

**PALO ALTO UNIFIED SCHOOL DISTRICT  
DRAFT: RESOLUTION 2014-15.16  
FOR REVIEW OF THE OFFICE FOR CIVIL RIGHTS ERRORS IN CASE 09-11-1337  
AND OF UNFAIR, COSTLY, AND UNREVIEWABLE INVESTIGATION PRACTICES**

**WHEREAS**, the Palo Alto Unified School District shares the U.S. Department of Education's vital mission to provide equitable access to high-quality education and to protect the civil rights of all students; and

**WHEREAS**, the District community has a distinguished record of exceptional outcomes corresponding to student safety, student learning, student conduct, inclusion, civil rights, and nondiscrimination; and

**WHEREAS**, the District has worked collaboratively with the Department's Office for Civil Rights (OCR), which is duly authorized to act as a neutral fact-finder and a provider of technical assistance; and

**WHEREAS**, the District has provided OCR attorneys with thousands of pages of evidence documenting legal compliance with anti-discrimination and civil rights laws in complaint investigations; and

**WHEREAS**, the District has arranged for dozens of requested staff interviews by OCR attorneys documenting legal compliance with anti-discrimination and civil rights laws in complaint investigations; and

**WHEREAS**, the District reported substantial factual errors in OCR's letter of findings on case no. 09-11-1337 to OCR attorneys on May 15, 2013; and

**WHEREAS**, OCR attorneys expressed willingness to review disputed evidence on May 15, 2013; and

**WHEREAS**, the District provided evidence of complainant document tampering on May 23, 2013; and

**WHEREAS**, OCR has not acted on its commitment and obligation to review disputed evidence; and

**WHEREAS**, OCR procedures provide little or no District review of complainant allegations or evidence; and

**WHEREAS**, the OCR has denied multiple formal District requests for records of evidence in the disputed case which has further restricted the District's opportunity for a fair review; and

**WHEREAS**, the OCR has not responded to the District's appeals of OCR's denial of requests for records despite OCR's legal obligation to make a determination on the appeals by September 13, 2013; and

**WHEREAS**, a faulty negative determination by OCR in the disputed case continues to generate public confusion and damage to the reputations of conscientious educators; and

**WHEREAS**, the District has nonetheless completed every item of its voluntary resolution agreement with OCR in the one disputed case, except for the third, and last, required year of student and staff training which will be completed in 2014-2015 ; and

**WHEREAS**, the District must limit disclosure of evidence in individual cases to protect privacy rights; and

**WHEREAS**, OCR's practice of opening investigations based only on a complainant's allegations – without an opportunity for District review of the allegations and without OCR review of District factual evidence – has created a process open to exploitation by complainants and placed District staff members at a substantial deficit during investigations; and

**WHEREAS**, media reporting on OCR investigations and on information received from complainants, to which the District may not respond because of confidentiality laws, has misled the public and burdened District staff with misrepresentations; and

**WHEREAS**, OCR's investigations have proceeded toward staff interviews and even student interviews with little or no review of documentary evidence; and

**WHEREAS**, OCR's investigations in the District have taken as long as fourteen months from filing of a complaint to a resolution, far exceeding OCR's stated time line of 180 days; and

**WHEREAS**, the District received positive compliance determinations in all four recent investigations completed by OCR, the investigations were still costly to District resources; and

**WHEREAS**, OCR has not followed guidelines in law and in its Case Processing Manual for conducting investigations; and

**WHEREAS**, the District will continue to seek to work collaboratively with OCR, the District is very concerned that OCR's current process impedes progress toward goals the District and OCR share, causes public confusion, and excessively burdens the District's staff and educational programs; and

**WHEREAS**, the District remains fully committed to building on effective strategies that promote the safety and inclusion of all students and to encouraging parents and students to bring any concerns regarding discrimination, harassment, or bullying to the attention of school officials for prompt resolution;

**NOW, THEREFORE, BE IT RESOLVED** that the Palo Alto Unified School District Board of Education will expand its pursuit of a just review and remedy of substantial OCR errors in case no. 09-11-1337 and of fair, prompt, and reviewable investigation practices through correspondence and meetings with elected representatives and education coalition affiliates.

**PASSED AND ADOPTED** on this \_\_\_\_\_ day of June 2014, by the following vote:

AYES:

ABSTAIN:

NOES:

ABSENT:

I, Kevin Skelly, Secretary to the Board of Education, do hereby certify that the foregoing is a full, true, and correct copy of a resolution adopted by the said Board of Education at a general meeting thereof held at its regular place of meeting at the time and by the vote above stated, which resolution is on file in the office of said Board.

---

President  
Board of Education

---

Secretary  
Board of Education