

Resolution Agreement #05-10-5003 Rochester Public School District

The U.S. Department of Education, Office for Civil Rights (“OCR”), selected Independent School District No. 535 (“RPS” or “District”) for a compliance review under Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d, et seq., in March 2010. *See* March 25, 2010 Compliance Review Initiation Letter from OCR to RPS. Title VI and its implementing regulation, 34 C.F.R. Part 100, prohibit discrimination on the basis of race, color, or national origin in education programs and activities operated by recipients of Federal financial assistance. *Id.* OCR selects compliance review sites based on various sources of information, and selection for a compliance review does not establish the violation of any law. *Id.*

RPS is voluntarily entering into this Agreement to resolve compliance review 05-10-5003 because it aligns with the District’s interests in strengthening its existing anti-discrimination policies and procedures and promoting the effectiveness of those policies and procedures. This Agreement is not to be construed as an admission of liability or wrongdoing by or on behalf of the District, or any other party identified in interest with the District. OCR has not made any finding of wrongdoing or intentional discrimination by the District.

General Principles

RPS’s mission is to inspire, challenge, and empower all students by making a free appropriate public education available in an environment that is safe, supportive, and conducive to learning. Appropriate student discipline policies and procedures that are grounded in evidence-based research are essential to advancing this objective. RPS has high expectations for student behavior and requires all students to demonstrate responsibility and appropriate behavior at school and at school sponsored events and activities.

RPS is committed to adopting and implementing student discipline policies that limit dismissals¹ consistent with applicable laws and the terms of this agreement. Additionally, as described in RPS’s Student Behavior Handbook, RPS is committed to working with students who exhibit behavioral problems to help them remain engaged in their program of education.

Designation of Responsible Employee/Collaboration with Experts

1. By August 1, 2015, RPS will designate an employee to serve as a Discipline Supervisor. RPS will publish this individual’s name and/or title, office address, e-mail address and telephone number on its website and in the Student Behavior Handbook. The Discipline Supervisor will be responsible for reviewing data and disciplinary records to identify areas of concern and reporting his/her findings to a District administrator. In addition, RPS has identified to OCR one or more administrators who will address complaints from parents, guardians, students, and others regarding matters related to its disciplinary policies. RPS will publish these individuals’ names and titles, office addresses, e-mail

¹ For purposes of this agreement, the term “dismissals” includes in-school suspension, out-of-school suspension, expulsion, alternative placement, and law enforcement referrals.

addresses and telephone numbers on its website and in the next version of the Student Behavior Handbook it publishes at each school in the District. In addition, RPS will consult with at least one expert or organization with expertise in non-discriminatory discipline practices, including research-based strategies, to provide RPS strategies for meeting its goals of ensuring that discipline is appropriately and equitably applied to all students regardless of race. Based on feedback from its expert(s), RPS will consider whether any individual school(s) warrant additional steps beyond those implemented at other schools in the District in order to eliminate any discrimination that is identified.

REPORTING REQUIREMENT: RPS has provided OCR the name and qualifications of the individuals who will address complaints received about its discipline policies. By August 15, 2015, RPS will provide OCR the name and qualifications of the individual(s) identified as Discipline Supervisor. By August 15, 2015, the District will also provide for OCR's review and approval the name of at least one expert or organization along with a description of the expert's or organization's relevant training and experience. By August 15, 2015, August 15, 2016, and August 15, 2017, RPS will provide documentation to OCR regarding its implementation of the notice requirements of this item and will submit to OCR a copy of all written complaints the administrator received about RPS's discipline policy and documentation of any additional strategies or recommendations the expert or organization has provided for assessing and eliminating any unlawful discrimination that is causally linked to RPS's discipline policies. By the same dates, RPS will submit to OCR for review and approval the changes, if any, that RPS has taken or plans to take in response to the recommendations or suggestions.

Early Identification of At-Risk Students and Early Intervention

2. By September 15, 2015, all RPS schools will require teaching and support staff to employ a range of corrective measures before referring a student to administrative personnel, unless the safety of a person or property is threatened or the behavior in question is such that the disruption to the educational environment can only be remedied in a timely manner by such a referral. RPS is implementing the Positive Behavioral Intervention and Supports (PBIS) framework to tailor school-based services that are supportive of the needs of students in order to decrease behavioral difficulties that manifest in school and to increase the opportunity to benefit from the learning environment. The PBIS framework used by RPS includes the following:
 - a. a process for identifying students who are at risk for behavioral difficulties due to their experiences in and outside of school;
 - b. school-based interventions for students who are identified as at-risk for behavioral difficulties;
 - c. skill-building for at-risk students; and
 - d. support for school staff to meet the needs of the at-risk students.

REPORTING REQUIREMENT: By August 15, 2015, August 15, 2016, and August 15, 2017, RPS will provide OCR with written confirmation that the PBIS framework is being implemented.

Outreach to Students, District Staff and Community Members

3. RPS will continue to hold a monthly Student School Board² meeting during regular school hours that includes middle school and high school students, who are representative of the demographics of the school population, and specifically provides the opportunity for students to discuss any concerns relating to discipline, including non-discrimination, and provide their input for any improvements in RPS's discipline practices. The District Discipline Supervisor will continue to attend these meetings. RPS will select an appropriate location and format for each Student School Board meeting, as long as each student member is given the opportunity to participate meaningfully in each meeting.
 - a. RPS will encourage all students, including students who have been the subject of behavioral interventions and supports, to participate on or provide input to the Student School Board.
 - b. RPS will encourage student members of the Student School Board to identify the aspects of RPS's educational program they see as positive and likely to encourage positive student behavior and the aspects of RPS's educational program they see as negative and likely to result in misbehavior. RPS will also encourage the Student School Board members to identify actions students can take to help their classmates engage in positive behavior and to assist in the development and presentation of the meetings discussed in this section.
 - c. Student School Board members will have the same privileges as other District extracurricular activity participants, including access to meeting space in RPS schools and public notice about the Board members, their meetings and their activities.
 - d. The student members of the Student School Board will be encouraged to provide specific suggestions for improving RPS's discipline policies, practices and procedures and establishing a safe school environment that is conducive to learning. These suggestions will be communicated via the submission of a written report by the Student School Board no later than March 15 each school year.
 - e. RPS will carefully consider the suggestions submitted by the Student School Board members.

REPORTING REQUIREMENT: By August 15, 2015, August 15, 2016, and August 15, 2017, RPS will provide documentation to OCR of each meeting of the Student School

² The Student School Board currently includes up to 78 students from all District middle schools and high schools and the District's alternative school, as well as District administrators, including those with expertise in discipline issues. Discipline is one of the topics covered at each monthly Student School Board meeting.

Board, including the date, time, and location of each meeting; the number, grade levels, and schools of the students on the Student School Board; a list of the RPS employees who attended; a summary of the concerns and suggestions related to discipline policies, practices, or procedures expressed by students, and by the same dates, RPS will submit to OCR for review and approval the changes, if any, that RPS has taken or plans to take in response to the recommendations or suggestions made by the Student School Board members.

4. RPS has established a PBIS team at each school in the District. RPS will instruct each PBIS team to discuss and make recommendations on the equitable implementation of discipline policies, practices, and procedures and to identify steps RPS could take to improve student behavior, improve student engagement in the educational program, promote a safe and orderly educational environment. Each team will consider student input as it moves toward full implementation of the PBIS framework.
 - a. At each school, RPS will designate an employee to coordinate the PBIS team's meetings and work.
 - b. RPS will ask each PBIS team to provide input regarding strategies for: (1) improving student behavior, (2) addressing student behavior by means other than disciplinary action, (3) ensuring that referrals for discipline are not related to race, and (4) effective disciplinary actions.
 - c. RPS will ask PBIS teams to provide continuing input to administrative personnel regarding strategies to ensure that school staff members have access to or are aware of available resources for assisting them in managing and de-escalating student behavior.
 - d. By the end of the 2015-2016 and 2016-2017 school years, the District will review the reports submitted by the teams and develop a plan for implementing the teams' recommendations and suggestions, as appropriate.

REPORTING REQUIREMENT: By August 15, 2015, RPS will provide OCR written confirmation that the PBIS teams required by this section continue to operate. By August 15, 2015, August 15, 2016, and August 15, 2017, RPS will provide documentation to OCR of any recommendations, suggestions or reports made by the PBIS teams and will submit for OCR's review and approval RPS's plan and the steps, if any, that RPS has taken or plans to take in response to the recommendations, suggestions or reports. This documentation will include written explanations for decisions not to implement any of written recommendations or suggestions made by the PBIS teams.

5. By October 15, 2015, RPS will make an updated Student Behavior Handbook available to the parents or guardians of all students in the District. The Handbook will explain RPS's policies in an easily understood manner, including what is expected of students under those policies and RPS's efforts to achieve fair discipline of all students. By October 15, 2015, October 15, 2016, and October 15, 2017, RPS will make an

informational program available for all students in the District. By November 1, 2015, November 1, 2016, and November 1, 2017, RPS will also make an informational program available to all interested parents of students in the District and other interested community members. RPS will make the informational programs and the Student Behavior Handbook available in predominant languages other than English or, in the alternative, for lower incidence languages, upon request, the District will provide contact information for an individual who is employed by the District or a service that can provide, at District expense, the information in a manner that a limited English proficient parent or student will understand. School personnel will offer further explanation of RPS disciplinary policies as requested during communications with parents and other planned parent meetings and conferences. The informational programs and the Student Behavior Handbook will:

- a. Provide parents the opportunity to raise concerns or suggestions regarding RPS's disciplinary policies, including any concerns or suggestions related to fairness and non-discrimination;
- b. Include the identity and contact information of RPS officials to whom questions and concerns about disciplinary policy should be raised;
- c. Emphasize RPS's commitment to using the policies referenced in this Agreement to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
- d. Advise the parents or guardians of the right of students to appropriate due process in connection with any disciplinary action taken or proposed by RPS, as described in the Student Behavior Handbook;
- e. Include detailed explanations of RPS's disciplinary policies, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies may be justified, resources that are available to students to assist them in developing self-management skills, and RPS's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent appropriate that misbehavior is addressed in a manner that does not require removal from the educational program;
- f. Advise parents or guardians whom they may contact if they have any concerns about the manner in which RPS's disciplinary policies are being implemented or if they need assistance in addressing student behavioral problems.

REPORTING REQUIREMENT: By November 30, 2015, November 30, 2016, and November 30, 2017, RPS will provide documentation to OCR demonstrating that the information required by this section has been provided to parents and guardians. By November 30, 2015, RPS will provide documentation to OCR of any recommendations

or suggestions that were provided by parents or guardians in response to the information required by this section and will submit to OCR for review and approval the steps, if any, that RPS has taken or plans to take in response to the recommendations or suggestions.

6. By August 15, 2015, August 15, 2016, and August 15, 2017, the District will place a link on its PBIS website to OCR's Civil Rights Data Collection data for the District and a link to updated data concerning referrals for discipline, suspensions, expulsions, and referrals to law enforcement, disaggregated by race, school³ and grade level, and the most frequent reasons leading to discipline involving dismissal.

REPORTING REQUIREMENT: By August 15, 2015, August 15, 2016, and August 15, 2017, RPS will provide documentation to OCR that it has provided the information referenced in this section.

Policies, Practices and Procedures

7. By August 15, 2015, RPS will review and revise its Student Behavior Handbook in accordance with this Agreement. RPS will take into account any recommendations or suggestions made by its consulting expert, PBIS teams, and Student School Board. Each Student Behavior Handbook must include the following:
 - a. Standards for disciplinary referrals to administrative personnel that eliminate any inconsistencies and include clear definitions, categories, and procedures for staff to follow when making disciplinary referrals and for building administrators to follow in deciding whether to impose ISS or OSS, and in deciding whether to report a student to law enforcement;
 - b. The elimination, to the maximum extent possible, of vague, subjective or undefined offense categories that require a high degree of individual interpretation and discretion (e.g., disrespectful behavior, insubordination, disruptive behavior). To the extent the Student Behavior Handbook retains such categories, RPS will provide specific examples to ensure that staff understand the circumstances under which such categories may be used to impose disciplinary sanctions and the distinctions between such categories;
 - c. Definitions of misconduct that are clear and objective to the maximum extent possible, including clearly defined criteria for all offense categories that allow deviations only if they are justified and well documented;
 - d. The range of penalties that may be imposed for each infraction and penalties that are proportionate to the type of misconduct;

³ The District may exclude data by school in instances when the number of students of a particular race is so small that release of the data would result in identification of individual student discipline.

- e. The criteria for selection within the range of possible penalties when imposing disciplinary sanctions;
- f. An explanation of how RPS will distinguish between first offenders and repeat offenders when imposing disciplinary sanctions and a clear explanation of how any progressive disciplinary policies, practices and procedures will be implemented;
- g. A requirement that alternatives to disciplinary sanctions involving dismissal be considered, that non-punitive corrective measures be documented in cases of dismissal, and that dismissals be limited the following types of conduct: (1) willful violation of a school board regulation that is reasonable and provides clear and definite notice to students that they must conform their conduct to its requirements; (2) willful conduct that significantly disrupts the rights of others to an education, or the ability of school personnel to perform their duties, or school sponsored extracurricular activities; or (3) willful conduct that endangers the student or other students, or surrounding persons, including school district employees, or property of the school;
- h. An explanation of the role of Police Liaison Officers, including, but not limited to, a clear description of the circumstances that must be present for administrators and in the case of emergencies, school staff, to report a student's conduct to a Police Liaison Officer, including whether threatening or violent behavior must be involved, along with specific examples, if applicable, of circumstances where behavior that is neither threatening nor violent can nonetheless result in the involvement of a Police Liaison Officer;
- i. Appropriate due process standards for all students disciplined under RPS's student discipline policies, practices and procedures, including a description of the key elements of the discipline process (appeals, alternative dispositions, timelines, provisions for informal hearings, etc.); and
- j. A readmission conference procedure designed to successfully reintegrate students within the school community who have been suspended, expelled, or excluded, or who return from alternative disciplinary placements or periods of incarceration that are known by the District to have resulted from a referral to law enforcement by District personnel, including a readmission plan that provides, where appropriate, alternative educational services.⁴

REPORTING REQUIREMENT: By August 15, 2015, RPS will submit its revised Student Behavior Handbook to OCR for review and approval. By October 15, 2015, the District will provide documentation to OCR confirming that RPS has made its revised Student Behavior Handbook available to all students, parents, and staff and posted the handbook in a prominent location on the District's website and that it has translated into predominant languages other than English the revised student discipline policies,

⁴ Alternative education services may include, but are not limited to, counseling or tutoring of students.

practices and procedures as necessary to accommodate English language learners and their parents or, in the alternative, for lower incidence languages, has provided contact information for an individual who is employed by the District or service that can provide, at District expense, the same information in a manner that a limited English proficient parent or student will understand. Additional copies of the handbook will be available at each school.

Student-Focused Remedies

8. RPS has in place and will maintain at each school a system of supports to assist students who display inappropriate behavior. These supports include the following:
 - a. Adult in-school mentoring;
 - b. Peer in-school mentoring;
 - c. Access to guidance counselors, social workers, or student advocates as appropriate;
 - d. Involvement of parents in the discipline process;
 - e. Assistance with developing self-management skills;
 - f. Referral for psychological testing or other educational services, where indicated.

REPORTING REQUIREMENT: By August 15, 2015, August 15, 2016, and August 15, 2017, the District will provide OCR with written confirmation that the system of supports remains in place at each building.

Staff and Student Training

9. By October 15, 2015, October 15, 2016, and October 15, 2017, RPS will provide training to all teachers and administrators, and other RPS personnel charged with supervising students and making disciplinary referrals or imposing disciplinary sanctions.
 - a. The training will emphasize RPS's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions. The District will make a copy of the Student Behavior Handbook for the building available to all teaching staff.
 - b. As appropriate, the training will include but not be limited to detailed explanations of the District's discipline policy, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies and procedures may be justified, the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary sanctions, evidence-based techniques on classroom management and de-escalation

approaches, information on how to administer discipline fairly and equitably, resources that are available to staff members who are having difficulty with classroom discipline, resources that are available to students to assist them in developing self-management skills, the value of recognizing and reinforcing positive student behavior, and the importance of minimizing removal from the educational program. The training will also include a discussion of the limited role of Police Liaison Officers, as described in item #11 below, and emphasize that teachers are not to refer students to law enforcement because of conduct in the classroom absent an emergency.

- c. The training will provide employees the opportunity to raise concerns or suggestions regarding the improvement of RPS's disciplinary policies, including any issues related to fairness and non-discrimination on the basis of race.

REPORTING REQUIREMENT: By November 1, 2015, November 1, 2016 and November 1, 2017, the District will provide OCR a copy of the training materials that were used and the identity and qualifications of the individual(s) who provided the training. To the extent that OCR believes additional training is required, it will notify RPS within thirty days.

10. By October 15, 2015, October 15, 2016 and October 15, 2017, the District will provide training programs to all District students in an age appropriate, easily understood manner.

- a. The training will emphasize the District's commitment to using its discipline policies, practices and procedures to ensure a safe and orderly educational environment and to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions. The training will advise students of their right to appropriate due process procedures in connection with any disciplinary action taken or proposed by the District.
- b. The training will include but not be limited to detailed explanations of the discipline policy, the definitions of offense categories, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies and procedures may be justified, resources that are available to students to assist them in developing self-management skills, and the District's commitment to recognizing and reinforcing positive student behavior and to ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program. The training will also include a discussion of the limited role of Police Liaison Officers, as described in item #11 below.

REPORTING REQUIREMENT: By August 15, 2015, and August 15, 2016, the District will provide for OCR's review a copy of materials it plans to use for the training and the name and contact information of the individual(s) who will provide the training. By October 30, 2015, October 30, 2016, and October 30, 2017, the District will provide documentation to OCR that it has provided the training required by this item. To the

extent that OCR believes additional training is required, it will notify RPS within thirty days.

Police Liaison Officers

11. Effective immediately, the District will take action to limit the role of the Police Liaison Officers (PLOs) to investigating crimes or potential crimes and will not include PLOs in recommending or determining student discipline. To this end, by May 15, 2015, the District will commence formal negotiations with the City of Rochester Police Department regarding the language of the agreement governing the assignment of Police Liaison Officers to the District's schools. This limitation on PLOs' responsibilities does not prevent PLOs from providing informal mentoring or counseling to students, and it does not prevent PLOs from testifying in disciplinary proceedings, including but not limited to expulsion proceedings. In addition, the District will do the following:

- a. Make training available to the Police Liaison Officers who are assigned to buildings in the District. The training will emphasize the District's obligations under Title VI, the appropriate role of a Police Liaison Officer, the circumstances under which administrators may request assistance from or make a report to a Police Liaison Officer, and the District's and OCR's expectations regarding the equitable treatment of all students.
- b. Request feedback from the Rochester Police Department and the Police Liaison Officers assigned to the District regarding suggestions for improving the program and the manner in which they are utilized.
- c. Provide training to school administrators regarding the District's obligations under Title VI, the appropriate role of a Police Liaison Officer, and the circumstances under which administrators may request assistance from or make a report to a Police Liaison Officer. The training will also emphasize that teachers are not to refer students to law enforcement because of conduct in the classroom absent an emergency.
- d. The District will review every recorded instance in which a student's conduct was reported to law enforcement during the 2014-2015 school year and will consider whether the report was appropriate under the circumstances present at the time and consistent with the treatment of similarly situated students. If the District determines the referral was inappropriate, the District will provide written notice of the error to law enforcement and cooperate with the student in any action the student or his/her parent initiates to expunge the student's record.

REPORTING REQUIREMENT: By October 15, 2015, the District will submit documentation to OCR showing the changes it has made or proposed to the agreement with the City of Rochester Police Department, documentation to OCR outlining the training it made available to the Police Liaison Officers assigned to its buildings and the training it provided to its administrators, and a report documenting the review required by

item #11(d), including the number of recorded referrals to law enforcement, the reason(s) for each recorded referral, a synopsis of the facts regarding each recorded referral, the race and sex of the students referred, and the findings, if any, from its review.

Data Collection and Self-Monitoring

12. Beginning with the 2015-2016 school year, RPS will collect data regarding disciplinary referrals, dismissals, and reports to law enforcement. The data collected will include, but not be limited to, the following:
 - a. The student's name, identification number, race, sex, and grade;
 - b. The student's disability and ELL status, if applicable;
 - c. The date of the referral to administrative personnel, if any;
 - d. The specific offense(s) for which the referral was made;
 - e. The name of the referring staff member (by staff identification/employee number);
 - f. The specific setting from which the referral was made (e.g. social studies class, school bus, hallway, lunchroom, etc.);
 - g. The disciplinary action (ISS or OSS) that was taken by an administrator or, if no disciplinary action was taken, the reason why;
 - h. The date the disciplinary action was taken;
 - i. The length of the penalty/sanction (in number of days, if applicable);
 - j. The name of the administrator who took the disciplinary action;
 - k. Whether the administrator or other District employee reported the student's offense to law enforcement;
 - l. Whether the referral to law enforcement was mandatory and, if so, the statute or ordinance governing the referral;
 - m. Whether, to the District's knowledge, the student was arrested as a result of school-based or law enforcement involvement;
 - n. Any non-punitive outcomes arising out of each referral incident, including, but not limited to disability evaluation; and
 - o. Whether the student was given access to appropriate due process procedures by the District in connection with the penalty/sanction.

REPORTING REQUIREMENT: By August 15, 2016, August 15, 2017, and August 15, 2018, the District will provide to OCR the data referenced in this item for the previous school year.

13. Beginning with the 2015-2016 school year, RPS will annually evaluate whether it is implementing its student discipline policies, practices and procedures in a non-discriminatory manner. The evaluation will include, but not be limited to, the following:
 - a. Review of discipline referrals and penalties imposed to determine whether black students are being referred to administrators more frequently than similarly situated students of other races and whether black students are being dismissed by administrators more than similarly situated students of other races;
 - b. Review of reports to law enforcement to determine whether the conduct of black students is being reported to law enforcement more frequently than similarly situated students of other races;
 - c. Examination of whether certain teachers refer disproportionately high numbers of students of a particular race for discipline and whether certain administrators are disproportionately responsible for dismissing students of a particular race;
 - d. Examination of whether certain administrators report disproportionately high numbers of students of a particular race to law enforcement;
 - e. Examination of whether black students are disproportionately referred to the office for offenses in which subjective judgment is exercised, while similarly situated students of other races are not;
 - f. Examination of whether all students are consistently referred for similar misbehaviors without regard to race;
 - g. Examination of whether waivers of disciplinary action, if available, are available to all students without regard to race;
 - h. Examination of whether penalties imposed are consistent with the penalties specified in RPS's Student Behavior Handbook and, where exceptions are made, whether they are justified;
 - i. If a racial disparity exists in the discipline of students, examination of the root cause(s) and identification, in consultation with the expert, of appropriate corrective actions necessary to address the root causes(s) and specific actions taken by RPS.

REPORTING REQUIREMENT: By August 15, 2016, August 15, 2017, and August 15, 2018, the District will provide to OCR the evaluations referenced in this item.

14. Effective no later than August 3, 2015, RPS will establish uniform standards for the content of student discipline files at all schools. The standards will be designed to ensure

that RPS keeps accurate and complete records of all disciplinary referrals, including those that do not result in dismissal. To this end, RPS will develop a uniform disciplinary referral form to be used by all staff when making a referral to administrative personnel. At a minimum, the person completing the form will be required to identify the date of the referral, the name(s) of the student(s) being referred, the specific conduct that led to the referral, the name of the staff member making the referral, and the type of class or other specific setting (e.g., bus, cafeteria, hallway) in which the misconduct occurred. RPS will also keep an accurate and complete record of any disciplinary action taken, including the factual bases for the disciplinary action. RPS may use an electronic database for collecting and/or maintaining this information.

REPORTING REQUIREMENT: By August 15, 2015, the District will provide a copy of the uniform disciplinary referral form to OCR.

15. By August 15, 2016, August 15, 2017, and August 15, 2018, the District will examine how disciplinary referrals occurring at each school compare to those at other RPS schools. The District will also examine whether any data suggest that black students are disproportionately dismissed from school or are disciplined more harshly than similarly-situated students of other races. If the data suggest such disproportion, the District will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible. If the data suggest that the building administrator(s) or other school staff members are failing to adhere to RPS student discipline policies, practices and procedures or are engaging in discrimination, the Superintendent or a designee will take appropriate corrective action, including but not limited to additional training or disciplinary action. Where the data show no disproportion, the District will examine steps that are being taken at the school, which might be adopted as “best practices” at those schools where disproportion exists.

REPORTING REQUIREMENT: By August 15, 2016, August 15, 2017, and August 15, 2018, the District will provide documentation to OCR summarizing the District’s analysis of the data discussed in this item.

16. Beginning with the 2016-2017 school year, each school principal will meet annually with the teachers at the school to discuss the data gathered under item 12.
 - a. The meetings will examine how discipline referrals at the school compare to those at other RPS schools and consider any data suggesting that black students receive a disproportionately high number of discipline referrals.
 - b. If the data suggest such disproportion, the meeting will explore possible causes for the disproportion and consider steps that can be taken to eliminate the disproportion to the maximum extent possible.
 - c. If applicable, the teachers will be reminded of RPS resources that are available to assist them in addressing and managing classroom behavior.

- d. Where the data show that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers black students, the principal will meet privately with that teacher to discuss the data, explore the reasons for the disproportion, and examine potential solutions. If the information suggests that the teacher is failing to adhere to RPS student discipline policies, practices and procedures, or is engaging in discrimination, the principal will take appropriate corrective action, including but not limited to additional training or disciplinary action.
- e. Where the data suggest that a teacher has been particularly successful in managing student behavior at the classroom level, the principal will privately ask the teacher whether he or she is willing to discuss at the next PBIS team meeting the behavior management techniques that he or she is using so other teachers may consider adopting them as “best practices.”

REPORTING REQUIREMENT: By October 15, 2016, October 15, 2017, and October 15, 2018, the District will provide documentation to OCR of the meetings held pursuant to this section and provide for OCR’s review and approval a list of all steps it has taken or plans to take as a consequence of information shared at the meetings.

- 17. At the conclusion of each school year, each PBIS team will review disciplinary interventions at its school and prepare an action plan that includes recommendations on any changes to RPS student discipline policies, practices and procedures that should be made in light of the team’s findings.

REPORTING REQUIREMENT: By August 15, 2016, August 15, 2017, and August 15, 2018, RPS will provide documentation to OCR of the results of the reviews conducted by the PBIS teams during the previous school year.

- 18. At the conclusion of the 2015-2016, 2016-2017, and 2017-18 school years, RPS will consider whether changes to its discipline policies, practices, or procedures, including any changes to the Police Liaison program, are warranted based on its evaluation of the District-wide student discipline data and the other data gathered as a result of this Agreement.

REPORTING REQUIREMENT: By August 15, 2016, August 15, 2017, and August 15, 2018, RPS will submit to OCR for review and approval any changes proposed to be made to its discipline policies, practices, or procedures and the rationale for the changes.

RPS understands that by signing this Agreement, RPS agrees to provide the referenced data and other information in a timely manner. Further, RPS understands that, during the monitoring of this agreement, OCR may, at mutually agreed times, visit RPS schools, 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)(i)-(iii), which were at issue in this case.

RPS understands that OCR will not close the monitoring of this agreement until OCR determines that RPS has fulfilled the terms of this agreement and is in compliance with the regulation implementing Title VI, at §§100.3(a) and (b)(i)-(iii), which were at issue in this case. Prior to the conclusion of OCR’s monitoring, the District will provide documentation establishing that any remaining disparities in disciplinary referrals and/or sanctions are not the result of discrimination prohibited by Title VI and its implementing regulations.

RPS understands and acknowledges that OCR may initiate administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Agreement in accordance with all applicable laws and regulations. Before initiating administrative enforcement (34 C.F.R. §§ 100.9, 100.10) or judicial proceedings to enforce this Agreement, OCR shall give RPS written notice of the alleged breach and a minimum of sixty (60) calendar days to cure the alleged breach.

This Agreement constitutes the entire agreement between the parties and supersedes any inconsistent provisions in any agreement. No changes to this Agreement are valid unless they are in writing and signed by the District and agreed to by OCR.

Approved and agreed to on behalf of INDEPENDENT SCHOOL DISTRICT NO. 535, ROCHESTER, MINNESOTA.

/s/

School Board Chair

9/1/15

Date

/s/

School Board Clerk
RASW: 35410

9/1/15

Date