

RESOLUTION AGREEMENT

Rochester City School District Case No. 02-19-1227

In order to resolve Case No. 02-19-1227, the Rochester City School District (the District) assures the U.S. Department of Education, Office for Civil Rights (OCR), that it will take the actions detailed below pursuant to the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), as amended, 42 U.S.C. § 2000d et seq., and its implementing regulation at 34 C.F.R. Part 100.

Action Item 1: Supplemental Investigation of the Complainant's Allegations

By October 31, 2019, the District will complete a supplemental investigation regarding the complainant's allegations, filed with the District on XXXXXXXX XX, 2019, XXXXXXXX XX, 2019, and XXXXX X, 2019, alleging that her son's (the Student's) XXXXX teacher (the teacher) treated him differently and subjected him to harassment because of his race, and engaged in retaliation. The District's supplemental investigation will also examine whether the teacher created a racially hostile environment for the Student or other students. The supplemental investigation will involve a detailed review by the District of all information previously compiled; interviewing or re-interviewing witnesses, as appropriate; an opportunity for the complainant and Student to provide any additional information or witnesses to the District relevant to the complaints; a review of such additional information and/or, as appropriate, interviews of such additional witnesses; and a determination of whether the evidence presented, together with such additional information and witnesses as may be identified or presented, supports a finding of a hostile environment based on race. The outcome of the supplemental investigation will be communicated to the complainant in writing. Within five days of the execution of this resolution agreement, the District will notify the complainant, in writing, of the commencement of the supplemental investigation; and, provide her with the opportunity to submit, within 30 calendar days, any evidence and identify any witnesses. The District will ensure that it takes actions reasonably calculated to stop any harassment, prevent its recurrence, and as appropriate, remedy its effects.

Reporting Requirement: By November 15, 2019, the District will provide to OCR documentation of the supplemental investigation; the outcome of the supplemental investigation; and all actions it took in response to the complainant's allegations, in accordance with Action Item 1 above. This documentation will include, at a minimum, all correspondence, evidence collected, witness statements, written findings and determinations, and remedial action taken, if any.

Action Item 2: Individual Relief for the Student

By November 30, 2019, the District will convene a meeting of the committee on special education (CSE) or group of knowledgeable pursuant to Section 504 of the Rehabilitation Act of 1973 (Section 504) for the Student (to include the complainant) to review all incidents determined to have occurred with the teacher to determine whether, as a result, the Student was denied a free and appropriate public education and should be provided with any remedial and/or compensatory

services and counseling; and, if so, to develop a plan for providing such. The District will notify the complainant of the outcome.

Reporting Requirement: By December 15, 2019, the District will provide to OCR a summary of the meeting held in connection with Action Item 2 above, including a description of any action taken or to be taken, with timelines; the plan for providing any remedial and/or compensatory services and counseling to the Student, if determined necessary; and, documentation demonstrating that the District provided notice of and invited the complainant to the meeting and gave the complainant notice of the outcome. OCR will review the documentation submitted to ensure that the District met the procedural requirements of the regulation implementing Section 504, at 34 C.F.R. §§ 104.34, 104.35 and 104.36, in making these determinations.

Action Item 3: Training

By October 31, 2019, the District will provide training to all District administrators and staff members who are responsible for receiving complaints of discrimination or harassment. The training will cover, at a minimum: the District's grievance procedures with respect to complaints of discrimination/harassment; the District's responsibilities under Title VI to address such complaints; and, the relevant resources available. During the training, the District will provide copies of its grievance procedures to all attendees or refer them to their location within the publications they already possess; and, inform attendees of the name, title, and contact information for the individual(s) at the District who are designated to receive complaints of race-based discrimination/harassment.

Reporting Requirement: By November 15, 2019, the District will provide documentation to OCR demonstrating that it provided training in accordance with Action Item 3 above. The documentation will include, at a minimum, the name(s) and credentials of the trainer(s); the date(s) and time(s) of the training(s); the names and positions/titles of staff in attendance; confirmation of whether all relevant employees have been trained (and if not, how many remain); and, copies of any training materials distributed.

The District understands that by signing this resolution agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the resolution agreement. Further, the District understands that during the monitoring of the resolution 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 and obligations of the resolution agreement. Upon the District's satisfaction of the commitments made under the resolution agreement, OCR will close this case.

The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the resolution agreement and/or the applicable statute(s) and regulation(s). Before

initiating such proceedings, OCR will give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

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

September 4, 2019

/s/

Date:

Superintendent (or designee)
Rochester City School District