

Agreement to Resolve
Platteville School District
OCR Complaint # 05-13-1098

The Platteville School District (District) hereby agrees to resolve the above-referenced complaint with the U.S. Department of Education, Office for Civil Rights (OCR). 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 et seq., and its implementing regulation at 34 C.F.R. Part 100. Title VI and its implementing regulation prohibit discrimination on the basis of race, color or national origin by recipients of federal financial assistance from the U.S. Department of Education. The District agrees, without regard to liability, to take corrective action to resolve the Title VI violations established by this investigation.

General Principles

The goal of the District is to ensure that all students at the XXXXX (School) are provided an environment that is safe and conducive to learning. To this end, the District will undertake a comprehensive review and revision of its policies, practices, and procedures as they relate to discipline, harassment and discrimination on the basis of race to ensure henceforth, that they will be administered at the School in a non-discriminatory manner, students will not be subjected to a hostile environment based on race, and the District responds appropriately to allegations of harassment on the basis of race at the School. The District also will promptly investigate all incidents of alleged harassment of students on the basis of race that are known or reasonably should be known to the District and will take prompt, appropriate action to respond to complaints of race-based harassment.

Comprehensive Review Of Policies, Practices, And Procedures

1. *Anti-Discrimination Statement.* The District will issue a statement to all School students, parents and staff that will be printed in the School's and District's newsletter, posted in prominent locations at the School, and published on the District's website, stating that the District does not tolerate acts of discrimination or harassment, including discrimination or harassment based on race. The statement will encourage any student who believes he or she has been subjected to discrimination or harassment based on race to report to the District the discrimination or harassment, and note the District's commitment to conducting a prompt investigation. The statement will include the appropriate contact information for the designated staff members to whom students and parents may report allegations of harassment and/or discrimination, as well as the name of an alternate staff member if the complaint is to be filed against the contact person. The statement will warn that students or staff found to have engaged in acts of discrimination or harassment based on race will be promptly disciplined and make clear that such discipline may include

for students, if circumstances warrant, suspension or expulsion and for employees, termination. The statement will encourage students, parents and District staff to work together to prevent acts of harassment of any kind.

REPORTING REQUIREMENT: By January 10, 2014, the District will provide OCR with documentation demonstrating the implementation of item #1, including a copy of the statement required by item #1, the URL for the web site, and a description of all places in which the statement is posted.

2. *Collaboration with Consultant.* By December 31, 2013, the District agrees to retain an independent third-party consultant, subject to OCR approval. The District agrees to collaborate with and provide the consultant with all appropriate information the consultant believes to be necessary to evaluate the District's discipline, harassment and discrimination policies, practices, and procedures, and to identify measures the District should take to ensure that the policies are administered at the School in a consistent, non-discriminatory manner.
3. *Appointment of Discipline Supervisor.* By December 31, 2013, the District will designate an employee to serve as the School's Discipline Supervisor, and will publish this individual's name and/or title, office address, e-mail address and telephone number on its website, in the Student Handbook, and in all School publications regarding discipline, and in the notice that the District sends to parents annually. The Discipline Supervisor will be trained on nondiscriminatory discipline strategies. The Discipline Supervisor will also address concerns from parents, guardians, students, staff, and others regarding the implementation of the District's disciplinary policies and will be responsible for ensuring that the implementation of the District's policies concerning discipline is fair and equitable. The Discipline Supervisor will also work with the consultant to develop a revised discipline code. In reviewing the District's discipline code, the District, Discipline Supervisor and consultant will analyze "baseline" discipline data for the 2011-2012 and 2012-2013 school years for the School.

REPORTING REQUIREMENT: By January 10, 2014, the District will provide OCR with documentation demonstrating the implementation of items #2 and #3, including the name and credentials of the consultant and the name and credentials of the Discipline Supervisor for the School.

4. *Consultant's Report and Recommendations.* By February 7, 2014, the consultant will prepare a written report (Report) outlining findings concerning the areas described in item #2 above, identifying the documents that were reviewed and provide a copy of the report to the District and to OCR. The consultant's Report will include a recommended plan (Plan) with specific strategies to ensure that the District's policies, practices, and grievance procedures as they relate to discipline, harassment and discrimination on the basis of race are administered at the School in a consistent, non-discriminatory manner, that they effectively address, prevent, and respond to discrimination or harassment of students that may be based on race, and that they

ensure that the environment at the School is otherwise free from discrimination and harassment.

REPORTING REQUIREMENT: By February 7, 2013, the District will submit to OCR for its review and comment the Consultant's Report and Plan referenced in item #4.

5. *Revised Discrimination and Harassment Policies.* The consultant's Report and Plan as it pertains to discrimination and harassment will review and revise, as necessary, the District's nondiscrimination and harassment Policies, Practices, and Procedures to ensure they adequately address and provide the District sufficient options for responding promptly and appropriately to incidents of discrimination and harassment. At a minimum, the Policies, Practices, and Procedures will provide the following:
- a) a statement setting forth the District's commitment to having a school environment free from all harassment on the basis of race, which will explain that the District prohibits race harassment in the school environment, including all academic, extracurricular and school-sponsored activities, encourage students to immediately report incidents of harassment, emphasize that staff are required to promptly report incidents of harassment, and specify that the District will investigate formal and informal complaints of harassment;
 - b) examples of the type of conduct and behavior that is covered by the Policies, Practices, and Procedures, including examples of staff-to-student and student-to-student conduct;
 - c) identification of the kinds of activities and sites where prohibited conduct could occur;
 - d) an explanation of how to report harassment and/or file a complaint, formally or informally;
 - e) a description of the District's formal complaint procedures, including a Complaint Form, timeframes for the District's investigation of a complaint, and a requirement that written notice of the outcome be provided to the parties for both formal and informal complaints;
 - f) specific information as to the name or title and contact information (including office address, e-mail address, and telephone number) for the District employee(s) responsible for receiving the Complaint Form and/or investigating reports of harassment;
 - g) a requirement that the designated District employee(s) document all reports of incidents of harassment and that the District establish a protocol for recordkeeping;

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- h) a recommendation that District staff members who observe acts of harassment based on race intervene to stop the harassment, unless circumstances would make such intervention dangerous;
 - i) prohibition of retaliation against persons who report harassment or participate in related proceedings;
 - j) a statement that the District will offer counseling services to any person found to have been subjected to or to have engaged in harassment on the basis of race;
 - k) identification of 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. an assurance that the District will take action to stop the harassment, remedy the harassment, and prevent recurrence; and
 - iii. a statement that the District uses a preponderance of the evidence standard (*i.e.*, it is more likely than not that harassment occurred) to resolve complaints of harassment or discrimination based on race.
6. *Revised Discipline Code.* The consultant's Report as it relates to discipline will review and revise, as necessary, the District's discipline code. The consultant's Report will include an analysis of "baseline" discipline data and examine the root cause(s) of the racial disparity in the discipline of students in the School, and identify and recommend appropriate corrective actions necessary to address the root cause(s) as part of the District's strategies for meeting its goals as described in this Agreement. The Report will consider any possible improvements to or revisions in the use of disciplinary consequences such as warnings; referrals for discipline; in-school suspensions; out-of-school suspensions; expulsions; and referrals to law enforcement. The revised discipline code will specifically include:
- a) a requirement that disciplinary authorities consider alternatives to expulsion, suspension or other sanctions that require removal from the education setting;
 - b) detailed explanations of the provisions of the revised Discipline Code with specific definitions of offense categories, the criteria for selection within the range of possible penalties when imposing disciplinary sanctions; the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies may be justified, and the documentation that must be used by all staff who make disciplinary referrals or impose disciplinary sanctions;
 - c) a requirement that alternatives to dismissal, suspension, or other sanctions that require removal from the educational setting be considered in all cases except those where the immediate safety of students or staff is threatened or the behavior

- in question is such that the disruption to the educational environment can only be remedied by removal;
- d) the District's commitment to using the revised Discipline policies and procedures to ensure a safe and orderly educational environment, to ensure the fair and equitable treatment of all students when making disciplinary referrals and imposing disciplinary sanctions;
 - e) reference to the revised discrimination and harassment policies referenced in item #5 and to the District's grievance procedures that are available to students and their parents/guardians, and notice of their rights to receive due process in connection with disciplinary action taken or proposed by the District and to file a complaint of discrimination or harassment;
 - f) the identities of the District Discipline Supervisor, the person(s) School students and their parents/guardians may contact if they have any concerns about the manner in which the District's discipline policies are being implemented, and the person(s) responsible for accepting, investigating, and responding to complaints of discrimination and harassment.

REPORTING REQUIREMENT: By February 7, 2014, the District will submit to OCR for review and approval its revised discrimination and harassment policies referenced in item #5 and its revised student discipline code referenced in item #6.

7. *Adoption By Board.* Upon OCR's approval of the proposed changes to discrimination and harassment policies and procedures referenced in item #5 and to the discipline code referenced in item #6, the District will by the following month, submit the revised policies to the Board of Education for adoption including any changes deemed necessary to the policies, practices, and grievance procedures as they relate to discipline, harassment and discrimination on the basis of race. Within 15 days after the Board's adoption of the revised policies referenced in items #5 and #6, the District will publish and widely disseminate the revised discrimination and harassment policies and the revised discipline code.

REPORTING REQUIREMENT: By April 25, 2014, the District will provide to OCR for review documentation about the proposals that were presented to the Board for approval and the certified results of the Board actions. In addition, the District will provide documentation to OCR that it has published and disseminated the revised policies to all District students, parents and staff and posted the revised policies in a prominent location on the District's website and in the School, including the URL for the website and a description of all places in which the policies have been posted.

8. *Discipline Data Collection and Self-Monitoring.* By December 31, 2013, the District will develop a data collection and monitoring system to track by race discipline reports and responses.

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- a) The District will establish a discipline review team for the purpose of data collection and self-monitoring described in this item. The discipline review team will randomly review a percentage of the disciplinary actions taken at the School on a quarterly basis to ensure that the actions taken were non-discriminatory and consistent with the District's student discipline policies and practices. The discipline review team will, in consultation with the consultant, develop goals and benchmarks for measuring the School's efforts at implementing the District's student discipline policies and practices in a non-discriminatory manner. If at any point during this process the discipline review team identifies any disciplinary action that was discriminatory or inconsistent with the District's student discipline policies, it will immediately report its finding to the Superintendent, who will take immediate corrective action. Under such a circumstance, the discipline review team will also expand its review at the School to include every disciplinary action taken at the school during the school year.
- b) The District will establish uniform standards for the content of student discipline files at the School. The standards will be designed to ensure that the District keeps accurate and complete record, by race, of all discipline incidents, including those that do not result in the imposition of disciplinary sanctions.
- c) The District will ensure that School employees enter accurate discipline data in the District's electronic discipline files.
- d) The District will ensure that it enters accurate discipline data in the Department's Civil Rights Data Collection.
- e) The School principal in consultation with experts, as appropriate, will meet with the teachers at the conclusion of each semester to discuss strategies for teaching, encouraging and reinforcing positive student behavior that do not require engagement with the discipline system and to discuss the discipline of students for that semester. The discussion will specifically review the discipline data gathered by the District by race and the results of the review conducted by the discipline review team. The meetings will examine how discipline referrals and disciplinary sanctions imposed at the School compare to those at other schools and consider any data or other information suggesting that members of any group for whom data are collected are disproportionately referred for discipline or sanctioned more harshly than similarly-situated students of other groups.
- f) If the data suggest such disproportion, then the teachers will be reminded of District resources that are available to assist them in managing their classrooms and reinforcing positive student behavior. Where the data or other information show that a particular teacher is responsible for a disproportionate number of referrals or disproportionately refers members of any such group,

the principal will meet with that teacher to explore the reasons for the disproportion, and examine potential solutions. If the data or information suggests that the teacher is failing to adhere to the District's student discipline policies or practices or is engaging in discrimination, the principal will take appropriate corrective action, including but not limited to, additional training or disciplinary action. Where the data show no disproportion at the School and/or in particular classrooms, or suggest that a teacher has been particularly successful in managing student discipline at the classroom level, the meetings will examine steps that are being taken at the school or by the individual teacher to ensure the fair and equitable enforcement of the District's student discipline policies that might be shared as "best practices" with other teachers at the School where a disproportion exists.

- g) Within ten (10) business days after the conclusion of the 2013-2014 and 2014-2015 school years the District will create an annual report that summarizes the results of the discipline review team's findings and the discipline information collected by the data collection and monitoring system referenced in this item and includes recommendations on any changes to the District's student discipline policies and practices that should be made in light of the discipline review team's findings.

REPORTING REQUIREMENTS: By February 7, 2014, the District will provide OCR with a description and supporting documentation describing its Discipline Data Collection and Self-Monitoring system. By July 1, 2014 and July 1, 2015, the District will submit reports to OCR documenting its implementation of its Discipline Data Collection and Self-Monitoring system, including the report described in item #8(g), and a description of any changes to the District's student discipline policies being made or considered by the District as a result of its obligations under this Agreement.

Other District Actions

9. Training:

- a) By December 31, 2013, and annually thereafter, the District will provide training to all School teachers, administrators, school aides, and any other District personnel charged with supervising School students, on the responsibility of staff to report incidents of possible discrimination or harassment and the procedures for doing so, and provide instruction on how to recognize, take steps reasonably designed to prevent and respond appropriately to such discrimination or harassment.
- b) By December 31, 2013, and annually thereafter, the District will provide training to all School teachers, administrators, school aides, and any other District personnel charged with supervising or disciplining School students on the District's discipline code, and provide instruction on how to ensure that

the discipline code is administered at the School in a consistent, non-discriminatory manner.

- c) By December 31, 2013, and annually thereafter, the District will provide training to all School staff who are directly involved in processing, investigating and/or resolving complaints or other reports of race discrimination, including harassment complaints, and any counselors or other District personnel who are likely to receive reports of race discrimination or harassment on how to conduct and document race discrimination or harassment investigations in an adequate, reliable, and impartial manner, including the appropriate legal standards to apply in such investigations, as well as outline the appropriate disciplinary measures for violations of the harassment policy in accordance with the discipline code in effect at the time of the training.
- d) Within 30 days after the Board has adopted revisions to policies, practices, and procedures as they relate to discipline, harassment and discrimination, and annually thereafter, the District will conduct training sessions for students, staff, administrators and parents to explain the District's disciplinary, nondiscrimination, and harassment policies and grievance procedures in an easily understood manner.
 - i. The program's format should encourage the participation of attendees and address the District's expectations of students and staff under the discipline, harassment, and discrimination policies.
 - ii. The training will provide students, parents, and staff the opportunity to raise concerns or suggestions regarding the improvement of the District's discipline, harassment, and discrimination policies, including any issues in connection with nondiscriminatory application of the discipline policy.
 - iii. The training will specifically include but not be limited to explanations of the revised harassment and discrimination policies and revised discipline code, explanation of the District's grievance procedures, examples of the type of conduct and behavior that is covered by the harassment and discrimination policies, including examples of staff-to-student and student-to-student conduct, an explanation of how to report harassment or discrimination and/or file a complaint, formally or informally, the definitions of offense categories in the revised discipline code, the specific manner in which progressive disciplinary consequences will be employed, if applicable, the circumstances under which deviations from established policies may be justified, the documentation that must be used by all staff within the District who make disciplinary referrals or impose disciplinary sanctions.
 - iv. The staff component of the training may include 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 who are having difficulty with classroom

management, 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 ensuring to the maximum extent possible that misbehavior is addressed in a manner that does not require removal from the educational program.

REPORTING REQUIREMENTS: The District will by January 10, 2014, and May 23, 2014, provide to OCR documentation describing the trainings it has provided to students, parents, School teachers, administrators, aides, and other School personnel, including agendas, materials distributed, and sign in sheets.

10. *Climate Survey:* The District and the consultant will develop and by March 14, 2014, the District will conduct a School climate survey to assess the perceptions of students and staff regarding the administration of School discipline and the presence and impact of harassment at the School. Based upon the results of the Climate Survey, the District will consider and document whether further revisions are appropriate to the District's discrimination, harassment and discipline policies, practices and grievance procedures. If so, then such further revisions will be brought to the Board by no later than April 15, 2014.

11. *Student Forum/Student Committee/Peer Leadership.* In collaboration with the consultant, the District will by March 14, 2014,

- a) develop a forum for School students to be held periodically that provides students an opportunity to discuss with faculty and administrators any matters relating to discipline, including methods for ensuring that discipline policies, practices, and procedures are implemented in a non-discriminatory manner, and any matters relating to the presence and impact of harassment at the School. The program's format should ensure the maximum participation of all students and may include classroom discussion, student focus groups, small group breakout sessions, or varying formats based on the age/grade levels of student participants;
- b) establish a student committee at the School for students to discuss matters concerning discrimination and harassment on the basis of race, increase student awareness of the District's anti-discrimination and harassment program, and suggest measures for improving the effectiveness of the District's harassment program. The student committee will have the same privileges as other District extracurricular activities, including access to meeting spaces in District schools and public notice about the committee, its meetings, and its activities;
- c) establish a peer leadership program at the School, in which leaders are identified at each grade level 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 harassment program.

12. *Working Group.* The District will by March 14, 2014, develop a working group comprised of School staff and parents/guardians to review data and make ongoing recommendations to the District regarding the effectiveness of the District's revised discipline, harassment, and discrimination policies. The working group will designate an employee to coordinate the group's meetings and work, and annually prepare a written summary of the recommendations and suggestions of the working group; provide District officials with input regarding strategies for preventing harassment and discrimination and ensuring that District students understand their rights to be protected from discrimination, including harassment on the basis of race, and to be protected from retaliation for reporting alleged discrimination; develop a system to encourage positive student behavior and provide support for students with more than one disciplinary referral; and provide District officials with further input regarding strategies for implementing its discipline code in a non-discriminatory manner.

REPORTING REQUIREMENTS: By May 15, 2014 and by May 15, 2015, the District will provide OCR with a copy of the climate survey and its analysis of the results and plans of action based on the results of the climate survey; the District will also provide OCR with documentation demonstrating the establishment and meetings of the Student Forum, Student Committee and Peer Leadership programs, and the District's consideration of the suggestions made by the Student Forum, Student Committee and Peer Leadership programs. The documentation will include notes of the meetings, plans of action based on the meetings and, explanations as to why any suggestions of these entities are not being adopted. The District will also provide information about its Working Group, including identifying the members of the group, the date(s) of the meetings, the minutes of the meetings and a description of the recommendations of the group and the plans of action based on the meetings. By May 31, 2014 and by May 31, 2015, the District will document to OCR any revised policies and procedures as a result of the Student Forum, Student Committee and Peer Leadership program and Working Group.

13. *Individual Relief.* By December 31, 2013, the District, in consultation with the consultant and the XXXX, will conduct a review of Student A's and Student B's educational performance, and if warranted, the District will offer to and, if accepted, will provide Student A or Student B compensatory education, XXXX, tutoring, and/or XXXX support, as appropriate, due to the District's violations noted in OCR's resolution letter for this case.

REPORTING REQUIREMENT: By February 7, 2014, the District will report any compensatory education, XXXX, tutoring or XXXX support provided to Students A or Student B or a statement describing the reasons no such XXXX or XXXX support was provided.

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This agreement shall not in any way be construed as an admission by the District that it has acted wrongfully or violated any laws, and the District specifically disclaims any liability to or wrongful acts against Students A or B or any other person.

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 this 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 and is in compliance with the regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b)(1) and (2), 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 regulations implementing Title VI, at 34 C.F.R. § 100.3(a) and (b)(1) and (2), 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 (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 a minimum of sixty (60) calendar days to cure the alleged breach.

For the District

Date