

Palm Beach County School District, Florida
Complaint Number 04-19-1127
Resolution Agreement

The U.S. Department of Education, Office for Civil Rights (OCR), and the Palm Beach County School District (District), Florida, enter into this Resolution Agreement (Agreement) to resolve the above-referenced complaint. This Agreement does not constitute an admission of liability, non-compliance, or wrongdoing by the District. The District assures OCR that it will take the following actions to comply with the requirements of Title IX of the Education Amendments of 1972 (Title IX), 20 U.S.C. §§ 1681 *et seq.*, and its implementing regulation at 34 C.F.R. Part 106, which prohibit discrimination on the basis of sex by recipients of Federal financial assistance from the Department (FFA); Section 504 of the Rehabilitation Act of 1973 (Section 504), 29 U.S.C. § 794, and its implementing regulation, 34 C.F.R. Part 104, which prohibit discrimination on the basis of disability by recipients of FFA; and, Title II of the Americans with Disabilities Act of 1990 (Title II), 42 U.S.C. §§ 12131 *et seq.*, and its implementing regulation, 28 C.F.R. Part 35, which prohibit discrimination on the basis of disability by public entities.

Prior to the completion of OCR's investigation, the District agreed to resolve the issues of this investigation pursuant to Section 302 of OCR's Case Processing Manual. Accordingly, to ensure compliance with Title IX, Section 504 and Title II and resolve the issues of Complaint Number 04-19-1127, the District voluntarily agrees to the following actions.

Transportation Department Title IX Reporting & Record-keeping

1. **Within sixty (60) days of the execution of this Agreement**, the District will assess the Transportation Department's reporting and documentation procedures related to alleged instances of sexual harassment or sexual misconduct occurring on District buses and modify them as necessary to ensure that:
 - a) All reports of any sexual harassment or sexual misconduct occurring on District buses (Bus Sexual Harassment Incidents) are documented and immediately relayed to the District's Title IX Coordinator for appropriate tracking and oversight;
 - b) Transportation Department staff: i) document their responses to Bus Sexual Harassment Incidents, including investigations, actions taken to address the incidents and notifications provided to parents of students; and, ii) transmit the foregoing documentation to the Title IX Coordinator; and,
 - c) Transportation Department staff: i) implement transportation-related interventions to address instances of sexual harassment and/or prevent future recurrences; ii) document such implementation (e.g., how and when a targeted student and an accused individual were separated); and, iii) track and cross-reference transportation records as needed to ensure continuity of interventions (like separation of students) across different school years or transportation situations.

REPORTING REQUIREMENT:

Within seventy-five (75) days of the execution of this Agreement, the District will provide OCR: (i) the results of the District's assessment pursuant to Action Item 1, including a summary of the information reviewed during the assessment; (ii) a summary of any modifications implemented based upon the assessment and a copy of all forms or other documents to be used by Transportation Department staff pursuant to the modifications; and (iii) documentation demonstrating the implementation of the modifications.

Transportation Department Section 504/Title II Reporting & Record-keeping

2. **Within sixty (60) days of the execution of this Agreement,** the District will assess the Transportation Department's reporting and documentation procedures related to alleged instances of disability-based harassment occurring on District buses and modify them as necessary to ensure that:
 - a) All reports of any disability-based harassment occurring on District buses (Bus Disability Harassment Incidents) are documented, and immediately relayed to the District's Section 504 Coordinator;
 - b) Transportation Department staff: i) document their responses to Bus Disability Harassment Incidents, including investigations, actions taken to address the incidents and notifications provided to parents of students; and, ii) transmit the foregoing documentation to the Section 504 Coordinator; and,
 - c) Transportation Department staff: i) implement transportation-related interventions to address instances of disability-based harassment and/or prevent future recurrences; ii) document such implementation (e.g., how and when a targeted student and an accused individual were separated): and, iii) track and cross-reference transportation records as needed to ensure continuity of interventions (like separation of students) across different school years or transportation situations.

REPORTING REQUIREMENT:

Within seventy-five (75) days of the execution of this Agreement, the District will provide OCR: (i) the results of the District's assessment pursuant to Action Item 2, including a summary of the information reviewed during the assessment; (ii) a summary of any modifications implemented based upon the assessment and a copy of all forms or other documents to be used by Transportation Department staff pursuant to the modifications; and, (iii) documentation demonstrating the implementation of the modifications.

Training

3. **Within one hundred twenty (120) days of execution of this Agreement**, the District will provide training on any procedures modified pursuant to Action Items 1 and 2 to the following Transportation Department staff: bus drivers, bus attendants, Exceptional Student Education (ESE) Specialist(s), Managers and Director(s).

REPORTING REQUIREMENT:

Within one hundred twenty (120) days of the execution of this Agreement, if applicable, the District will provide OCR documentation demonstrating that it has conducted training pursuant to Action Item 3. The documentation shall include: (i) the date of the training sessions; (ii) name and title of the individuals who attended the training sessions (including dated sign-in sheets with the attendees' names, titles and work locations); and, (iii) a copy of the agenda and the training materials disseminated.

Title IX Coordinator

4. **Within ninety (90) days of the execution of this Agreement**, the District will:
 - a) correct all existing notices which identify as the Title IX Coordinator, by name or job title, anyone who is not the current Title IX Coordinator; and,
 - b) communicate, by email blast, website banner or any other manner deemed appropriate by the District, to all current students and employees, that the Title IX Coordinator information has been updated.

REPORTING REQUIREMENT:

Within ninety (90) days of the execution of this Agreement, the District will provide to OCR evidence demonstrating that the District has complied with Item 4, including a copy of any notice(s) provided in hard copy or communications made by email and links to all online notices and communications provided pursuant to Item 4.

Section 504 Coordinator

5. **Within ninety (90) days of the execution of this Agreement**, the District will:
 - a) correct all existing notices which identify as the Section 504 Coordinator, by name or job title, anyone who is not the current Section 504 Coordinator; and,
 - b) communicate, by email blast, website banner or any other manner deemed appropriate by the District, to all current students and employees, that the Section 504 Coordinator information has been updated.

REPORTING REQUIREMENT:

Within ninety (90) days of the execution of this Agreement, the District will provide to OCR evidence demonstrating that the District has complied with Item 5, including a copy of any notice(s) provided in hard copy or communications made by email and links to all online notices and communications provided pursuant to Action Item 5.

The District understands that by signing the Agreement, it agrees to provide data and other information in a timely manner in accordance with the reporting requirements of the Agreement. Further, the District understands that during the monitoring of the 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 and obligations of the Agreement.

Upon the District's satisfaction of the commitments made under the Agreement, OCR will close the case. The District understands and acknowledges that OCR may initiate proceedings to enforce the specific terms and obligations of the Agreement and/or the applicable statute(s) and regulation(s). Before initiating such proceedings, OCR will 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 the signature of the Superintendent or his/her Designee below.

_____/s/_____
Superintendent (or Designee)
Palm Beach County School District

_____/7/10/19_____
Date