

Resolution Agreement
Winston-Salem/Forsyth County Schools
OCR Docket Number 11-10-5002

Winston-Salem/Forsyth County Schools (the District) enters into this Voluntary Resolution Agreement (Agreement) to resolve the above-referenced compliance review regarding its discipline policies and practices conducted by the United States Department of Education, Office for Civil Rights (OCR), 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 regulation at 34 C.F.R. Part 100. This Agreement does not constitute an admission of noncompliance by the District or reflect a finding of a violation by OCR. The District agrees to take the following Action Steps:

A. Discipline Policies and Procedures

1. The District will review its Code of Character, Conduct, and Support (Code) and other student discipline policies and procedures, and, if necessary, will make appropriate revisions prior to the beginning of the 2023-2024 school year, for the following issues:
 - a. Lack of clear guidance for administrators in selecting the appropriate consequence level and specific consequence from among the broad range of potential consequences for many violations;
 - b. Lack of clear guidance for staff in determining whether to make a disciplinary referral when a violation can result in either Level 1 or Level 2 consequences;
 - c. Violations that lack definitions, e.g., attendance-related violations; and
 - d. Violations that are defined in a way that overlaps with other violations, e.g., violations involving physically aggressive behavior.

Reporting Requirements: By September 30, 2023, the District will submit a summary of its review and proposed revisions to the Code, if any, to OCR for review and approval.

2. Within 30 calendar days of OCR's approval of the District's revised Code, if revisions were made, the District will adopt the OCR-approved Code; disseminate it to all District students, parents, and staff; and post it in a prominent location on the District's website. Throughout the course of OCR's monitoring of this Agreement, the District will submit for OCR review and approval any further changes to the Code prior to their implementation.

Reporting Requirements: Within 45 calendar days of OCR's approval of the District's revised Code, the District will provide documentation demonstrating that it has fully implemented Action Step A.2, including any board meeting minutes at which the revised Code was adopted; a description of the methods by which the revised Code was disseminated to all District students, parents, and staff; and the web address where the District posted the revised Code on its website.

B. Data Collection and Self-Monitoring

1. The District will continue to electronically collect data regarding all student discipline referrals and consequences at all District schools. For purposes of this Agreement, “referral” means any referral of a disciplinary incident to an authority outside the classroom, typically a school administrator, requesting discipline, including such referrals that result in no disciplinary action, non-exclusionary disciplinary action, or disciplinary action that is not required to be reported to the state. The District will require the following information to be input into its electronic data system(s) for each disciplinary referral:
 - a. The student being referred;
 - b. Date of referral;
 - c. Staff member making the referral;
 - d. Staff member determining the consequence;
 - e. Code violation(s);
 - f. Detailed description of the conduct that resulted in the referral (not merely identification of the Code violation);
 - g. Any other students involved in the incident;
 - h. Code consequence level;
 - i. Specific consequence(s) imposed (or, if no consequence was imposed, the reason for that decision);
 - j. Length of consequence in number of days;
 - k. Justification for the selection of the particular consequence from within the range of possible consequences, including identification of any aggravating or mitigating factors applied;
 - l. Whether the student was referred to the school resource officer (SRO)/law enforcement or the SRO/law enforcement was otherwise involved in the incident;
 - m. Outcome of the disciplinary hearing and/or appeal, if applicable;
 - n. Outcome of the manifestation determination; if applicable; and
 - o. If the student was assigned to an alternative school or program, the name of the school or program site.

The District and individual schools may elect to input additional information beyond that required above. If the District or individual schools choose to input information regarding behavior incidents that do not result in referrals, such as incidents handled by teachers at the classroom level without administrative involvement or formal consequences, the District shall ensure that its data system distinguishes between disciplinary referrals and incidents not resulting in referrals.

Reporting Requirements: By October 1, 2023, the District will submit documentation to OCR demonstrating that its electronic data collection system(s) is/are equipped to capture the information required by Action Step B.1, and that it has instructed relevant staff at all schools to input the required information for each disciplinary referral.

By October 1, 2023 and October 1, 2024, the District will provide to OCR an Excel spreadsheet containing, at a minimum, the following data for each disciplinary referral for the previous school year: student name, student identification number, student

race/ethnicity, student sex, whether the Student has a Section 504 Plan or an IEP, student grade, school name, date of referral, the staff member who made the referral, the administrator or other staff member who handled the referral, the Code violation(s), Code consequence level, consequence(s) imposed (if any), length of consequence (number of days), and whether the student was referred to the SRO/law enforcement. OCR may request additional information contained in the District's data system, such as descriptions of students' conduct, and will notify the District in writing if additional information is requested. If the data set submitted to OCR includes incidents that did not result in disciplinary referrals, the data set will clearly distinguish between disciplinary referrals and incidents that did not result in referrals.

2. The District shall submit annual reports to OCR documenting that the District has:
 - a. Reviewed the effectiveness and degree of implementation of the Code, District-wide and at individual schools.
 - b. Reviewed discipline data, including (1) disciplinary referral rates and (2) for students who received disciplinary referrals, rates for in-school suspension, out-of-school suspension, alternative school placement, and law enforcement involvement. The District will disaggregate this data by race/ethnicity, school level (elementary, middle, high) and individual schools, and level/category of violation.
 - c. Analyzed discipline data, including the rates calculated above, for evidence that racial disparities in discipline rates, District-wide and at individual schools, may be the result of unlawful discrimination, failure to comply with the Code or the District's other discipline policies, or inconsistent implementation of the Code or the District's other discipline policies across schools, and put in place appropriate corrective actions to address any concerns identified at the District level and at individual schools.
 - d. Identified staff with referral numbers that suggest overuse of disciplinary referrals or racial discrimination in the assignment of referrals; identified school administrators whose sanctioning practices suggest racial discrimination in the assignment of consequences or failure to comply with the Behavior Violations Matrix in the Code; and put in place appropriate corrective actions such as training, professional development, monitoring, classroom observations, or disciplinary action, subject to the rights afforded to District employees under state and/or federal law.
 - e. Identified any instances of SRO/law enforcement involvement in discipline matters or referrals to SROs/law enforcement that suggest racial discrimination or failure to comply with District policy and/or the relevant Memorandum of Understanding (MOU), and put in place appropriate corrective actions, including, if appropriate, a request that an SRO be replaced or receive additional training.
 - f. Identified students who are repeatedly disciplined and need more intensive behavior interventions and supports, e.g., students who receive a high number of disciplinary referrals in a single school year and are not currently receiving intensive interventions, and put in place appropriate interventions and supports for such students.

Reporting Requirements: By December 1, 2023 and December 1, 2024, the District shall submit annual reports to OCR for the 2022-2023 and 2023-2024 school years, respectively. OCR will review the reports, notify the District of any additional corrective action that OCR determines is necessary to address concerns identified by the District or OCR, and notify the District of any further information needed by OCR to evaluate the reports and verify the implementation of corrective action.

At its discretion, OCR may require annual reports for subsequent school years beyond the 2023-2024 school year, which may include all or portions of the information listed in 2.a-2.f. above. If OCR makes such a request, OCR will notify the District at least 4 months in advance of the due date of the report, and will notify the District of the specific information listed in 2.a.-2.f. above to include in the report.

C. District Staff Training

1. The District will continue to provide annual training programs to all District personnel charged with making disciplinary referrals or imposing disciplinary consequences. The training will include but not be limited to reviewing the Code and other discipline policies, practices, and procedures and discussing the District's commitment to using its policies to ensure a safe and orderly educational environment and the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary consequences.
2. The training will include, but not be limited to:
 - a. An explanation of any revisions to the Code and other disciplines policies, practices, and procedures;
 - b. A review of the definitions of common violations in the Code, with illustrative examples to assist staff and administrators in understanding referral criteria for common violations and distinguishing between similar violations;
 - c. A review of the consequence levels and guidelines in the Code and guidance regarding how to determine the appropriate consequence level and select from the available consequences within each level;
 - d. A review of the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary consequences, and the information that must be input into the District's electronic discipline data system;
 - e. A review of evidence-based techniques on classroom management and de-escalation approaches; guidance 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; 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; and the limited role of SROs in disciplinary matters; and

- f. The opportunity for attendees to raise concerns or suggestions regarding the improvement of the District’s disciplinary policies, including any issues in connection with fairness and nondiscrimination on the basis of race.

Reporting Requirements: By October 1, 2023, the District will submit to OCR, for OCR’s review and approval, a description of its plan to address the points required by Action Step C.2 above as part of its training program, including: a description of the proposed trainings for the 2023-2024 school year; the name(s) and position title(s) of the individual(s) who will conduct the training for the 2023-2024 school year; and the categories of individuals who will be required to receive the training, including all District teachers, school administrators, and other personnel charged with making disciplinary referrals and imposing disciplinary consequences. The District will submit copies of training materials to OCR for each training session during the 2023-2024 school year as far in advance of the session as possible. If the District is unable to provide copies of training materials to OCR in advance of a training session, the District will provide copies immediately following the session. Within 30 calendar days of completing the delivery of training for the 2023-2024 school year, the District will provide verification to OCR, including: the name(s) of the individual(s) who conducted the training; the date(s) of the training session(s); all training materials; and verification that the training was received by all required personnel.

D. School Resource Officer Involvement in Student Discipline

1. The District will continue to work with local law enforcement to ensure that all actions taken by SROs are reported to the District, including all SRO arrests of students, removals of students from the school environment and referrals of students to criminal or juvenile justice courts, and the outcome of those proceedings to the extent law enforcement is permitted to provide information about outcomes to the District. The District will record information regarding the District’s or an individual school’s involvement in the proceedings.
2. The District will continue to work with local law enforcement to ensure that SRO training addresses the limited role of SROs in disciplinary incidents; the protocol by which, and instances in which, it would be appropriate for administrators to involve SROs in disciplinary incidents; and requirements for reporting actions taken by SROs to the District.
3. The District will work with local law enforcement to develop guidelines for investigating SRO concerns raised by staff, students or parents/guardians, including how such concerns will be resolved in cooperation with local law enforcement in the event the District substantiates a concern.
4. The District will continue to undertake a review of the data reported by local law enforcement in accordance with Action Step D.1 above to evaluate the effectiveness of the SRO program in the District and whether any modifications to the program should be made.

Reporting Requirements: By March 1, 2024, the District will submit to OCR documentation of its compliance with Action Step D, including a report of the review

required by Action Step D.4 and any changes to the SRO program based on the District's review. In addition, if the District negotiates a new MOU with local law enforcement during the monitoring of this Agreement, the District will submit a copy of the executed MOU to OCR.

E. Alternative Program Placements

The District will assess its alternative learning programs for students who commit discipline violations (including Main Street Academy) to evaluate the programs' effectiveness, including but not limited to: staffing levels and qualifications; coordination between alternative programs and home schools; behavior management programs and behavior intervention plans in the alternative learning programs; educational, social and behavioral services provided in alternative learning programs; the appropriateness of exit criteria; and transitions of students back to their home schools. The District will also assess whether student referrals to alternative learning programs are consistent with the consequence levels and Behavior Violations Matrix in the Code and in compliance with the procedures outlined in AR 5117.5 and Policy 5131.5, and whether students assigned to alternative programs are exited upon meeting the criteria in AR 5117.5. The District will determine whether any changes to its programs, policies, and procedures should be undertaken as a result of this review.

Reporting Requirements: By March 1, 2024, the District will submit to OCR documentation that it has completed its review of its alternative learning programs. If the District determined that any changes to policies or procedures should be undertaken as a result of its review, it will submit documentation of the revisions.

F. Student and Parent Information Sessions

The District will continue to make information available for students and parents/guardians at all District schools that will provide an explanation of the District's disciplinary policies, what is expected of students under the policies, and the District's efforts to ensure nondiscriminatory discipline for all students. The District will offer the information in a manner accessible to individuals with disabilities and limited English proficiency and at times and locations to promote maximum participation by students and parents/guardians.

Reporting Requirements: By October 1, 2023, the District will provide OCR with a report that it has complied with the requirements of this Section F.

General Requirements

By signing this Agreement, the District agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. 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.

The District understands that OCR will not close the monitoring of this Agreement until such time as OCR determines that the District is in compliance with the terms of the Agreement and with Title VI and its implementing regulation at 34 C.F.R. Part 100.

The District understands that OCR may initiate administrative enforcement proceedings or refer the case to the Department of Justice for judicial proceedings to enforce the specific terms of this Agreement and the applicable statute and regulation. Before initiating such proceedings, OCR will give the District written notice of the alleged breach and 60 calendar days to cure the alleged breach.

/s/

Superintendent or Designee
Winston-Salem/Forsyth County Schools

September 19, 2023

Date