



CITY OF DORAL NOTICE OF PUBLIC HEARING

All residents, property owners and other interested parties are hereby notified of a **COUNCIL ZONING MEETING** on **April 28, 2021 beginning at 10:30 AM.**

General Public Comments: members of the public that wish to provide comments in writing may do so by emailing the City Clerk at cityclerk@cityofdoral.com. Comments must be submitted with your name and full address by **Tuesday, April 27, 2021 at 5:00 pm**. The comments will be circulated to the elected officials and administration, as well as remain as a part of the record for the meeting.

Public Hearing Comments (Pre-Registration): interested parties that wish to speak on the Public Hearing item(s) **ONLY**, must register by **Tuesday, April 27, 2021 at 5:00 pm** via this link: <https://attendee.gotowebinar.com/register/2550983937261710605>

The meeting will be broadcasted live for members of the public to view on the City of Doral's website (<https://www.cityofdoral.com/government/city-clerk/council-meetings>) as well as Channel 77 and Facebook Live.

The City of Doral proposes to adopt the following Ordinance:

ORDINANCE No. 2021-12

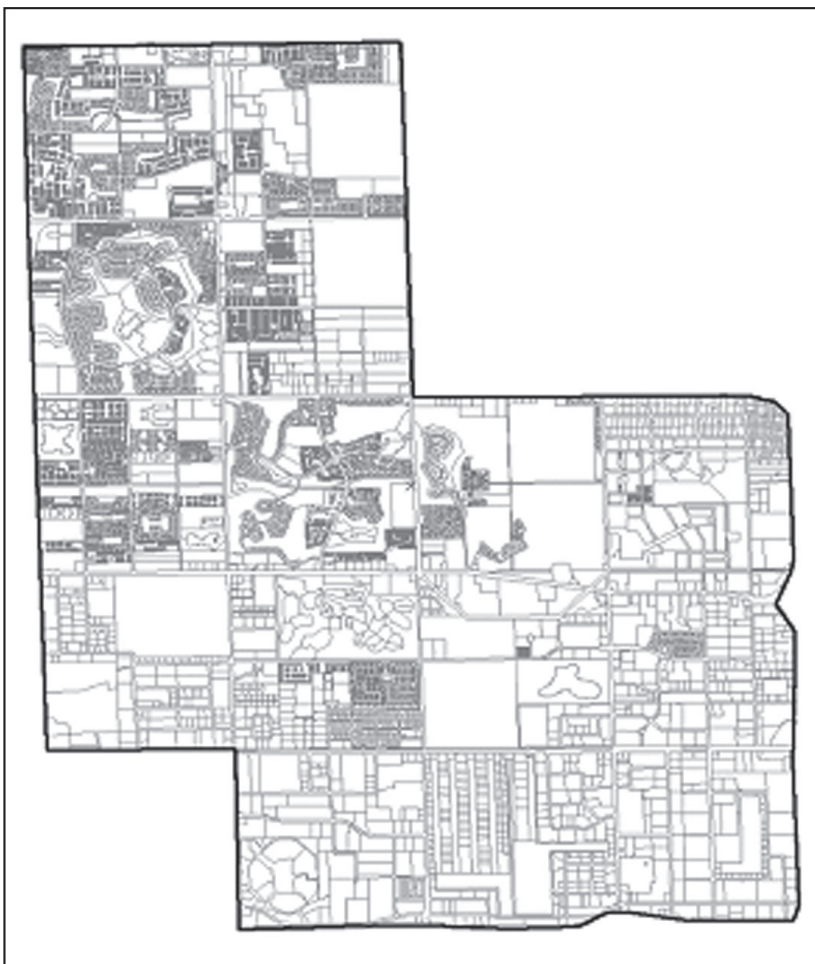
AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, APPROVING/DENYING A TEXT AMENDMENT TO THE CITY OF DORAL COMPREHENSIVE PLAN RELATING TO PRIVATE, PUBLIC, AND PUBLIC CHARTER SCHOOLS; AUTHORIZING THE TRANSMITTAL OF THE TEXT AMENDMENT ADOPTION PACKAGE TO THE STATE LAND PLANNING AGENCY IN THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND OTHER REQUIRED GOVERNMENTAL REVIEWING AGENCIES PURSUANT TO SECTION 163.3184, FLORIDA STATUTES; AND PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS, AND PROVIDING FOR AN EFFECTIVE DATE

HEARING NO.: 21-04-DOR-08

APPLICANT: City of Doral

REQUEST: The City of Doral Staff is requesting Mayor and City Council approval of a text amendment to the City of Doral Comprehensive Plan relating to private, public, and charter schools.

Location Map



Inquiries regarding the item may be directed to the Planning and Zoning Department at 305-59-DORAL.

Pursuant to Section 286.0105, Florida Statutes If a person decides to appeal any decisions made by the City Council with respect to any matter considered at such meeting or hearing, they will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. This notice does not constitute consent by the City for introduction or admission of otherwise inadmissible or irrelevant evidence, nor does it authorize challenges or appeals not otherwise allowed by law. In accordance with the Americans with Disabilities Act, any person who are disabled and who need special accommodations to participate in this meeting because of that disability should contact the Planning and Zoning Department at 305-59-DORAL no later than three (3) business days prior to the proceeding.

Connie Diaz, MMC
City Clerk
City of Doral City of Doral



Congress Must Act to Reclaim Title IX's Mandate Against Sex Discrimination in Education

Commentary by
Michael Dolce

The debate over "Title IX," the landmark federal law prohibiting sex discrimination in any school or educational program that receives federal funding, reached a fever pitch during the Trump administration.



Dolce

The law serves as the main tool to hold perpetrators of sexual harassment and assault on college campuses accountable, but in 2017 former Education Secretary Betsy DeVos, issued new guidance on the statute in order to supposedly secure due process rights for those accused of wrongdoing.

These changes were an unnecessary reaction to overblown claims of false accusations and due process violations, and imposed unfair burdens of proof on survivors, deprived them of privacy and created an environment that discourages sex crime reporting.

While President Joe Biden recently announced a review of the DeVos changes, we must go much farther: Congress itself must amend the law to reclaim its original mandate.

DeVos' actions were part of ongoing erosion of Title IX, driven by federal judicial decisions for more than 20 years. It will likely get worse with the increasing influence of federal judges like Justice Amy Coney Barrett, who have acted to restrict the law despite its broad mandate, while manufacturing rights of the accused that are nowhere in the statute.

The U.S. Supreme Court recognized over 40 years ago that Congress intended that Title IX would provide "effective protection against" sex discrimination. But thanks to the 1999 U.S. Supreme Court decision, *Davis v. Monroe County Board of Education*, federal courts have eradicated the notion that schools must be effective in eliminating sex discrimination in individual cases. That decision allowed schools to respond to wrongdoing in a manner that is not "clearly unreasonable." The decision left open for interpretation what constitutes a "clearly unreasonable" response, even allowing for what is "reasonable" to be decided by judges, thus depriving aggrieved students of a jury trial.

As a result, federal courts have imposed standards on Title IX cases that exist far outside the statute and have tolerated "reasonable" responses by school administrators which fall far short of the law's original mandate that no student be excluded from or denied the benefits of an education, or be subjected to sexual harassment. For example, in 2018 the U.S. Court of Appeals for the 11th Circuit held in one of my cases that a teacher's repeated sexualized contact and assault of a developmentally disabled student was not actionable in part because the official alerted to the offenses during the dance was not "high enough up the chain of command" to respond. Title IX actually says nothing at all about reporting sexual harassment anywhere in a "chain of command."

Furthermore, the court held it to be "reasonable" that the school allowed the

student to be exposed to the teacher on campus on an ongoing, repeated basis, despite the resulting severe mental health harm that my traumatized client suffered from that exposure, as many sex trauma survivors experience. This is also a marked departure from criminal law, which goes to great lengths to protect the victim from their perpetrator.

Federal courts have also created a hierarchy between an educational institution's response to sexual assault or harassment by a peer compared with a faculty member, such that it is harder to gain Title IX protection if the offender is a fellow student, despite the statute drawing no such distinction.

This issue surfaced in Justice Amy Coney Barrett's opinion in *John Doe v. Purdue University* while she was on the 7th Circuit appellate bench, shortly before she was elevated to the Supreme

Court. Barrett's decision in that case permitted a male student accused of sexually assaulting his girlfriend to claim a Title IX due process violation

because university officials "chose to believe Jane because she is a woman and to disbelieve John because he is a man" in a campus investigation Barrett held was incomplete.

That standard starkly contrasts with federal court decisions that bar sexual violence victims from "second guessing" how schools decide to discipline perpetrators at the end of an investigation, and is a much lighter burden than applied to victims of sexual misconduct who must demonstrate "deliberate indifference" to their complaints of sex discrimination. Barrett highlighted that the sexual misconduct complaint against John Doe followed university events intended to encourage reporting of sexual violence, as if the university doing so proved a bias against those accused.

In response to this trend of damaging rulings, Congress must act to define what is and is not sex discrimination within the meaning of Title IX and delineate the rights of sex offense victims when they report and seek help, including the right to have a jury decide what is a reasonable response to sex discrimination. Failing to do so will allow many federal judges who have demonstrated repeated efforts to narrow Title IX's effectiveness to continue that effort in case after case. Sex crime survivors' needs will continue to be marginalized. And the chilling effect on reporting and exposing predators will only get worse. The evisceration of Title IX's intent will continue until it is rendered completely ineffective.

Michael Dolce is a survivor of child sex abuse and a partner at Cohen Milstein Sellers & Toll, where he leads the firm's sexual abuse, sex trafficking and domestic abuse team.

BOARD OF CONTRIBUTORS

YOU STRIVE FOR PERFECTION. SO DO WE.

We offer preselected and customizable bundles with cutting-edge content from industry leaders.

Bundles can be exclusive to an individual attorney or packaged for a legal team.

Take 20% off your choice of CLE for a limited time. Use promo code ALM20

CLECenter.com | ALM

Trusted. Affordable. Instant.