

Resolution Agreement
OCR #05-16-1381
Brainerd School District #181

This Resolution Agreement (Agreement) is submitted by Brainerd School District #181 (District) to the U.S. Department of Education, Office for Civil Rights (OCR) to fully resolve case number 05-16-1381. The District willingly enters into this Agreement to proactively ensure its compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, or national origin, with respect to the allegations raised in the complaint.

The District agrees to take the following actions:

Action Steps

Item #1

The District shall review and if necessary, revise its identification, assessment, selection, and appeal policies for the District's AGATE Academy Gifted and Talented Program (AGATE). The review and revisions shall ensure that AGATE's identification, assessment, selection, and appeal policies do not discriminate against students on the basis of race, color, or national origin. In addition, the District shall ensure that all students are entitled to the same number and types of assessments. The District's review will also assess any potential barriers to participation by students on the basis of race, color, or national origin in the AGATE program, including but not limited to communication and outreach to students and parents/guardians; language barriers to participation in the program; any District enrollment, registration, or other policies related to participation in the program; consistency in teacher referrals to the program; and the District's review of student portfolios when making decisions about which students will participate. The District's review of the AGATE policies shall also include an assessment of whether it appropriately and consistently administered the Purdue University Hope Scale (Hope Scale) as a part of the selection process during the 2015-2016 school year, with a determination to be made whether the Hope Scale should be used in the future.

REPORTING REQUIREMENT: By **February 17, 2017**, the District will provide OCR with documentation demonstrating implementation of Item #1. In particular, the District will provide OCR with documentation of its review of the identification, selection, and appeal policies for its AGATE program. The District will also provide OCR with a copy of the District's AGATE identification, assessment, selection, and appeal policies as revised, if necessary, to OCR for review and approval. The policies shall include a description of whether the District will use the Hope Scale to assist to identify, assess, and select AGATE students from traditionally underrepresented populations in the future.

Item #2

Within thirty (30) calendar days of OCR's approval of the AGATE policies identified in Item #1, the District shall complete the following steps:

- a. Train all District staff involved in AGATE's identification, assessment, selection, and appeal processes. The training shall include the number of evaluative materials required, including assessment materials and the proper administration of the Hope Scale, to the extent that the Hope Scale continues to be utilized.
- b. Publish the approved policies on the District website, in the District's Policies, and school student handbooks.

REPORTING REQUIREMENT: The District will provide OCR with a report demonstrating implementation of Item #2. In regard to Item #2(a), the District will provide OCR with a narrative including when and where the training occurred, a description of the training elements, the names and titles of the person(s) conducting the training, and a list of attendees and what involvement each attendee has in the AGATE identification, assessment, selection, and appeal process. The District shall also provide OCR copies of any training materials developed and used by the District. In regard to Item #2(b), the District will provide OCR a link to the website where the OCR approved AGATE identification, assessment, selection, and appeal policies are located, as well as copies of the District Policies and Student Handbooks where the policies are located.

Item #3

Within thirty (30) calendar days after OCR's approval of the District's report required by Item #2, the District shall:

- a. Identify all Native American students who were denied enrollment into the AGATE Academy (First Grade) for the 2016-17 school year, including but not limited to, Student A.
- b. Conduct re-evaluations of all Native American students, including Student A, identified pursuant to Item #3(a). For each re-evaluation, the District shall use the AGATE identification, assessment, selection, and appeal policies approved by OCR pursuant to Item #1. For each re-evaluation of a Native American student, the District shall use the identified student's tests, recommendations, and evaluative materials from the school year or school years during which the student applied to AGATE.

REPORTING REQUIREMENT: The District will provide OCR with documentation demonstrating implementation of Item #3. In particular, the District will provide a list of re-evaluated students, and the outcome of each determination and the supporting documentation described in Item #3(b). For denied students, the District shall verify that the denied student's parents were provided appeal rights.

The District understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the District understands that, during the monitoring of this Agreement, 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 regulation implementing Title VI, at §§100.3(a) and (b)(i)-(iii), 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 regulation implementing Title VI, at §§100.3(a) and (b)(i)-(iii), 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 sixty (60) calendar days to cure the alleged breach.

Approved and agreed to on behalf of Brainerd School District #181

Laine Larson, Superintendent

Date

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1/4/2017