

RESOLUTION AGREEMENT
Martin County West School District
OCR Complaint # 05-21-1125

Martin County West School District 2448 (District) enters into this Resolution Agreement with the U.S. Department of Education, Office for Civil Rights (OCR), to resolve the referenced complaint. The District assures OCR that it will take the following actions to comply with the requirements of Title VI of the Civil Rights Act of 1964 (Title VI), 42 U.S.C. § 2000d – 2000d-7, and its implementing regulations, at 34 C.F.R. Part 100, which prohibit discrimination on the bases of race, color or national origin in any education program or activity operated by a recipient of Federal financial assistance from the U.S. Department of Education. By entering into this Agreement, the District does not admit any violation of Title VI and its implementing regulations, including the allegations in the complaint. Nothing contained in this Agreement shall be considered, construed, or used as an admission of liability, statutory or regulatory violation, or of any other illegal act by the District.

General Principles

The District will take the steps outlined below, and any other steps necessary as circumstances warrant, to ensure that students enrolled at Martin County West Junior/Senior High School (School) are not subjected to a hostile environment on the basis of race. The District will promptly investigate all incidents of harassment of students on the basis of race, of which it knows or should have known, and take effective responsive action. The District will also take steps 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 affected students and to discipline any individual(s) found to have engaged in the racially harassing behavior. The District will also take steps necessary to ensure that no individual is subjected to retaliation for reporting harassment based on race.

Staff Training

1. By September 30, 2022, the District will provide all School administrators, faculty, and staff with effective annual training on the District's policies and procedures that address racial discrimination and harassment. The training will include the following components, at a minimum:

- a)** A statement that the District is committed to maintaining a School environment free from racial discrimination and harassment and will explain what employees should do if they believe students have been subjected to discrimination or harassment based on race, including their duty to immediately report all allegations of possible discrimination or harassment to a District complaint manager. The training will also include a warning that discrimination and harassment of students based on race will not be tolerated and that students who created a hostile environment based on race will be disciplined.
- b)** A general overview of Title VI, including how the regulation's nondiscrimination

provisions apply to students, the names and contact information for the School's designated employee(s) to whom students or others may report allegations of race discrimination and harassment, where to locate the District's discrimination and harassment policies and procedures on the District's website, and the existence of OCR and its authority to enforce Title VI.

- c) An explanation of the District's nondiscrimination policies and procedures, including what constitutes racial discrimination and harassment, the role of the District's complaint managers, and disciplinary sanctions related to findings of violations of the District's discrimination and harassment policies and procedures, including the District policy prohibiting retaliation and intimidation.
- d) The District will distribute written materials that contain the information discussed.

REPORTING REQUIREMENT: By **October 14, 2022**, the District will provide OCR with documentation that it has provided the training referenced in item 1, 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 attended the training.

2. By September 30, 2022, the District will provide effective training to all School employees who are directly involved in processing, investigating and/or resolving complaints or other reports of discrimination or harassment on the basis of race, and any counselors or other School personnel who are likely to receive reports of race discrimination or harassment. The training will review the District's policies and procedures against racial discrimination and harassment, and include instruction on how to investigate and respond to racial incidents in a timely and thorough manner, including the appropriate legal standards to apply in such investigations, the importance of evaluating the totality of the circumstances including previous acts of harassment and off-campus harassment that may have created a hostile environment on campus, and the need to take appropriate measures to assure that harassment does not continue during the investigation or recur thereafter. The training will also communicate the criteria to ascertain when a conflict between students may raise an issue of racial discrimination or harassment.

REPORTING REQUIREMENT: By **October 14, 2022**, the District will provide OCR with documentation that it has provided the training referenced in item 2, 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.

3. By **October 30, 2022**, the District will assess the effectiveness of the training referenced in items 1 and 2 by conducting surveys of the administrators, faculty, staff, and employees who attended the training(s). The surveys will specifically inquire about their knowledge and perceptions about their obligation to report all allegations of possible discrimination or harassment to a complaint manager, and the process for doing so.

REPORTING REQUIREMENT: By **November 11, 2022**, the District will provide OCR

documentation of the results of the surveys referenced in item 3 and a description of any actions the District proposes to take in response, including conducting additional training sessions.

Student Training at the School

4. By **October 30, 2022**, the District will provide a mandatory, annual, age-appropriate orientation session for all School students on the District's policies and procedures prohibiting racial discrimination and harassment. The orientation will remind students of the District's commitment to maintain an environment free from discrimination and harassment and will explain what students should do if they believe they or other students have been subjected to racial discrimination or harassment. The training will also include a warning that discrimination or harassment of students based on race will not be tolerated, and that students who discriminate or harass students based on race will be disciplined consistent with District policy and federal law pertaining to the discipline of students who qualify for special education and related services under the Individuals with Disabilities Education Act ("IDEA") or services under Section 504 of the Rehabilitation Act of 1973 ("Section 504"), up to and including suspension or expulsion.

REPORTING REQUIREMENT: By **November 11, 2022**, the District will provide OCR with documentation that it has provided the training referenced in item 4, 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 students who attended the training.

Individual Relief

5. Within 30 days of the execution of this agreement, the District will take prompt and appropriate responsive action to investigate the allegations that Student A, Student B, and Student C were harassed on the basis of race during the 2020-2021 school year.¹ As of the date of this Agreement, Student A, Student B, and Student C were not enrolled in a District school. As part of its investigation, the District will send a letter to the Complainant seeking permission to interview Student A, Student B, and Student C regarding the allegations of racial harassment. If racial harassment is found to have occurred, the District will take steps to eliminate a hostile environment, prevent its recurrence, and discipline the offending student or staff member. The District will provide the Complainant written notice of its determination and explain any services it will offer to Student A, Student B, and/or Student C to remedy the effects of the harassment if Student A, Student B, and/or Student C reenroll in a District school during the 2021-2022 school year. The remedial services may include but not be limited to, compensatory education, counseling and/or psychological support. If the offer is accepted, the District will provide all needed services by June 2, 2022, unless the timeframe is extended by mutual agreement between the District and the Complainant. In offering counseling and/or psychological support, the District may utilize District counseling department and staff.

¹ Allegations raised by the Complainant and Students are detailed in the resolution letter accompanying this document.

REPORTING REQUIREMENT: By **July 1, 2022**, the District will provide OCR with documentation that it has taken the steps set forth in item 5. Specifically, the District will provide OCR the following:

- a) A summary of all information obtained during the investigations, a copy of any written investigative reports or other notice to the parties of the outcome of the investigations, whether the investigations substantiated the existence of a racially hostile environment, and what actions, if any, the District proposes to take to remedy any identified racially hostile environment.
- b) In the event Student A, Student B, and/or Student C re-enrolls in a District school during the 2021-2022 school year, the District will, within 30 days of re-enrollment, provide OCR with a statement that the student(s) re-enrolled and a copy of the written offer of services sent to the Complainant and any relevant communications between the District and the Complainant. If the offer of services is accepted by the Complainant, the District will provide OCR a description of and the schedule of services that will be provided to Student A, Student B, and/or Student C.
- c) In the event Student A, Student B, and/or Student B, and/or Student C do not re-enroll in a District school or program during the 2021-2022 school year, the District will provide OCR a statement to that effect by no later than July 1, 2022.

Maintenance of Data

6. Effective immediately, the District agrees to maintain documents relating to specific complaints or other reports of racial harassment of students to ensure that its files contain all information necessary to process complaints under Title VI. At a minimum, the District agrees to maintain documentation including the following:

- a) A copy of all written reports, and a narrative of all verbal reports, of incidents involving allegations of harassment based on race;
- b) A narrative of all actions taken in response to the reports by District personnel, including any written documentation;
- c) A copy of any and all disciplinary sanctions issued to students or employees for violations of the harassment policies and procedures;
- d) Documentation demonstrating any interim and/or remedial services offered and provided to the Complainant, the alleged harasser and/or witnesses of the incident(s), such as counseling or other appropriate services; and
- e) A narrative of all actions taken to prevent recurrence of any harassing incident(s), including any written documentation.

REPORTING REQUIREMENT: By **July 1, 2022**, the District will provide to OCR copies of the documentation referenced in item 6 for the 2020-21 and 2021-22 school year.

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. Upon the District's satisfaction of the commitments made under this Agreement, OCR will close 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 the signature of the District's representative below.

For the District
Cori Reynolds, Superintendent

Date