

**Resolution Agreement #05-14-1064
PACT Charter School, Ramsey, MN**

The PACT Charter School (School) submits the following Resolution Agreement (Agreement) to the U.S. Department of Education, Office for Civil Rights (OCR) to resolve case #05-14-1064. The School 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 at 34 C.F.R. Part 104, which prohibits discrimination on the basis of disability by recipients of Federal financial assistance, 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, which prohibits discrimination on the basis of disability by public entities.

Effective immediately, the School will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled in the School are not subjected to a hostile environment on the bases of disability. The School will promptly investigate all incidents of harassment of students on the basis of disability of which it has notice, and take appropriate disciplinary action against any individual(s) engaging in harassing behavior. The School will also take appropriate responsive action to end any hostile environment that has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of any hostile environment on the affected students.

ANTI-HARASSMENT STATEMENT

- 1) By May 15, 2014, the School will issue a statement to all School students, parents/guardians, administrators and staff, which will be widely published, including by posting on the School's website, transmission via emails, and posting in the School building, a statement of the School's policy that it does not tolerate harassment on the basis of disability. The statement will encourage any student who believes he or she has been subjected to disability harassment to report the incident(s) to the School and note the School's commitment to conducting a prompt investigation, including the procedures under which parents/guardians or students may file a complaint of harassment. The statement will identify the individual(s) responsible for investigating complaints of disability harassment, will contain time frames for completion of such investigations and notice to complainants, will provide for appropriate disciplinary sanctions of individuals who engage in disability harassment and will make clear that such discipline may include, if circumstances warrant, suspension or expulsion of a student and suspension or termination of an employee. The statement will further warn that students or employees who retaliate against individuals who report disability harassment will be promptly disciplined. The statement will include identification of, and the office address, email address, and telephone number of, the individual designated as Section 504 Coordinator under item #2 below.

REPORTING REQUIREMENT: By June 1, 2014, the School will submit to OCR documentation that the statement referenced in this item has been published, including copies of emails, relevant pages of the School's website, and documentation of the postings in the buildings.

SECTION 504/TITLE II COORDINATOR

- 2) By May 1, 2014, the School will designate an employee to coordinate its efforts to comply with and carry out its responsibilities under Section 504 and Title II (Section 504/Title II Coordinator). By May 15, 2014, the School will notify all students, parents, and employees of the name, address, telephone number, and email address of the Section 504/Title II Coordinator. The Coordinator's duties shall include, but not be limited to, the proper implementation of the School's disability harassment policies and procedures and any investigation of any complaint alleging noncompliance or actions that would violate the applicable law. The Coordinator must be a qualified person knowledgeable in all aspects of the applicable law (as applied to schools or districts).

REPORTING REQUIREMENT: By June 1, 2014, the School will submit to OCR the name and credentials of the individual designated as the Title IX Coordinator and Section 504/Title II Coordinator and provide documentation to OCR that it has provided the required notice to students, parents, and employees.

REVIEW OF POLICIES AND PROCEDURES AND DISCIPLINE CODE

- 3) By May 15, 2014, the School will review and revise as necessary, its Section 504 policies and procedures to ensure that the School will provide a free appropriate public education to each qualified student with disabilities who is within in the School's jurisdiction, as required by Section 504 at 34 C.F.R. § 104.33, and that are based upon the adherence to the requirements of §§ 104.34, 104.35 and 104.36.

REPORTING REQUIREMENT: By June 1, 2014, the School will submit its revised policies and procedures to OCR for review and approval.

- 4) By May 15, 2014, the School will revise and review, as necessary, its written policies and procedures relating to disability harassment to ensure that they adequately address any incident of disability harassment and provide for the prompt and equitable resolution of complaints alleging any form of disability harassment. The School will also review and revise grievance procedures providing for prompt and equitable resolution of parent/guardian or student complaints alleging any action which would be prohibited by Section 504 and/or Title II including complaints alleging different treatment in discipline and retaliation. The School will ensure that the procedures include, at a minimum, the following:
 - a) a notice that the procedures apply to complaints of disability discrimination raised by employees, students or third parties;
 - b) an explanation of how to file a complaint pursuant to the procedure;
 - c) the name, title, office address, and telephone number of the individual with whom to file a complaint;
 - d) definitions and examples of what may constitute disability discrimination;
 - e) provisions for adequate, reliable and impartial investigation of all complaints, including the opportunity for parties to present witnesses and other evidence;

- f) timeframes for the major stages of the investigation;
- g) written notice to the parties of the outcome of the investigation;
- h) an assurance that the School will keep the complaint and investigation confidential to the extent possible;
- i) an assurance that the School will take steps to prevent recurrence of any discrimination, with examples of the range of possible disciplinary sanctions and remedies available to remedy the discriminatory effects on the complainant and others; and
- j) a statement that Section 504 and Title II prohibit retaliation against any individual who files a complaint under Section 504 or Title II or participates in a complaint investigation.

REPORTING REQUIREMENT: By June 1, 2014, the School will submit its procedure to OCR for review and approval.

- 5) By May 15, 2014, the School will examine the School's Student Code of Conduct and disciplinary procedures to determine whether the current rules of behavior and offense categories appropriately and adequately address violations of the School's disability harassment policies and procedures, as revised pursuant to items #4, and will revise the code of conduct and disciplinary procedures to the extent necessary to ensure they contain such rules of behavior and offense categories.

REPORTING REQUIREMENT: By June 1, 2014, the School will submit to OCR for its review and approval its revised policies and procedures referenced in this item.

- 6) Within 60 calendar days of receipt of notice of OCR's approval of the policies and procedures referenced in items #3 - #5, the School will adopt, implement and publish the revised policies and procedures. Publication will include written notice of the anti-harassment policy, including its formal and informal complaint procedures, to the School community, including students, parents/guardians, administrators and staff. The School will make this notification available through the School's website, revised student handbooks, and any other additional means of notification the School deems effective to ensure that the information is widely disseminated.

REPORTING REQUIREMENT: Within 30 days after the completion of this item, the School will provide OCR with documentation that it has completed this item, including copies of the written notices to students, parents/guardians, administrators and staff regarding the revised policies and procedures and a description of how the notices were distributed, copies of its revised student handbooks, a link to its webpage where the revised policies and procedures are located, and documentation of any other additional means of notification used by the School.

TRAINING OF SCHOOL PERSONNEL

- 7) By October 1, 2014, and annually thereafter, the School will require all School administrators, faculty, and relevant staff to complete training relating to the notice, policies and procedures adopted pursuant to Items #3- #5. At a minimum the training will encompass the following:
- a) The School will remind all staff of its commitment to having a School environment free from disability harassment and explain what they should do if they believe students have been subjected to harassment, including their duty to immediately report all allegations of possible harassment.
 - b) The School 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 on the School's website, and the existence of OCR and its authority to enforce Section 504 and Title II.
 - c) The School will explain its Section 504 and Title II policies and procedures, including an explanation of what constitutes disability harassment, the role of the Section 504/Title II Coordinator, as well as disciplinary sanctions related to findings of violations of the School's harassment policies and procedures, including the School's policy prohibiting retaliation and intimidation.
 - d) The School will provide an explanation of the prohibition against retaliation contained in Section 504 and Title II.

REPORTING REQUIREMENT: By October 15, 2014 and October 15, 2015, the School will provide OCR with documentation that it has provided the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of any materials used or distributed during the training, and a list of School employees who successfully completed the training.

- 8) By October 1, 2014, the School will provide training to all employees who are directly involved in processing, investigating and/or resolving complaints or other reports of disability or sexual harassment, any counselors or other School personnel who are likely to receive confidential reports of disability harassment and hearing officers handling discipline cases involving disability harassment. The training will review the School's policies and procedures referenced in Items #3 - #5 of this Agreement and include instructions on how to conduct and document adequate, reliable, and impartial harassment investigations, including the appropriate legal standards to apply in such investigations.

REPORTING REQUIREMENT: By October 15, 2014, the School will provide OCR with documentation that it has provided appropriate School staff with the training referenced in this item, including the dates of the training, the names and titles of the trainer(s), a copy of

any materials used or distributed during the training, and a sign-in sheet with the names and titles of the School staff who attended the training.

SECTION 504/TITLE II INVESTIGATION REGARDING STUDENT A

- 9) By May 15, 2014, the School will complete an impartial investigation to determine whether Student A was subjected to disability harassment by other students during the 2012-2013 school year. If the School determines that disability harassment of Student A did not occur, then it will provide his parent written notice of its determination and provide the opportunity to appeal the determination. If the School determines that disability harassment of Student A did occur, then the School will provide a written determination to his parent and will meet with the parent to assess whether Student A requires any remedial actions as a result of the harassment. The remedial actions may include payment for future counseling, reimbursement for previously received counseling, or other appropriate remedial actions. The School will provide Student A's parent written notice of its determination of whether remedial actions are necessary and of the timeframe for providing such actions and will implement the remedial actions as specified in the timeframe.

REPORTING REQUIREMENT: By June 1, 2014, the School will provide documentation to OCR that it has implemented the investigation and notice required by this item, including a description of the actions taken and the reasons why. The School will also document any remedial actions the School decides to take in response to the investigation findings. By August 1, 2014, the School will provide an update to OCR of all remedial actions taken.

MAINTENANCE OF OTHER DATA

- 10) Effective immediately, the School agrees to maintain documents relating to specific complaints or other reports of disability harassment of students, including the following:
- a) a copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of disability or sexual harassment of any kind;
 - b) a narrative of all actions taken in response to the reports by School personnel, including any written documentation;
 - c) a copy of any and all disciplinary sanctions issued to students or employees for violations of the disability or sexual harassment policies and procedures;
 - d) documentation demonstrating any interim and/or remedial efforts offered and provided to the complainant, the accused and/or witnesses of the incident(s), such as counseling or other appropriate services; and,
 - e) a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By August 1, 2014, and August 1, 2015, the School will provide to OCR copies of the documentation referenced in item #15 for the just-completed school year.

The School understands that by signing this Agreement, it agrees to provide data and other information in a timely manner. Further, the School understands that, during the monitoring of this Agreement, the OCR may visit the School, interview staff and students, and request such additional reports or data as are necessary for the OCR to determine whether the School 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 Title IX, at 34 C.F.R. §§ 106.8 and 106.31, which were at issue in this complaint.

The School understands that the OCR will not close the monitoring of this Agreement until OCR determines that the School 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 Title II at 28 C.F.R. § 35.130, which were at issue in this complaint.

The School 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 School 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 PACT Charter School.

Executive Director (or designee)

Date