

Resolution Agreement
#05-21-1284
Detroit Lakes Public Schools

Detroit Lakes Public Schools (the District) submits this Resolution Agreement to the U.S. Department of Education, Office for Civil Rights (OCR), to ensure its compliance with Section 504 of the Rehabilitation Act of 1973 (Section 504), 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 (Title II), 42 U.S.C. § 12132, and its implementing regulation at 28 C.F.R. Part 35, with respect to the allegation raised in OCR complaint #05-21-1284. This Resolution Agreement is submitted in accordance with, and pursuant to, Section 302 of the OCR's Case Processing Manual.

Upon execution of this Resolution Agreement, the District agrees to take the following actions:

Procedures

1. **By January 31, 2022**, the District will review and if necessary, update and/or amend its policies and procedures addressing the investigation of any complaints (formal, informal, verbal or written) of disability discrimination and harassment by students, staff members, teachers and administration as required by Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act. These policies and procedures shall include, at a minimum, the following:
 - a. Assurance that the District will maintain a learning and working environment free of harassment, violence and discrimination on the basis of disability;
 - b. Contact information (name or title, office address, telephone number and email address) of the individual responsible for the District's Section 504 compliance;
 - c. Definitions of disability harassment and discrimination;
 - d. A provision to ensure the timely investigation of these complaints, to include timeframes for various stages of the investigation;
 - e. A provision that the District will take immediate remedial measures to protect the victim or target of such harassment;
 - f. A provision regarding actions, including disciplinary consequences that may be taken against students, staff members, teachers and administration who are found to be in violation of this policy.
 - g. A provision prohibiting District staff and employees from retaliating against an individual for the purposes of interfering with any right or privilege secured by Section 504 of the Rehabilitation Act (Section 504) or Title II of the Americans with Disabilities Act (Title II).

REPORTING REQUIREMENT: By February 14, 2022, the District will submit its policy and procedures to OCR for review and approval.

2. Within 15 calendar days of written notification of OCR's approval of the policies and procedures developed in accordance with Item 1, the District will implement the procedures and will provide written notification of the procedures to parents of students with Section 504 plans or Individualized Education Plans (IEPs) and to all District teachers, aides, assistants, administrators, and other personnel who serve students with Section 504 plans.

FURTHER REPORTING REQUIREMENT: Within one month of receiving OCR's approval of the policies and procedures developed in accordance with Item 1, the District will provide OCR with

documentation that it has implemented Item 2, to include a copy of the written notification of the updated procedures to parents of Section 504/IEP students, and a copy of the written policy and procedures along with a link to them if they are published on a website.

Staff Training

3. **By March 15, 2022**, the District will provide all Roosevelt Elementary School administrators, faculty, and staff with training that addresses the District's policies and procedures prohibiting discrimination and harassment based on disability and Section 504 prohibitions against discrimination and harassment based on disability. The training will include, at a minimum.
 - a. A reminder that all Roosevelt Elementary School personnel are committed to maintaining a District environment free from disability discrimination and harassment, and will explain what they should do if they believe students have been subjected to discrimination or harassment based on disability, including their duty to immediately report all allegations of possible discrimination or harassment to a District complaint manager.
 - b. A warning that discrimination and harassment of students based on disability will not be tolerated and that anyone who created a hostile environment based on race will be disciplined.
 - c. An explanation of the District's nondiscrimination policies and procedures, including what constitutes disability discrimination and harassment, the role of the District's complaint managers, and disciplinary sanctions related to findings of violations of the District's discrimination and harassment policies and procedures, including the District policy prohibiting retaliation and intimidation.
 - d. An overview of how Section 504's nondiscrimination provisions apply to all District staff, teachers, administrators and students, the names and contact information for the District's designated employee(s) to whom individuals may report allegations of disability discrimination and harassment, where to locate the District's discrimination and harassment policies and procedures on the District's website, and the existence of OCR and its authority to enforce Section 504 and the ADA.
 - e. Written materials that contain the information discussed.

REPORTING REQUIREMENT: By March 31, 2022, the District will provide OCR with documentation that it has provided the training referenced in Item 3, including the dates of the training, the names and titles of the trainer(s), a copy of materials used or distributed during the training, and a sign-in sheet with the names and titles of the staff who attended the training.

Student-Focused Remedies

4. Within 30 days of the execution of this agreement, the District shall hire an independent, third-party investigator who will take prompt and appropriate responsive action to conduct a *de novo* investigation of the allegations that during the 2020-2021 school year, a teacher at the District's Roosevelt Elementary School (Teacher A) discriminated against students with disabilities.

REPORTING REQUIREMENT: By February 14, 2022, the District will provide OCR with documentation that it has implemented Item 4. Documentation will include a summary of all information obtained during the investigations, a copy of any written investigative reports or other notice to the parties of the outcome of the investigations, and the remedial actions it proposes to take to remedy any identified hostile environment for disabled students.

5. If it is determined that individual students were impacted by the alleged discrimination, within one week of the determination the District shall notify in writing the parent(s)/guardian(s) of such students of its decision and the basis for the decision. If the District determines that any student is entitled to compensatory educational services, the District shall begin providing such services upon mutual agreement with parent(s)/guardians(s).

REPORTING REQUIREMENT: If deemed necessary, by June 12, 2022, the District will provide OCR with evidence of all measures that have been taken to address the alleged discrimination of Roosevelt Elementary School students with disabilities during the 2020-2021 school year, as well as any documentation concerning written offers regarding compensatory education and the provision of such compensatory education.

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 set forth in this Resolution Agreement. Further, the District understands that during the monitoring of this Resolution Agreement, if necessary, OCR may visit the District, interview employees 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 Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), which were at issue in this case.

The District understands that OCR will not close the monitoring of this Resolution Agreement until OCR determines that the District has fulfilled the terms of this Resolution Agreement and is in compliance with the regulations implementing Section 504 at 34 C.F.R. §§ 104.33 and 104.37 and Title II at 28 C.F.R. § 35.130(a), 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 Resolution Agreement. Before initiating administrative enforcement or judicial proceedings to enforce the specific terms and obligations of this Resolution Agreement, OCR shall give the District written notice of the alleged breach and sixty (60) calendar days to cure the alleged breach.

Approved by and agreed to on behalf of Detroit Lakes Public Schools.

Authorized Representative

Date