

**Resolution Agreement  
Polk County Public Schools  
OCR Complaint# 04-14-1664**

Polk County Public Schools (District) agrees to resolve the allegation of discrimination on the bases of national origin and race raised in complaint number 04-14-1664 filed with the U.S. Department of Education, Office for Civil Rights (OCR). The District enters into this Resolution Agreement (Agreement) to ensure compliance with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. §§ 2000d, and its implementing regulation, 34 C.F.R. Part 100, which prohibit discrimination on the basis of race, color, and national origin.

The District agrees to take all steps reasonably designed to ensure that students enrolled in the District are not subject to a hostile environment on the basis of national origin and/or race, and the District will promptly investigate all incidents and complaints of harassment. Harassing conduct may take many forms, including verbal acts and name calling; graphic and written statements, which may include use of cell phones or the internet; or other conduct that may be physically threatening, harmful or humiliating. The District will take prompt and effective responsive action reasonably designed to end the hostile environment, if one has been created, prevent its recurrence, and, where appropriate, take steps to remedy the effects of the hostile environment on the affected student (s). Accordingly, to ensure compliance with Title VI, the District agrees to take the following actions:

**Section 1: Grievance Procedures**

1. By January 22, 2016, the District will develop and submit to OCR for its review and approval draft revisions to its grievance policies, specifically, Policies 5517.01 (Bullying and Harassment) and 5517.02 (Anti-Harassment Complaint Procedure) that address discrimination and harassment complaints under Title VI, among others, that are alleged to have been committed by faculty, staff members, students, or third parties (such as members of the general public or vendors).

The District will ensure that these procedures provide for the prompt and equitable resolution of all complaints and will accomplish, at a minimum, the following:

- a. Provide notice to students and employees of the procedures, including where complaints may be filed, in a manner that is easily understood, easily located, and widely distributed;
- b. Ensure that the procedures apply to complaints alleging discrimination or harassment carried out by employees, other students, and third parties;
- c. Ensure adequate, reliable, and impartial investigation, including an equal opportunity to present witnesses and relevant evidence;
- d. Identify and provide for reasonably prompt timeframes for major stages of the grievance process, as well as delineate the process for extending timelines;
- e. Provide for written notice to the parties of the outcome of the complaint;

- f. Include examples of the type of conduct and behavior that is covered by the policy, including examples of staff-to-student and peer-to-peer conduct;
- g. An assurance that the institution will take steps to prevent recurrence of harassment and to correct its discriminatory effects on the person filing a grievance and others, if appropriate; and
- h. Prohibition of retaliation against any person who reports alleged discrimination or harassment.

**REPORTING REQUIREMENT:** By January 22, 2016, the District will submit its grievance procedures to OCR for its review and approval.

- 2. Within 60 days of OCR's approval of the procedures developed in accordance with this section of the Agreement, the District will adopt and implement the procedures and will provide all faculty, staff and students as well as their parents or guardians with written notice regarding the procedures together with information on how to obtain a copy of the procedures. The District will make this notification through the employee and student handbooks on the District's website, and electronic mail messages to faculty, staff and students as well as their parents or guardians.

**REPORTING REQUIREMENT:** Within 30 school days after the completion of Items 1 - 2, the District will provide OCR with documentation that it has implemented the Items above, including copies of the written notices issued to faculty, staff, and students as well as their parents or guardians regarding the procedures and a description of how the notices were distributed; copies of its revised employee and student handbooks; and a link to its webpage where the procedures are located.

### **District Statement Regarding Harassment**

- 3. By January 22, 2016, the Superintendent and School Board will issue a statement to the District's students, parents and staff that will be printed in the District's newsletter, published on the School's website, electronic versions of the Student Behavior Code and Discipline Handbook and posted in prominent locations in the schools of the District, stating that the District does not tolerate harassment on the basis of color, national origin or race. The statement will encourage any student who believes that he or she has been subjected to harassment on the basis of color, national origin or race to report the harassment to the District, and note the District's commitment to taking immediate action to eliminate the harassment, prevent its recurrence, and address its effects. The statement will include the appropriate contact information for the individual designated to receive complaints of harassment on the bases of national origin and/or race. The statement will warn that students or employees found to have engaged in acts of harassment on the basis of color, national origin or race will be promptly disciplined and make clear that such discipline may include, if circumstances warrant, suspension or expulsion for students or suspension or termination for employees. The statement will encourage students, parents and District staff to work together to prevent harassment on the basis of national origin, race or color. The District will distribute this statement in languages other than English, as necessary.

**REPORTING REQUIREMENT:** By February 1, 2016, the District will provide OCR with a copy of the statement referred to in Item 3, to include a description of the location(s) at which the statement was published.

## **Section 2: Staff and Student Training**

4. Within 30 days of OCR's approval of the District's draft grievance procedures, and annually thereafter, the District will provide training, through a well-qualified trainer, to all XXXXX XXXXXXXXXXXX XXXX XXXXX (School) teachers, administrators, and any other District personnel charged with implementing District policies 5517.01 and 5517.02. The training will specifically address the revisions to the policies (required in Action Items 1 & 2), the responsibility of staff to report incidents of possible harassment and the procedures for doing so, and provide instruction on how to recognize, prevent and respond appropriately to harassment, with an emphasis on instances of stereotyping based on national origin, color or race.

**REPORTING REQUIREMENT:** Within 15 days of the initial training, the District will provide OCR with a report demonstrating implementation of Action Item 4. In particular, the District will provide documentation indicating the date(s) of the training(s), qualification of the trainer(s), agenda, copies of the materials used in the training, and a sign-in sheet documenting attendance by the attendees.

5. Within 30 days of OCR's approval of the District's draft grievance procedures, and annually thereafter, the District will provide anti-harassment training for XXXXX XXXXXXXXXXXX XXXX XXXXX students through a well-qualified trainer that includes a review of the District's harassment policies and procedures, including discussion of a wide-range of examples of harassment on the basis of race, color, or national origin, including shared ancestry, as well as disciplinary sanctions related to findings of violations of its harassment policies. The District will include discussion of prohibitions on national origin and racial stereotyping and provide specific examples of prohibited conduct including harassment based on shared ancestry. The District will make available to students a list of reading materials that will provide students an opportunity to learn about people from different races, colors, and national origins. The District will also provide students with the name and contact information of a District employee, such as a counselor, that the students may contact if they wish to confidentially discuss any questions or concerns they have and remind students of the availability of counseling services.

**REPORTING REQUIREMENT:** Within 15 days of the initial training, the District will provide OCR with a report demonstrating implementation of Action Item 5, including documentation indicating the date(s) of the training(s), attendees, qualification of the trainer(s), agenda, and copies of the materials used and distributed in the training.

## **Section 3: Climate**

6. By January 22, 2016, the District will prepare a climate survey (Survey) to be utilized annually to assess student and staff perceptions concerning the environment at the School as it relates to race and/or national origin-based harassment.

**REPORTING REQUIREMENT:** By February 1, 2016, the District will provide OCR a copy of the proposed Survey for review and approval.

By February 15, 2016, or within 30 days of notice of approval of the Survey by OCR, (whichever is later), and annually thereafter, the District will administer the Survey to all students and staff at the School and will encourage participation.

**REPORTING REQUIREMENT:** By March 1, 2016, or within 45 days of approval of the procedure by OCR\_(whichever is later), the District will provide OCR with a report demonstrating implementation of Item 6.

7. Within sixty (60) days of the distribution of the Survey, the District will submit an analysis of the results of the survey(s) to OCR. Based on the results of the climate survey(s) and any resulting OCR recommendations, the District will work together in good faith with OCR to implement appropriate corrective actions to address all climate issues identified through the Survey.

**REPORTING REQUIREMENT:** Within 30 days of completion of all elements of this Item, whichever is later, the District will provide to OCR a summary report of the substance of the responses, the response rate by students and teachers/staff for the first annual administration of the survey(s), and the District's analysis of the survey results.

By April 15, 2016, the District will demonstrate that it has taken the actions agreed upon to address any harassment or hostile environment identified based upon the survey.

#### **Section 4: Individual Remedy**

8. Within ten (10) days of the execution of this Agreement, the District will contact the parents/guardians of the Student in writing and via e-mail to invite the Student to return to the District. The District will identify counseling or other means of support to be provided by the District to the Student to remedy the effects of any hostile environment created during the 2013 - 2014 school year.

**REPORTING REQUIREMENT:** Within 15 days after the mailing of the letter and transmission of the e-mail to the parents as required in Item 8, the District will provide OCR a copy of the letter to the Student's parents/guardians and a copy of any response from the parents/guardians.

9. Should the Student return to any school in the District, within 5 days after the Student's return, the District shall meet with the Student and her parents/guardians to identify steps to be taken to eliminate any hostile environment and counseling services or other supports to be provided to remedy the hostile environment created during the 2013 - 2014

school year. Within 30 days after the Student's return, the District will complete all identified steps to eliminate the hostile environment and provide counseling and/or other individual remedies identified through consultation with the Student's parents/guardians.

**REPORTING REQUIREMENT:** Within 60 days following the Student's return to the District, the District will provide OCR with evidence of the steps undertaken and provision of individual remedy(ies) provided.

\* \* \* \*

The District understands that by signing this Agreement, it agrees to provide data and other 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 the regulation implementing Title VI, at 34 C.F.R. § 100.3(a), with respect to this case.

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 regulation implementing Title VI, at 34 C.F.R. § 100.3(a), which was 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 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.

\_\_\_\_\_  
District Representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name and Title