school year, each school principal will meet at the conclusion of each semester with the teachers at his/her school to discuss the data gathered by the District under item 15 of this Agreement.
  - a. 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 suggesting that African American students are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races.
  - b. If the data suggests such disproportion, the meeting will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible.
  - c. If applicable, the teachers will be reminded of District resources that are available to assist them in addressing the disproportion.

- d. Where the data shows that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers African American students, the principal will meet privately with that teacher to discuss the data, explore the reasons for the disproportion, and examine potential solutions. If the information suggests that the teacher is failing to adhere to the District's student discipline policies, practices and procedures or is engaging in discrimination, the principal will take appropriate corrective action, including but not limited to, additional training or disciplinary action.
- e. Where the data shows no disproportion or suggests that a teacher has been particularly successful in managing student discipline at the classroom level, the meetings will examine steps that are being taken at the school or by the individual teacher to ensure the fair and equitable enforcement of the District's student discipline policies, practices and procedures that might be shared as "best practices" with other teachers at the school and with other schools where disproportion exists.

**REPORTING REQUIREMENT:** By June 30, 2015, and by the same date annually thereafter during the Term of this Agreement, the District will provide documentation to OCR of the meetings held pursuant to this item and a list of all steps it plans to take as a consequence of information shared at the meetings.

19. Effective no later than January 31, 2015, the District will establish a discipline review team for the purpose of randomly reviewing a percentage of the disciplinary actions taken at each District school on an ongoing basis to ensure that the actions taken were non-discriminatory and consistent with the District's student discipline policies, practices and procedures. The review may be done by random sampling. At the conclusion of each school year, the discipline review team will prepare a report that summarizes the results of its review at each school and includes recommendations on any changes to the District's student discipline policies, practices and procedures that should be made in light of the team's findings. If at any point during this process the discipline review team identifies any disciplinary action that was discriminatory or inconsistent with the District's student discipline policies, practices and procedures, it will immediately report its finding to the Superintendent, who will take immediate corrective action. Under such a circumstance, the discipline review team will also expand its review at the school in question to include every disciplinary action taken at the school during the school year. The District will submit any recommendations or changes to the District's discipline policies and procedures to OCR for review. The District may proceed with the recommendations or changes if OCR has not raised any objections by the 30th calendar day after submission of the recommendations or changes to OCR.

**REPORTING REQUIREMENT:** By January 31, 2015, the District will provide documentation to OCR that the teams have been established. By June 30, 2015, and by the same date annually during the Term of this Agreement, the District will provide documentation to OCR of the review conducted by the team during the just completed school year.

20. At the conclusion of the 2014-15 school year and each school year thereafter, 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, and the findings made by the discipline review team.

**REPORTING REQUIREMENT:** By June 30, 2015, and by the same date annually thereafter during the term, the District will submit any recommendations or changes to the District’s discipline policies and procedures proposed as a result of this section to OCR for review. The District may proceed with the recommendations or changes if OCR has not raised any objections by the 30<sup>th</sup> calendar day after submission of the recommendations or changes to OCR.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, 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. §§100.3(a) and (b)(i)-(iii), which were at issue in this compliance review.

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 regulation implementing Title VI, at §§100.3(a) and (b)(i)-(iii), which were at issue in this case. Prior to the conclusion of OCR’s monitoring, the District will provide documentation establishing that any remaining disparities in disciplinary referrals and/or sanctions, including referrals to the District’s alternative school and to law enforcement 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 shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of the Tupelo Public School District, Tupelo, Mississippi.

/s/

9/15/14

\_\_\_\_\_  
Gearl Loden, Ph.D., Superintendent

\_\_\_\_\_  
Date