



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE FOR CIVIL RIGHTS

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January 25, 2019

Mr. Michael Muñoz  
Superintendent  
Rochester Public Schools  
615 7th Street SW  
Rochester, MN 55902

Re: OCR Docket No. 05-10-5003

Dear Mr. Muñoz:

On September 1, 2015, the Rochester Public Schools (District) entered into a Resolution Agreement (Agreement) with the U.S. Department of Education (Department), Office for Civil Rights (OCR), to resolve the above-referenced compliance review and to ensure the District's compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d-2000d-7, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin by recipients of Federal financial assistance from the Department.

OCR's review examined the District's disciplinary policies and practices. The District provided information to OCR by letters dated October 13 and 30, 2017, August 15, 2018, and October 15, 2018, and in an e-mail dated September 19, 2018.

OCR previously informed the District it had met the terms of Items #1-#8, #11, and #14 of the Agreement.

Item #9 of the Agreement required the District to provide annual training to all teachers and administrators and other District personnel charged with supervising students and making disciplinary referrals or imposing disciplinary sanctions and to provide OCR a copy of training materials as well as the identity and qualifications of the individual(s) who would be providing the training.

The District previously provided documentation that in earlier years it had provided the training required by this item via video. In the October 2017 report, the District indicated that it provided training to teachers and administrators of the revised Student Behavior Handbook (Handbook). The District provided a copy of the slides used for the presentation, which documented that the training included elements specified in Item #9.

Based on the above, OCR determined that the District has implemented Item #9 of the Agreement in full.

The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.

Item #10 of the Agreement required that the District provide annual training programs regarding discipline to all District students in an age appropriate, easily understood manner and provide OCR a copy of materials and the name(s) and contact information of the individual(s) who will provide the training.

The District previously provided documentation that in earlier years it had provided the training required by this item via video. In the October 2017 report, the District indicated that it provided training to students on the revised Handbook. The District provided a copy of information used for the presentation, showing that the training was customized by the age level of the students and included elements specified in Item #10.

Based on the above, OCR determined that the District has implemented Item #10 of the Agreement in full.

Items #12 and #13 of the Agreement required the District to collect data regarding disciplinary referrals, dismissals, and reports to law enforcement for the previous school year, and conduct an annual evaluation as to whether it is implementing its student discipline policies, practices, and procedures in a non-discriminatory manner. Item #15 of the Agreement required the District to examine annually how disciplinary referrals occurring at each school compare to those at other District schools.

In the August 2018 report and September 2018 email, the District provided a spreadsheet with data on discipline in the 2017-2018 school year which OCR reviewed. In the August 2018 report, the District indicated that it had examined referrals for particular offenses and penalties imposed for violations of particular offenses. The District reported that it had become more consistent in its discipline practices in 2017-2018 as a result of revisions to the Handbook that better defined the offenses that warrant referral to the office and changes to District practices to require building administrators to consult with District administration before suspending students for offenses that fell outside of three specific categories (weapons, drugs/alcohol, and offenses that cause bodily or emotional harm). The District also reported that it has continued to provide staff development “to increase cultural proficiencies of staff including individualized support for students who demonstrate a need.” The District identified staff development it plans to provide in this regard in 2018-2019 and also noted that it “will continue to better define and provide examples for all discipline offenses to continue to reduce subjectivity.” The District further noted that among teachers identified by their principals as strong implementers of “ENVoY” (Educational Non-Verbal Yardsticks), a classroom management approach using non-verbal strategies, referrals decreased by almost 90% from 2016-2017 to 2017-2018, so the District indicated that ENVoY is a “promising practice that needs additional study.”

Based on the above, OCR determined that the District has implemented Items #12, #13, and #15 of the Agreement in full.

Item #16 required that each school principal meet annually with the teachers at each school to discuss the data gathered under Item #12 of the Agreement. The Agreement required the District to provide OCR documentation that the meetings have been held as well as a list of the steps it has taken or plans to take as a consequence of information shared at the meetings.

In the October 2018 report, the District indicated that it held the required meetings with teachers at each school site. The District reported that staff at each school considered ways to improve discipline practices. The District also indicated that it conducted follow-up meetings with individual staff members, as appropriate, and placed one staff member on a professional growth plan related to the teacher's use of discipline. The District further noted that principals encouraged staff to do peer observations in other classrooms to learn from colleagues. The District provided copies of documentation of the meetings held at each school, including meeting agendas that included discussions of the data and slides from presentations showing relevant data.

Based on the above, OCR determined that the District has implemented Item #16 of the Agreement in full.

Item #17 of the Agreement required each Positive Behavioral Interventions and Supports (PBIS) team to conduct a review of disciplinary interventions at its school and prepare an action plan that includes recommendations on any changes to District student discipline policies, practices, and procedures that should be made in light of the team's findings.

The District indicated that each school site conducted a review of disciplinary interventions and action plans, and the Discipline Supervisor met with site representatives. The District provided documentation from each school, which included agendas from PBIS meetings and evaluation of the success of action plans.

Based on the above, OCR determined that the District has implemented Item #17 of the Agreement in full.

Item #18 required the District to submit to OCR for review and approval any changes proposed to be made to its discipline policies, practices, or procedures and the rationale for the changes based on its evaluation of the District-wide student discipline data and the other data gathered as a result of the Agreement.

The District indicated to OCR that because it made substantial revisions to the Handbook and the Discipline Policy for 2017-2018, it did not make additional changes during 2017-2018, although it included additional information on the use of Police Liaison Officers in the Handbook for 2018-2019. The District also identified several initiatives it plans to continue, including staff development, alternative dispute resolution, monthly Student School Board meetings, work with the Midwest and Plains Equity Center, and a grant and training on trauma-informed practices.


Based on the above, OCR has determined that the District has met the terms of Item #18 of the Agreement.

Based on the above information, OCR has determined that the District has met all terms of the Agreement. Accordingly, OCR is closing its monitoring of this review effective the date of this letter.

This letter sets forth OCR's determination in an individual OCR case. This letter is not a formal statement of OCR policy and should not be relied upon, cited, or construed as such. OCR's formal policy statements are approved by a duly authorized OCR official and made available to the public.

OCR wishes to thank you for the cooperation extended to OCR during the course of this review and monitoring. In particular, we wish to thank Mr. Michael Waldspurger and Mr. John Edison. If you have any questions regarding this letter, please contact me at 312-730-1611 or via email at [Jeffrey.Turnbull@ed.gov](mailto:Jeffrey.Turnbull@ed.gov).

Sincerely,



Jeffrey Turnbull  
Team Leader

cc: Mr. Michael Waldspurger  
Mr. John Edison