

POLICY 5.001

- 4-A I recommend the Board adopt the proposed revisions to Policy 5.001, to be renamed "Protecting Students from Harassment and Discrimination."

Adoption

CONSENT ITEM

- As requested by the Board on Sept. 9 and approved on Oct. 14, this version adds sexual orientation to the list of protected categories on line 11.
- There was discussion at the Sept. 9th Board meeting about time limits for filing a complaint with OCR. The guidelines generally require filing an OCR complaint within 180 days after the last act of alleged discrimination/ harassment. However, an OCR pamphlet explains:

OCR may extend the time for filing a complaint [with OCR] in certain circumstances, e.g., when a student [had first] file[d] a grievance under *school [district] procedures within 180 days* of the *last act* of alleged discrimination. Because OCR encourages the use of school [district] grievance procedures, OCR will generally accept a complaint raising the same allegations *up to 60 days after the end of the [school district] procedure [which had allowed up to 180 days]*.

To promote early resolution and to the right of students to file a complaint with OCR after completing the District's grievance process, the Legal Department recommends requiring students to file their complaints with the District no more than 180 days after the last act of harassment or discrimination.
- As the Board requested at the Sept. 9th Policy meeting, this version requires the principal to obtain the complainant's signature on the principal's written summary of the complainant's verbal report, if the matter is to be resolved *informally*. (As recommended by OCR, the informal process is available only for student-to-student incidents. Any complaint against an employee must use the formal complaint form.)
- As request by the Board at the Sept. 9th meeting, the term "written" has been added to the definition of "complaint" and in the definition of "complainant." However, line 150 also reflects the OCR guidelines in *Protecting Students from Harassment and Hate Crime: A Guide for Schools, Part II* (1999): schools "should investigate all complaints and reports of harassment, whether or not the complaint is in writing."
- Based on the Board's discussion at the August 5th Policy meeting regarding possible parental notice in cases of harassment or discrimination against certain adult students, a definition of "minor" or "minor student" has been added. The definition refers to any student who has not yet attained the age of 18; but it also refers, *for purposes of this Policy*, to an adult student who has been determined incompetent or unable to give informed consent due to disability under state law. Additionally, any procedure mentioning the parent/guardian of a minor student should also be construed to include the parent/guardian of an adult student who has given *consent* for the parent to be involved.
- A trilingual brief summary of the levels of complaint and appeal for students will be distributed with the Policy. An English prototype is included herewith.

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PROPOSED REVISION OF POLICY 5.001

**POLICY AGAINST PROTECTING STUDENTS FROM HARASSMENT AND
DISCRIMINATION AGAINST, STUDENTS**

1. **General Provisions.--** The School District Board of Palm Beach County, Florida, as governing body of the School District ("School District" or "District"), does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, sex, race, color, religion, sex, national origin, age, disability, or marital status, or sexual orientation in its education programs or applicants for admission to educational programs; and the Board prohibits discrimination against, or harassment of, any student by any Board member, District employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school, or outside the school, at school-sponsored events, on school buses, and at training facilities sponsored by the District.
2. ~~Discrimination and harassment will not be tolerated and will be just cause for disciplinary action.~~
3. In an effort to promote an environment free of discrimination and harassment, the Board has adopted this ~~Policy Against prohibiting H~~harassment ~~of, and or D~~discrimination ~~against, of Students in order~~ to prevent, investigate, and take prompt, equitable, and appropriate action with regard to alleged discrimination and harassment. In addition to this policy, the Board has adopted a separate Policy Against prohibiting Ssexual Hharassment of, and or Ddiscrimination against, of Sstudents (Policy 5.81).
4. The School Board believes that all students are entitled to a safe, equitable, and harassment-free school experience. The School District will not tolerate discrimination or harassment. Discrimination and harassment will not be tolerated and shall be just cause for disciplinary action.
5. This Policy shall be interpreted and applied consistent with all applicable state and federal laws and the Board's collective-bargaining agreements.
6. **Definitions.--** For purposes of this pPolicy, the following definitions shall apply:

- 39 a. ~~Accused/employee is defined as~~ The accused is a School District employee
40 alleged to be responsible for the violation alleged in the complaint.
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- 42 b. ~~Accused/student is defined as~~ The accused is a student alleged to be
43 responsible for the violation that is alleged in the complaint.
44
- 45 c. ~~Complaint is defined as~~ A complaint means written allegations regarding any
46 action, policy, procedure, or practice prohibited by this policy.
47
- 48 d. ~~Complainant is defined as~~ A complainant is a student of, or applicant for
49 admission to, the School District who submits a written complaint of
50 harassment or discrimination or an individual or group submitting a complaint
51 on behalf of a student(s).
52
- 53 e. ~~Day is defined as~~ All days are a working days and this term does not include
54 weekends or holidays unless noted as "calendar day."
55
- 56 f. **Minor, or minor student,** is defined as any student who has not yet attained
57 the age of eighteen (18). For purposes of this policy, the term should also be
58 construed to include an adult student who has been determined incompetent
59 or unable to give informed consent due to disability under state law. Note: any
60 procedure in this Policy mentioning a minor student's parent/guardian should
61 also be construed to include an adult student's parent, if the adult student has
62 given consent. For example, where the Policy requires giving notice to the
63 parent of a minor student, this requirement also includes notice to the parent
64 of an adult student who has given consent for the parent to receive the notice.
65 The notice would also be given to the parent of any adult student who has
66 been determined to be incompetent or unable to give informed consent due to
67 disability under state law.
68
- 69 g. ~~Parties is defined as~~ Parties means the accused student and/or
70 accused/employee, and the Complainant.
71
- 72 ~~g. Protected categories are sex, race, color, religion, national origin, age,~~
73 ~~disability, or marital status. [The definition is stricken because the defined term does not~~
74 ~~appear in the body of the text. Rather, the protected categories are listed in Section (1), lines 10-11.]~~
75
- 76 h. ~~School Official, for purposes of this Policy, is defined as~~ School Officials
77 include School Board employees, principals, assistant principals, teachers,

78 and school police officers who have the duty of reasonable supervision with
79 respect to student activities.
80

81 7. **Title IX Coordinator and ADA/504 Specialist.**-- Equal educational opportunities
82 are guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education
83 Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The
84 District has designated the ~~EEO~~ Equal Employment Opportunity ("EEO")
85 Coordinator as the person responsible for ensuring that students and their
86 custodial parent(s)/guardian receive information related to discrimination and
87 harassment.
88

89 8. The EEO/Title IX Coordinator is located at: 3370 Forest Hill Boulevard, Suite A-
90 428, A-115, West Palm Beach, Florida 33406; Telephone: (561) 434-8637.
91

92 9. For those complaints concerning the Americans with Disabilities Act ("ADA") or
93 Section 504 of the Rehabilitation Act, the District has designated an ADA/504
94 Specialist.
95

96 10. The ADA/504 Specialist is located at ~~3336~~ 3308 Forest Hill Boulevard, Suite ~~B-102~~
97 C-143, West Palm Beach, Florida, 33406; Telephone: (561) 434-8817.
98

99 11. This contact information is to be posted in highly visible locations at each school
100 including the main office, the guidance waiting area, and student services.
101

102 12. **Prohibited Harassment.**-- For purposes of this Policy, Hharassment occurs when
103 conduct is sufficiently severe, persistent, or pervasive that it has the purpose or
104 effect of unreasonably interfering with a student's performance or ability to benefit
105 from his/her education, or creates an intimidating, hostile, offensive, or abusive
106 school environment. Types of conduct which are prohibited in the District and
107 which may constitute harassment include, but are not limited to:
108

109 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes,
110 threats, abusive words, gestures, or harm to an individual.
111

112 b. Displaying visual or written material, including notes, stories, drawings, or
113 pictures, or defacing school property or materials to demean a person.
114

115 c. Damaging, defacing or destroying private property of any person.
116

- 117 d. Bullying.
118
119 e. Requests for sexual favors and other conduct of a sexual nature as set forth in
120 Policy 5.81.
121
122 f. Any act of retaliation against an individual who reports a violation of the
123 District's Board's harassment and discrimination policy or ~~who~~ participates in
124 the investigation of a discrimination or harassment complaint.
125

126 13. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY
127 STUDENTS -- Investigation and Resolution of Complaints Against an
128 (Accused/Student)
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- 130 a. ~~Site-Level Procedure~~ Reporting Discrimination or Harassment.-- Any
131 student or applicant for admission who believes he/~~ers~~she is a victim of
132 discrimination or harassment (or any individual, including any student, teacher,
133 or other employee of the School-District, who has knowledge of any
134 incident(s) involving discrimination or harassment of students) is strongly
135 encouraged to report the incident(s) in writing to the principal or other a-school
136 official or the EEO/Title IX Coordinator ~~or~~ and ADA/504 Specialist.
137
138 b. School officials must report in writing any allegations of discrimination or
139 harassment to the Pprincipal and to the EEO/Title IX Coordinator ~~or~~ and
140 ADA/504 Specialist.
141
142 c. School officials must instruct students and their custodial parent(s)/guardian
143 that ~~they~~ the student, or custodial parent(s)/guardian on behalf of the minor
144 student, as defined in paragraph (6)(f), may file a written complaint with the
145 Pprincipal/~~or~~designee, EEO/Title IX Coordinator and/or ADA/504 Specialist.
146
147 a. The principal/designee shall document all complaints in writing to ensure that
148 problems are appropriately addressed. Although this Policy encourages
149 students to use the formal written complaint process, school officials "should
150 investigate all complaints and reports of harassment, whether or not the
151 complaint is in writing," as stated by the Office for Civil Rights in *Protecting*
152 *Students from Harassment and Hate Crime: A Guide for Schools, Part II*
153 (1999).
154
155 d. It is the responsibility of the principal to forward all complaints within two (2)

156 work days to the area superintendent, EEO/Title IX Coordinator, and ADA/504
157 Specialist. Failure by the principal to respond to a complaint within two (2)
158 work days will automatically allow the complainant to re-file the complaint with
159 the area superintendent.

160
161 e. **Principal Involvement.**-- If the Pprincipal is directly and personally involved
162 with a complaint or is closely related to with the a parties-party to the
163 complaint, then an ~~impartial designee~~ the area superintendent shall be asked
164 to conduct the investigation.

165
166 f. **Informal Resolution.**-- Where appropriate, the complainant and the
167 accused/student may agree to informally resolve the complaint. Complaints
168 should be made as soon as possible but no later than one hundred eighty
169 (180) calendar days after the alleged incident (that is, within 180 days after the
170 last act of harassment or discrimination). (Note: the principal must document,
171 in writing, any complaint, even if made informally; and the complainant must
172 be requested to sign the writing to verify its accuracy.)

173
174 i. The Pprincipal/ordesignee may arrange for the parties to resolve the
175 complaint informally through a voluntary conversation between the
176 complainant and the accused/student, facilitated by the principal/
177 designee within two (2) work days of receiving the complaint. Both the
178 complainant and the accused/student may be accompanied by a person
179 of their choice for support and guidance.

180
181 ii. The ~~student who complained~~ parties shall never be asked to work out the
182 problem directly with the accused/student unless the assistance of a
183 counselor, teacher, administrator, or mediator is provided and both
184 parties are willing.

185
186 iii. If the principal/designee and the complainant and the accused/student
187 (and/or their parents) agree that a satisfactory resolution has been
188 achieved through the informal conversation, then no further action need
189 be taken (besides notifying the area superintendent, EEO/Title IX
190 Coordinator, and ADA/504 Specialist that the matter has been resolved).
191 However, if a complete resolution has not been achieved, a formal written
192 complaint should be filed within ten (10) work days after the informal
193 meeting.

- 195 iv. If the complaint is satisfactorily resolved informally, the
196 Principal/designee shall notify the area superintendent, EEO/Title IX
197 Coordinator, or and ADA/504 Specialist of the resolution of the complaint.
198
- 199 g. **Filing the a Formal Complaint Report**-- If the matter ~~cannot be~~ is not
200 satisfactorily resolved informally, the Principal/designee shall assist the
201 student (or custodial parent(s)/guardian on behalf of the minor student as
202 defined in paragraph (6)(f)), in filing a complaint (if it is not yet in writing).
203 Individuals The student (or custodial parent(s)/guardian on behalf of the
204 student) may file a written complaint, ~~either orally or in writing~~ with the
205 Principal/designee by using the Harassment and Discrimination Complaint
206 Student Complaint Report Form (PBSD 1615). Said form is hereby
207 incorporated by reference and made a part of this Policy and shall be filed with
208 the Clerk of the School Board herewith and is available on the District's web
209 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
210
- 211 h. Complaints should be made as soon as possible but no later than ~~sixty (60)~~
212 one hundred eighty (180) calendar days ~~of after~~ the alleged incident (that is,
213 within 180 days after the last act of harassment or discrimination). Failure on
214 the part of the complainant to initiate and/or follow up on the complaint within
215 this period may result in the complaint being deemed abandoned. The
216 principal/designee shall record in writing and document all complaints
217 regarding sexual harassment and discrimination to ensure that problems are
218 appropriately addressed, whether the report is made verbally or in writing.
219
- 220 i. ~~If the student, or custodial parent(s)/guardian on behalf of the student, does~~
221 ~~not at first file a written complaint, the student, or custodial parent(s)/guardian~~
222 ~~on behalf of the student, will be requested to complete the complaint form. The~~
223 ~~principal/designee may assist the student (or custodial parent(s)/guardian on~~
224 ~~behalf of the student if the student is a minor, as defined in paragraph (6)(f)) in~~
225 ~~completing the form, or may complete the form for the student or for the~~
226 ~~custodial parent(s)/guardian who is acting on behalf of the student. In all~~
227 ~~instances, the student (or custodial parent(s)/guardian on behalf of a minor)~~
228 ~~shall review the form to ensure its accuracy and sign and date the complaint.~~
229
- 230 j. The complainant will be requested to provide signed, specific information
231 regarding the alleged discrimination or harassment, the alleged offender,
232 witnesses, and other relevant information. In all instances, the student (or
233 custodial parent(s)/guardian on behalf of the minor student as defined in

234 paragraph (6)(f), shall review the form to ensure its accuracy and sign and
235 date the complaint.
236

237 k. All complaints filed with the Pprincipal/~~or~~ designee must be reported in writing
238 to the AArea superintendent ~~Executive Director~~ and the EEO/title IX
239 Coordinator and ~~or~~ ADA/504 Specialist.

241 l. **Notice to Accused/Student.**-- Within two (2) days of receipt of a complaint,
242 the Pprincipal/~~or~~designee will notify the accused/student of the allegations.
243

244 m. Notice to Parent(s)/Guardians.-- Within two (2) days of receiving the
245 complaint, and in accordance with federal and state privacy laws, the
246 principal/designee shall notify the custodial parent(s)/guardian of any minor
247 student as defined in paragraph (6)(f) who is allegedly subject to harassment
248 or discrimination. Notification may be made by telephone, letter, or personal
249 conference. The students involved (and their custodial parent(s)/ guardians, if
250 the students are minors) will also be notified of events and decisions described
251 in this Policy.

252
253 n. **Steps in the Investigation.**-- The Pprincipal/~~or~~ designee shall ~~promptly and~~
254 begin an investigation within two (2) work days and thoroughly investigate all
255 complaints of harassment or discrimination ~~which shall mandate, including,~~ at
256 minimum, the following steps:
257

258 i. Promptly talk with the complainant within two (2) work days;
259

260 ii. give ~~T~~the complainant (or the custodial parent(s)/guardian thereof if the
261 complainant is a minor as defined in paragraph (6)(f)) shall have an
262 opportunity to describe the incident, present witnesses and other
263 evidence of the harassment or discrimination, and ensure that ~~put his/her~~
264 the complaint is put in writing if he/she has not already done so;

265
266 iii. Promptly talk with the accused/student (or the custodial parent(s)/
267 guardian thereof if the accused/student is a minor as defined in paragraph
268 (6)(f) within two (2) work days;

269
270 iv. give ~~T~~the accused/student (or the custodial parent(s)/ guardian thereof if
271 the accused/student is a minor as defined in paragraph (6)(f)), shall have

- 272 an opportunity to describe the incident, present witnesses and other
273 evidence, and put his/her response in writing;
- 274
- 275 v. ~~T~~talk with any person who saw the harassment, has knowledge of the
276 discrimination, or who may have related information; and
- 277
- 278 ~~C~~conduct a conference, if appropriate, with the complainant (and
279 custodial parent(s)/guardian thereof, if the complainant is a minor as
280 defined in paragraph (6)(f)) and the accused/student (and custodial
281 parent(s)/guardian thereof, if the accused/student is a minor as defined in
282 paragraph (6)(f)) and give notice of the date, time, place, and rules to the
283 parties.
- 284
- 285 vii. The principal/designee is encouraged to ask open-ended questions to
286 enable students to describe what happened in their own words.
- 287
- 288 viii. The principal/designee may request that the accused/student (or the
289 custodial parent(s)/guardian on behalf thereof if the accused/student is a
290 minor as defined in paragraph (6)(f)) prepare a written response to the
291 complaint; or the principal/designee may prepare a written statement of
292 the accused/student's oral response to the complaint based on their
293 meeting and obtain the signature of the accused/student (and/or the
294 custodial parent(s)/guardian thereof, if the accused/student is a minor)
295 after his/her review of the statement.
- 296
- 297 ix. The principal/designee should dictate and then review his/her notes with
298 the complainant and accused/student after the interviews to verify the
299 facts and ensure accuracy, and then obtain signatures, but shall not tape
300 the interviews.
- 301
- 302 o. **Pursuing the Investigation.**-- During the investigation, the
303 ~~P~~principal/~~o~~rdesignee may take any action necessary to protect the
304 complainant, or other employees or students or employees, consistent with the
305 requirements of applicable regulations and statutes.
- 306
- 307 i. In general, complainants will continue attendance at the same school and
308 pursue their studies as directed while the investigation is conducted and
309 the complaint is pending resolution.
- 310

- 311 ii. ~~The P~~principal/~~or designee shall document all complaints to ensure that~~
312 ~~problems are appropriately addressed.~~
- 313
- 314 iii. ~~The P~~principal/ ~~or designee is encouraged to ask open-ended questions~~
315 ~~to enable students to describe what happened in their own words.~~
- 316
- 317 iv. ~~The Principal or designee may request that the accused/student, prepare~~
318 ~~a written response to the complaint,;~~ ~~or the Principal or designee may~~
319 ~~prepare a written statement of the accused/student's response to the~~
320 ~~complaint based on their meeting and obtain the signature of the~~
321 ~~accused/student, after his/her review of the statement.~~
- 322
- 323 v. ~~The Principal or designee should review and dictate his/her notes with the~~
324 ~~complainant and accused/student after the interviews to verify the facts~~
325 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
326 ~~interviews.~~
- 327
- 328 ~~vi.~~ ii. When necessary to carry out his/her the investigation or for other good
329 reasons, and consistent with federal and state privacy laws, the
330 Pprincipal/ ~~or~~designee also may discuss the complaint with any of the
331 following persons:
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- 333 A. Superintendent/~~er~~ designee;
- 334
- 335 B. Chief Academic Officer;
- 336
- 337 C. Aarea superintendent/designee Executive Directors;
- 338
- 339 D. Aassociate Superintendents;
- 340
- 341 E. Chief of School Police~~;~~;
- 342
- 343 F. ~~T~~he custodial parent(s)/guardian of the complainant, if the
344 complainant is under eighteen (18) years of age (or has given
345 consent or is an adult who has been determined to be incompetent
346 or unable to give informed consent due to disability)~~;~~;
- 347
- 348 G. ~~T~~he custodial parent(s)/guardian of the complainant, if the
349 complainant is ~~under eighteen (18) years of age~~ a minor as defined

350 in Section (6)(f);

351

352 H. A teacher or staff member whose knowledge of the students
353 involved may help determine who is telling the truth;

354

355 I. Child protective agencies responsible for investigating child abuse;
356 and/or

357

358 J. Legal counsel for the ~~district~~ Board.

359

360 p. **Written Decision of the Principal/Designee**-- Upon completion of the
361 investigation, the Pprincipal/or designee will make a decision about the validity
362 of the allegations in the complaint and about any corrective action, if
363 applicable/necessary, consistent with the Matrix of Incidents and Actions in
364 Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a
365 decision about the complaint, the Pprincipal/or designee should take into
366 account:

367

368 i. Statements made by the persons identified in ~~Section 5~~ paragraphs
369 (13)(o), (p), above;

370

371 ii. The details and consistency of each person's account;

372

373 iii. Evidence of how the complainant reacted to the incident;

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375 iv. Evidence of past instances of harassment or discrimination by the
376 accused/student (provided that, if evidence of harassment/ discrimination,
377 accusations, or complaints is to be considered, the principal/designee
378 must review in their entirety the files regarding those past incidents);

379

380 v. Evidence of past harassment or discrimination complaints that were
381 found to be untrue (provided that, if evidence of past accusations or
382 complaints is to be considered, the principal/designee must review in their
383 entirety the files regarding those past incidents); and

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385 vi. Case law, state and federal laws and regulations, and the District's
386 Board's pPolicyies prohibiting harassment and discrimination.

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- 388 q. To determine the severity of the harassment or discrimination, the
389 ~~P~~pincipal/~~or~~ designee should consider, among other things:
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391 i. ~~H~~how the misconduct affected one or more student's education;
392
393 ii. ~~T~~the type, frequency, and duration of the misconduct;
394
395 iii. ~~T~~the number of persons involved;
396
397 iv. ~~T~~the subject(s) of harassment or discrimination;
398
399 v. ~~T~~the place and situation where the incident occurred; and/or
400
401 vi. ~~O~~other similar incidents at the school.
402
403 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~pincipal/~~or~~
404 designee shall give the ~~A~~area superintendent/designee ~~Executive Director or~~
405 ~~designee~~ and the ~~EEO/Title IX~~ Coordinator or ~~and~~ ADA/504 Specialist a
406 written report that describes the complaint and investigation and contains
407 ~~his/her~~ findings, a decision, and reasons for the decision.
408
409 i. ~~If he/she the principal/designee~~ verifies that harassment or discrimination
410 occurred, this report shall describe the actions ~~he/she took~~ taken to end
411 the harassment or discrimination pursuant to the Matrix of Incidents and
412 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary);
413 address the effects of the harassment or discrimination on the
414 complainant; and prevent retaliation or further harassment or
415 discrimination.
416
417 ii. The ~~P~~pincipal/~~or~~ designee shall notify the parties (and their custodial
418 parent(s)/guardians, if the parties are minors as defined in paragraph
419 (6)(f)) in writing of ~~his/her~~ the decision and their right to review by the
420 ~~A~~area superintendent/ ~~Executive Director or~~ designee. (If the complaint
421 was originally filed with, and investigated by, the EEO/Title IX
422 Coordinator or ADA/504 Specialist instead of the principal, the Title IX
423 Coordinator or ADA/504 Specialist shall inform the parties of the right to
424 appeal to the Chief Academic Officer/designee within ten (10) days after
425 receiving the Coordinator's/Specialist's decision.)

426 s. No retaliation of any kind is permitted ~~because~~ in connection with an
427 individual's ~~hashaving~~ made a discrimination or harassment complaint.
428

429 14. **Appeal to Area Superintendent** ~~Executive Director of a Complaint Against an~~
430 **Accused/Student.**-- If the complaint against an accused/student is not resolved at
431 the school-site level to the satisfaction of the parties ~~in the site-level process~~, either
432 party (or their custodial parent(s)/guardian (if the party is a minor as defined in
433 paragraph (6)(f) may seek review by the area superintendent/designee through
434 the following process:

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436 a. The written complaint and request for review shall be sent to the Area
437 superintendent's ~~Executive Director's~~ office within ten (10) days of the
438 completion of the site-level process by the Pprincipal.
439

440 i. If the principal's designee conducted the investigation, the first level of
441 appeal is to the principal. If the complaint has been reviewed or
442 investigated by the principal, the next level of appeal is to the Area
443 superintendent/ ~~Executive Director~~ or designee, ~~by using the following~~
444 ~~procedures.~~ (If the complaint was originally filed with, and investigated by,
445 the EEO/Title IX Coordinator or ADA/504 Specialist, the next level of
446 appeal is to the Chief Academic Officer/designee.)

447
448 ii. If the Area superintendent/designee ~~Executive Director~~ is directly
449 involved with a complaint or closely related to with the a parties party to
450 the complaint, then an ~~impartial designee~~ the Chief Academic
451 Officer/designee shall be asked to conduct the review and/or further
452 investigation.
453

454 b. **Notice Requirement.**-- Notice will be given to all parties of a request for
455 review by the Area superintendent/~~Executive Director~~ or designee within two
456 (2) business days of the request for review.
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458 c. **Procedure.**-- The Area superintendent ~~Executive Director~~ or designee shall
459 review the complaint, the answer to the complaint, the principal/designee's
460 report, and any other evidence in the record. The Area superintendent
461 ~~Executive Director~~ or designee may also conduct any further investigation
462 ~~he/she deems deemed~~ necessary. ~~Time limits may be extended by written~~
463 ~~mutual agreement of the individuals and the person to whom the complaint is~~
464 addressed.

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- i. During the investigation, the ~~A~~ area superintendent/ Executive Director or designee may take any action necessary to protect the complainant, or other ~~employees~~ or students or employees consistent with the requirements of applicable regulations and statutes. No retaliation of any kind is permitted in connection with an individual's having made a harassment or discrimination complaint under this Policy.
 - ii. The ~~A~~ area superintendent ~~Executive Director~~ or designee will review the ~~P~~ Principal's decision as to the validity of the allegations and any corrective action, and will make a decision within thirty (30) calendar days after receipt of the request for review. Time limits may be extended by written mutual agreement of the complainant (or custodial parent(s)/guardian on behalf thereof if the complainant is a minor as defined in paragraph (6)(f)), and the accused/student (or custodial parent(s)/guardian on behalf thereof if the accused/student is a minor).
 - iii. The ~~A~~ area ~~Executive Director~~ or superintendent/designee shall take action deemed appropriate to resolve the situation, including, but not limited to, ~~warning, out-of-school suspension, expulsion, transfer to alternative school, or other~~ disciplinary action by the school, consistent with the requirements of applicable procedures outlined in each ~~S~~ school's Student-Parent Handbook, School District the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and Florida law, or transfer to alternative school.
 - iv. The ~~A~~ area ~~Executive Director~~ or superintendent/designee will inform the ~~parties~~ (and their custodial parent(s)/guardian if the parties are minors as defined in paragraph (6)(f)). in writing of his/her the decision and the ~~parties'~~ right to appeal.
 - v. A copy of the decision will be sent to the ~~EE~~ O/Title IX Coordinator ~~or~~ and ADA/504 Specialist.

499 **15. Appeal Procedure to Chief Academic Officer/Designee**

- 500
501
502
503
- a. If the complainant or accused/student (or their custodial parent(s)/guardian if the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the ~~A~~ area superintendent's ~~Executive Director's~~ decision, it may be appealed in

504 writing to the ~~Superintendent~~Chief Academic Officer/designee within ten (10)
505 days after receipt of the decision.

506
507 i. If the area superintendent's designee conducted the review, the next level
508 of appeal is to the area superintendent rather than to the Chief Academic
509 Officer.

510
511 ii. If the Chief Academic Officer/designee superintendent is directly involved
512 with a complaint or closely related to with a the parties to the complaint,
513 then an ~~impartial designee~~ the Chief Operating Officer/designee shall be
514 asked to review the matter.

515
516 b. **Notice.**-- Notice of the appeal shall be given in writing to all the parties (and
517 their custodial parent(s)/guardian if the parties are minors as defined in
518 paragraph (6)(f)) within two (2) days of ~~notice of~~ receipt of appeal.

519
520 c. **Procedure.**-- ~~The Superintendent~~ Chief Academic Officer/er designee shall
521 review the written complaint, the accused/student's response to the complaint
522 (or the response of the parent/guardian on behalf of the accused/student), and
523 all documentation pertaining to the alleged harassment or discrimination
524 including the ~~Area superintendent's Executive Director's~~ decision.

525
526 i. The ~~Superintendent~~ Chief Academic Officer/erdesignee, ~~in his/her~~
527 ~~discretion,~~ may request additional information.

528
529 ii. The ~~Superintendent~~ Chief Academic Officer/erdesignee shall issue a
530 written decision to the parties (and their custodial parent(s)/guardian if
531 the parties are minors as defined in paragraph (6)(f)) within twenty (20)
532 calendar days of the request of the appeal.

533
534 16. **Appeal to the Superintendent/Designee**

535
536 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
537 the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the
538 Chief Academic Officer's decision, it may be appealed in writing to the
539 Superintendent within ten (10) days after receipt of the decision.

540
541 i. If the Chief Academic Officer's designee conducted the review, the next
542 level of appeal is to the Chief Academic Officer rather than to the

543 Superintendent.

544

545 ii. If the Superintendent is directly involved with a complaint or closely
546 related to a party to the complaint, then the Chief Counsel to the Board
547 shall be asked to review the matter and report the findings to the Board.

548

549 b. **Notice**.-- Notice of the appeal shall be given in writing to the parties (and their
550 custodial parent(s)/guardian if the parties are minors as defined in paragraph
551 (6)(f)) within two (2) days of receipt of the appeal.

552

553 c. **Procedure**.-- The Superintendent/designee shall review the written complaint,
554 the accused/student's response to the complaint (or the response of the
555 parent/guardian on behalf of the accused/student), and all documentation
556 pertaining to the alleged harassment or discrimination, including the Chief
557 Academic Officer's decision.

558

559 i. The Superintendent may request additional information.

560

561 ii. The Superintendent/designee shall issue a written decision to the parties
562 (and their custodial parent(s)/guardian if the parties are minors as
563 defined in paragraph (6)(f)) within twenty (20) calendar days of request of
564 the appeal. The decision of the Superintendent/designee is the final
565 decision of the District.

566

567 17. **Other Means of Resolution**.-- If the complainant is not satisfied with the results of
568 the procedures contained in this policy, he~~/~~she may utilize other means for
569 resolution as provided by law, including seeking recourse through the F~~f~~ederal
570 Office for Civil Rights ("OCR").

571

572 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**
573 **EMPLOYEE -- Investigation and Resolution of Complaints Against an**
574 **(Accused/Employee)**

575

576 a. ~~Site-Level Procedure.~~**Reporting Discrimination or Harassment**.-- Any
577 student/applicant for admission (and/or the custodial parent(s)/guardian on
578 that complainant's behalf if the complainant is a minor as defined in paragraph
579 (6)(f)) who believes he~~/~~she is a victim of discrimination or harassment (or
580 any individual, including any student, teacher, or other employee of the School
581 District who has knowledge of any incident(s) involving discrimination or

- 582 harassment of students) is strongly encouraged to report the incident(s) in
583 writing to a school official or the EEO/Title IX Coordinator and ~~or~~ ADA/504
584 Specialist. Complaints should be filed as soon as possible after the alleged
585 incident, but must be filed within one hundred eighty (180) calendar days after
586 the alleged incident (i.e. within 180 days of the last act of alleged harassment
587 or discrimination).
588
- 589 b. School officials must report in writing any allegations of discrimination or
590 harassment to the ~~P~~-principal and to the EEO/Title IX Coordinator and ~~or~~
591 ADA/504 Specialist. If the principal is directly involved with a complaint or
592 closely related to a party to the complaint, then the incident may be reported
593 directly to the EEO/Title Coordinator and ADA/504 Specialist.
594
- 595 c. The principal/designee shall document all complaints in writing to ensure that
596 problems are appropriately addressed. It is the responsibility of the principal
597 to forward all complaints to the area superintendent, Title IX Coordinator, and
598 ADA/504 Specialist within two (2) work days. Failure by the principal to
599 respond to a complaint within two (2) work days will automatically allow the
600 complainant to re-file the complaint with the area superintendent
601
- 602 ~~d. If the Principal is directly involved with a complaint or with the parties to the~~
603 ~~complaint, then the incident may be reported directly to the EEO Coordinator~~
604 ~~or 504 Specialist.~~
605
- 606 e. **Filing the Complaint Form.--** Consistent with OCR guidelines, a formal
607 complaint process is required for any complaint against an employee. The
608 complainant (or the custodial parent(s)/guardian if the complainant parties is a
609 minor as defined in paragraph (6)(f)) may file a complaint, either orally or in
610 writing, with the Pprincipal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504
611 Specialist by using the Harassment and Discrimination Student Complaint
612 Report Form (PBSD 1615), available on the District's web site at
613 www.palmbeach.k12.fl.us/ Records/Forms.htm.
614
- 615 i. Complaints should be filed as soon as possible after the alleged incident,
616 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days
617 of after the alleged incident (that is, within 180 days after the last act of
618 alleged harassment or discrimination). Failure on the part of the
619 complainant to initiate and/or follow up on the complaint within this period
620 may result in the complaint being deemed abandoned.

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ii. The Pprincipal/ ~~or~~ designee may assist the individual in completing the Fform by recording information on the the *Harassment and Discrimination Student Complaint Report Fform*, reviewing it with the complainant, and obtaining the complainant's signature. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender(s), witnesses, and other relevant information.

iii. Complaints filed with the Pprincipal/~~or~~ designee must be reported in writing to the Aarea superintendent Executive Director and the EEO/Title IX Coordinator and/or ADA/504 Specialist for investigation.

f. Notice to Parent(s)/Guardians.-- Within two (2) days of receiving the complaint, and in accordance with federal and state privacy laws, the principal/designee shall notify the custodial parent(s)/guardian of any minor student as defined in paragraph (6)(f) who is allegedly subject to harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/ guardians, if the students are minors) will also be notified of events and decisions described in this Policy.

g. Investigation by EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee.-- The EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist/designee shall document promptly and begin within (2) work days to thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure that problems are appropriately addressed:

i. Promptly talk with the complainant within two (2) work days after receiving the complaint form. The complainant (and/or the custodial parent(s)/guardian of the complainant if the complainant is a minor as defined in paragraph (6)(f) shall have an opportunity to describe the incident, present any evidence, name witnesses, and ensure that his/her the complaint is put in writing if he/she has not already done so.

ii. T~~alk~~ talk with any witnesses or others who may have relevant information;;
and

iii. C~~onduct~~ conduct an investigationave meeting with the accused/employee, and the accused/employee's representative, if applicable, to discuss the

660 allegations and allow the accused/employee to respond to the allegations.

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h. During the investigation, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee may recommend to the Chief Personnel Officer/~~or~~designee, any action necessary to protect the complainant, or other students or employees or students, consistent with the requirements of applicable ~~regulations or statutes~~, State Board of Education Rules, School Board Policies, and collective bargaining agreements.

i. In general, complainants will continue attending the same school and pursuing their studies as directed while the investigation is conducted and the complaint is pending resolution.

~~ii.~~ ~~The EEO Coordinator or 504 Specialist shall document all complaints to ensure that problems are appropriately addressed.~~

~~iii.~~ ii. When necessary to carry out his/~~her~~ the investigation or for other good reasons, and consistent with federal and state privacy laws, the EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee also shall discuss the complaint with the following persons, as appropriate:

- A. Superintendent/~~or~~designee;
- B. Chief Academic Officer and/or Chief Operating Officer;
- C. ~~A~~ area superintendent/designee ~~Executive Directors;~~
- D. ~~A~~ associate Superintendents;
- E. Chief of School Police;
- F. Chief Personnel Officer;
- G. Director of ~~Employee~~ Labor Relations;
- H. ~~T~~ the custodial parent(s)/guardian of the complainant, if the complainant is ~~under eighteen (18) years of age~~ a minor as defined in Section (6)(f);

- 699 I. ~~A~~ teacher or staff member whose knowledge of the student(s) or
700 employee(s) involved may help determine who is telling the truth;
701
702 J. ~~C~~ child protective agencies responsible for investigating child abuse;
703
704 K. ~~L~~ egal counsel for the District Board; and/or
705
706 L. ~~E~~ xclusive bargaining representative or the legal counsel thereof, if
707 appropriate; and
708
709 M. the accused/employee.
710

711 19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.--**

712 Upon completion of the investigation, within thirty (30) calendar days of receiving
713 the complaint if possible, the EEO/Title IX Coordinator/designee or ADA/504
714 Specialist/designee shall make a decision about the validity of the allegations in the
715 complaint.
716

717 a. The EEO/Title IX Coordinator/designee or ADA/504 Specialist/designee shall
718 discuss the determination and any recommended corrective action with the
719 Principal/or designee and Chief Personnel Officer.
720

721 b. In reaching a decision about the complaint, the following should be taken into
722 account:

723 i. ~~S~~ statements made by the persons identified in Paragraphs (18)(h), (i)
724 above;
725

726 ii. ~~T~~ he details and consistency of each person's account;
727

728 iii. ~~E~~ vidence of how the complainant reacted to the incident;
729

730 iv. ~~E~~ vidence of past instances of harassment or discrimination by the
731 accused/employee (provided that, if evidence of past
732 harassment/discrimination incidents are to be considered, the investigator
733 must review in their entirety the files regarding those past incidents).;
734

735 v. ~~E~~ vidence of past harassment or discrimination complaints that were
736 found to be untrue (provided that, if evidence of past
737

- 738 harassment/discrimination accusations or complaints are to be
739 considered, the investigator must review in their entirety the files
740 regarding those past complaints); and
741
742 vi. ~~C~~ase law, state and federal laws and regulations, and the District's
743 Board's Policies prohibiting harassment and discrimination.
744
745 c. To determine the severity of the harassment or discrimination, the following
746 may be considered:
747
748 i. ~~H~~ow the misconduct affected one or more student's education;
749
750 ii. ~~T~~he type, frequency, and duration of the misconduct;
751
752 iii. ~~T~~he number of persons involved;
753
754 iv. ~~T~~he subject(s) of harassment or discrimination;
755
756 v. ~~T~~he place and situation where the incident occurred; and
757
758 vi. ~~O~~ther incidents at the school.
759
760 d. The following action(s) or discipline may be taken, consistent with any
761 applicable collective bargaining agreement provisions, to resolve a complaint
762 of harassment or discrimination:
763
764 i. ~~N~~o action if complaint is unsubstantiated;
765
766 ii. ~~T~~he training requirements for the employee;
767
768 iii. ~~O~~ral reprimand of the employee;
769
770 iv. ~~W~~ritten reprimand of the employee;;
771
772 v. ~~S~~suspension of the employee up to and including termination; or
773
774 vi. Termination of the employee.
775

- 776 A. For the first verified offense of harassment of, or discrimination
777 against, a student, suspension should be recommended for a
778 minimum of thirty (30) days without pay up to and including
779 termination. Termination should be recommended for the second
780 offense of verified harassment of, or discrimination against, a student
781
- 782 B. Suspension without pay and/or termination requires School Board
783 action.
784

785 **20. Appeal Procedure for an Accused/Employee**
786

- 787 a. If the accused/employee wishes to appeal the action taken in resolution of the
788 complaint, such appeal shall be filed either in accordance with District Board
789 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
790
- 791 b. For those employees not in a bargaining unit, the appeal shall be filed in
792 accordance with Board Policy 3.31.
793

794 **21. Appeal Procedure for Student/Complainant When the Accused Is an**
795 **Employee**
796

- 797 a. **Appeal to Chief Operating Officer/Designee.--** If the complainant or
798 accused/student (or the custodial parent(s)/guardian if the complainant is a
799 minor as defined in paragraph (6)(f)) is dissatisfied with the EEO/Title IX
800 Coordinator's or ADA/504 Specialist's decision, it may be appealed in writing
801 to the Superintendent Chief Operating Officer/designee within ten (10) days
802 after receipt of the decision. However, if the Superintendent Chief Operating
803 Officer is directly involved with a complaint or closely related to with a the
804 parties to the complaint, then an impartial-designee the Chief Academic
805 Officer shall be asked to review the matter.
806
- 807 i. **Notice.--** Notice of the appeal shall be given to all the parties (and the
808 custodial parent(s)/guardian of the complainant, if a minor as defined in
809 paragraph (6)(f)) within two (2) days of notice of receipt of appeal.
810
- 811 ii. **Procedure.--** The Superintendent Chief Operating Officer/ordesignee
812 shall review the written complaint, the accused/student's/employee's
813 response to the complaint, and all documentation pertaining to the

814 alleged harassment or discrimination including the EEO/Title IX
815 Coordinator's or ADA/504 Specialist's decision.

816
817 A. The Superintendent Chief Operating Officer/or designee, in his/her
818 discretion, may request additional information.

819
820 B. The Superintendent Chief Operating Officer/or designee shall issue a
821 written decision to the parties within twenty (20) calendar days of
822 request of the appeal.

823
824 **b. Appeal to the Superintendent.--** If the complainant (or custodial
825 parent(s)/guardian of the minor complainant as defined in paragraph (6)(f)) is
826 dissatisfied with the Chief Operating Officer's decision, the decision may be
827 appealed in writing to the Superintendent within ten (10) days after receipt of
828 the decision.

829
830 i. If the Chief Operating Officer's designee conducted the review, the next
831 level of appeal is to the Chief Operating Officer rather than to the
832 Superintendent.

833
834 ii. If the Superintendent is directly involved with a complaint or closely
835 related to a party to the complaint, then the Chief Counsel to the Board
836 shall be asked to review the matter and report the findings to the Board.

837
838 iii. **Notice.--** Notice of the appeal shall be given in writing to the parties (and
839 their custodial parent(s)/guardian if the parties are minors as defined in
840 paragraph (6)(f)) within two (2) days of receipt of the appeal.

841
842 iv. **Procedure.--** The Superintendent/designee shall review the written
843 complaint, the accused/employee's response to the complaint, and all
844 documentation pertaining to the alleged harassment or discrimination,
845 including the Chief Operating Officer's decision.

846
847 A. The Superintendent may request additional information.

848
849 B. The Superintendent/designee shall issue a written decision to the
850 parties (and the complainant's custodial parent(s)/guardian, if the
851 complainant is a as defined in paragraph (6)(f)) within twenty (20)

852 calendar days of request of the appeal. The decision of the
853 Superintendent/designee is the final decision of the District.
854

855 c. Other Means of Resolution.-- If the complainant is not satisfied with the
856 results of the procedures contained in this policy, he or she may utilize other
857 means for resolution as provided by law, including seeking recourse through
858 the Federal Office for Civil Rights ("OCR").
859

860 22. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION
861 BY VOLUNTEERS, VISITORS, OR CONTRACTORS -- Investigation of
862 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or
863 Other Third Party.

864 a. The School Board will not tolerate harassment or discrimination by school
865 volunteers, consultants, independent contractors or subcontractors (or their
866 employees), or any third party in the school (or outside of the school at school-
867 sponsored events), on school buses, or at training facilities sponsored by the
868 School District. Any such alleged harassment or discrimination should be
869 reported immediately to the school principal, using the same formal written
870 complaint process as would be used to report harassment or discrimination by
871 a District employee. The complaint should be filed as soon as possible, at
872 least within one hundred eighty (180) calendar days of the alleged incident
873 (i.e. within 180 days of the last act of alleged harassment or discrimination).
874

875 b. It is the responsibility of the principal to forward all complaints to the area
876 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist within
877 two (2) work days. Failure by the principal to respond to a complaint within
878 two (2) work days will automatically allow the complainant to re-file the
879 complaint with the area superintendent.
880

881 c. Within two (2) days of receiving the complaint, and in accordance with federal
882 and state privacy laws, the principal/designee shall notify the custodial
883 parent(s)/guardian of any minor student as defined in paragraph (6)(f) who is
884 allegedly subject to harassment or discrimination. Notification may be made
885 by telephone, letter, or personal conference. The students involved (and their
886 custodial parent(s)/ guardians, if the students are minors) will also be notified
887 of events and decisions described in this Policy.
888

889 d. Within two (2) days of receiving the complaint, the EEO/Title IX
890 Coordinator/designee or ADA/504 Specialist/designee shall begin an

891 investigation, using procedures similar to those used for investigation of
892 allegations against District employees.

- 893
894 e. If the District's investigation substantiates a complaint of sexual harassment or
895 discrimination by a school volunteer, visitor, consultant/independent
896 contractor, vendor or other third party, the Superintendent shall promptly
897 recommend appropriate action. As stated in OCR's *Revised Sexual*
898 *Harassment Guidance* (2001):

899 The type of appropriate steps that the school should take will differ
900 depending on the level of control that the school has over the third
901 party harasser. For example, if athletes from a visiting team harass
902 the home school's students, the home school may not be able to
903 discipline the athletes. However, it could encourage the other
904 school to take appropriate action to prevent further incidents; if
905 necessary, the home school may choose not to invite the other
906 school back.

- 907
908 f. Depending on the situation, an appropriate response may include, but not
909 limited to, revoking the volunteer's status under Policy 2.53; asking the visitor
910 to refrain from returning to the campus; requesting a contractor to remove an
911 employee from a project at a school site and discipline the employee; or
912 debaring a vendor pursuant to Policy 6.14(5). The District's response will be
913 designed to eliminate the harassment or discrimination and prevent its
914 reoccurrence. If the complainant is not satisfied with the District's response,
915 he/she (or the custodial parent(s)/guardian of a minor complainant as defined
916 in paragraph (6)(f)) may appeal according to the procedures used to appeal a
917 decision regarding alleged harassment or discrimination by an employee
918 under Section 21.

- 919
920 g. Other Means of Resolution.-- If the complainant is not satisfied with the
921 District's response under this Section, he/she may utilize other means for
922 resolution as provided by law, including seeking recourse through OCR.

923 924 **23. Confidentiality**

- 925
926 a. To the greatest extent possible, all complaints will be treated as confidential
927 and in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the
928 Family Educational Rights and Privacy Act ("FERPA"); and any other
929 applicable law, such as §§ 119.07(3)(p) & (u) and 231.291(3) or 231.262(1),
930 Fla. Stat.
931
932 b. However, ~~limited~~ disclosure may be necessary to complete a thorough

933 investigation as described above. The District's obligation to investigate and
934 take corrective action may supersede an individual's right to privacy.
935

- 936 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
937 confidentiality cannot be guaranteed.
938

939 24. ~~Notice~~ **Informing Students and Employees About this Policy** .-- Notice of the
940 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in
941 prominent locations in all District buildings, including information on how to receive
942 a copy. Notice shall be included annually in student, parent, and staff handbooks.
943

- 944 a. ~~Upon receiving a complaint, and in accordance with federal and state privacy~~
945 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all~~
946 ~~students under age 18 involved in the alleged harassment or discrimination~~
947 ~~within two (2) days of the allegations. Notification may be made by telephone,~~
948 ~~letter, or personal conference. The students involved and their~~
949 ~~parent(s)/guardians will also be notified of events and decisions described in~~
950 ~~this policy.~~
951

952 25. **Retaliation Prohibited**

- 953
954 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
955 harassment in connection with filing a complaint or assisting with an
956 investigation under this Policy.
957
958 b. Retaliatory or intimidating conduct against any individual who has made a
959 harassment or discrimination complaint or any individual who has testified,
960 assisted, or participated, in any manner, in an investigation is specifically
961 prohibited.
962
963 c. The Principal/designee, and EEO/Title IX Coordinatr or ADA/504
964 Specialist, if applicable, shall inform the complainants that he/shethey is are
965 protected by law from retaliation.
966

967 26. **Additional Assistance Available**

- 968
969 a. In all cases, the District reserves the right to refer the results of its own
970 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida

971 for possible criminal charges, whether or not the District takes any other
972 action.
973

974 b. The District will provide counseling services for students who have been
975 harassed or discriminated against.

976 c. Training will be provided to assist teachers and counselors who work with
977 students to prevent harassment and discrimination. Attendance is mandatory.
978

979 d. The Office for Civil Rights is the federal agency in the Department of
980 Education that monitors ~~ensures that~~ schools' compliance with Title IX, Title
981 VI, Title II of the Americans With Disabilities Act, and Section 504, and it can
982 be contacted at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at
983 OCR Atlanta@ed.gov.
984

985 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~
986 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone:~~
987 ~~(561) 434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-~~
988 ~~102, West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

989
990 **STATUTORY AUTHORITY:** §§ 230.22(2); 230.23 (17)(22); 230.23005(6), Fla. Stat.

991
992 **LAWS IMPLEMENTED:** §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida Education
993 Equity Act); 228.093(3)(d); 230.22(1), 230.23(6)(d)1, 8;
994 230.33(8); 231.001; 231.291(3)(a); 231.262(1),
995 760.01(2), Fla. Stat.; Title II of the Americans With
996 Disabilities Act (42 U.S.C. 12131, et. seq. (Title II of the
997 Americans with Disabilities Act); Title IX of the Education
998 Amendments of 1972 (20 U.S.C. § 1681-1688 et. seq.
999 (Title IX of the Education Amendments of 1972); Title VI
1000 of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et.
1001 seq. (Title VI of the Civil Rights Act of 1964); Section 504
1002 of the Rehabilitation Act of 1973 (29 U.S.C. § 794
1003 (Section 504 of the Rehabilitation Act of 1973); 20 U.S.C.
1004 § 1232g (Family Educational Rights and Privacy Act
1005 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
1006 Education Equity Act"); § 228.093(3)(d); 230.23(6)(d)(1)
1007 and (8); 230.22(1) and (2); 230.33(8); 119.07(3)(p), Fla.
1008 Stat.

1009 **STATE BOARD RULES**

1010 **SUPPLEMENTED:** 6A-19.001, 6A-19.002, 6A-19.008, 6B-1.006(3)(a), (g)

1011 **HISTORY:** 3/3/76; 8/17/77; 3/17/99; ___ / ___ /02

Legal Signoff:

The Legal Department has reviewed proposed Policy 5.001 and finds it legally sufficient for development by the Board.

Attorney

Date