

**Resolution Agreement
Dubuque Community School District
OCR Docket #05-13-1260**

The Dubuque Community School District (District) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the allegations of discrimination in case #05-13-1260. The District submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. § 12132, and its implementing regulation, 28 C.F.R. Part 35, with respect to the allegations raised in the above-referenced complaint. The District expressly denies any and all wrongdoing or liability. The District submits this Agreement as a compromise settlement of disputed claims for the express purpose of avoiding potentially costly and protracted litigation. The District agrees to take the following actions:

Policies and Procedures

1. Effective immediately, the District will take all steps necessary to ensure that students enrolled in the District are not subjected to a hostile environment on the basis of disability or any other protected class. To this end, by no later than November 15, 2013, the District will review and, as appropriate, revise, its anti-harassment, bullying and compliant/grievance policies and procedures. If not already included, the policies and procedures will include the following:
 - a. a prohibition of harassment with examples;
 - b. clarification of its grievance procedures and directions as to how to file a complaint of harassment;
 - c. updated contact information (address, telephone and email) of the District's Section 504 and/or Title II Coordinator or individual responsible for handling complaints of disability discrimination;
 - d. a statement of the application of the policies and procedures to employees, students, or third parties and to incidents that occur on school grounds during and after school hours, at school sponsored events, or at events off school grounds that cause a hostile environment on school grounds;
 - e. a statement that the District will promptly and impartially investigate all incidents of harassment on the basis of disability of which it has notice using a preponderance of the evidence standard;
 - f. a description of designated and prompt time frames for major stages of the investigation;
 - g. notice that it will provide both parties a written description of the outcome of the investigation;
 - h. notice that it will take appropriate disciplinary action against the individual(s) found to have engaged in harassing behavior and will provide appropriate interim measures and remedies to the person who is the target of the harassment, including counseling and other resources; and
 - i. notice of its prohibition against retaliation and intimidation.

2. By no later than November 30, 2013, the Superintendent and School Board will issue a statement to all District students, parents, and staff that will be published on the District's website, and provided in writing to staff, stating that the District does not tolerate acts of bullying and harassment on any prohibited basis, including acts of harassment based on disability. The statement will encourage any person who believes he or she has been subjected to harassment or a hostile environment to report the harassment or hostile environment to the District and will note the District's commitment to conducting a prompt investigation. The statement will include a link on the District's website to the District's revised anti-harassment and bullying policies and complaint /grievance procedures and will encourage students, parents, and District staff to work together to prevent acts of harassment of any kind.

Reporting Requirement: By December 15, 2013, the District will submit to OCR documentation demonstrating its compliance with these items, including copies of written notices issued to staff and a link to the District's revised policies and procedures on its website.

Training

1. By January 30, 2014, the District will provide training for all building level administrators, teachers, counselors, and staff regularly responsible for supervising students regarding the identification and prevention of harassment and bullying, including but not limited to disability harassment, in order to remind the school community of the District's commitment to having a school environment free from all harassment and bullying and to explain to the school community what they should do if they believe harassment or bullying has occurred. Training or written notice of the District's revised anti-harassment and bullying policies and procedures will be provided to relevant staff including but limited to, building level administrators, teachers, counselors and staff. Trainees should be advised of the District's complaint and/or grievance process and informed of their responsibilities to fully implement the policies.
2. By January 30, 2014, the District will provide training to ensure that the Section 504 and Title II Coordinators and any other individuals responsible for investigating complaints of harassment and bullying have been trained on appropriate techniques for promptly responding to and investigating allegations of harassment, including, but not limited to, timelines and individual responsibilities, documenting investigations including interviewing victims, the accused, witnesses, etc., analyzing the information obtained during investigations and making findings using the preponderance of evidence standard, and responding to the complainant in writing with respect to its determination.

Reporting Requirement: By January 30, 2014, the District will submit to OCR documentation demonstrating its compliance with this item.

Individual Remedies

5. By November 1, 2013, the District will provide Student A’s parents with written notice that Student A and her sister may remain at Eisenhower Elementary School throughout the entirety of their elementary school education (i.e., through fifth grade), if Student A’s parents so choose, without annual reapplication through the District’s open enrollment procedures.
6. By November 1, 2013, the District will offer in writing to provide school guidance counseling services to Student A to remedy or address any effects of teasing or harassment based upon disability.
7. By December 1, 2013, the District will convene an IEP team meeting to determine whether Student A is need of compensatory services for any educational deficits that result from the time period in which Student A was home schooled and did not receive occupational therapy and speech-language services through dual enrollment.

Reporting Requirement: By December 15, 2014, the District will submit to OCR documentation demonstrating its compliance with this item.

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 Section 504 at 34 C.F.R. §§ 104.4 and 104.7, and Title II at 28 C.F.R. §§ 35.107 and 35.130, 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 Section 504 at 34 C.F.R. §§ 104.4 and 104.7, and Title II at 28 C.F.R. §§ 35.107 and 35.130, 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.

Approved and agreed to on behalf of the Dubuque Community School District:

Superintendent or Designee

Date