

**RESOLUTION AGREEMENT**  
**CHRISTINA SCHOOL DISTRICT**  
**OCR CASE NO. 03-10-5001**

The Board of Education of the Christina School District (District) enters into the following Agreement to resolve Office for Civil Rights (OCR) Case No. 03-10-5001 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. Title VI and its implementing regulation prohibit discrimination on the basis of race, color or national origin by recipients of federal financial assistance from the U.S. Department of Education (the Department). The District agrees to take corrective action to resolve the Title VI violations established by this compliance review; such corrective action will include all necessary and appropriate measures to ensure that the District's disciplinary policies, practices and procedures (hereinafter referred to collectively as "policies") are administered in a non-discriminatory manner. The District enters into this agreement for purposes of resolving a disputed claim that they 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.

OCR agrees to assist the District by providing technical assistance upon request and, as part of the Agreement, the District intends to work with an educational consultant, such as the Mid-Atlantic Equity Consortium (MAEC), or another similar agency in compliance with Delaware's procurement act.

**GENERAL PRINCIPLES**

The goal of the District is to ensure that all District students are provided schools that are safe and that create an environment that is conducive to learning. The fair and appropriate implementation of student discipline policies grounded in research-based evidence is one means of attaining this objective. In addition, it is critical that students learn and are reinforced in appropriate behavior so that they are engaged in the District's education program, rather than its disciplinary system. The District is committed to ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program in all cases except those where it can be documented that the safety of students and/or staff is threatened and the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or as required by law.

## SUBSTANTIVE PROVISIONS

### **A. Collaboration with Consultant**

The District will enter into an agreement with MAEC, or another similar agency in compliance with Delaware's procurement act. The provisions of this Agreement call for the District to work with a consultant to, among other things: review District policies; conduct a longitudinal study of discipline data collaboratively with the District; disaggregate data in focus areas selected in collaboration with the District; and provide technical assistance to the District on making effective use of annual climate surveys. With input from the consultant, the District will review and modify - within the legal constraints put forth by the federal government and the state of Delaware - its discipline policies currently in effect to reform those that result in discriminatory referrals, suspensions, expulsions and arrests of students, and/or are discriminatory in application or in effect.

### **REPORTING REQUIREMENT**

- By January 31, 2013, the District will provide OCR with a copy of the agreement with the consultant pursuant to Section A.

### **B. Strategies for Student Development Outside of the Disciplinary System**

In collaboration with the consultant, the District will develop and implement strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system. Such strategies will include, without limitation, the following:

#### **1. Classroom Management and Behavior Support for Staff**

The District will implement 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 and/or staff is threatened, the behavior in question is such that the disruption to the educational environment can only be remedied by such a referral, or the referral is required by law. The District will offer annual training to all staff within the District on classroom management techniques. (See Section F.1.) In addition, the District will ensure that school staff continue to have available to them appropriate resources and support in order to provide effective classroom management.

#### **2. Rewarding Positive Behavior**

The District will have in place at every school a system for positively and appropriately encouraging and reinforcing appropriate student behavior. The District will offer annual training to all staff within the District on rewarding positive behavior. (See Section F.1.)

### 3. Supports for Struggling Students

If, after the corrective measures required by Section B.1 above have been fully implemented, a student is referred for discipline more than once in a school year for behavior that disrupts their education and/or the education of other students, the District will provide one or more of the following school-based supports to assist the student. 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, student support staff, social workers or student advocates as appropriate;
- d. Involvement of parents in the discipline process;
- e. The development and implementation of a behavior support plan;
- f. Assistance with learning appropriate behavior and developing self-management skills;
- g. Referral for educational services, where indicated and appropriate.

The District will offer annual training to all staff within the District on providing supports for struggling students. (See Section F.1.)

## REPORTING REQUIREMENT

- By August 30, 2013, and annually thereafter until OCR closes the monitoring of this Agreement, the District will submit a report with supporting documentation demonstrating its full implementation of Section B.

### C. Revision of Disciplinary Policies

1. In collaboration with the consultant, the District will analyze its 2011-2012 and 2012-2013 discipline data. Based on this analysis, the District will work in collaboration with the consultant to identify any possible improvements or revisions in the following non-exhaustive list of subject areas:
  - a. Referrals for discipline;
  - b. In-school suspension
  - c. Out-of-school suspension;

- d. Expulsion; and
  - e. Referrals to law enforcement.
2. The District will revise and submit to OCR for review and comment its student discipline policies as necessary to fulfill the purposes of this Agreement. In doing so, the District will take into account those proposed revisions developed with the assistance of the consultant, as well as any recommendations or suggestions made by students (including through school climate surveys or student forums referenced herein), faculty/staff, and parents. The District will ensure that its student discipline policies are written and organized in such a way that they are easily understood by students, faculty/staff, and parents.
  3. The revised student discipline policies will require that disciplinary authorities consider alternatives to expulsion, suspension or other sanctions that require removal from the education setting
  4. OCR will notify the District when it has completed its review of the revised student discipline policies. Within 30 days of OCR's review, the Christina Board of Education will publish the student discipline policies in the form of a revised Code of Conduct. The District will take steps to ensure that the revised student discipline policies are disseminated in a timely manner to all District students, parents and staff, and are posted in a prominent location on the District's website and in each District school. In addition, within 45 days of OCR's review, the District will ensure that the revised student discipline policies are translated into any high-incidence languages within the District.

## **REPORTING REQUIREMENTS**

- By April 30, 2013, the District will forward the results of its 2011-12 school year data review and the proposed revisions to discipline policies (including recommendations received from students, faculty/staff and parents) developed pursuant to Section C.1 to OCR for review.
- By August 30, 2013, the District will forward a copy of its publication of the revised discipline policies, including any translation(s) thereof, to OCR.
- By October 31, 2013, the District will forward the results of its 2012-13 school year data review and the proposed revisions to discipline policies (including recommendations received from students, faculty/staff and parents) developed pursuant to Section C.1 to OCR for review.

### **D. Discipline Supervisor**

1. By January 31, 2013, the District will designate an employee to serve as the District's Discipline Supervisor, 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.

2. The Discipline Supervisor shall be responsible for ensuring that the implementation of the District's policies concerning discipline is fair and equitable. In addition the District will identify a District office administrator who will address complaints from parents, guardians, students and others regarding the implementation of the District's disciplinary policies, 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.
3. In collaboration with the consultant, the District will develop a training program for the District office and administrator and for the Discipline Supervisor, including the responsibility of the Discipline Supervisor to regularly develop and participate in activities designed to raise awareness within the District about the implementation of the District's disciplinary policies, as set forth in Sections E, F, G and H below.

## **REPORTING REQUIREMENTS**

- By January 31, 2013, the District will notify OCR of the names of the individuals who have been designated as Discipline Supervisor and District office administrator.
- By April 30, 2013, the District will submit the training program for the Discipline Supervisor and the District office administrator to OCR for review.
- By August 30, 2013, and annually thereafter until OCR closes the monitoring of this Agreement, the District will provide to OCR a summary of the District Supervisor's activities as set forth in this section.

### **E. Outreach to and Input from Students, District Staff and Community Members**

1. School Climate Surveys
  - a. The District currently administers annually a Climate Survey to students (grades 3-12), teachers/staff, and parents. The survey is administered separately to students, parents, and teachers/staff; it measures perceptions of relationships among the school community members (teacher-student, teacher-parent, and student relationships), school safety and fairness and clarity of rules and behavioral expectations. The survey includes a supplemental scale to measure positive and punitive disciplinary techniques.
  - b. In collaboration with the consultant, the District will review the Climate Surveys for students, parents and teachers/staff to assess whether it is comprehensive and effective in measuring the perceptions of students and other members of

the District community in connection with the administration of school discipline. If the District and the consultant determine that the Climate Survey adequately assesses student, parents, and teacher/staff perceptions concerning the administration of school discipline, the District will provide annually to OCR a summary report of the substance of the responses, as well as the response rate by students, parents and teachers/staff for each annual administration of the surveys. For the purposes of this Agreement, all schools shall participate in the Climate Survey.

- c. If the District and the consultant determine that the Climate Surveys currently administered by the District do not adequately assess student, parent and teacher/staff perceptions concerning the administration of school discipline, the District, in collaboration with the consultant, will develop school climate surveys designed to assess those perceptions for review by OCR. Upon OCR's review, the District will administer annually the school Climate Surveys developed with collaboration by the consultant and the District to all students, parents, and teachers/staff and will encourage participation. The District will provide to OCR a summary report of the substance of the responses, as well as the response rate by students, parents and teachers/staff for each annual administration of the surveys.

## 2. Student Forums

In order to raise awareness of discipline issues, each school in the District will conduct an annual forum during regular school hours which 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. At least one individual with school-wide responsibility for discipline will attend each forum session. The District will select an appropriate format for each session based on the age/grade levels of students and the particular needs of each school, e.g. classroom discussion, student focus groups, as long as each student is given the opportunity to participate in such a session at least annually (e.g., if a student body assembly format is used, it shall include time for small group breakout discussions that allow individual students a realistic opportunity to participate)

## REPORTING REQUIREMENTS

- By August 30, 2013, the District will submit to OCR for review the District/consultant's assessment of the Climate Survey and any proposed new Climate Survey pursuant to Section E.1.a.

- By August 30, 2013, and until the monitoring of this Agreement is closed, the District will submit to OCR documentation showing that its Climate Surveys have been administered, and a summary report of the substance of the responses as well as the response rate, pursuant to Section E.1.b or E.1.c.
- Within 30 days of the end of the semester in which the forum is conducted, and annually thereafter until the monitoring of this Agreement is closed, the District will submit to OCR a report of each student forum session conducted pursuant to Section E.2, including the date/time/length and location of each session, a list of students attending by race/sex/age/grade level, a list of the faculty and staff attending, a summary of the concerns and suggestions expressed by students at each such session, and the District's responses to the same.

**F. Training**

**1. Staff Training**

The District will develop training programs to be delivered annually to staff within the District. The format and delivery method of the training programs may vary depending on the nature and degree of the recipients' interaction with students and with the recipients' role in the disciplinary process. The training will take place prior to the beginning of each school year. The District agrees to provide the same training to any employee hired mid-year within 15 days of employment by the District as practicable. For staff directly involved in student discipline (e.g., teachers and school-level administrators), the training must include the components listed below.

- a. The training will 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 treatment of all students when making disciplinary referrals and imposing disciplinary sanctions.
- b. The training will emphasize the other approaches and strategies for student development outside the disciplinary system referenced in Section B of this Agreement.
- c. The training will include but not be limited to detailed explanations of the discipline code, 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 may be justified, the documentation that must be used by all staff within the District 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 management, 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.

- d. The training will provide District employees with information concerning the role that School Resource Officers (SROs) are expected to play in the discipline process, focusing in particular on guidelines for when it is appropriate and when it is not appropriate to refer a student to an SRO.
- e. 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 or ethnicity.

## 2. Student Training

The District will develop a training program to be delivered annually to all District students that will explain the policies referenced in this Agreement and what is expected of the students under those policies in an age-appropriate, easily understood manner.

- a. The training will 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. The training will advise students of their right to appropriate due process protections in connection with any disciplinary action taken or proposed by the District, including the names and contact information for the Discipline Supervisor and the District office administrator.
- b. The training will include but not be limited to detailed explanations of the discipline code, 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 may be justified, and the District's commitment to 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 not only the consequences and procedures associated with non-compliance with the disciplinary code, but also provide guidance and information regarding appropriate behavioral standards, including

resources to assist in developing self-management skills.

- d. The training will be distinct from, and not offered simultaneously with, the student forums described in Section E.2 of this Agreement.

### 3. Informational Programs for Parents, Including Outreach and Distribution of Policies

The District will develop an informational program to be offered to the parents or guardians of all District students that will explain the policies referenced in this Agreement 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 program will 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. The District will ensure that the informational program is offered in such a manner as to ensure 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 also include offering the program and the program materials in high-incidence languages within the District.

- a. The program will include District officials involved in the administration of discipline (e.g., administrators, teachers, guidance counselors); information about the District's recent actions under this Agreement; and a record of the meeting in order that the information collected can be considered by the District when assessing and modifying its policies and under this Agreement.
- b. The program will 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.
- c. The program will 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.
- d. The program will include but not be limited to detailed explanations of the discipline code, 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 may be justified, resources that are available to students to assist them in developing self-management skills and 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

removal from the educational program.

- e. The program will advise the parents or guardians of the availability of the District Discipline Supervisor and the District office administrator, 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 REQUIREMENTS**

- By June 30, 2013, the District will submit to OCR for review a description with supporting documentation of the training programs developed by the District in accordance with Section F.1 and F.2 and the informational programs developed by the District in accordance with Section F.3, including any translated materials.
- By October 31, 2013, and until the monitoring of this Agreement is closed, the District will provide OCR with the dates that training sessions were offered along with other outreach activities and a list of the participants in all trainings and informational programs pursuant to Section F.

### **G. Notice to Parents**

1. The District currently publishes its Student Code of Conduct (Code) and distributes the current version in hard copy to every student at the beginning of the school year. The Code is also published on the District's website. At the beginning of each school year, students are asked to discuss the Code with their parents, and students and parents are expected to provide a written acknowledgment that they have received a copy of the Code and will abide by it. The District will continue this practice of notification to students and parents.
2. The District currently publishes a "dashboard" on its website that displays the most frequent reasons for referrals for discipline. The current dashboard runs on a platform that all schools use to store student records, including all instances of discipline. The District will modify the dashboard to provide discipline data disaggregated by race, ethnicity, sex, disability, English Language Learner (ELL) status, and by school. Said data shall include:
  - a. Referrals for discipline;
  - b. Suspensions;
  - c. Expulsions;
  - d. Referrals to law enforcement.
3. The District will provide notice to parents and guardians about the availability of all

sources of information regarding discipline, including the District dashboard, contact information for the District's Discipline Supervisor and the District office administrator, and the right to file complaints regarding the implementation of discipline policies. This notice will be posted on the District's website and will be mailed annually to all parents and guardians.

4. The District will publish annually on its website yearly data disaggregated by race, ethnicity, sex, disability, ELL status, school and violation as set forth in Section G.2 above.

## **REPORTING REQUIREMENT**

- By October 31, 2013, and until the monitoring of this Agreement is closed, the District will provide a copy of the written notices pursuant to Sections G.1 and G.3, and documentation confirming the modification of the District's dashboard pursuant to Sections G.2 and G.3.

### **H. School Resource Officers (SRO)**

#### **1. Reporting**

The District will ensure that all actions taken by SROs are reported to the District.

#### **2. Review of SRO Interventions and Practices**

The District will conduct a comprehensive review of SRO interventions and practices annually to assess their effectiveness and identify any changes that should be made to ensure that they align with the goals and objectives set forth in this Agreement. The review will include, but not be limited to, the following:

A review of every instance during the school year in which an SRO became involved in a student discipline matter to determine whether it was appropriate for the SRO to become involved in the matter and whether, once involved, the SRO acted in a manner that was consistent with state law and the District's expectations and its discipline policies. This review will also examine every instance where a District student was referred to law enforcement and carefully consider whether the referral to law enforcement was appropriate under state law and the circumstances present at the time and consistent with the treatment of other similarly situated students. If the District determines that the referral was inappropriate, it will promptly take steps to remedy any adverse effects, which may include efforts to correct District records and, where warranted, to discontinue law enforcement involvement in the incident.