

Monterey Peninsula Unified School District  
09-13-1309

Resolution Agreement

The U.S. Department of Education, Office for Civil Rights (OCR) initiated an investigation of a complaint filed against the Monterey Peninsula Unified School District pursuant to Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and Title II of the Americans with Disabilities Act of 1990 and their implementing regulations. Pursuant to the OCR Case Processing Manual Article III, section 302, a complaint may be resolved at any time, before the conclusion of an investigation, when the recipient expresses an interest in resolving the complaint. In order to resolve the allegations of the above referenced complaint, and without admitting to any violations of the law, the District agrees to implement the provisions in this Agreement by the dates specified.

- I. By **August 15, 2014** the District will provide training to all school site level administrators, including principals and assistant principals, on harassment based on race or national origin (racial harassment) and the responsibility of school site administrators to respond promptly and effectively to notice of possible harassment. The training will address the following topics:
  - A. the District's policy prohibiting discrimination and harassment of a student by other students or by District employees based on race, color, national origin, sex or disability and the requirements of the District Uniform Complaint Procedures (UCP).
  - B. the circumstances under which harassing conduct may create a hostile environment based on race, color, or national origin, including guidance that a hostile environment can be created by the cumulative effects of individual acts of harassment;
  - C. the process to be followed by staff who witness or are made aware of racial harassment incidents, including expectations for stopping harassing behavior, reporting it to the appropriate administrator or other school staff, and other steps;
  - D. a description of the steps that the designated site administrator(s) should take to investigate the incident, including interviews of all relevant witnesses, and guidance on how to assess evidence and document the investigation;
  - E. the requirement that students, parents or guardians who report discrimination, including harassment, must be notified that they can address their complaints through the District's discrimination complaint process and how to obtain a copy of the procedure;

- F. the contents of the written notice that must be provided to complainants, including a statement of all the issues raised, the findings made on each issue and the rationale for each, the corrective actions for each issue, if any, and notice of the right to appeal; and
  
- II. By August 30, 2014, the District will provide OCR with a description of the training described in Section I, and a list of the attendees.
  
- III. General Provisions
  - A. 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 regulations implementing Section 504, at 34 C.F.R. part 104, and Title II, at 28 C.F.R. part 35, which were at issue in this compliance review.
  - B. 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 Section 504, at 34 C.F.R. part 104, and Title II, at 28 C.F.R. part 35.
  - C. 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.

\_\_\_\_\_/s/\_\_\_\_\_

Signature

\_\_\_\_\_5/8/2014\_\_\_\_\_

Date