

Resolution Agreement
OCR #05-13-1202
Minneapolis Public Schools

Minneapolis Public Schools (District) submits the following Agreement to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case number 05-13-1202. The District submits this Agreement to ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, with respect to the allegations raised in the complaint. The District agrees to take the following actions:

Definition

As used in this Agreement, the term “harassment” includes the use of derogatory language (including epithets), intimidation, and threats, unwanted physical contact and/or physical violence, and the use of derogatory language and images in graffiti, pictures or drawings, notes, e-mails, postings on internet and social networking sites and/or phone messages, based on race, color, or national origin. The term “harassment,” as used in this Agreement, is not limited by any definition set forth in Minnesota criminal or civil statutes.

Action Steps

- 1) Effective immediately, the District agrees to take all steps necessary to ensure that students enrolled at the District’s South High School (School) are not subjected to a hostile environment on the basis of race, color, or national origin. To this end, the District will promptly investigate all incidents of harassment of students on the basis of race, color, or national origin of which it has notice and will take appropriate disciplinary action against students who violate its “Equal Education Opportunity Policy” (EEO Policy), as amended pursuant to item 3. The District will take prompt and appropriate responsive action to end the hostile environment if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected students, including by offering counseling and other appropriate services to the affected students.

REPORTING REQUIREMENT: By June 30, 2015, and annually by the same date in each subsequent school year during the pendency of this Agreement, the District will provide OCR with documentation of the steps it has taken to avert the formation of, or to address the existence of, a hostile environment for School students based on race, color, or national origin. Specifically, the District will provide:

- a) A copy of all written reports, and a written narrative describing all oral reports to the designated District employee(s), of incidents involving allegations of harassment based on race, color or national origin at the School;
- b) A narrative of all actions taken in response to the reports, including any written documentation;

- c) A copy of any and all disciplinary sanctions issued to students and staff for violations of the policies and procedures described in item 3 and Student Code of Conduct and personnel policy described in item 4 of this Agreement concerning harassment on the basis of race, color or national origin;
- d) Documentation demonstrating any remedial efforts offered and provided to the victim(s) of the harassing incidents, such as counseling, tutoring or other appropriate services;
- e) A narrative of all interim and permanent action taken to prevent the recurrence of the harassing incidents, including any written documentation; and
- f) Notification in writing if no reports, as described in (a) above, were made during the corresponding school year.

Anti-Harassment Statement

- 2) By November 1, 2014, the Superintendent and School Board will issue a statement to all School students, parents and staff that will be printed in the School newsletter, posted in prominent locations at the School, and published on the School's website, stating that the District does not tolerate acts of harassment, including acts of harassment based on race, color, or national origin. The statement will encourage any School student who believes he or she has been subjected to harassment or a hostile environment based on race, color, or national origin to report the harassment or hostile environment to the District and note the District's commitment to conducting a prompt investigation. The statement will warn that students found to have engaged in acts of harassment or other acts that create a hostile environment based on race, color, or national origin will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension and expulsion. The statement will encourage students, parents and School staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By November 15, 2014, the District will provide OCR with documentation demonstrating implementation of item 2 of this Agreement. In particular, the District will provide OCR with a copy of the statement issued by the Superintendent and School Board, documentation of the posting of the statement and the location on the School's website where the statement may be found.

Harassment-Related Policies and Procedures

- 3) By December 30, 2014, the District will review and revise, as necessary, the EEO Policy and the Bullying and Hazing Prohibition Policy to ensure they adequately address and provide the District sufficient options for responding promptly and appropriately to incidents of harassment on the basis of race, color, or national origin. At a minimum, the District will include the following in the policies and associated procedures:
 - a) An explicit prohibition of harassment and violence on the basis of national origin or color.

- b) A statement setting forth the District's commitment to having a school environment free from all harassment on the basis of race, color, and national origin. Such statement must explain that the District prohibits race, color, and national origin harassment in the school environment, including all academic, extra-curricular and school-sponsored activities. The statement will encourage students to immediately report incidents of harassment. The statement will emphasize that staff are required to promptly report incidents of harassment. The statement will specify that the District will investigate both formal and informal complaints of harassment.
- c) Examples of the type of conduct and behavior that is covered by the policy, including examples of staff-to-student and peer-to-peer conduct, including cyber harassment.
- d) Identification of the kinds of activities and sites where prohibited conduct could occur.
- e) An explanation of how to report harassment and/or file a complaint (formally or informally).
- f) A description of the District's formal complaint procedures, including a complaint form, designated timeframes for the District's investigation of a complaint and a requirement that written notice of the outcome be provided to the parties.
- g) Specific information as to the name or title and contact information (including office and email address and telephone number) for the District official within the designated Department(s) responsible for receiving the complaint form and/or investigating reports of harassment based on race, color, or national origin.
- h) A requirement that the designated District employee(s) document all reports of incidents of harassment based on race, color, or national origin and that the District establish a protocol for recordkeeping.
- i) A recommendation that District staff who observe acts of harassment based on race, color, or national origin intervene to stop the harassment, unless circumstances would make such intervention dangerous.
- j) Prohibition of retaliation against persons who report harassment or participate in related proceedings.
- k) A statement that the District will direct students to counseling services to any person found to have been subjected to harassment on the basis of race, color, or national origin and, where appropriate, to the person(s) who committed the harassment.
- l) An explanation of the duty of all staff to report harassment to the designated District employee(s) and the consequences for not reporting.
- m) Identification of the means the District will use to investigate incidents of harassment, including but not limited to the following:

- i) the various steps the District will take to conduct adequate, reliable and impartial investigations of reported incidents;
 - ii) that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii) the District’s standards for determining whether a hostile environment exists.
- 4) By January 15, 2015, the District will examine its Student Code of Conduct and employee personnel policy to determine whether they contain sufficient rules of behavior, offense categories, and disciplinary procedures to appropriately address violations of the District’s anti-harassment policy, as amended pursuant to item 3. The District agrees that by this same date it will revise the Student Code of Conduct to the extent necessary to ensure they contain such rules of behavior, offense categories, and disciplinary procedures.

REPORTING REQUIREMENT: By January 31, 2015, the District will submit to OCR for review and approval a copy of the policies and procedures as revised in accordance with item 3 of this Agreement and its Student Code of Conduct and employee personnel policy as revised in accordance with item 4 of this Agreement.

- a) Upon receipt of notice of OCR’s approval of the policies and procedures described in items 3 and 4, the District will adopt, implement and publish the policies and procedures in accordance with the District’s process for policy review and approval by Board action. Publication will include written notice of the District’s anti-harassment policy and procedures, including its formal and informal complaint procedures, to the school community, including students, parents, and District administrators and staff. The District will make this notification through its website as well as by any other means of notification the District deems effective to ensure that the information is widely disseminated. As necessary, the District will also update its parent, student, and employee handbooks, as well as its website. The District will make these policies and procedures available in languages other than English, including Somali, as necessary to ensure that all District students and their parents are aware of and understand the policies and procedures.

REPORTING REQUIREMENT: Within 90 days of receipt of notice of OCR’s approval of the policies and procedures described in items 3 and 4, the District will submit documentation to OCR demonstrating their implementation.

Staff Training

- 5) By March 1, 2015, for the 2014-15 school year, and annually by October 30 in subsequent school years, the District will provide effective training to all School teachers, administrators, staff, school aides, school security monitors, and any other School personnel charged with supervising students on the policies and procedures referenced in items 3 and 4 of this Agreement. The training will specifically address the responsibility of staff to report incidents of possible

harassment to the designated District employee(s) and the procedures for doing so, and provide instruction on how to recognize, prevent and respond appropriately to such harassment.

- 6) By March 1, 2015, for the 2014-15 school year, and annually by October 30 thereafter for new staff, the District will provide effective training to all School staff who are directly involved in processing, investigating and/or resolving complaints or other reports of race, color or national origin discrimination, including harassment complaints and any counselors or other School personnel who are likely to receive confidential reports of race, color or national origin harassment. The training will review the District policies and procedures referenced in items 3 and 4 of this Agreement and include instruction on how to conduct and document adequate, reliable, and impartial race, color or national origin discrimination or harassment investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By March 30, 2015, the District will submit a report to OCR with supporting documentation demonstrating that the training referenced in items 5 and 6 of this Agreement has been provided for the 2014-15 school year. In subsequent school years, the District will provide OCR with supporting documentation of its compliance with items 5 and 6 of this Agreement by November 15 during the pendency of this Agreement. The District will also provide a copy of the materials used in the training and a list of the staff members who attended the training.

District's Ongoing Anti-Harassment Program

- 7) By December 30, 2014, and by September 30 on an annual basis thereafter, the District will provide an effective orientation program for all School students, administrators, staff, employees, , school security monitors, counselors, and coaching staff, which will address harassment, including, but not limited to, racial harassment, color harassment, and national origin harassment, in order to promote respect and tolerance for others and to avert the establishment of a hostile environment based on race, color or national origin for students enrolled in the District. The District will remind students of its commitment to having a school environment free from all harassment and explain to students what they should do if they believe they or other students are being harassed. The program will include a review of the District's harassment policies and procedures, including an explanation of what harassment on the basis of race, color, or national origin is, as well as disciplinary sanctions related to findings of violations of its harassment policies and the policy prohibiting retaliation. The District will provide students with the title and contact information of a District official that the students may contact if they wish to confidentially discuss any concerns they have and the District will also remind students of the availability of counseling services. The District will distribute written materials during the program that contain the information discussed. All written materials distributed by the District during the program will be made available in languages other than English, including Somali and Spanish, as necessary.

REPORTING REQUIREMENT: By December 30, 2014, and annually by the same date thereafter during the pendency of this Agreement, the District will submit a report to OCR with supporting documentation demonstrating that the orientation program referenced in item 7 of this Agreement has been delivered for the corresponding school year. The District will also provide a copy of the materials used in the orientation.

- 8) By December 30, 2014, the District shall develop school climate surveys to be used on an annual basis during the effective period of this Agreement for School students and School staff to assess the educational environment being provided for School students, specifically the presence and effect of harassment based on race, color, or national origin within the School.

Among other topics, the surveys shall specifically inquire about the knowledge and perceptions of staff regarding race, color and national origin discrimination, including harassment, and the District's non-discrimination policies and will assess whether staff and students have enough information about the District's policies to find the appropriate resources when necessary. The surveys shall also include questions designed to indicate the respondents' level of confidence in the District's responsiveness to harassment complaints, including whether they believe the District would take complaints seriously, would process their complaints promptly and equitably, and would take necessary and effective remedial action if their complaints were substantiated.

By December 30, 2014, the District shall submit the proposed school climate surveys to OCR for review and approval, along with an explanation of how the District intends to implement the school climate surveys for the 2014-15 school year and subsequent school years. If OCR has any objections, it shall inform the District of its objections within twenty (20) days after receiving the proposed school climate surveys and implementation plan.

- 9) By June 1, 2015, for the 2014-15 school year and annually by the same date in each subsequent school year, the District shall conduct the surveys described in item 8.

REPORTING REQUIREMENT: By June 30, 2015, and annually by the same date in each subsequent school year during the pendency of this Agreement, the District shall provide a summary of the results of the climate surveys to OCR along with a description of any actions the District plans to take in response to the survey results, including convening focus groups to solicit additional feedback and input on areas of concern and possible remedies.

- 10) By October 15, 2014, the District will demonstrate it has established a student committee to provide a forum for students to discuss matters concerning harassment on the basis of race, national origin or color, increase student awareness of the District's anti-harassment program, and suggest measures for improving the effectiveness of the District's program. The committee will have the same privileges as other District extracurricular activities, including access to

meeting space in the School and public notice about the committee, its meetings and its activities.

- 11) By October 15, 2014, the District will demonstrate it has established a student group that provides student leaders, an opportunity, after training, to establish student-led anti-harassment and anti-bullying groups that lead team-building and anti-harassment and anti-bullying activities during advisory periods or assemblies, stand up against discrimination or harassment when they see it, assist students who are targeted for harassment, and attempt to raise awareness of the District's anti-harassment program.

REPORTING REQUIREMENT: By October 30, 2014, the District will provide OCR with a report demonstrating the establishment of the student committee and peer leadership program required by item 10 and 11 of this Agreement. The report will include a copy of all notices made available to School students and the public about the student committee and leadership group, a list of the students who have joined the student committee and leadership group, and the name(s) of the District personnel responsible for coordinating the student committee and leadership group.

By June 30, 2015, the District will provide notes of meetings, plans of action based on meetings, documentation of any programs established as a result of the student committee and peer leadership program, and explanations as to why any suggestions were not adopted or implemented by the District.

- 12) By October 15, 2014, the District will demonstrate it has established an Advisory Council that provides a forum for parents and students to advise the District on how best to foster an educational environment free from bullying and harassment, including harassment based on race, color or national origin. At a minimum, the Advisory Council shall include, but are not limited to: District students, so long as there are students who wish to participate, parents of students in the District, District teachers if they choose to participate, and District administrators. The District will ensure parents and students have meaningful participation on the Advisory Council. The Advisory Council will meet at least twice per year and keep written reports summarizing each meeting. The Advisory Council will advise the District informally or formally throughout the school year.

REPORTING REQUIREMENT: By December 30, 2014, the District will provide OCR with a report demonstrating that the Task Force required by item 12 of this Agreement has been established. The report will also include a copy of all notices made available to School parents, a list of its members, and the name of the person who has been designated to coordinate the Advisory Council.

By June 30, 2015, and annually by the same date during the pendency of this Agreement, the District will provide OCR a copy of any Advisory Council written reports, findings and recommendations, if any such documents exist. Should the District fail to adopt any recommendation submitted by the Advisory Council in regards to South High School, the District will include in its report to OCR an explanation as to why the recommendation was not adopted or implemented by the District.

- 13) By June 30, 2015, the District will develop a monitoring program to assess the effectiveness of its anti-harassment efforts at the School. At the conclusion of each school year, the District will conduct an annual assessment of the effectiveness of its anti-harassment efforts at the School. Such assessment shall include:
- a) Review of the results of the student and staff climate surveys referenced in item 8;
 - b) Review of all reports of harassment at the School and the District’s response to each report;
 - c) Evaluation and analysis of the School data collected, including an assessment of whether the reported incidents of harassment have increased or decreased in number and severity and the identification of “hot-spots” in the School where harassment is most often occurring, including outdoor locations on School property where students congregate (e.g., parking lots) and on school buses. The District shall seek and consider student input in identifying hot-spots;
 - d) Proposed recommendations for improvement to the School’s anti-harassment program and timelines for the implementation of the recommendations.

REPORTING REQUIREMENT: By June 30, 2015, and by the same date in each subsequent school year, the District will provide OCR with documentation of the annual assessment conducted in accordance with item 13 of this Agreement.

OCR anticipates closing its monitoring of this Agreement within three (3) calendar years of the date of the signing this Agreement.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, OCR may visit the District, interview staff and students, and request such additional reports or data as are necessary for OCR to determine whether the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at §§ 100.3(a) and (b), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Agreement until OCR determines that the District has fulfilled the terms of this Agreement and is in compliance with the regulation implementing Title VI, at §§ 100.3(a) and (b) which were at issue in this case.

The District understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement, OCR shall give the District written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Minneapolis Public Schools.

Name and Title

Date