

Resolution Agreement
Roseville Area School District #623
Case Number 05-17-1014

The Roseville Area School District #623, Minnesota (District) submits the following resolution agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR), in resolution of OCR Complaint No. 05-17-1014. The District submits this Agreement to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), as amended, 29 U.S.C. § 794, and its implementing regulation, at 34 C.F.R. Part 104, and Title II of the Americans with Disabilities Act of 1990 (ADA), 42 U.S.C. § 12131–12134, and its implementing regulation, at 28 C.F.R. Part 35.

TRAINING OF DISTRICT PERSONNEL

- 1.) By **September 15, 2017**, and by **September 15** of each subsequent year this agreement remains in effect, the District will require all administrators, faculty, and relevant staff of the District's Emmet D. Williams Elementary School (School) to complete effective training relating to the District's policies and procedures relating to discrimination and harassment based on disability. At a minimum the training will encompass the following:
 - a) The District will remind all staff of its commitment to having an environment free from disability harassment, including, but not limited to, discussion of School Board Policy 104, and explain what to do if a staff member believes a student has been subjected to harassment, including the duty to immediately report all allegations of possible harassment and the distinctions between reporting conduct covered by School Board Policies 416 and 508.
 - b) The District will provide a general overview of Section 504 and Title II, including how each law's nondiscrimination provisions apply to students, the names and contact information for the designated staff member(s) to whom students or others may report allegations of harassment, where to locate the School's harassment policies and procedures (in hard copy or on the District's website), and the existence of OCR and its authority to enforce Section 504 and Title II.
 - c) The District will explain its Section 504 and Title II policies and procedures, including an explanation and examples of what can constitute disability harassment, the role of the Section 504/Title II Coordinator and Human Rights Officers, as well as disciplinary sanctions related to findings of violations of the District's harassment policies and procedures.
 - d) The District will provide an explanation of the prohibition against retaliation contained in Section 504 and Title II.

REPORTING REQUIREMENT: By **May 31, 2017**, the District will submit training materials that comply with the requirements of Item #1 to OCR for its review. OCR will review and approve the training materials by **June 30, 2017** to ensure that they cover the items outlined in Item #1 (a)-(d). By **September 30, 2017**, and by **September 30** of each

subsequent year this Agreement remains in effect, the District will provide OCR with documentation that it has provided the training referenced in Item #1 using the materials approved by OCR, including the dates of the training, the names and titles of the trainers, a copy of all materials used, referenced, or distributed during the training, and a sign-in sheet showing employees who attended the training.

2.) By **September 15, 2017**, and by **September 15** of each subsequent year this agreement remains in effect, the District will require all employees who are directly involved in processing, investigating, and/or resolving complaints or other reports of disability discrimination, including harassment, any counselors or other District personnel who are likely to receive reports of disability harassment, and any hearing officers handling discipline cases involving disability harassment to complete effective training regarding the District's disability discrimination and harassment policies and procedures, including those related to the processing, investigation, and resolution of complaints or other reports of disability discrimination, including harassment. The training will review District policies and procedures relating to disability discrimination and harassment, including those related to how to conduct and document adequate, reliable, and impartial harassment investigations, and will address appropriate legal standards to apply in such investigations. At a minimum the training will encompass those topics required for the training in Item #1, above, but shall also specifically address reporting requirements and requirements regarding how to conduct and document adequate, reliable, and impartial harassment investigations under Policy 416. This shall include, but not be limited to, addressing the interplay between Policy 416 and bullying and harassment or staff conduct policies implemented on the building level, how staff can determine the proper policy or procedure to use based on the nature of a specific complaint, the required role of the Human Rights Officer in disability discrimination and harassment investigations, and the appropriate legal standards to apply in investigations of disability discrimination and harassment.

REPORTING REQUIREMENT: By **May 31, 2017**, the District will submit training materials complying with the requirements of Item #2 to OCR for its review. OCR will review and approve or provide feedback on the training materials by **June 30, 2017**. By **September 30, 2017**, and by **September 30** of each subsequent year this Agreement remains in effect, the District will provide OCR with documentation that it has provided the training referenced in Item #2 using materials approved by OCR. Documentation shall include the dates of the training, the names and titles of the trainers, a copy of all materials used, referenced, or distributed during the training, and a sign-in sheet showing employees who successfully completed the training.

SECTION 504/TITLE II INVESTIGATION REGARDING STUDENT A

- 2) By **May 1, 2017**, the District will initiate an impartial investigation under School Board Policy 416 to determine whether staff subjected Student A to disability harassment during the 2015-2016 school year. The investigation will include at a minimum the following:
 - a. The District will determine, relying on the report of the investigator and using the appropriate evidence standards and the timeframes set forth in Policy 416,

whether staff conduct toward Student A violated the District’s policies and procedures and created a hostile environment based on disability.

- b. If the District determines that Student A was not subjected to disability harassment, it will provide Student A’s parent written notice of its determination and an opportunity to appeal the determination within 1 week of such determination. If the District determines that Student A was subjected to disability harassment, then the District will, within 1 week of such determination, provide a written determination and schedule to meet with the parent to assess whether Student A requires any remedial actions as a result of the harassment and, if so, on what timeframe. Remedial actions may include, but are not limited to, payment for future counseling and reimbursement for previously received counseling.
- c. Within 1 week of any meeting held pursuant to Item #2(b), the District will determine what, if any, remedial actions are warranted and will provide Student A’s parent written notice of its determination, what remedial actions are necessary, and the timeframe proposed for providing such actions.

REPORTING REQUIREMENT: Within 1 week of the determination required by Item #2(a), the District will provide OCR the name and credentials of the investigator who conducted the investigation, a copy of the investigator’s report, and a copy of any decision by the District regarding the complaint. If the District determines that Student A was subjected to disability harassment, the District will provide OCR, within 1 week of the meeting required by Item #2(b), a copy of a sign-in sheet showing attendees at and a copy of all notes and minutes from the meeting with Student A and his parent required by Item #2(b) and, for OCR’s review and approval, a copy of the materials provided to Student A’s parent under Item #2(c). OCR will review and provide feedback on or approval of the proposed remedial actions and timeframes as soon as possible. Within 1 week of OCR approval, the District will begin implementing that remedial plan and will implement the plan as approved by OCR. The District will provide an update to OCR of all remedial actions taken on the last day of each calendar month for each month until the remedial actions are complete.

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 regulations implementing the laws at issue in this complaint. 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 laws and regulations at issue in this complaint.

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 or judicial proceedings to enforce the specific terms and obligations of 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 the District.

Superintendent or Designee

Date