

RESOLUTION AGREEMENT
Fall River Public Schools
Complaint No. 01-12-1255

The Fall River Public Schools (the District) has voluntarily entered into this agreement to resolve the allegation in the above-referenced complaint. The District assures that it will take the following actions and will meet its obligation to comply with the requirements of Title VI of the Civil Rights Act of 1964, and its implementing regulation at 34 C.F.R. Part 100 (Title VI), Section 504 of the Rehabilitation Act of 1973 (Section 504) and its implementing regulation at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II) and its implementing regulation at 28 C.F.R. Part 35, or any other law enforced by the U.S. Department of Education (Department), Office for Civil Rights (OCR).

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to resolve the issues of this investigation, the District agrees to take the following actions.

Action Item 1: Designation of Discipline Supervisor

By **September 1, 2018**, the District will designate an employee(s) to serve as the District's Discipline Supervisor. The Discipline Supervisor will be responsible for ensuring that the implementation of the District's policies concerning discipline is in compliance with Title VI, Section 504 and Title II, will oversee a quarterly review of the District's discipline data, and will be kept apprised by the District's Civil Rights Coordinators of all racial discrimination complaints from parents/guardians, students and others regarding the implementation of the District's disciplinary policies.

By **October 1, 2018**, the District will publish the name and/or title, office address, email address, and telephone number of the Discipline Supervisor on its website, and in its student and parent handbooks, and in its Code of Conduct.

Reporting Requirements:

By **September 30, 2018**, the District will provide OCR with the name(s) and qualifications of the individual(s) appointed as the Discipline Supervisor.

By **September 30, 2018**, the District will provide OCR with documentation showing the location(s) on the District's website where the Discipline Supervisor's information is published and in its student and parent handbooks and Code of Conduct for the 2018-2019 school year.

Action Item 2: Data Collection and Self-Monitoring

Beginning with the 2018-2019 school year, the District will ensure that it is collecting and accurately recording data regarding student discipline referrals and sanctions at all District schools. For each student referred for discipline, the data will include:

- a. Description of the misconduct/offense;
- b. Incident date;
- c. Name of school where student is enrolled;
- d. Location of the offense;
- e. Student's name, identification number, grade, date of birth;
- f. Student's race, ethnicity, sex and disability status;
- g. The name and title or position of the staff member who made the referral;
- h. A description of the approaches or interventions attempted by staff before the referral was made (if applicable);¹
- i. The non-punitive interventions used after the referral (if applicable);²
- j. The date that a disciplinary sanction was imposed (if applicable);
- k. The disciplinary sanction imposed (if applicable);³
- l. The name and title or position of the staff member who selected the disciplinary sanction (if applicable);
- m. The length of the disciplinary sanction imposed, in school days (if applicable);
- n. Whether the discipline assigned is within the District's published range and, if not, the factors considered in choosing the disciplinary sanction (if any); and
- o. For expulsions, whether the student or student's parent/guardian appealed the recommendation, and if so, the outcome of the appeal.

Reporting Requirements:

By **November 30, 2018**, the District will submit documentation to OCR demonstrating that its data collection system is equipped to capture the information required by Action Item 3.

¹ e.g., student conference, time out, reflective essay, parent contact, and withdrawal of a privilege

² e.g., mediation, restorative justice, substance abuse treatment, mental health services, or special education evaluation

³ e.g., expulsion, out-of-school suspension, in-school suspension, bus suspension, transfer or reassignment assignment to an alternative school or program, detention, Saturday school, behavior contract, parent contact, loss of privilege, community service, apology letter, referral to law enforcement, and arrest.

By **March 1, 2019**, the District will provide to OCR the data referenced in Action Item 3 for the first half of the 2018-2019 school year.

Action Item 3 – Data Assessment and Response

By **January 31, 2019**, and each semester thereafter, the Discipline Coordinator will meet with the principal of each District school to discuss the data gathered by the District under Action Item 3. The meetings will include but not be limited to:

- a. Examining how discipline referrals and disciplinary sanctions imposed at each school compare to those at other District schools and consider any data suggesting that black and Latino students, and students with disabilities, or students with a confluence of these identities, are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other races.
- b. The Discipline Coordinator and Principal shall further determine whether it is necessary or appropriate to modify disciplinary practices due to over-reliance on expulsion, or in-school or out-of school suspension, or emergency removals, or the impact of such suspensions, removals, and expulsions on black and Latino students, and students with disabilities, compared with other students
- c. Where the data shows that a particular staff member is responsible for a disproportionate number of referrals or disproportionately refers black or Latino students, or students with disabilities, the relevant principal will meet with the staff member to review the data, explore the reasons for the disproportion, and examine potential solutions.
- d. If the information suggests that the principal or other school staff are failing to adhere to the District's student discipline policies, practices, and procedures in a disproportionate manner or are engaging in discrimination, the superintendent or superintendent's designee(s) will, in his or her discretion, take appropriate corrective action, including but not limited to additional training or disciplinary action.

Reporting Requirement:

By **July 1, 2019**, the District will provide to OCR documentation of the meetings held pursuant to Action Item 4, the data considered during those meetings, and documentation showing steps taken as a consequence of the information shared at the meetings.

Action Item 4: Students with Disabilities

For students identified as students with disabilities, the District will develop and implement a method for tracking the frequency and duration of time that any student with a disability is excluded from regular instruction or from school entirely (e.g., in-school suspensions, out-of-school suspensions, temporary or permanent alternative school placements, and expulsions) due to behavioral issues.

The District will ensure that if any single exclusion of a student exceeds ten (10) consecutive school days in duration, or if the cumulative duration of multiple exclusions of a student exceeds ten (10) cumulative school days in a school year such that it constitutes a pattern of removal rising to a significant change in placement, the District will convene a meeting with persons knowledgeable about that student prior to the imposition of the proposed discipline, ensuring that the meeting satisfies all of Section 504's procedural requirements at 34 C.F.R. §§ 104.35 and 104.36, to determine whether the misconduct was a manifestation of the student's disability. If the team determines that the student's misconduct was a manifestation of his or her disability, then the team should consider whether the placement is appropriate.

Reporting Requirement:

By **July 1, 2019**, the District will provide to OCR a description of the tracking method/system, and a report of the data gathered for the 2018-2019 school year concerning the frequency and duration of time that students with disabilities are excluded from regular instruction or from school entirely. The District will also provide documentation of manifestation determination meetings, showing the dates of meetings, the determination reached, and the team's recommendations regarding any changes in placement.

Action Item 5: Civil Rights Data Collection

The District will take steps to ensure that its employees enter accurate discipline data in the Department's Civil Rights Data Collection (CRDC).

Reporting Requirement:

By **July 1, 2019**, the District will submit a report to OCR showing that it has submitted CRDC data for data collection years 2013-2014 and 2015-2016 to OCR.

Action Item 6: District Staff Training

Within 90 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, and, again, by October 30, 2019, the District will provide training programs to all District teachers, administrators, paraprofessionals, school aides, bus drivers, and any other District personnel charged with supervising students, making disciplinary referrals, or imposing disciplinary sanctions. New administrators who impose disciplinary sanctions will receive training on the appropriate imposition of sanctions within 30 calendar days of their position start date.

- a. The training will include but not be limited to:
 - i. reviewing the District's discipline policies, practices, and procedures and discussing the District's commitment to using its policies to ensure a safe and orderly

educational environment and the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions; and

- ii. reviewing the documentation that must be developed and maintained by all District staff who make disciplinary referrals or impose disciplinary sanctions and the information that must be input into the District's electronic discipline data system.

b. The training will further provide:

- i. evidence-based techniques on classroom management and de-escalation approaches, including restorative justice and positive behavior interventions;
- ii. information on how to administer discipline fairly and equitably;
- iii. the concept of implicit bias and corresponding techniques to ameliorate implicit bias;
- iv. resources that are available to staff who are having difficulty with classroom discipline;
- v. resources that are available to students to assist them in developing self-management skills;
- vi. the value of recognizing and reinforcing positive student behavior; and
- vii. the importance of ensuring that administrators consider alternatives to suspension prior to removal of a student from the educational program.

Reporting Requirement:

Within 90 calendar days of OCR's approval of the District's revised student discipline policies, practices and procedures, the District will provide documentation to OCR showing that it fully implemented Action Item 6 for the 2018-2019 academic year, including the name(s) and qualifications of individual(s) who provided or developed the training, the date(s) and location(s) of the training(s), a copy of the training materials, and a list of the names of all District employees who attended the training, including their position and building.

By December 1, 2019, the District will provide documentation to OCR showing that it fully implemented Action Item 6 relative to the 2019-2020 school year, including the name(s) and qualifications of individual(s) who provided or developed the training, the date(s) and location(s) of the training(s), a copy of the training materials, and a list of the names of all District employees who attended the training, including their position and building.

Action Item 7: District SSO and SRO Staff Training

a. Reporting

The District will revise its SSO policies and practices to ensure that any disciplinary actions or referrals to the criminal justice courts by SSOs and the outcome of those proceedings (if known) are reported to the Discipline Coordinator. The District will record information regarding the District's or an individual District school's involvement in the proceedings.

b. Development and Implementation of SRO and SSO Training Programs

The District will develop a training program for all SSOs and SROs, including making good faith efforts to collaborate with the City of Fall River (City) police department in developing the training program as it pertains to SROs. The training program will explain what is expected of the SSOs and SROs consistent with state law and the District's Memorandum of Understanding (MOU) with the City of Fall River Police Department. The training program will also include the expectations of SSOs and SROs relative to the District's revised student discipline policies.

The District will ensure that all SSOs hired during the school year complete the training program. As SRO's are not District employees, the District will also make good faith efforts to collaborate with the City's police department to ensure that all SROs assigned to the District complete the training program.

Reporting Requirements:

By **November 30, 2018**, the District will submit to OCR for review and approval the proposed training program for SSOs and SROs and/or evidence of its good faith efforts to work with the City police department regarding the development of the training program as it pertains to SROs.

Within 90 days of OCR's approval, the District shall submit documentation confirming implementation of the training program, including: (1) the date(s) of the training; (2) the names/titles of the District's SSOs in attendance; and (3) the names/titles of the City of Fall River's SROs in attendance, and/or documentation of the District's good faith efforts to collaborate with the City of Fall River for SROs to complete the training program.

General Requirements

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of this Agreement, if necessary, 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. Upon the District's satisfaction of the commitments under this Agreement, OCR shall close 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 (34 C.F.R. §§ 100.9, 100.10), or judicial proceedings to enforce this Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

The Agreement will become effective immediately upon the signature of the District's representative below.

9/20/18

Date

/s/

Superintendent