

**Miami Dade County School District
Resolution Agreement
OCR Docket Number 04-14-1607**

The U.S. Department of Education, Office for Civil Rights (OCR) and Miami Dade County School District (District) enter into this Resolution Agreement (Agreement) to resolve the above referenced complaint and to ensure compliance with Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d *et seq.*, and its implementing regulation, 34 C.F.R. Part 100. Title VI prohibits discrimination on the basis of race, color or national origin by recipients of Federal financial assistance.

Harassment Training

1. **By November 30, 2018**, the District will provide racial harassment training to the School's administrators and teaching staff, with an emphasis on recognizing harassment on the basis of race or national origin (conduct that is sufficiently severe, pervasive or persistent so as to interfere with or limit the ability of an individual to participate in or benefit from the services, activities or privileges provided by a recipient), how to implement harassment prevention strategies school wide, in the classroom, and on social media, and the obligation to respond to complaints of racial harassment in a prompt, thorough, and effective manner consistent with Title VI and its implementing regulation

REPORTING REQUIREMENT: By December 10, 2018, the District will submit to OCR documentation from the training, including who attended, a copy of all material distributed, and the identity and qualifications of the person who conducted the training.

2. **By September 30, 2018**, the District will provide notices/reminders to students at Barbara Goleman High School (School) regarding the prohibition of racial and national origin harassment, including harassment on social media that impacts the School environment. The notices will include a definition of harassment, how to recognize harassment, age-appropriate examples of harassment and how to report harassment.

REPORTING REQUIREMENT: By November 10, 2018, the District will provide OCR with a copy of the notice/reminder to students, a description of how the notice was distributed to students, and the date of distribution.

System for Tracking and Review of Race-Based Harassment Complaints

3. **By September 1, 2018**, the District will implement a procedure of monitoring and tracking formal and informal complaints of race-based harassment of students at the School. The monitoring system will track the following components:
 - a. The date of the complaint.

- b. Description of the complaint (harassment, disparate treatment, etc.) and the alleged facts.
- c. Relationship between the complainant and alleged perpetrator.
- d. Documentation of the response to the complaint, including the investigation findings and reports (including witness statements), steps taken to remedy or prevent further harassment and repair any hostile environment that was created and the notification to the parties of the result of the process. All documentation is to be dated.
- e. Date of response to the complainant.

REPORTING REQUIREMENT: By September 15, 2018, the District will provide OCR a copy of the form it will use to track responses to complaints alleging discrimination and/or harassment on the basis of race used in the system of monitoring and tracking formal and informal complaints described in Item #2.

4. By February 1, 2019, the District will compile a report of all complaints of race-based harassment received at the School between December 1, 2017 and December 30, 2018, including the information specified in subparts a, b, c and e of Item #3 above and a summary of the information specified in subpart d of Item #3 above. For any instances in which the District did not conduct an investigation which included interviews of relevant witnesses, an opportunity for the complainant or accused student to provide information, a written finding given to relevant parties, and appropriate sanctions if applicable or provide an appropriate remedy the District will a) develop a plan for determining whether race-based harassment occurred and remedying any harassment that occurred, and b) implement the plan by March 30, 2019.

REPORTING REQUIREMENT:

By February 16, 2019, the District will provide OCR a copy of the compiled report.

By April 1, 2019, the District will provide OCR documentation demonstrating that it has implemented any plan developed in accordance with this Item of the Agreement.

Educational Climate at the School

- 5. (a) By **December 1, 2018**, the District will conduct a “climate check” or series of climate checks with students at the School to assess the effectiveness of steps taken pursuant to this Agreement or otherwise by the School to ensure a campus free of race or national origin based harassment. This climate check may be accomplished through an age-appropriate written or electronic survey, provided that students receiving the survey also are notified of a contact person, such as a counselor, should they wish to discuss this issue in person. If this method is selected, the written survey must be provided to OCR for review and approval prior to its use. Within 60 days of approval from OCR or by the School will disseminate the climate check survey to the students enrolled at the School. Participation in the survey by students will be entirely voluntary, and the survey will be conducted in a manner consistent with applicable law.

(b) By **May 30, 2019**, the District will prepare an analysis of the results of the survey, and based on the results and any resulting OCR recommendations, will work together in good faith with OCR to implement appropriate corrective actions to address all climate issues identified through the Survey. The corrective actions will be implemented by **June 30, 2019**.

REPORTING REQUIREMENT:

By November 15, 2018, if the District chooses to conduct a climate check by issuing a survey, the District will provide OCR with a copy of a proposed survey for OCR's review and approval.

By May 30, 2019, the District will provide documentation to OCR demonstrating that the School has conducted the climate check, an analysis of the information obtained by the climate check, and a description of proposed proactive steps to be taken by the District to ensure a campus free of race-based harassment as well as other harassment prohibited by other laws OCR enforces.

By June 30, 2019, the District will provide OCR documentation demonstrating that the proactive steps developed pursuant to Item #5 of the Agreement have been completed.

Revision of the Student Code of Conduct

6. **By July 31, 2018**, the District will revise the Student Code of Conduct as follows:
 - a) in the section captioned, "Alert: District Policy Against Bullying and Harassment" (currently page 38 of Code for secondary students and page 33 of the Code for elementary students) add a footnote to the definition of "harassment" to reflect that the policy uses the state law definition and refer the reader to the Glossary of the Code for a definition that may apply in other contexts.
 - b) In the "harassment" definition of the Glossary of the Code, add to the current wording, an explanation that in addition to the existing definition, for purposes of Title VI, the United States Department of Education, Office for Civil Rights, defines harassment to include conduct based on race, color or national origin, that is sufficiently severe, pervasive and/or persistent that it interferes with or limits a student's ability to participate in or benefit from the services, activities or privileges provided by the District.

REPORTING REQUIREMENT:

By November 1, 2018, the District will provide OCR for its review and approval, the proposed language for the "Bullying and Harassment Defined" section of the Student Code.

By November 15, 2018, or within 15 days of receipt of notice that OCR has approved the revised wording of the referenced section, whichever is later, the District will provide OCR documentation demonstrating that it has disseminated and published the new definition on its website and in its student handbooks, and will provide OCR a link to the website page containing the referenced section.

The District understands that by signing this agreement, it agrees to provide the foregoing information in a timely manner in accordance with the reporting requirements of this agreement. Further, the District understands that during the monitoring of this agreement, if necessary, 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 Title VI. Upon completion of the obligations under this Agreement, OCR shall close and dismiss 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.

This Agreement will become effective immediately upon signature of the District's representative below.

Superintendent or Designee

Date