

Settlement Agreement

Between

The United States of America

And

The Falcon School District 49

SETTLEMENT AGREEMENT

PURPOSE

1. Falcon School District 49 ("District"), by and through its undersigned representative,¹ enters into the following Settlement Agreement ("Agreement") to address and resolve the United States' continuing concerns related to (1) complaints of harassment and discrimination based on race and national origin, and (2) the District's policies and procedures regarding harassment and discrimination.

2. This Agreement also resolves the District's noncompliance with the Settlement Agreement entered into with the United States on January 25, 2010 ("2010 Settlement Agreement"). This Agreement supersedes the 2010 Settlement Agreement.

3. The District voluntarily enters into this Agreement to resolve the United States' concerns. The District and the United States (together, "the parties") consent to the terms of this Agreement.

4. This Agreement shall become effective as of the date it has been executed by both parties and shall remain in effect until the conclusion of the 2016-2017 school year, provided that the parties may, upon mutual written agreement, amend this Agreement to address changed circumstances and/or improve the District's policies or practices for preventing racial harassment and discrimination of students. Absent any conclusion that the District has failed to comply with the terms of this Agreement or that the action taken

¹ The District representative, by signing this document, gives assurances that he or she has the authority to bind the District, including successor administrators and members of the Falcon School District 49 Board of Education, for the Agreement's duration.

by the District has been insufficient to bring the District into compliance with Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c et seq. ("Title IV") and other applicable federal civil rights laws, the United States will close monitoring of this Agreement on October 1, 2017.

JURISDICTION

5. The United States enforces Title IV of the Civil Rights Act of 1964, which prohibits discrimination based on race, color, sex, religion, and national origin by public elementary and secondary schools and public institutions of higher learning. This statute is the basis asserted by the United States for jurisdiction to investigate and resolve this matter.

DEFINITIONS

For purposes of this Settlement Agreement, the following definitions apply:

6. "Board of Education" refers to the Falcon School District 49 Board of Education.

7. "Chief Education Officer" refers to the lead administrator in the Falcon School District 49 Education Office.

8. "Discrimination" means prejudicial treatment of an individual based on his or her membership in a protected class and includes retaliation against an individual because of his or her prior complaints of discrimination.

9. "Education Office" refers to the District office that houses centralized administrators such as the Chief Education Officer and is responsible for providing direct support to schools to help faculty create high quality learning opportunities for all students.

10. "Exclusionary Discipline" refers to any disciplinary consequence that

removes a student from classroom instruction in his or her home school, including but not limited to in-school suspension, out-of-school suspension, placement in an alternative educational setting or program, and expulsion. Exclusionary discipline does not include positive interventions or corrective strategies, including in-school detention.

11. "Harassment" includes the use of derogatory language or gestures, intimidation, threats, unwanted physical contact and/or physical violence, and the use of derogatory images in pictures, drawings, notes, emails, electronic postings and/or phone messages related to an individual's membership in a protected class.

12. A "hostile environment" exists when harassment is sufficiently severe, persistent, or pervasive to interfere with or limit one or more students' abilities to participate in or benefit from education programs and activities.

13. "Positive Behavior Interventions and Supports" refer to a system of evidence-based strategies and structures which, if implemented effectively and with fidelity, assist schools and school personnel in establishing a positive school culture by constructively teaching school rules and social-emotional skills; positively reinforcing appropriate student behavior; using effective classroom management strategies to provide early intervention for misbehavior; and developing a continuum of graduated and appropriate consequences for more serious and continuous misbehavior.

14. "Restorative Justice" is a response to wrongdoing that actively engages victims, offenders, and other stakeholders within affected communities in recognizing and repairing the harm experienced as a result of such wrongdoing. The response places particular emphasis on righting relationships impaired as a result of wrongdoing.

GENERAL REQUIREMENTS

15. The District shall take action, in accordance with the requirements of Title IV, to eliminate and prevent future instances of harassment and discrimination on the basis of race, color, sex, religion, or national origin in its education programs and activities. To accomplish this, the District agrees, among other things, to:

- a. make all necessary and appropriate revisions to its harassment and discrimination policies;
- b. appropriately and promptly respond to all conduct that constitutes harassment and discrimination based on race, color, sex, religion, or national origin;
- c. fully investigate reported conduct that may constitute harassment and discrimination based on race, color, sex, religion, or national origin;
- d. identify and employ effective interventions, other than exclusionary discipline, for students who commit harassment and discrimination based on race, color, sex, religion, or national origin not involving substantial harm or risk or threat of substantial harm to anyone;
- e. augment existing efforts to respond to harassment and discrimination by instituting additional measures when students are harassed or discriminated against on a repeated basis or when the District determines that existing remedial efforts are ineffective; and
- f. mitigate the effects of all harassment and discrimination based on race, color, sex, religion, or national origin, or hostile environments that occur.

16. The District shall also take proactive measures to address issues in the school climate that have arisen from or may arise from and/or contribute to a hostile

environment.

17. No later than 60 days from the date this Agreement becomes effective, the District shall engage a third-party consultant mutually agreed upon by the District and the United States ("Consultant"), to study and determine what additional measures, if any, the District should take that are reasonably designed to effectively address, prevent, and respond to harassment and discrimination that may be based on race, color, or national origin at District schools and to comply with the terms of this Agreement.

18. The District has hired, effective July 1, 2014, a compliance officer ("District Coordinator of Cultural Capacity") who will act as the chief compliance officer and liaison for the District's interactions with the United States Department of Justice. The District's Coordinator of Cultural Capacity will also: oversee the District's Enrollment Management Office to ensure that entry point to the District is accommodating and inclusive; develop curricula to train the District's leadership, teachers, paraprofessionals, other support staff, and students on matters related to diversity and inclusion; ensure that all incidents of harassment and discrimination are properly identified, investigated, and addressed; and, as needed, employ and give Consultants access to all relevant data, documents, and information requested in connection with their engagement on matters related to the terms of this Agreement.

19. Throughout the duration of this Agreement, the District shall ensure sufficient funding and staff are allocated to implement the terms of the Agreement.

SPECIFIC REQUIREMENTS

A. District Policies and Procedures

20. The District Coordinator of Cultural Capacity shall review all of the

District's policies and procedures relating to harassment and discrimination pursuant to Title IV of the Civil Rights Act of 1964, 42 U.S.C. § 2000c et seq., and – no later than 60 days from the date this Agreement becomes effective – recommend all necessary revisions to such policies and procedures.

21. The District shall develop proposed revised policies and procedures no later than 30 days after the date the District Coordinator of Cultural Capacity makes recommendations pursuant to Paragraph 20. In developing its proposed revised policies and procedures, the District shall consider the recommendations made by the District Coordinator of Cultural Capacity. The District shall adopt final revised policies and procedures no later than 30 days after the United States has provided comment on the proposed revised policies and procedures pursuant to Paragraph 37 below.

22. For purposes of this Settlement Agreement, the policies and procedures that the District Coordinator of Cultural Capacity shall review pursuant to Paragraph 20 are referred to as “relevant policies and procedures” and shall include, but not be limited to: *Equal Education Opportunities/Non-Discrimination/Non-Harassment of Students (File: JB-R) (Ex. A); Equal Educational Opportunities/Non-Discrimination/Non-Harassment of Students (File: JB) (Ex. B); Violent and Aggressive Behavior (File: JICDD) (Ex. C); Bullying Prevention and Behavior (File: JICDE) (Ex. D); Cyber Bullying (File: JICDF and JICDF-R) (Ex. E); Intimidation, Harassment and Hazing (File: ACC, ACC-R, and ACC-E) (Ex. F).*

23. In addition to the recommendations of the District Coordinator of Cultural Capacity, revisions to the relevant policies and procedures also shall include:

- a. adding a requirement that all supporting written documentation related to all

- incidents of harassment and discrimination based on race, color, sex, religion, or national origin be maintained for the duration of this Agreement, including but not limited to: all written reports or complaints; all interview notes; all written statements of the student(s) harassed or discriminated against, person(s) reporting the harassment/discrimination, witnesses, or alleged harassing/discriminating student(s); all records of correspondence with the parent(s) or guardian(s) of the student(s) harassed or discriminated against or the parent(s) or guardian(s) of the alleged harassing/discriminating student(s) regarding the incident; and existing documentation of all prior incidents of harassment or discrimination involving the student(s) subject to harassment/discrimination or the alleged harassing/discriminating student(s);
- b. adding a policy that governs investigation of incidents of alleged harassment or discrimination and provides adequate protections for both the alleged harassing/discriminating student and the student subject to harassment/discrimination; and
 - c. adding a system of graduated discipline for incidents of racial harassment and discrimination. Before using exclusionary discipline to respond to incidents of racial harassment and discrimination not involving substantial harm or risk or threat of substantial harm ("minor incidents"),² the District shall consider whether intervention other than exclusionary discipline (including a range of positive behavior interventions and supports) would be effective.

² The District shall work with the District Coordinator of Cultural Capacity to develop clear and appropriate guidelines for determining what harassing/discriminatory conduct involves substantial harm or risk or threat of such harm or risk.

B. Staffing

24. No later than 60 days from the date this Agreement becomes effective, the District shall establish an office ("Grievance Office") within the District's Education Office with responsibility for coordinating, implementing, and overseeing compliance with this Agreement and any relevant policies and procedures District-wide.

25. The District Coordinator of Cultural Capacity shall lead the Grievance Office and shall be responsible for performing the following duties, unless the District determines that it is necessary to assign some of these duties to other members of the Grievance Office or Education Office staff under the supervision of, or in close collaboration with, the District Coordinator of Cultural Capacity:

- a. ensuring that the District complies with and carries out its obligations under Title IV and this Agreement;
- b. implementing District policies and procedures related to harassment and discrimination based on race, color, sex, religion, or national origin, and ensuring administrators, staff, and students comply with those policies and procedures;
- c. monitoring all complaints of harassment and discrimination based on race, color, sex, religion, or national origin to determine whether such incidents are properly identified, investigated, and resolved consistent with District policies and procedures and this Agreement, and, if not, requiring corrective action;
- d. consulting with security personnel and administrative staff following any incidents of harassment and discrimination based on race, color, sex, religion, or national origin (or threats of such incidents) to ensure past harassment and

- discrimination is adequately remedied and to prevent such harassment and discrimination from occurring in the future;
- e. coordinating and implementing a comprehensive multi-year schedule of professional development for administrators, faculty, and staff regarding harassment and discrimination based on race, color, sex, religion, or national origin and District policies and procedures relating to this Agreement; and
 - f. preparing semester reports to the Chief Education Officer and the Board of Education on issues related to harassment and discrimination based on race, color, sex, religion, or national origin, including concerns regarding perpetrators, victims, staff training needs, and student programming.

26. In addition to the District Coordinator of Cultural Capacity, the District shall designate one building-level administrator per school ("Designated Administrator") who will be responsible for coordinating, implementing, and overseeing compliance with this Agreement at the school level. These designations shall be completed no later than 60 days from the date this Agreement becomes effective. The Designated Administrators will coordinate implementation of this Agreement; work collaboratively with the District Coordinator of Cultural Capacity; ensure teachers, administrators, and staff are adequately trained to implement this Agreement; submit a monthly report to the District Coordinator of Cultural Capacity identifying all incidents of harassment and discrimination based on race, color, sex, religion, or national origin and his/her school's response to each incident; and address all incidents of student and staff non-compliance (*i.e.*, behavioral misconduct, improper reporting, investigating, or discipline) with the terms of this Agreement or any related policies and procedures.

27. By the first day of each school year, the District shall include contact information for the Grievance Office, the District Coordinator of Cultural Capacity, and all Designated Administrators on its website, in student and employee handbooks, and in any other medium where contact information for school officials is being provided to students and parents. For the 2014-2015 school year, contact information for the Grievance Office, the District Coordinator of Cultural Capacity, and all Designated Administrators shall be posted on the District's website no later than December 15, 2014.

28. Each school in the District shall also identify and introduce its Designated Administrator to all students during student orientation. This introduction shall occur no later than 14 days after the first day of each school year.

C. Training and Professional Development

29. The District shall work with its District Coordinator of Cultural Capacity to review, recommend, and implement annual trainings and curricula to prevent and address harassment and discrimination based on race, color, sex, religion, or national origin – consistent with best practices – for all students and all staff who interact with students in the District. All such trainings and curricula shall be mandatory, and the District shall ensure that any student or staff member who misses a scheduled training or other curriculum-based activity completes the training or curriculum-based activity in a timely manner.

30. The District Coordinator of Cultural Capacity shall make recommendations related to the content of the District's staff training program no later than February 1, 2015. The District shall develop proposed content for its staff training program no later than March 1, 2015, and the District shall implement the staff training program no later than 45

days after the United States provides any comments on the proposed content pursuant to Paragraph 39 below. The District Coordinator of Cultural Capacity's recommendations for staff training content shall include, but not be limited to:

- a. in-depth instruction on the type of conduct that constitutes harassment and discrimination based on race, color, sex, religion, or national origin, and a discussion describing the negative impact that such conduct has on students, employees, and the educational environment;
- b. in-depth discussion emphasizing the importance of, sensitivity to, and respect for the diversity of the student body;
- c. a facilitated discussion on the history and root causes of harassment and discrimination based on race, color, sex, religion, or national origin;
- d. specific guidance and discussions describing steps to foster a nondiscriminatory educational environment for all students;
- e. a review of the revised harassment and discrimination policies and procedures, with emphasis on the District's and its employees' responsibility to: respond to all harassment and discrimination based on race, color, sex, religion, or national origin; report all incidents of harassment and discrimination they witness or learn of to their school's Designated Administrator and/or the District's Coordinator of Cultural Capacity; and take effective action to end harassment and discrimination based on race, color, sex, religion, or national origin, prevent its recurrence, and as appropriate, remedy its effects;
- f. affirmation that school officials are obligated to respond in a timely, reasonable, effective, and appropriate manner to harassment and discrimination based on

race, color, sex, religion, or national origin of which they are aware or should be aware, and that failure to do so may violate federal law;

- g. direction that, in countering harassment and discrimination based on race, color, sex, religion, or national origin, staff must inform students who harass and/or discriminate against others that the District recognizes and respects the dignity of all students, regardless of their race, color, sex, religion, or national origin, and that harassing/discriminatory comments or actions are inappropriate, harmful, and disruptive, and will not be tolerated at school;
- h. instruction regarding restorative justice and positive behavior interventions and supports, including an explanation of restorative justice and positive behavior interventions and supports, a discussion of their benefits, and techniques for ensuring that these approaches are effectively incorporated into school officials' disciplinary responses to harassment and discrimination based on race, color, sex, religion, or national origin; and
- i. further explanation of the District's policy regarding disciplinary consequences for harassment and discrimination based on race, color, sex, religion, or national origin, including discussion of the importance of relying on restorative justice and positive behavior interventions and supports rather than exclusionary discipline for minor incidents.

31. The District Coordinator of Cultural Capacity shall review and recommend content for the District's training and curricula for students no later than February 1, 2015. The District shall develop proposed content for its training and curricula for students no later than March 1, 2015, and the District shall implement the training and curricula no

later than 45 days after the United States provides any comments on the proposed content pursuant to Paragraph 39 below. The District Coordinator of Cultural Capacity's content recommendations for student training and curricula shall include, but not be limited to:

- a. instruction on the types of conduct that constitute harassment and discrimination based on race, color, sex, religion, or national origin, including the use of multiple examples;
- b. instruction on the negative impact that such conduct has on students and on the educational environment;
- c. information regarding how students are expected to respond to harassment and discrimination based on race, color, sex, religion, or national origin they experience or witness, or of which they otherwise know or become aware, including the reporting avenues available;
- d. information regarding how teachers, administrators, and staff are expected to respond to harassment and discrimination based on race, color, sex, religion, or national origin they witness or to incidents that are reported to them;
- e. a discussion and clarification of potential consequences for students who harass and/or discriminate against their peers, including a statement that the District, every school in the District, and all of the District's employees will not tolerate harassment and discrimination based on race, color, sex, religion, or national origin, and will address all such incidents;
- f. an introduction of the Designated Administrator for each school and the District Coordinator of Cultural Capacity and an explanation of each person's role; and

- g. instruction that promotes an inclusive and safe educational environment for all students, including instruction regarding the prevention of harassment and discrimination based on race, color, sex, religion, or national origin and the characteristics and effective use of restorative justice techniques.

32. The District Coordinator of Cultural Capacity, with the assistance of Consultants, if required, shall provide mandatory training on harassment and discrimination based on race, color, sex, religion, or national origin to every Designated Administrator.³ Such training shall be specific to the Designated Administrators' roles and responsibilities and shall occur annually.

D. Monitoring and Assessment of Program Effectiveness

33. No later than 180 days from the date this Agreement becomes effective, the District shall develop a monitoring program to assess the effectiveness of its anti-harassment and anti-discrimination efforts. In developing the monitoring program, the District shall consider recommendations and suggestions made by the District Coordinator of Cultural Capacity and any Consultant engaged pursuant to the terms of this Agreement.

34. At the conclusion of each school year, the District, in collaboration with the District Coordinator of Cultural Capacity and any Consultant engaged pursuant to the terms of this Agreement, shall conduct an annual assessment of the effectiveness of the District's anti-harassment and anti-discrimination efforts. Such assessment shall include, but not be limited to:

- a. a review of the District Coordinator of Cultural Capacity's semester reports;
- b. a review of the monthly Designated Administrator Reports;

³ Provided it satisfies the terms set forth in paragraph 25 of this Agreement, the District may assign this duty to other members of the Grievance Office or Education Office staff.

- c. a review by the District Coordinator of Cultural Capacity of all reports of harassment and discrimination based on race, color, sex, religion, or national origin and District responses thereto, including all supporting documentation and/or underlying analyses;
- d. an analysis of all incidents of harassment and discrimination based on race, color, sex, religion, or national origin in the District that identifies the school(s), grade level(s), and operative protected characteristics (i.e., race, color, sex, religion, national origin), of both the target(s) of the harassment/discrimination and the harassing/discriminating student(s); and
- e. an evaluation and analysis of the data collected, including an assessment of whether the reported incidents of harassment and discrimination based on race, color, sex, religion, or national origin have increased or decreased in number and severity; whether complaints indicate that certain students have been harassed or discriminated against more than once or are alleged to have harassed or discriminated against other students more than once; and differences between and among individual District schools in (i) the number, type, and severity of incidents of harassment and discrimination based on race, color, sex, religion, or national origin, and (ii) the adequacy of investigations and disciplinary responses related to such harassment and discrimination.

35. Based on the annual assessment conducted pursuant to Paragraph 34, the District shall develop and implement recommendations for ways to improve its anti-harassment and anti-discrimination program.

E. Reporting

36. By January 15, 2015, the District shall provide the United States with a list of the following:

- a. all revisions recommended by the District Coordinator of Cultural Capacity pursuant to Paragraphs 20-23;
- b. all revisions that the District proposes for adoption pursuant to Paragraph 21; and
- c. if the District has rejected any of the recommended revisions referenced in (a) above, the reasons for such rejection.

37. The United States shall provide any comments on the information supplied by the District in accordance with Paragraph 36 no later than February 15, 2015. The District shall incorporate any comments from the United States into its revisions.

38. By March 1, 2015, the District shall provide the United States with a list of the following:

- a. all recommendations of the District Coordinator of Cultural Capacity regarding the District's staff training program, as described in Paragraph 30;
- b. the recommendations referenced in (a) above which the District has accepted and, if the District has rejected any recommendations referenced in (a) above, the reasons for such rejection;
- c. all recommendations of the District Coordinator of Cultural Capacity regarding the District's training and curricula for students, as described in Paragraph 31; and

- d. the recommendations referenced in (c) above which the District has accepted and, if the District has rejected any recommendations referenced in (c) above, the reasons for such rejection.

39. The United States shall provide any comments on the information supplied by the District in accordance with Paragraph 38 no later than April 1, 2015. The District shall incorporate any comments from the United States into its planned content.

40. By April 15, 2015, the District shall provide the United States with a detailed description of the monitoring program it has developed pursuant to Paragraph 33. This description shall include, among other things: the District's plan for implementation, all recommendations made by the District Coordinator of Cultural Capacity or other Consultant during the development process, a list of the recommendations not accepted by the District, and the reasons why those recommendations were not accepted. The United States shall provide any comments on the District's monitoring program and plan for implementation by May 15, 2015. The District shall incorporate any comments from the United States into its program/plan.

41. At least 45 days before the District revises, adopts, or rescinds any of its policies or procedures related to harassment or discrimination (excluding revisions made in accordance with Paragraphs 20-23), the District shall notify the United States in writing of the proposed change(s). The United States shall review and comment on such proposed change(s) within 30 days of receiving notification from the District. The District shall incorporate any comments from the United States into its proposed change(s).

42. By February 1 and July 1 of the first year this Agreement is in effect, and by July 1 of every subsequent year this Agreement is in effect, the District shall submit a report to the United States. The report shall include the following:

- a. for each Consultant engaged pursuant to this Agreement:
 - i. the identity of the Consultant;
 - ii. a description of each task assigned to the Consultant and the date on which the task was assigned;
 - iii. a list of all information provided to the Consultant for purposes of completing each assigned task;
 - iv. a list of any information requested by the Consultant but not provided and the reasons such information was not provided;
 - v. a copy of the work product generated by the Consultant in response to each assigned task, including but not limited to any reports or recommendations, and the date on which the work product was generated; and
 - vi. a description of any action taken by the District in response to the work product referenced in (v) above.
- b. a document analyzing all of the information collected and reviewed pursuant to Paragraph 34;
- c. the District's proposed recommendations for improvements to its anti-harassment and anti-discrimination program pursuant to Paragraph 35, including timelines for implementation of those recommendations;

- d. copies of all District policies and procedures related to harassment or discrimination that the District has revised, adopted, or rescinded since the previous report;
- e. a schedule identifying all student and staff training/curriculum-based activities planned for the coming school year; and
- f. documentation of the District's compliance with this Agreement for the immediately preceding school year, including the following information and documents:
 - i. the date and duration of each training or curriculum-based activity conducted pursuant to the terms of this Agreement; copies of all agendas and sign-in sheets for training sessions; and copies of all materials distributed in connection with the trainings or curriculum-based activities; including videos or PowerPoint presentations;
 - ii. the name of each student and employee, by grade or position and school, who did not participate in each required training or curriculum-based activity and verification for each student or employee who later received the training or educational content they missed;
 - iii. for each student who opts out of any training or curriculum-based activity conducted pursuant to the terms of this Agreement: the student's name, school, grade level, and race/national origin; the date on which the opt-out occurred; and a copy of the communication in which the student's parent or guardian requested to opt out;

- iv. a summary of all incidents of harassment and discrimination based on race, color, sex, religion, or national origin, including data, by school, on: the number and types of complaints; the remedial or disciplinary actions taken; the school(s), grade level(s), and operative protected characteristics (i.e., race, color, sex, religion, national origin) of the target(s) of the harassment/discrimination and the harassing/discriminating student(s); copies of all supporting documentation for each incident of harassment and discrimination; and any other relevant information;
- v. copies of the District Coordinator of Cultural Capacity's semester reports to the Chief Education Officer and Board of Education, as described in Paragraph 25(f);
- vi. certification by the District Coordinator of Cultural Capacity that he or she has reviewed all incidents involving harassment and discrimination based on race, color, sex, religion, or national origin to determine whether such incidents were properly identified, investigated, and resolved consistent with District policies and procedures and this Agreement, and, if not, that he or she has taken appropriate corrective action; and
- vii. certification by the District that it has fully and sufficiently addressed all incidents involving harassment and discrimination based on race, color, sex, religion, or national origin which the District knew about or should have known about.

43. The United States shall provide any comments on the District's proposed recommendations for improvement and timelines for implementation supplied in accordance with Paragraph 42(c) within 30 days of receiving the report containing such recommendations. The District shall incorporate any comments from the United States into its action plans.

44. The District shall provide all reports, documents, and information required to be produced to the United States pursuant to this Agreement in electronic form, usable by the United States, or in written form if the data in electronic form would not be usable, in accordance with the timelines set forth herein. If the District, despite its good faith efforts, is unable to meet any such timeline, it shall immediately notify the United States of the delay and the reason therefor. The United States may provide a reasonable extension of the timeline at issue and will consider any request for extension of time in good faith.

F. Enforcement

45. The United States has the authority to enforce the terms of this Agreement pursuant to Title IV of the Civil Rights Act of 1964 and other applicable federal laws.

46. The District agrees that the United States will monitor this Agreement to ensure that the District fulfills the terms of the Agreement and complies with all applicable federal civil rights laws regarding the issues in this case. This Agreement may not be terminated prior to October 1, 2017. In the event the United States concludes that the District has failed to comply with the terms of this Agreement or that the action taken by the District has not brought the District into compliance with applicable federal civil rights laws, this Agreement may be extended.

47. The District further agrees that the United States retains the right to evaluate the District's compliance with this Agreement, including the right to conduct site visits, observe trainings and curriculum-based activities, interview District staff and students (including ex parte communications with students and employees other than school and District administrators), and request such additional reports or data as are necessary for the United States to monitor the District and to determine whether the District is in compliance with this Agreement and federal law. A response to a request by the United States for additional reports or data necessary to determine if the District is in compliance with this Settlement Agreement shall not be unreasonably withheld. With 21 days' advance notice, the United States may visit any school in the District to monitor compliance with the terms of this Agreement and the District agrees to provide full access to the United States to perform such monitoring.

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

49. In the event that the United States believes that the District has failed to comply with any provision of this Agreement or has failed to comply in a timely manner with any requirement of this Agreement, the United States will provide written notice to the District, and the District shall then respond to such notice and/or cure such non-compliance within 30 days. The parties shall negotiate in good faith in an attempt to resolve any dispute relating to a notice of non-compliance. If the United States is unable to reach a satisfactory resolution of the dispute(s) within 60 calendar days of providing notice to the District, it may initiate enforcement proceedings in federal court.

50. If the District and the United States are unable to resolve any other disputes arising from this Agreement within 60 days of the date both parties are on notice of the dispute, either party may seek judicial relief.

FOR THE UNITED STATES:

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Acting Assistant Attorney General
Civil Rights Division

EVE L. HILL
Deputy Assistant Attorney General
Civil Rights Division

ANURIMA BHARGAVA, Chief
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 Date: October 14, 2014

Kelly D. Gardner
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FOR THE FALCON SCHOOL DISTRICT 49:

 Date: October 14, 2014

Peter Hilts
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(719) 495-1100
(719) 494-8900

Exhibit A

**Equal Education Opportunities/Non-Discrimination/
Non-Harassment of Students**

1. Students who believe they have been subject to harassment/discrimination will report the incident to any District employee or to the Compliance Officer. All reports received by teachers, counselors, principals, or other District employees will be forwarded to the Designated Administrator. If the alleged harasser is the person designated as the Designated Administrator, the complaint will be forwarded to the Compliance Officer to investigate the matter.
2. Upon receiving a report, the Designated Administrator will confer with the student who has allegedly been harassed as soon as is reasonably possible, but in no event more than 2 school days from receiving the report, in order to obtain a clear understanding of the basis of the complaint and to discuss what action the student is seeking. The student's parents/guardians will also be contacted and kept informed regarding the progress of the investigation. A record of parental contact will become part of the investigation.
3. At the initial meeting with the student, the Designated Administrator will explain the avenues for informal and formal action and provide a description of the complaint procedure. The Designated Administrator will also explain that whether or not the student files a formal complaint or otherwise requests action, the District is required by law to take steps to correct the harassment/discrimination and to prevent recurring harassment /discrimination or retaliation against anyone who makes a harassment/discrimination report or participates in an investigation. The Designated Administrator will also explain to the student that any request for confidentiality will be honored so long as doing so does not preclude the school from responding effectively to the harassment /discrimination or prevent future harassment/discrimination.
4. This regulation specifies the procedures that Designated Administrators must follow when responding to an allegation of harassment or discrimination. The procedures will include, but are not limited to the following. The investigating officer shall:
 - Request a written complaint or teacher referral that specifies the names of the alleged perpetrator(s) and victim(s), describes the alleged harassment or discrimination, identifies all witnesses, and indicates the date(s) the alleged conduct occurred;
 - Obtain written witness statements, including a statement from the victim if not received during complaint intake;
 - Complete the discipline referral form, where appropriate; and
 - Forward a copy of all documentation to the Compliance Officer.
5. Following the initial meeting with the student, the Designated Administrator will attempt to meet with the alleged harasser and his or her parents/guardians in order to obtain a response to the reported harassment/discrimination and will

investigate the matter in accordance with regulation JB-R. The Designated Administrator will complete the investigation within 14 school days of the initial meeting with the student. A record of parental contact will become part of the investigation.

6. Within 7 school days of completing the investigation, the Designated Administrator will determine whether the matter should proceed formally or informally. On the basis of the Designated Administrator's investigation and if the student requests that the matter be resolved in an informal manner and the Designated Administrator agrees that the matter is suitable for such resolution, the Designated Administrator may attempt to resolve the matter informally through conciliation.
7. If the student requests a formal grievance process, the Designated Administrator will transfer the record to the Compliance Officer for formal resolution within 7 school days of completing the investigation and notify the parties by certified mail.
8. After reviewing the record made by the Designated Administrator, the Compliance Officer may gather additional evidence necessary to decide the case. Within 14 school days of receiving the record, the Compliance Officer will announce any sanctions or other action deemed appropriate, including recommendations to the Board for disciplinary or other action.
9. Whether or not a formal complaint was filed, the District will take all reasonable steps necessary to end the harassment, restore lost educational opportunities, prevent harassment from recurring, and prevent retaliation against anyone who reports harassment/discrimination or participates in a harassment/discrimination investigation.
10. All parties, including the parents/guardians of all students involved, will be notified by the Compliance Officer of the final outcome of the investigation as it pertains to their student.
11. At any time, the student making a report of harassment/discrimination may request an end to the informal process and begin the formal complaint process.

Adopted: January 14, 2010.

Exhibit B

Equal Educational Opportunities/ Non-Discrimination/ Non-Harassment of Students

The Board of Education is committed to providing and maintaining a safe learning environment for all students that is free from harassment/discrimination. Further, the district affirms the right of all students to be treated with respect and protected from intimidation, discrimination, physical harm, and/or harassment. Respect for the dignity and worth of each individual shall be paramount in the establishment of all policies set forth by the Board and in the adherence to and enforcement of those policies by the administration.

Therefore, every student of this school district shall have equal educational opportunities through programs offered in the school district. This concept of equal educational opportunity shall guide the Board and staff in making decisions related to school district facilities, selection of educational materials, equipment, curriculum and regulations affecting students.

In order to ensure that district programs are in compliance with applicable laws and regulations, the Board directs the Chief Education Officer to designate a Compliance Officer and a designee to monitor the following areas:

1. Review curriculum guides, textbooks and supplemental materials for discriminatory bias.
2. Provide training for students and staff to identify and alleviate problems of discrimination.
3. Review student programs, activities and practices to ensure that all students have equal access and are not segregated except when permissible by law or regulation.
4. Ensure that district resources are equitably distributed among school programs including but not limited to staffing and compensation, facilities, equipment and related matters.
5. Review student evaluation instruments, testing procedures and guidelines and counseling materials for stereotyping and discrimination.
6. Review discipline records and any relevant data to ensure the equitable implementation and application of Board discipline.

Student harassment/discrimination will be regarded as a violation of this policy when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of a student's education;
2. Submission to, or rejection of, such conduct is used as the basis for educational decisions affecting the student;
3. Such conduct has the purpose or effect of adversely affecting a student's ability to participate in, or benefit from district program(s), or of creating an intimidating, hostile, or offensive educational environment.

Harassment/discrimination can include, but is not limited to, unwelcome, hostile and offensive verbal, non-verbal, written, or physical conduct based on, or directed at, the characteristics of a person's:

- Race or color,
- Religion or creed,
- National origin,
- Disability,
- Religious tradition or religious clothing as well as religious slurs and/or graffiti,
- Manner of speaking or accent,
- Customs,
- Language,
- Status as an immigrant,
- Imitating mannerism of speech, movement,
- Gender
- Sexual orientation,
- And/or interference with movement or access to necessary equipment.

Complaint and Investigation Procedure

The district will designate one building level administrator at each school who will be responsible for coordinating, implementing, and overseeing enforcement of the Policy at the school level. All district employees and students share the responsibility to ensure that discrimination and harassment does not occur on any school district property, at any district or school-sanctioned activities or events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct is related to school, or any district curricular or non-curricular activity or event. Toward that end:

- All students who believe they have been victims of such harassment/discrimination shall immediately report it to an administrator or teacher at their school. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- All students who witness such harassment/discrimination shall immediately report it to a building or District level teacher or administrator at their school. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- All administrators and teachers who have such harassment/discrimination reported to them shall promptly forward the report(s) to the principal or principal's designee or the Innovation Leader or their designee for appropriate action. The

principal or his/her designee or the Innovation Leader director or their designee may request a written complaint. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report(s) shall be forwarded to the Innovation Leader or their designee.

- All district employees who witness such harassment/discrimination shall take prompt action to stop it, as prescribed by the district and the building principal, and shall promptly report the harassment/discrimination to the principal or principal's designee or the Innovation Leader or their designee. If the harassment/discrimination is being committed by the principal or another administrator in the building, the report shall be made to the Innovation Leader or their designee.
- Each building principal or principal's designee or the Innovation Leader or their designee shall ensure that all reports of such harassment/discrimination are promptly and thoroughly investigated, and that effective action is taken.

Informal Resolution Procedure

It may be possible to resolve a complaint through a voluntary conversation between the complaining student and the alleged harasser which is facilitated by a building level administrator or designee. Both the complaining student and the alleged harasser may be accompanied by another student, parent or guardian of their choice for support or guidance. If the complaining student and the alleged harasser feel that a resolution has been achieved, then the conversation may remain confidential and no further action needs to be taken. The results of an informal resolution shall be reported by the facilitator in writing to the principal and the Innovation Leader or their designee. If the complaining student, the alleged harasser, or the building level administrator chooses not to utilize the informal procedure, or feels that the informal procedure is inadequate or has been unsuccessful, s/he may proceed to the formal procedure. Any complaint against a school employee shall be handled through the formal grievance procedure.

Formal Resolution Procedure

Any student or person(s) complaining of harassment/discrimination should always be informed by the building or district level administrator or their designee receiving the complaint about the complaint procedures and encouraged to file a formal complaint if the informal process is not agreed to or not appropriate under the circumstances. Persons Interested in filing a formal complaint shall be given assistance in completing the necessary form. Even if a formal complaint is not filed, the district may choose to use the specific investigatory procedures set forth in this policy.

Formal complaints of harassment/discrimination, whether verbal or in writing, should be directed to the building or district level administrator or their designee.

Any student who engages in harassment/discrimination of another student shall be required to attend a meeting with his or her parent(s) or guardian and the principal or principal's designee and or the Innovation Leader or their designee; be subject to appropriate education and disciplinary action up to and including suspension or expulsion. Guidelines for dealing with students who engage in the harassment/discrimination of other students are:

FIRST OFFENSE

1. The student and parent(s) or guardian will meet with the principal or principal's designee.
2. Information on available cultural diversity and/or relevant counseling programs will be given to student and parent(s) or guardian.
3. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

SECOND OFFENSE

1. The student shall be suspended.
2. A meeting of the parent(s) or guardian and the principal or principal's designee will be scheduled prior to re-admittance to school.
3. The student, accompanied by a parent or guardian, will be required to participate in counseling or attend a cultural diversity program.
4. Depending on the seriousness of the offense, the principal may request that the student be expelled and may contact law enforcement authorities.

THIRD OFFENSE

1. A recommendation for expulsion shall be made. Depending on the seriousness of the offense, law enforcement authorities may be contacted.

These guidelines for progressive discipline shall not preclude the principal or principal's designee from eliminating any of the steps in the process if in his or her judgment the misconduct by the student warrants more severe action.

Any district employee who engages in harassment/discrimination of a student shall be required to participate in appropriate training, education or counseling; as well as disciplinary action, including but not limited to warning, reprimand, transfer, suspension or termination of employment.

The above stated actions are measures designed to stop the harassment/discrimination, correct its negative impact on the affected student, and ensure that habitual harassment/discrimination does not recur. In good faith, steps shall also be taken to ensure that victims of and witnesses to harassment/discrimination are protected from retaliation.

To the extent possible no student shall be subject to adverse treatment in retaliation for any good faith report of harassment/discrimination under this policy. To the extent possible, all reports of harassment/discrimination will be kept confidential. In

a good faith effort and upon determining that incidents of harassment/discrimination are occurring in particular district settings or activities, the district shall implement measures designed to remedy or extinguish any adverse treatment in retaliation of a student's willingness to report such incidents of harassment/discrimination.

The district shall provide counseling resources to student victims where necessary.

The district shall train and educate district employees to recognize and effectively deal with incidents of harassment/discrimination.

The district shall regularly review its compliance with this policy on the harassment/discrimination of students and take necessary action where deficiencies are noted.

A copy of this policy shall be published annually in the Student Conduct and Discipline Code booklet.

Complaints of discrimination or harassment may also be directed to the Denver Office for Civil Rights of the United States Department of Education, 1244 Speer Boulevard, Suite 310, Denver, Colorado 80204, Telephone Number: (303) 844-5695.

Current practice codified: 1980.

Adopted: date of manual adoption.

Revised to conform with practice: date of manual revision.

Reviewed: August 10, 2000.

Revised: July 10, 2008.

Revised: January 14, 2010.

Revised: June 30, 2011.

Revised: July 27, 2012.

LEGAL REF.: Title VI of the Civil Rights Act of 1964, 42 U.S.C. §2000d
Title IX of the Education Amendments of 1972, 20 U.S.C. §1681
20 U.S.C. § 1681 (*Title IX of the Education Amendments of 1972*)
20 U.S.C. § 1701-1758 (*Equal Educational Opportunities Act of 1974*)
29 U.S.C. §701 et seq. (*Section 504 of the Rehabilitation Act of 1973*)
C.R.S. 2-4-401 (13.5) (*definition of sexual orientation*)
C.R.S. 22-32-109 (1)(II) (*Board duty to adopt written policies prohibiting discrimination*)
C.R.S. 22-32-109.1 (2) (*Conduct and discipline code to be revised as necessary including based on any relevant school district data*)
C.R.S. 24-34-601 (*Unlawful discrimination in places of public accommodation*)
C.R.S. 24-34-602 (*Penalty and civil liability for unlawful discrimination*)

CROSS REF.: AC, Nondiscrimination/Equal Opportunity
ACA, Nondiscrimination on the Basis of Sex

ACE, Nondiscrimination on the Basis of Handicap/Disability
JBB* Sexual Harassment

Note: State law defines "sexual orientation" as "a person's orientation toward heterosexuality, homosexuality, bisexuality, or transgender status or another person's perception thereof." C.R.S. 2-4-401 (13.5)

Exhibit C



Designation | JICDD

The Board of Education recognizes there are certain behaviors that, if tolerated, would quickly destroy the type of learning environment to which the students and staff of the district are entitled. These behaviors, categorized as violent or aggressive, will not be tolerated and shall result in immediate action taken by the district.

As appropriate and in accordance with applicable law, students exhibiting violent or aggressive behavior or warning signs of future violent or aggressive behavior shall be subject to appropriate disciplinary action including suspension, expulsion and/or referral to law enforcement authorities. At the district's discretion and when appropriate, the student may receive appropriate intervention designed to address the problem behavior. Students shall be taught to recognize the warning signs of violent and aggressive behavior and shall report questionable behavior or potentially violent situations to appropriate school officials. All reports shall be taken seriously.

Acts of violence and aggression shall be well documented and communicated by the staff to the building principal and the district administration when appropriate. The immediate involvement of the student's parents/guardians is also essential.

An act of violence and aggression is any expression, direct or indirect, verbal or behavioral, of intent to inflict harm, injury, or damage to persons or property. A threat of violence and aggression carries with it implied notions of risk of violence and a probability of harm or injury.

The following behaviors are defined as violent and aggressive:

1. Possession, threat with, or use of a dangerous weapon as described in the Board's weapons policy.
2. Physical assault. The act of striking or touching a person or a person's property with a part of the body or with any object with the intent of causing hurt or harm.
3. Verbal abuse. Includes, but is not limited to, swearing, screaming, obscene gestures, or threats directed, orally (including by telephone) or in writing, at an individual, his or her family, or a group.
4. Intimidation. An act intended to frighten or coerce someone into submission or obedience.
5. Extortion. The use of verbal or physical coercion in order to obtain financial or material gain from others.
6. Bullying. As described in the Board's policy on bullying prevention and education.
7. Gang activity as described in the Board's secret societies/gang activity policy.
8. Sexual harassment or other forms of harassment as described in the Board's sexual harassment policy and nondiscrimination policy.
9. Stalking. The persistent following, contacting, watching, or any other such threatening actions that compromise the peace of mind or the personal safety of an individual.
10. Defiance. A serious act or instance of defying or opposing legitimate authority.
11. Discriminatory slurs. Insulting, disparaging, or derogatory comments made directly or by innuendo regarding a person's race, sex, sexual orientation, religion, national origin, disability or need for special education services.
12. Vandalism. Damaging or defacing property owned by or in the rightful possession of another.
13. Terrorism. A threat to commit violence communicated with the intent to terrorize, or with reckless disregard for the risk of creating such terror or to cause serious public inconvenience, such as the evacuation of a building.

- Adopted: July 12, 2001
- Revised: April 28, 2010

BOARD-APPROVED POLICY OF FALCON SCHOOL DISTRICT #49



- Revised: July 21, 2011
- Revised: September 12, 2013

LEGAL REFS:

- C.R.S. 22-32-109.1 (1)(b) (definition of bullying)

CROSS REFS:

- AC, Nondiscrimination/Equal Opportunity
- JBB*, Sexual Harassment
- JICDA, Code of Conduct
- JICDE, Bullying Prevention and Education
- JICF, Secret Societies/ Gang Activity
- JICI, Weapons in School

Exhibit D

Bullying Prevention and Behavior

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment, and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Bullying is the use of coercion or intimidation to obtain control over another person or to cause physical, mental or emotional harm to another person. Bullying can occur through written, verbal or electronically transmitted expression or by means of a physical act or gesture. Bullying is prohibited against any student for any reason, including but not limited to any such behavior that is directed toward a student on the basis of his or her academic performance or any basis protected by federal and state law including disability, race, creed, color, sex, sexual orientation, national origin, religion, ancestry or the need for special education services, whether such characteristic(s) is actual or perceived.

Bullying is prohibited on district property, at district or school-sanctioned activities and events, when students are being transported in any vehicle dispatched by the district or one of its schools, or off school property when such conduct has a nexus to school or any district curricular or non-curricular activity or event.

A student who engages in any act of bullying and/or a student who takes any retaliatory action against a student, who reports in good faith an incident of bullying, is subject to appropriate disciplinary action including suspension, expulsion, and/or referral to law enforcement authorities. The severity and pattern, if any, of the bullying behavior shall be taken into consideration when disciplinary decisions are made. Bullying behavior that constitutes unlawful discrimination or harassment shall be subject to investigation and discipline under related Board policies and procedures.

The Chief Education Officer/Innovation Leaders or designee shall develop a comprehensive program to address bullying at all school levels. The program shall be aimed toward accomplishing the following goals:

1. To send a clear message to students, staff, parents, and community members that bullying and retaliation against a student who reports bullying will not be tolerated.
2. To train staff and students in taking pro-active steps to prevent bullying from occurring.
3. To implement procedures for immediate intervention, investigation, and confrontation of students engaged in bullying behavior.

4. To initiate efforts to change the behavior of students engaged in bullying behaviors through re-education on acceptable behavior, discussions, counseling, and appropriate negative consequences.
5. To foster a productive partnership with parents and community members in order to help maintain a bully-free environment.
6. To support victims of bullying by means of individual and peer counseling.
7. To help develop support networks, social skills, and confidence for all students.
8. To recognize and praise positive, supportive behaviors of students toward one another on a regular basis.

Adopted: January 10, 2002.

Revised: April 28, 2010.

Revised: June 30, 2011.

Revised: July 21, 2011.

LEGAL REF: C.R.S. 22-32-109.1(2)(a)(I)(K) *(policy required as part of safe schools plan)*

CROSS REFS.: AC, Nondiscrimination/Equal Opportunity
ACE, Nondiscrimination on the Basis of Disability
JB, Equal Educational Opportunities
JBA, Nondiscrimination on the Basis of Sex
JBB*, Sexual Harassment
JICDA, Code of Conduct
JICDD*, Violent and Aggressive Behavior
JICJ, Student Use of Electronic Communication Devices
JK, Student Discipline

Exhibit E

Cyber Bullying

The Board of Education supports a secure school climate, conducive to teaching and learning that is free from threat, harassment, and any type of bullying behavior. The purpose of this policy is to promote consistency of approach and to help create a climate in which all types of bullying are regarded as unacceptable.

Cyber bullying is the use of any electronic communication device to convey a message in any form (text, image, audio, or video) that defames, intimidates, harasses, or is otherwise intended to harm, insult, or humiliate another student or staff member in a deliberate, repeated, or hostile and unwanted manner under a person's true or false identity. This includes the use of any technological tool to send or post inappropriate or derogatory email messages, instant messages, text messages, digital pictures or images, social network sites or website posting (including blogs) which has the effect of:

1. Physically, emotionally or mentally harming a student or staff member; or
2. Placing another student or staff member in reasonable fear of physical, emotional or mental harm; or
3. Placing a student or staff member in reasonable fear of damage to or loss of personal property; or
4. Creating an intimidating or hostile environment that substantially interferes with a student's educational opportunities; or
5. Creates an intimidating or hostile environment that substantially interferes with a staff member's ability to conduct their educational duties.

The District may discipline for Cyber bullying conduct off school premises when it materially and substantially interferes with the educational process.

Adopted: May 13, 2010.

LEGAL REFS.: C.R.S. 22-32-109.1(2)(a)(X) *(policy required as part of safe schools plan)*

CROSS REFS.: JICDA, Code of Conduct

JICDD, Violent and Aggressive Behavior

JICJ, Student Use of Electronic Communication Devices

JK, Student Discipline

JS, Student Use of the Internet and Electronic Communications

Cyber Bullying

The District may discipline for cyber bullying conduct off school premises when it materially and substantially interferes with the educational process.

The District will take any report of cyber bullying seriously and will investigate credible reports promptly. Students are encouraged to report an incident immediately to a teacher or principal. Students who make a report are requested to preserve evidence of cyberbullying. For example, a student may save or bring a copy of an email, text message, picture, or other electronic transmission that the student believes was intended to harm, insult, or humiliate.

Staff will take appropriate action and will bring it to the attention of the Principal when students report an incident of cyber bullying. Staff will attempt to preserve evidence of the cyberbullying and will submit any evidence to the Principal.

The District may revoke the privilege of a student or third party, who uses District equipment or electronic communication system to engage in cyber bullying, to use any District electronic equipment under the procedures for policy JS; Student Use of the Internet and Electronic Communications. The District may revoke the privilege of a student or third party, who uses a personal communication device to engage in cyberbullying, to bring any personal communication device onto District property or to District-sponsored activities under policy JICJ; Use of Electronic Communication Devices.

Students whose behavior is found to be in violation of this policy shall be subject to loss of privileges, discipline, up to and including expulsion. Staff whose behavior is found to be in violation of this policy will be subject to discipline, up to and including dismissal. All parties whose behavior is found to be in violation of this policy will be subject to appropriate actions as determined by the administration. The District may also report individuals and violations to law enforcement if necessary.

Adopted: May 13, 2010.

Exhibit F

Intimidation, Harassment and Hazing

The Board of Education recognizes the importance of providing students the opportunity to be in a safe environment that is free from intimidation, harassment, hazing or any act or crime of violence while participating in any District/school sponsored program, including school athletic programs and school clubs. Participation in these activities is a privilege not a right. Accordingly, the Board is committed to providing safe and positive learning and athletic programs. Intimidation, harassment, and hazing are unethical and unacceptable conduct that have no place in District 49 and will not be tolerated.

Definitions

"Intimidation" means to create a feeling of fear or inadequacy in another person or threaten verbal or physical violence.

"Harassment" means to engage in persistent behavior that threatens, torments, or insults another person.

"Hazing" means any activity by which a person recklessly or intentionally endangers the health or safety of or causes a risk of bodily injury to an individual for purposes of initiation or admission into or affiliation with any student organization; except that "hazing" does not include customary athletic events or other similar contests or competitions, or authorized training activities conducted by members of the armed forces of the state of Colorado or the United States.

"Student" means any person who is registered in or in attendance at any school or program sponsored by the District regardless of whether school is in session.

"Crimes of Violence" as defined by Colorado revised Statute 18-1.3-406(2)(a)(I), are those crimes that have been committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight there from, the person:

- A. Used, or possessed and threatened the use of, a deadly weapon; or
- B. Caused serious bodily injury or death of any other person except another participant.

"Crime of violence" also means any felonious unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.

Each Coach or sponsor is responsible for providing a copy of this policy to each student who participates in a co- or extra-curricular activity at the start of the first meeting, practice session or activity. Each Coach or sponsor shall verbally explain to the student the prohibition against hazing, intimidation, or harassment and the potential consequences. A signed copy of this policy by the student and parent/legal guardian must be on file before a student begins participation in a school sponsored activity.

It is a violation of this policy for any student or staff member to engage in any act of intimidation, harassment or hazing while on District grounds or at a District/school sponsored event. Any incident believed to constitute a "crime of violence" will be reported as a violation of state law and will be reported to the proper law enforcement agency.

Adopted: July 8, 2010.

LEGAL REFS.: C.R.S 18-9-124 (*Hazing-penalties-legislative declaration*)
C.R.S 22-32-109.1(2) (a) (*Safe Schools Plan*)

CROSS REFS.: JIC Student Conduct
JICDA Code of Conduct
JICDD Violent or Aggressive Behavior
JICDE Bullying Prevention and Behavior
JK Student Discipline

Intimidation, Harassment and Hazing

The Board of Education recognizes the importance of providing students the opportunity to be in a safe environment that is free from intimidation, harassment, hazing or any act or crime of violence while participating in any district/school sponsored program, including school athletic programs and school clubs. Participation in these activities is a privilege not a right. Accordingly, the Board is committed to providing safe and positive learning and athletic programs. Intimidation, harassment, and hazing are unethical and unacceptable conduct that have no place in District 49 and will not be tolerated.

Each coach or sponsor is responsible for providing a copy of policy ACC to each student who participates in a co- or extra-curricular activity at the start of the first meeting, practice session or activity. Each coach or sponsor shall verbally explain to the student the prohibition against hazing, intimidation, or harassment and the potential consequences. A signed copy of policy ACC by the student and parent/legal guardian must be on file before a student begins participation in a school sponsored activity.

A person commits "Intimidation" "Harassment" or "Hazing" if he or she engages in any of the following behaviors:

- Any type of physical abuse such as whipping, beating, striking, branding, electrical shocks, placing harmful substances on or in the body, or other similar activity; or
- Any type of physical activity such as sleep deprivation, exposure to the elements, confinement in a small place, or other activity that creates or results in an unreasonable risk of harm or that adversely affects the mental or physical health or safety of the student; or
- Any other forced physical activity which could adversely affect the physical health or safety of the individual; or
- Any activity involving consumption of food, liquid alcoholic beverages, illegal substances (prescription or non prescription drugs), or other substances that subjects a student to an unreasonable risk of harm; or
- Activity that includes, causes, requires a student to perform a duty or task, which involves the commission of a crime or act of intimidation, harassment or hazing;
- Forced prolonged exclusion from social contact, or forced conduct which could adversely affect the mental health or dignity of the individual;

- Follows a person in a manner which causes fear, concern or alarm;
- Threatens, taunts, or challenges another person with physical harm;

This list is not all inclusive and is not intended to contain all commission of acts that may violate Policy ACC.

Investigation of Reports of "Intimidation", "Harassment", or "Hazing"

Any incident believed to constitute intimidation, harassment or hazing shall be reported promptly to the Principal, Innovation Leader and Chief Education Officer for investigation and further action. The investigation shall be timely and thorough and the findings and conclusions shall be written and provided to the office of the Chief Education Officer. If appropriate, the Principal shall report the incident to the appropriate law enforcement agency for possible legal consequence and notify the office of Chief Education Officer. Principals are directed to initiate suspension and/or expulsion review proceedings when infractions seriously disrupt the learning environment, undermine a sense of civility, or present a danger to the safety and welfare of students and staff.

It shall be a violation of Board Policy ACC for a person to retaliate against a student or other person for reporting a suspected incident of intimidation, harassment, or hazing or cooperating in any investigation or disciplinary proceeding regarding any reported incident.

Disciplinary Action

It is not a defense in a disciplinary proceeding under policy ACC that the person against whom the hazing was directed consented to the hazing activity.

If the investigation concludes a student committed an act of hazing or otherwise violated policy ACC, that student will be subject to appropriate disciplinary action, including but not limited to suspension or expulsion from school and or exclusion from co- or extra-curricular activities.

If the investigation concludes that a student or staff member has committed an act of intimidation, harassment or hazing, sanctioned or otherwise violated by this policy, that person will be subject to appropriate disciplinary action in accordance with District policy and state law.

Acts of "Intimidation", "Harassment", or "Hazing" may also be considered a "Crime of Violence" in the State of Colorado and therefore, may be reported as a violation of state law and may be prosecuted under C.R.S. 18-9-124.

"Crimes of Violence" as defined by Colorado revised Statute 18-1.3-406(2)(a)(I), are those crimes that have been committed, conspired to be committed, or attempted to be committed by a person during which, or in the immediate flight there from, the person:

- A. Used, or possessed and threatened the use of, a deadly weapon; or
- B. Caused serious bodily injury or death of any other person except another participant.

"Crime of violence" also means any felonious unlawful sexual offense in which the defendant caused bodily injury to the victim or in which the defendant used threat, intimidation, or force against the victim.

Adopted: July 8, 2010.

Revised: May 12, 2011.

Revised: June 30, 2011.

LEGAL REFS.: C.R.S 18-9-124 *Hazing-penalties-legislative declaration*
C.R.S 22-32-109.1(2) (a) *Safe Schools Plan*
C.R.S 18-1.3-406 (2)(a)(I)(II) *(Crimes-evidence against one's self-jeopardy)*

CROSS REFS.: JIC Student Conduct
JICDA Code of Conduct
JICDD Violent or Aggressive Behavior
JICDE Bullying Prevention and Behavior
JK Student Discipline

Intimidation, Harassment and Hazing

This form is to be used for all students participating in any Co-Curricular or Extra Curricular activity.

I have been provided an explanation of District Policy ACC which prohibits hazing, intimidation, harassment or any act or crime of violence to others.

I understand that these behaviors are unethical and unacceptable conduct that have no place in District 49 and will not be tolerated. I understand the consequences for this behavior and that this form must be on file with the school prior to my participation in any activity.

Student's Name _____

School _____

Grade _____ **Co Curricular** _____ **or Extra Curricular** _____

Activity _____

Student's Signature

Parent/Legal Guardian's Signature

Coach/Sponsor's Signature