

**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."

[Contact: Dr. Mary Ann DuPont, 434-8963.]

**Adoption**

- At the first reading (development) on June 3, the Board approved this Policy for second reading/Adoption on July 8. The Board requested some amendments on July 8. Revisions based on those requests are incorporated herein.
- The formal complaint form referenced in the Policy is included after p. 25.
- A trilingual (Creole, Portuguese, and Spanish) brief summary of the levels of complaint and appeal for students will be distributed with the Policy. These summary sheets are included following the complaint form.

CONSENT ITEM



- 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.  
41  
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~~ allegations regarding any action,  
46 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 complaint of harassment or  
50 discrimination or an individual or group submitting a complaint on behalf of a  
51 student(s).  
52  
53 e. Day is defined as ~~All days are~~ a working days and do not include weekends or  
54 holidays unless noted as "calendar day."  
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56 f. Parties is defined as ~~Parties means~~ the accused student and/or  
57 accused/employee, and the ~~C~~complainant.  
58  
59 g. Protected Categories include ~~Protected categories are~~ sex, race, color,  
60 religion, sex, national origin, age, disability, ~~or and~~ marital status, pursuant to  
61 Title IX of the Education Amendments of 1972; Section 504 of the  
62 Rehabilitation Act of 1973; the Americans with Disabilities Act; §§  
63 228.2001(2)(a) (the Florida Education Equity Act); 760.01(2) (the Florida Civil  
64 Rights Act), Fla. Stat.; and Art. 1, § 2, Fla. Const.  
65  
66 h. School Official, for purposes of this Policy, is defined as ~~School Officials~~  
67 ~~include~~ School Board employees, principals, assistant principals, teachers,  
68 and school police officers who have the duty of reasonable supervision with  
69 respect to student activities.

- 70  
71 7. **Title IX Coordinator and ADA/504 Specialist.--** Equal educational opportunities  
72 are guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education  
73 Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. The  
74 District has designated the ~~EEO~~ Equal Employment Opportunity ("EEO")  
75 Coordinator as the person responsible for ensuring that students and their  
76 custodial parent(s)/guardian receive information related to discrimination and  
77 harassment.

- 78
- 79 8. The EEO/Title IX Coordinator is located at: 3370 Forest Hill Boulevard, Suite A-
- 80 428, A-115, West Palm Beach, Florida 33406; Telephone: (561) 434-8637.
- 81
- 82 9. For those complaints concerning the Americans with Disabilities Act ("ADA") or
- 83 Section 504 of the Rehabilitation Act, the District has designated an ADA/504
- 84 Specialist.
- 85
- 86 10. The ADA/504 Specialist is located at ~~3336~~ 3308 Forest Hill Boulevard, Suite ~~B-102~~
- 87 C-143, West Palm Beach, Florida, 33406; Telephone: (561) 434-8817.
- 88
- 89 11. This contact information is to be posted in highly visible locations at each school
- 90 including the main office, the guidance waiting area, and student services.
- 91
- 92 12. **Prohibited Harassment.**-- For purposes of this Policy, Hharassment occurs when
- 93 conduct is sufficiently severe, persistent, or pervasive that it has the purpose or
- 94 effect of unreasonably interfering with a student's performance or ability to benefit
- 95 from his/her education, or creates an intimidating, hostile, offensive, or abusive
- 96 school environment. Types of conduct which are prohibited in the District and
- 97 which may constitute harassment include, but are not limited to:
- 98
- 99 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes,
- 100 threats, abusive words, gestures, or harm to an individual.
- 101
- 102 b. Displaying visual or written material, including notes, stories, drawings, or
- 103 pictures, or defacing school property or materials to demean a person.
- 104
- 105 c. Damaging, defacing or destroying private property of any person.
- 106
- 107 d. Bullying.
- 108
- 109 e. Requests for sexual favors and other conduct of a sexual nature as set forth in
- 110 Policy 5.81.
- 111
- 112 f. Any act of retaliation against an individual who reports a violation of the
- 113 District's Board's harassment and discrimination policy or ~~who~~ participates in
- 114 the investigation of a discrimination or harassment complaint.

115  
116 13. GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY  
117 STUDENTS -- Investigation and Resolution of Complaints Against an  
118 (Accused/Student)  
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- 120 a. ~~Site-Level Procedure~~ **Reporting Discrimination or Harassment.**-- Any  
121 student or applicant for admission who believes he/ørshe is a victim of  
122 discrimination or harassment (or any individual, including any student, teacher,  
123 or other employee of the ~~School-D~~ district, who has knowledge of any  
124 incident(s) involving discrimination or harassment of students) is strongly  
125 encouraged to report the incident(s) in writing to the principal or other a-school  
126 official or the EEO/ Title IX Coordinator ør and ADA/504 Specialist.  
127
- 128 b. School officials must report in writing any allegations of discrimination or  
129 harassment to the ~~P~~principal and to the EEO/Title IX Coordinator ør and  
130 ADA/504 Specialist.  
131
- 132 c. School officials must instruct students and their custodial parent(s)/guardian  
133 that ~~they~~ the student, or custodial parent(s)/guardian on behalf of the student,  
134 may file a written complaint with the ~~P~~principal/ørdesignee, EEO/Title IX  
135 Coordinator and/or ADA/504 Specialist.  
136
- 137 d. The principal/designee shall document all complaints in writing to ensure that  
138 problems are appropriately addressed. Failure by the principal to respond to a  
139 complaint in a timely manner will automatically allow the complainant to re-file  
140 the complaint with the area superintendent.  
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- 142 e. It is the responsibility of the principal to forward all complaints to the area  
143 superintendent, EEO/Title IX Coordinator, and ADA/504 Specialist.  
144
- 145 f. **Principal Involvement.**-- If the ~~P~~principal is directly and personally involved  
146 with a complaint or is closely related to with the a parties-party to the  
147 complaint, then an ~~impartial~~ designee the area superintendent shall be asked  
148 to conduct the investigation.  
149
- 150 g. **Informal Resolution.**-- Where appropriate, the complainant and the  
151 accused/student may agree to informally resolve the complaint (and the  
152 Principal must document, in writing, any complaint, even if made informally).  
153

- 154 i. The Pprincipal/ordesignee may arrange for the parties to resolve the  
155 complaint informally.  
156
- 157 ii. The student, or the custodial parent(s)/guardian on behalf of the student,  
158 who complained shall never be asked to work out the problem directly  
159 with the accused/student unless the assistance of a counselor, teacher,  
160 administrator, or mediator is provided and the complainant is willing.  
161
- 162 iii. If the complaint is resolved informally, the Pprincipal/ordesignee shall  
163 notify the EEO/Title IX Coordinator or and ADA/504 Specialist of the  
164 resolution of the complaint.  
165
- 166 h. **Filing the a Formal Complaint Report.**-- If the matter cannot be is not  
167 resolved informally, the Pprincipal/ordesignee shall assist the student, or  
168 custodial parent(s)/guardian on behalf of the student, in filing a complaint (if it  
169 is not yet in writing). Individuals The student or custodial parent(s)/guardian  
170 on behalf of the student may file a written complaint, either orally or in writing  
171 with the Pprincipal/ordesignee by using the *Harassment and Discrimination*  
172 *Complaint Student Complaint Report Form (PBSD 1615). Said form is hereby*  
173 incorporated by reference and made a part of this Policy and shall be filed with  
174 the Clerk of the School Board herewith and is available on the District's web  
175 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.  
176
- 177 i. Complaints should be made as soon as possible but no later than sixty (60)  
178 calendar days of after the alleged incident. Failure on the part of the  
179 complainant to initiate and/or follow up on a complaint in a timely manner may  
180 result in the complaint being deemed abandoned.  
181
- 182 j. ~~If the student, or custodial parent(s)/guardian on behalf of the student, does~~  
183 ~~not at first file a written complaint, the student, or custodial parent(s)/guardian~~  
184 ~~on behalf of the student, will be requested to complete the complaint form. The~~  
185 ~~principal/~~ordesignee may assist the student, or custodial parent(s)/guardian on  
186 behalf of the student, in completing the form, or may complete the form for the  
187 student or for the custodial parent(s)/guardian who is acting on behalf of the  
188 student.  
189
- 190 k. The complainant will be requested to provide signed, specific information  
191 regarding the alleged discrimination or harassment, the alleged offender(2),  
192 witnesses, and other relevant information. In all instances, the student, or

193 custodial parent(s)/guardian on behalf of the student, shall review the form to  
194 ensure its accuracy and sign and date the complaint.  
195

196 l. All complaints filed with the Pprincipal/or designee must be reported in writing  
197 to the Area superintendent ~~Executive Director~~ and the EEO/title IX  
198 Coordinator and or ADA/504 Specialist.  
199

200 m. **Notice to Accused/Student.**-- Within two (2) days of receipt of a complaint,  
201 the Pprincipal/or designee will notify the accused/student of the allegations.  
202

203 n. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving a  
204 complaint, and in accordance with federal and state privacy laws, the  
205 principal/designee shall notify the custodial parent(s)/guardian of any student  
206 under age eighteen (18) who is involved in alleged harassment or  
207 discrimination. Notification may be made by telephone, letter, or personal  
208 conference. The student(s) involved and his/her custodial parent(s)/guardian  
209 will also be notified of events and decisions described in this Policy.  
210

211 o. **Steps in the Investigation.**-- The Pprincipal/or designee shall promptly and  
212 thoroughly investigate all complaints of harassment or discrimination ~~which~~  
213 shall mandate, including, at minimum, the following steps:-  
214

215 i. Promptly talk with the complainant:-  
216

217 ii. ~~T~~he complainant or custodial parent(s)/guardian thereof shall have an  
218 opportunity to describe the incident, present witnesses and other  
219 evidence of the harassment or discrimination, and ensure that ~~put his/her~~  
220 the complaint is put in writing if ~~he/she has not already done so:-~~  
221

222 iii. Promptly talk with the accused/student, or custodial parent(s)/guardian  
223 thereof on behalf of the accused/student:-  
224

225 iv. ~~T~~he accused/student, or custodial parent(s)/guardian on behalf of the  
226 accused/student, shall have an opportunity to describe the incident,  
227 present witnesses and other evidence, and put his/her response in  
228 writing:-  
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230 v. ~~T~~alk with any person who saw the harassment, has knowledge of the  
231 discrimination, or who may have related information:- and

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- vi. Conduct a conference, if appropriate, with the complainant and custodial parent(s)/guardian thereof and the accused/student and custodial parent(s)/guardian and give notice of the date, time, place, and rules to the parties.
- vii. The principal/designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.
- viii. The principal/designee may request that the accused/student or custodial parent(s)/guardian thereof, on the accused/student's behalf, prepare a written response to the complaint; or the principal/designee may prepare a written statement of the accused/student's oral response to the complaint based on their meeting and obtain the signature of the accused/student, and/or custodial parent(s)/guardian thereof, after his/her review of the statement.
- ix. The principal/designee should dictate and then review his/her notes with the complainant and accused/student after the interviews to verify the facts and ensure accuracy, and then obtain signatures, but shall not tape the interviews.
- p. **Pursuing the Investigation**-- During the investigation, the ~~P~~principal/~~o~~r 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.
  - i. In general, complainants will continue attendance at the same school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution.
  - ii. ~~The P~~principal/~~o~~r designee shall document all complaints to ensure that problems are appropriately addressed.
  - iii. ~~The P~~principal/~~o~~r designee is encouraged to ask open-ended questions to enable students to describe what happened in their own words.
  - iv. ~~The Principal or designee may request that the accused/student, prepare a written response to the complaint,~~ or the Principal or designee may

271 ~~prepare a written statement of the accused/student's response to the~~  
272 ~~complaint based on their meeting and obtain the signature of the~~  
273 ~~accused/student, after his/her review of the statement.~~

274  
275 ~~v. The Principal or designee should review and dictate his/her notes with the~~  
276 ~~complainant and accused/student after the interviews to verify the facts~~  
277 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~  
278 ~~interviews.~~

279  
280 ~~vi. ii.~~ ii. When necessary to carry out his/her the investigation or for other good  
281 reasons, and consistent with federal and state privacy laws, the  
282 ~~P~~principal or designee also may discuss the complaint with any of the  
283 following persons:

284  
285 A. Superintendent or designee;

286  
287 B. Chief Academic Officer;

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289 C. Area superintendent/designee Executive Directors;

290  
291 D. Associate Superintendents;

292  
293 E. Chief of School Police<sub>;</sub>

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295 F. ~~T~~he custodial parent(s)/guardian of the complainant, if the  
296 complainant is under eighteen (18) years of age<sub>;</sub>

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298 G. ~~T~~he custodial parent(s)/guardian of the accused/student, if the  
299 student is under eighteen (18) years of age<sub>;</sub>

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301 H. A teacher or staff member whose knowledge of the students  
302 involved may help determine who is telling the truth<sub>;</sub>

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304 I. ~~C~~hild protective agencies responsible for investigating child abuse<sub>;</sub>  
305 and/or

306  
307 J. Legal counsel for the district Board.

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- 309 q. Written Decision of the Principal/Designee-- Upon completion of the  
310 investigation, the Pprincipal/ordesignee will make a decision about the validity  
311 of the allegations in the complaint and about any corrective action, if  
312 applicable/~~necessary~~, consistent with the Matrix of Incidents and Actions in  
313 Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a  
314 decision about the complaint, the Pprincipal/ or designee should take into  
315 account:
- 316
- 317 i. ~~S~~statements made by the persons identified in ~~Section 5 paragraphs~~  
318 (13)(o), (p), above;
- 319
- 320 ii. ~~T~~he details and consistency of each person's account;
- 321
- 322 iii. ~~E~~vidence of how the complainant reacted to the incident;
- 323
- 324 iv. ~~E~~vidence of past instances of harassment or discrimination by the  
325 accused/student (provided that, if evidence of harassment/ discrimination,  
326 accusations, or complaints is to be considered, the principal/designee  
327 must review in their entirety the files regarding those past incidents);
- 328
- 329 v. ~~E~~vidence of past harassment or discrimination complaints that were  
330 found to be untrue (provided that, if evidence of past accusations or  
331 complaints is to be considered, the principal/designee must review in their  
332 entirety the files regarding those past incidents); and
- 333
- 334 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's  
335 Board's p~~P~~olicies prohibiting harassment and discrimination.
- 336
- 337 r. To determine the severity of the harassment or discrimination, the  
338 Pprincipal/or designee should consider, among other things:
- 339
- 340 i. ~~H~~ow the misconduct affected one or more student's education;
- 341
- 342 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 343
- 344 iii. ~~T~~he number of persons involved;
- 345
- 346 iv. ~~T~~he subject(s) of harassment or discrimination;
- 347

- 348 v. ~~The~~ place and situation where the incident occurred; and/or  
349  
350 vi. ~~Other~~ similar incidents at the school.  
351
- 352 s. Within thirty (30) calendar days of the filing of the complaint, the ~~Principal~~/or  
353 designee shall give the Area superintendent/designee Executive Director or  
354 designee and the EEO/Title IX Coordinator or and ADA/504 Specialist a  
355 written report that describes the complaint and investigation and contains  
356 his/her findings, a decision, and reasons for the decision.  
357
- 358 i. ~~If he/she the principal/designee~~ verifies that harassment or discrimination  
359 occurred, this report shall describe the actions ~~he/she took~~ taken to end  
360 the harassment or discrimination pursuant to the Matrix of Incidents and  
361 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary);  
362 address the effects of the harassment or discrimination on the  
363 complainant; and prevent retaliation or further harassment or  
364 discrimination.  
365
- 366 ii. The ~~Principal~~/or designee shall notify the parties and their custodial  
367 parent(s)/guardians in writing of ~~his/her~~ the decision and their right to  
368 review by the ~~Area superintendent/ Executive Director or~~ designee. (If  
369 the complaint was originally filed with, and investigated by, the EEO/Title  
370 IX Coordinator instead of the principal, the Title IX Coordinator shall  
371 inform the parties of the right to appeal to the Chief Academic  
372 Officer/designee within ten (10) days after receiving the Coordinator's  
373 decision.)  
374
- 375 t. No retaliation of any kind is permitted because in connection with an  
376 individual's having made a discrimination or harassment complaint.  
377
- 378 14. **Appeal to Area Superintendent Executive Director of a Complaint Against an**  
379 **Accused/Student.**-- If the complaint against an accused/student is not resolved at  
380 the school-site level to the satisfaction of the parties or their custodial  
381 parent(s)/guardian in the site-level process, either party or their custodial  
382 parent(s)/guardian may seek review by the area superintendent/designee through  
383 the following process:  
384

- 385 a. The written complaint and request for review shall be sent to the Area  
386 superintendent's ~~Executive Director's~~ office within ten (10) days of the  
387 completion of the site-level process by the Pprincipal.  
388
- 389 i. If the principal's designee conducted the investigation, the first level of  
390 appeal is to the principal. If the complaint has been reviewed or  
391 investigated by the principal, the next level of appeal is to the Area  
392 superintendent/ Executive Director or designee, by using the following  
393 procedures. (If the complaint was originally filed with, and investigated by,  
394 the EEO/Title IX Coordinator or ADA/504 Specialist, the next level of  
395 appeal is to the Chief Academic Officer/designee.)  
396
- 397 ii. If the A-area superintendent/designee ~~Executive Director~~ is directly  
398 involved with a complaint or closely related to ~~with the a~~ parties party to  
399 the complaint, then an ~~impartial designee~~ the Chief Academic  
400 Officer/designee shall be asked to conduct the review and/or further  
401 investigation.  
402
- 403 b. **Notice Requirement.**-- Notice will be given to all parties of a request for  
404 review by the Area superintendent/Executive Director or designee within two  
405 (2) business days of the request for review.  
406
- 407 c. **Procedure.**-- The Area superintendent ~~Executive Director~~ or designee shall  
408 review the complaint, the answer to the complaint, the principal/designee's  
409 report, and any other evidence in the record. The Area superintendent  
410 ~~Executive Director~~ or designee may also conduct any further investigation  
411 ~~he/she deems deemed~~ necessary. Time limits may be extended by written  
412 mutual agreement of the individuals and the person to whom the complaint is  
413 addressed.  
414
- 415 i. During the investigation, the A-area superintendent/ ~~Executive Director~~ or  
416 designee may take any action necessary to protect the complainant, or  
417 other ~~employees~~ or students or employees consistent with the  
418 requirements of applicable regulations and statutes. No retaliation of any  
419 kind is permitted because of an individual's having made a harassment or  
420 discrimination complaint under this Policy.  
421
- 422 ii. The A-area superintendent ~~Executive Director~~ or designee will review the  
423 Pprincipal's decision as to the validity of the allegations and any

424 corrective action, and will make a decision within thirty (30) calendar days  
425 after receipt of the request for review. Time limits may be extended by  
426 written mutual agreement of the complainant or custodial  
427 parent(s)/guardian on behalf thereof, and the accused/student or  
428 custodial parent(s)/guardian on behalf thereof.

- 429
- 430 iii. The ~~A~~area Executive Director or superintendent/designee shall take  
431 action deemed appropriate to resolve the situation, including, but not  
432 limited to, ~~warning, out of school suspension, expulsion, transfer to~~  
433 ~~alternative school, or other~~ disciplinary action by the school, consistent  
434 with the requirements of applicable procedures outlined in each ~~S~~school's  
435 Student-Parent Handbook, School District the Matrix of Incidents and  
436 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and  
437 Florida law, or transfer to alternative school.
- 438
- 439 iv. The ~~A~~area Executive Director or superintendent/designee will inform the  
440 parties and their custodial parent(s)/guardian in writing of his/~~her~~ the  
441 decision and the ~~parties'~~ right to appeal.
- 442
- 443 v. A copy of the decision will be sent to the ~~EEO/Title IX~~ Coordinator ~~or~~ and  
444 ADA/504 Specialist.
- 445

#### 446 **15. Appeal Procedure to Chief Academic Officer/Designee**

- 447
- 448 a. If the complainant or accused/student or their custodial parent(s)/guardian is  
449 dissatisfied with the ~~A~~area superintendent's ~~Executive Director's~~ decision, it  
450 may be appealed in writing to the ~~Superintendent~~Chief Academic  
451 Officer/designee within ten (10) days after receipt of the decision.
- 452
- 453 i. If the area superintendent's designee conducted the review, the next level  
454 of appeal is to the area superintendent rather than to the Chief Academic  
455 Officer.
- 456
- 457 ii. If the Chief Academic Officer/designee ~~superintendent~~ is directly involved  
458 with a complaint or closely related to ~~with~~ a the ~~parties~~ to the complaint,  
459 then ~~an impartial designee~~ the Chief Operating Officer/designee shall be  
460 asked to review the matter.
- 461

- 462 b. **Notice**-- Notice of the appeal shall be given in writing to all the parties and  
463 their custodial parent(s)/guardian within two (2) days of ~~notice of receipt of~~  
464 appeal.
- 465
- 466 c. **Procedure**-- ~~The Superintendent~~ Chief Academic Officer or designee shall  
467 review the written complaint, the accused/student's response to the complaint  
468 (or the response of the parent/guardian on behalf of the accused/student), and  
469 all documentation pertaining to the alleged harassment or discrimination  
470 including the ~~Area superintendent's Executive Director's~~ decision.
- 471
- 472 i. ~~The Superintendent~~ Chief Academic Officer or designee, ~~in his/her~~  
473 ~~discretion,~~ may request additional information.
- 474
- 475 ii. ~~The Superintendent~~ Chief Academic Officer or designee shall issue a  
476 written decision to the parties and their custodial parent(s)/guardian within  
477 twenty (20) calendar days of the request of the appeal.
- 478

479 16. **Appeal to the Superintendent/Designee**

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- 481 a. If the complainant or accused/student (or their custodial parent(s)/guardian, on  
482 their behalf) is dissatisfied with the Chief Academic Officer's decision, it may  
483 be appealed in writing to the Superintendent within ten (10) days after receipt  
484 of the decision.
- 485
- 486 i. If the Chief Academic Officer's designee conducted the review, the next  
487 level of appeal is to the Chief Academic Officer rather than to the  
488 Superintendent.
- 489
- 490 ii. If the Superintendent is directly involved with a complaint or closely  
491 related to a party to the complaint, then the Chief Counsel to the Board  
492 shall be asked to review the matter and report the findings to the Board.
- 493
- 494 b. **Notice**-- Notice of the appeal shall be given in writing to the parties and their  
495 custodial parent(s)/guardian within two (2) days of receipt of the appeal.
- 496
- 497 c. **Procedure**-- The Superintendent/designee shall review the written complaint,  
498 the accused/student's response to the complaint (or the response of the  
499 parent/guardian on behalf of the accused/student), and all documentation

500 pertaining to the alleged harassment or discrimination, including the Chief  
501 Academic Officer's decision.

502  
503 i. The Superintendent may request additional information.

504  
505 ii. The Superintendent/designee shall issue a written decision to the parties  
506 and their custodial parent(s)/guardian within twenty (20) calendar days of  
507 request of the appeal. The decision of the Superintendent/designee is  
508 the final decision of the District.

509  
510 17. **Other Means of Resolution**-- If the complainant is not satisfied with the results of  
511 the procedures contained in this policy, he~~s~~he may utilize other means for  
512 resolution as provided by law, including seeking recourse through the F~~e~~federal  
513 Office for Civil Rights ("OCR").

514  
515 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**  
516 **EMPLOYEE -- Investigation and Resolution of Complaints Against an**  
517 **(Accused/Employee)**

518  
519 a. ~~Site Level Procedure.~~**Reporting Discrimination or Harassment**-- Any  
520 student/ applicant for admission (or the custodial parent(s)/guardian on that  
521 complainant's behalf) who believes he~~s~~or she is a victim of discrimination or  
522 harassment (or any individual, including any student, teacher, or other  
523 employee of the School-District who has knowledge of any incident(s)  
524 involving discrimination or harassment of students) is strongly encouraged to  
525 report the incident(s) in writing to a school official or the EEO/Title IX  
526 Coordinator and~~or~~ ADA/504 Specialist.

527  
528 b. School officials must report in writing any allegations of discrimination or  
529 harassment to the P~~r~~principal and to the EEO/Title IX Coordinator and~~or~~  
530 ADA/504 Specialist.

531  
532 c. School officials must instruct students that they may file a complaint with the  
533 P~~r~~principal~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist. If the  
534 principal is directly involved with a complaint or closely related to a party to the  
535 complaint, then the incident may be reported directly to the EEO/Title  
536 Coordinator and ADA/504 Specialist.

537  
538 d. The principal/designee shall document all complaints in writing to ensure that

539 problems are appropriately addressed. It is the responsibility of the principal  
540 to forward all complaints to the area superintendent and Title IX Coordinator or  
541 ADA/504 Specialist. Failure by the principal to respond to a complaint in a  
542 timely manner will automatically allow the complainant to re-file the complaint  
543 with the area superintendent

544  
545 e. ~~If the Principal is directly involved with a complaint or with the parties to the~~  
546 ~~complaint, then the incident may be reported directly to the EEO Coordinator~~  
547 ~~or 504 Specialist.~~

548  
549 f. **Filing the Complaint Form.--** The complainant, or custodial  
550 parent(s)/guardian on behalf thereof, may file a complaint, either orally or in  
551 writing, with the Principal/or designee, EEO/Title IX Coordinator, or ADA/504  
552 Specialist by using the *Harassment and Discrimination* Student Complaint  
553 Report ~~F~~orm (PBSD 1615), available on the District's web site at  
554 [www.palmbeach.k12.fl.us/Records/Forms.htm](http://www.palmbeach.k12.fl.us/Records/Forms.htm).

555  
556 i. Complaints should be filed as soon as possible after the alleged incident,  
557 but must be filed within sixty (60) calendar days of the alleged incident.  
558 Failure on the part of the complainant to initiate and/or follow up on a  
559 complaint in a timely manner may result in the complaint being deemed  
560 abandoned.

561  
562 ii. The Principal/ or designee may assist the individual in completing the  
563 Form by recording information on the the *Harassment and Discrimination*  
564 Student Complaint Report ~~F~~orm, reviewing it with the complainant, and  
565 obtaining the complainant's signature. The complainant will be requested  
566 to provide signed, specific information regarding the alleged  
567 discrimination or harassment, the alleged offender(s), witnesses, and  
568 other relevant information.

569  
570 iii. Complaints filed with the Principal/or designee must be reported in  
571 writing to the Area superintendent Executive Director and the EEO/Title  
572 IX Coordinator and ADA/504 Specialist for investigation.

573  
574 g. **Notice to Parent(s)/Guardians.--** Within two (2) days of receiving the  
575 complaint, and in accordance with federal and state privacy laws, the  
576 principal/designee shall notify the custodial parent(s)/guardian of any student  
577 under age eighteen (18) who is allegedly subjected to harassment or

578 discrimination. Notification may be made by telephone, letter, or personal  
579 conference. The students involved and their custodial parent(s)/guardians will  
580 also be notified of events and decisions described in this Policy.

581  
582 h. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.-- The  
583 EEO/Title IX Coordinator/ørdesignee or ADA/504 Specialist shall document  
584 and promptly and thoroughly investigate all complaints of harassment or  
585 discrimination, including the following steps to ensure that problems are  
586 appropriately addressed:

587  
588 i. Promptly talk with the complainant. The complainant and/or the  
589 custodial parent(s)/guardian of the complainant shall have an opportunity  
590 to describe the incident, present any evidence, name witnesses, and  
591 ensure that his/her the complaint is put in writing if he/she has not already  
592 done so.

593  
594 ii. Talk with any witnesses or others who may have relevant information;  
595 and

596  
597 iii. Conduct an investigationør meeting with the accused/employee, and the  
598 accused/employee's representative, if applicable, to discuss the  
599 allegations and allow the accused/employee to respond to the allegations.

600  
601 i. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist  
602 may recommend to the Chief Personnel Officer/ørdesignee, any action  
603 necessary to protect the complainant, or other students or employees or  
604 students, consistent with the requirements of applicable regulations or  
605 statutes, State Board of Education Rules, School Board Policies, and  
606 collective bargaining agreements.

607  
608 i. In general, complainants will continue attending the same school and  
609 pursuing their studies as directed while the investigation is conducted and  
610 the complaint is pending resolution.

611  
612 ii. The EEO Coordinator or 504 Specialist shall document all complaints to  
613 ensure that problems are appropriately addressed.

614  
615 iii. ii. When necessary to carry out his/her the investigation or for other good  
616 reasons, and consistent with federal and state privacy laws, the EEO/Title

617 IX Coordinator or ADA/504 Specialist also shall discuss the complaint  
618 with the following persons, as appropriate:

- 619
- 620 A. Superintendent/~~or~~designee;
- 621
- 622 B. Chief Academic Officer and/or Chief Operating Officer;
- 623
- 624 C. Area superintendent/designee Executive Directors;
- 625
- 626 D. Associate Superintendents;
- 627
- 628 E. Chief of School Police;
- 629
- 630 F. Chief Personnel Officer;
- 631
- 632 G. Director of ~~Employee~~ Labor Relations;
- 633
- 634 H. ~~T~~he custodial parent(s)/guardian of the complainant, if the  
635 complainant is under eighteen (18) years of age;
- 636
- 637 I. A teacher or staff member whose knowledge of the student(s) or  
638 employee(s) involved may help determine who is telling the truth;
- 639
- 640 J. ~~C~~hild protective agencies responsible for investigating child abuse;
- 641
- 642 K. ~~L~~egal counsel for the District Board; ~~and/or~~
- 643
- 644 L. ~~E~~xclusive bargaining representative or the legal counsel thereof, if  
645 appropriate; and
- 646
- 647 M. the accused/employee.
- 648

649 19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.**--  
650 Upon completion of the investigation, the EEO/Title IX Coordinator or ADA/504  
651 Specialist shall make a decision about the validity of the allegations in the  
652 complaint.

653

- 654 a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the  
655 determination and any recommended corrective action with the  
656 Principal/~~or~~designee and Chief Personnel Officer.  
657
- 658 b. In reaching a decision about the complaint, the following should be taken into  
659 account:
- 660
- 661 i. ~~S~~statements made by the persons identified in Paragraphs (18)(h), (i)  
662 above;
- 663
- 664 ii. ~~T~~he details and consistency of each person's account;
- 665
- 666 iii. ~~E~~vidence of how the complainant reacted to the incident;
- 667
- 668 iv. ~~E~~vidence of past instances of harassment or discrimination by the  
669 accused/employee (provided that, if evidence of past  
670 harassment/discrimination incidents are to be considered, the investigator  
671 must review in their entirety the files regarding those past incidents)-;
- 672
- 673 v. ~~E~~vidence of past harassment or discrimination complaints that were  
674 found to be untrue (provided that, if evidence of past  
675 harassment/discrimination accusations or complaints are to be  
676 considered, the investigator must review in their entirety the files  
677 regarding those past complaints)-; and
- 678
- 679 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's  
680 Board's Policy~~ies~~ prohibiting harassment and discrimination.
- 681
- 682 c. To determine the severity of the harassment or discrimination, the following  
683 may be considered:
- 684
- 685 i. ~~H~~ow the misconduct affected one or more student's education;
- 686
- 687 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 688
- 689 iii. ~~T~~he number of persons involved;
- 690
- 691 iv. ~~T~~he subject(s) of harassment or discrimination;
- 692

- 693 v. ~~T~~he place and situation where the incident occurred; and  
694  
695 vi. ~~O~~ther incidents at the school.  
696  
697 d. The following action(s) or discipline may be taken, consistent with any  
698 applicable collective bargaining agreement provisions, to resolve a complaint  
699 of harassment or discrimination:  
700  
701 i. ~~N~~o action if complaint is unsubstantiated;  
702  
703 ii. ~~T~~he training requirements for the employee;  
704  
705 iii. ~~O~~ral reprimand of the employee;  
706  
707 iv. ~~W~~ritten reprimand of the employee;;  
708  
709 v. ~~S~~suspension of the employee up to and including termination; or  
710  
711 vi. Termination of the employee.  
712  
713 A. For the first verified offense of harassment of, or discrimination  
714 against, a student, suspension should be recommended for a  
715 minimum of thirty (30) days without pay up to and including  
716 termination. Termination should be recommended for the second  
717 offense of verified harassment of, or discrimination against, a student  
718  
719 B. Suspension without pay and/or termination requires School Board  
720 action.  
721  
722

723 **20. Appeal Procedure for an Accused/Employee**  
724

- 725 a. If the accused/employee wishes to appeal the action taken in resolution of the  
726 complaint, such appeal shall be filed either in accordance with District Board  
727 Policyes or pursuant to the relevant collective bargaining agreement.  
728  
729 b. For those employees not in a bargaining unit, the appeal shall be filed in  
730 accordance with Board Policy 3.31.  
731

732 21. **Appeal Procedure for Student/Complainant When the Accused Is an**  
733 **Employee**

734  
735 a. **Appeal to Chief Operating Officer/Designee.--** If the complainant or  
736 accused/student (or custodial parent(s)/guardian on behalf of the complainant)  
737 is dissatisfied with the EEO/Title IX Coordinator's or ADA/504 Specialist's  
738 decision, it may be appealed in writing to the Superintendent Chief Operating  
739 Officer/designee within ten (10) days after receipt of the decision. However, if  
740 the Superintendent Chief Operating Officer is directly involved with a complaint  
741 or closely related to with a the parties to the complaint, then an impartial  
742 designee the Chief Academic Officer shall be asked to review the matter.

743  
744 i. **Notice.--** Notice of the appeal shall be given to all the parties (and the  
745 custodial parent(s)/guardian of the complainant, if a minor,) within two (2)  
746 days of notice of receipt of appeal.

747  
748 ii. **Procedure.--** The Superintendent Chief Operating Officer/designee  
749 shall review the written complaint, the accused/student's employee's  
750 response to the complaint, and all documentation pertaining to the  
751 alleged harassment or discrimination including the EEO/Title IX  
752 Coordinator's or ADA/504 Specialist's decision.

753  
754 A. The Superintendent Chief Operating Officer/designee, in his/her  
755 discretion, may request additional information.

756  
757 B. The Superintendent Chief Operating Officer/designee shall issue a  
758 written decision to the parties within twenty (20) calendar days of  
759 request of the appeal.

760  
761 b. **Appeal to the Superintendent.--** If the complainant or custodial  
762 parent(s)/guardian of the complainant is not satisfied If the complainant or  
763 accused/student (or their custodial parent(s)/guardian, on their behalf) is  
764 dissatisfied with the Chief Operating Officer's decision, it may be appealed in  
765 writing to the Superintendent within ten (10) days after receipt of the decision.

766  
767 i. If the Chief Operating Officer's designee conducted the review, the next  
768 level of appeal is to the Chief Operating Officer rather than to the  
769 Superintendent.

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

774  
775 iii. Notice.-- Notice of the appeal shall be given in writing to the parties and  
776 their custodial parent(s)/guardian within two (2) days of receipt of the  
777 appeal.

778  
779 iv. Procedure.-- The Superintendent/designee shall review the written  
780 complaint, the accused/student's response to the complaint (or the  
781 response of the parent/guardian on behalf of the accused/student), and  
782 all documentation pertaining to the alleged harassment or discrimination,  
783 including the Chief Operating Officer's decision.

784  
785 A. The Superintendent may request additional information.

786  
787 B. The Superintendent/designee shall issue a written decision to the  
788 parties and their custodial parent(s)/guardian within twenty (20)  
789 calendar days of request of the appeal. The decision of the  
790 Superintendent/designee is the final decision of the District.

791  
792 c. Other Means of Resolution.-- If the complainant is not satisfied with the  
793 results of the procedures contained in this policy, he or she may utilize other  
794 means for resolution as provided by law, including seeking recourse through  
795 the Federal Office for Civil Rights ("OCR").

## 796 22. Confidentiality

797  
798  
799 a. To the greatest extent possible, all complaints will be treated as confidential  
800 and in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the  
801 Family Educational Rights and Privacy Act ("FERPA"); and any other  
802 applicable law, such as §§ 119.07(3)(p) and 231.291(3) or 231.262(1), Fla.  
803 Stat.

804  
805 b. ~~However,~~ limited disclosure may be necessary to complete a thorough  
806 investigation as described above. The District's obligation to investigate and  
807 take corrective action may supersede an individual's right to privacy.

808  
809 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute

810 confidentiality cannot be guaranteed.

811  
812 23. ~~Notice~~ **Informing Students and Employees About this Policy** -- Notice of the  
813 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in  
814 prominent locations in all District buildings, including information on how to receive  
815 a copy. Notice shall be included annually in student, parent, and staff handbooks.

816  
817 ~~a. Upon receiving a complaint, and in accordance with federal and state privacy~~  
818 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all~~  
819 ~~students under age 18 involved in the alleged harassment or discrimination~~  
820 ~~within two (2) days of the allegations. Notification may be made by telephone,~~  
821 ~~letter, or personal conference. The students involved and their~~  
822 ~~parent(s)/guardians will also be notified of events and decisions described in~~  
823 ~~this policy.~~

824  
825 24. **Retaliation Prohibited**

826  
827 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or  
828 harassment in connection with filing a complaint or assisting with an  
829 investigation under this Policy.

830  
831 b. Retaliatory or intimidating conduct against any individual who has made a  
832 harassment or discrimination complaint or any individual who has testified,  
833 assisted, or participated, in any manner, in an investigation is specifically  
834 prohibited.

835  
836 c. The Pprincipal/erdesignee, and EEO/Title IX Coordinatr or ADA/504  
837 Specialist, if applicable, shall inform the complainants that he/shethey is are  
838 protected by law from retaliation.

839  
840 25. **Additional Assistance Available**

841  
842 a. In all cases, the District reserves the right to refer the results of its own  
843 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida  
844 for possible criminal charges, whether or not the District takes any other  
845 action.

846  
847 b. The District will provide counseling services for students who have been  
848 harassed or discriminated against.

- 849
- 850 c. Training will be provided to assist teachers and counselors who work with
- 851 students to prevent harassment and discrimination. Attendance is mandatory.
- 852
- 853 d. The Office for Civil Rights is the federal agency in the Department of
- 854 Education that monitors ~~ensures that~~ schools' compliance with Title IX, Title
- 855 VI, Title II of the Americans With Disabilities Act, and Section 504, and it can
- 856 be contacted at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at
- 857 OCR\_Atlanta@ed.gov.
- 858
- 859 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~
- 860 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone:~~
- 861 ~~(561) 434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-~~
- 862 ~~402, West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

863

864 **STATUTORY AUTHORITY:**      §§ 230.22(2); 230.23 (17)(22); 230.23005(6). Fla.

865 Stat.

866

867 **LAWS IMPLEMENTED:**      §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida

868 Education Equity Act); 228.093(3)(d); 230.22(1).

869 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);

870 231.262(1), 760.01(2), Fla. Stat.; Title II of the

871 Americans With Disabilities Act (42 U.S.C. 12131, et.

872 seq. (Title II of the Americans with Disabilities Act);

873 Title IX of the Education Amendments of 1972 (20

874 U.S.C. § 1681-1688 et. seq. (Title IX of the Education

875 Amendments of 1972); Title VI of the Civil Rights Act

876 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the

877 Civil Rights Act of 1964); Section 504 of the

878 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section

879 504 of the Rehabilitation Act of 1973); 20 U.S.C. §

880 1232g (Family Educational Rights and Privacy Act

881 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida

882 Education Equity Act"); § 228.093(3)(d);

883 230.23(6)(d)(1) and (8); 230.22(1) and (2);

884 230.33(8); 119.07(3)(p), Fla. Stat.

885

886 STATE BOARD RULES

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

888

889 HISTORY:      3/3/76; 8/17/77; 3/17/99;    /   /02

Legal Signoff:

\_\_\_\_\_  
Attorney

\_\_\_\_\_  
Date

Statement of Estimated Costs (*if prepared*)

Proof of Publication of Development Notice

Proof of Publication of Adoption Notice



THE SCHOOL DISTRICT OF PALM BEACH COUNTY

Student Complaint Report

DIRECTIONS: This report must be completed when a student files a complaint relating to harassment and/or discrimination. The original completed report must be sent to your Area Executive Office. One copy of the form should be kept on file at the school. If there are any witnesses to the incident, a Witness Statement (PBSD 1616) must be completed for each witness. The completed Witness Statement(s) must be attached to this report before it is sent to your Area Executive Office.

Form with sections: NAME OF COMPLAINANT, NAME OF ACCUSED, DATE AND PLACE OF INCIDENTS, DESCRIPTION OF ALLEGED MISCONDUCT, NAME(S) OF WITNESSES, EVIDENCE OF HARASSMENT, ANY OTHER INFORMATION. Includes sub-tables for SEX, GRADE, AGE.

I agree that all of the information on this form is accurate and true to the best of my knowledge.

Signature of Complainant: \_\_\_\_\_ Date: \_\_\_\_\_

Form Completed By (Print Name): \_\_\_\_\_

Principal/Designee (Print Name): \_\_\_\_\_

School: \_\_\_\_\_ Phone Number: ( ) - \_\_\_\_\_

## **Summary for Students and Parents: Reporting Harassment or Discrimination**

Policy 5.81 prohibits sexual harassment of students and gender-based discrimination against students.

Policy 5.001 prohibits harassment of, or discrimination against, students on bases including, but not limited to: race, color, religion, sex, national origin, age, disability, or marital status.

Disclaimer: The following is only a general summary. Space limitations required leaving out many important details. See Policies 5.001 and 5.81 for full details. The Palm Beach County School Board Policies are on the Internet at [www.SchoolBoardPolicies.com](http://www.SchoolBoardPolicies.com).

### **A. Student Harasser/Discriminator.** If the alleged harasser/discriminator is a **student**:

1. **Principal.** Report the incident to the school principal. Even if you request to make the complaint informally, the principal will document the complaint in writing.

a. If appropriate, and if you agree, the principal may offer to arrange for informal resolution through a meeting with the alleged harasser/discriminator. If informal resolution is not appropriate or possible, the principal will help you file and sign a formal complaint with the *Student Complaint Report* form (if you have not yet written the complaint on this form). To pursue a complaint, it must be filed in writing within 60 calendar days of the incident.

b. The principal will investigate and issue a written decision about the validity of the complaint and any corrective action needed.

2. **Area Superintendent.** If you are not satisfied with the principal's decision, you can appeal in writing to the area superintendent within 10 business days. The area superintendent will issue a written decision, usually within 30 calendar days of receiving the appeal.

3. **Chief Academic Officer.** If you are not satisfied with the area superintendent's decision, you can appeal in writing to the Chief Academic Officer within business 10 days. The Chief Academic Officer will issue a written decision, usually within 20 calendar days of receiving the request for review.

4. **Superintendent.** If you are not satisfied with the Chief Academic Officer's decision, you can appeal in writing to the Superintendent within 10 business days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District.

### **B. Employee Harasser/Discriminator.** If the alleged harasser/discriminator is a School District **employee**:

1. **Principal.** Report the incident to the school principal. The principal can help you file a formal complaint with the *Student Complaint Report* form. (But if you believe the principal is personally involved in the alleged harassment or discrimination, you can file the complaint with the area superintendent. Or you can report the incident to the Title IX Coordinator or ADA/504 Specialist). To pursue the complaint, it must be filed within 60 calendar days of the incident. The principal will send the report to the **Title IX Coordinator** and **ADA/504 Specialist** (and one of those will investigate the complaint and issue a written decision about the validity of the complaint and about any recommended corrective action).

2. **Chief Operating Officer/Designee.** If you are not satisfied with the decision of the Title IX Coordinator or ADA/504 Specialist, you can appeal in writing to the Chief Operating Officer/designee within 10 business days. A written decision should be issued within 20 calendar days of receipt of the request for review.

3. **Superintendent.** If you are not satisfied with the Chief Operating Officer's decision, you can appeal in writing to the Superintendent within business 10 days. The Superintendent will issue a written decision within 20 calendar days of receiving the request for review. The Superintendent's decision is the final decision of the School District.

## Rezime pou Elèv ak Paran yo: Rapòte ka Nuizans ak Diskriminasyon

Regleman 5.81 entèdi nuizans sou elèv ki baze sou sèks ak diskriminasyon ki baze sou si yon elèv fanm oswa gason

Regleman 5.001 entèdi nuizans oswa diskriminasyon kont elèv sou baz ki genyen, men pa sèlman: ras, koulè, relijyon, sèks, nasyonalite, laj, andikap, oswa eta sivil.

Denye: sa ki ekri anba a se sèlman yon rezime jeneral. Akoz pa gen ase espas, gen plizyè detay enpòtan ki pa mansyone. Al gade nan Regleman 5.001 ak 5.81 pou tout rès detay yo. W ap jwenn regleman Komite Edikasyon Distri Lekòl Rejyon Palm Beach la sou Entènèt nan sit [www.SchoolBoardPolicies.com](http://www.SchoolBoardPolicies.com).

### A. Elèv Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon elèv:

1. **Direktè**. Rapòte ensidan an bay direktè\tris lekòl la. Menm si w mande pou w rapòte plent la enfòmèlman, direktè ap genyen pou l ekri plent la.

a. Si l apwopriye, epi si w dakò, direktè\tris a kapab ofri pou jwenn yon solisyon enfòmèl nan yon reyinyon ak moun ki anmèdan/prejije a. Si yon solisyon enfòmèl pa apwopriye oswa posib, direktè\tris ap ede w ranpli epi siyen yon fòm plent fòmèl nan fòm *Rapò Plent Elèv* ( si w poko ekri plent ou an nan fòm sa a). Pou w pousuiv yon plent, li dwe fèt alekrit nan entèval 60 jou apati dat ensidan an te pase a.

b. Direktè\tris a pral mennen investigasyon epi pral bay desizyon li alekrit sou validite plent la ak nenpòt aksyon nesese ki sipoze pran pou rezoud pwoblèm nan.

2. **Sipèentandan Zòn nan**. Si w pa satisfè ak desizyon direktè\tris la, ou kapab ekri sipèentandan zòn nan pou mande fè yon revizyon sou desizyon direktè a nan yon peryòd 10 jou travay. Sipèentandan zòn nan ap bay desizyon l alekriti, ki byen souvan pran 30 jou apre li resevwa apèl la.

3. **Direktè\tris Anchèf Akademik**. Si w pa satisfè ak desizyon sipèentandan zòn nan, ou kapab ekri Direktè\tris Anchèf Akademik pou mande fè yon revizyon sou desizyon sipèentandan zòn nan te pran an nan yon peryòd 10 jou travay. Direktè\tris Anchèf Akademik la ap bay yon desizyon alekrit, ki byen souvan pran 20 jou apre li resevwa apèl la.

4. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè\tris Anchèf Akademik la, ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè\tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou aprè l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la.

### B. Anplwaye Anmèdan/Prejije. Si moun ki anmèdan/prejije a se yon anplwaye:

1. **Direktè\tris la**. Rapòte ensidan an bay direktè\tris lekòl la. Direktè\tris la kapab ede w fè yon plent ofisyèl ak fòm *Rapò Plent Elèv*. (Men si w kwè direktè\tris a te enplike direktèman nan dosye anmèdanman oswa prejije a, ou kapab ekri yon plent bay sipèentandan zòn nan. Oswa ou kapab rapòte ensidan an bay kowòdinatè Tit IX la oswa espesyalis ADA/504 la). Pou pousuiv plent la, li dwe fèt nan yon entèval 60 jou apati dat ensidan an te rive a. Direktè\tris a pral voye rapò a bay **kowòdinatè Tit IX la** oswa **espesyalis ADA/504 la** (epi youn nan yo ap mennen investigasyon sou plent la epi ap pran yon desizyon alekrit sou validite plent la ak aksyon ki rekòmande pou korije pwoblèm nan).

2. **Direktè\tris Anchèf Jesyon\ Ranplasan**. Si w pa satisfè ak desizyon kowòdinatè Tit IX la oswa espesyalis ADA/504 la, ou kapab ekri Direktè\tris Anchèf Jesyon\ranplasan an pou mande fè yon revizyon sou desizyon an nan yon peryòd 10 jou travay. Yon desizyon alekrit dwe fèt nan yon entèval 20 jou aprè apèl la.

3. **Sipèentandan**. Si w pa satisfè ak desizyon Direktè\tris Anchèf Jesyon ou kapab ekri Sipèentandan an pou mande fè yon revizyon sou desizyon Direktè\tris Anchèf Akademik la nan yon peryòd 10 jou travay. Sipèentandan an ap bay desizyon li alekrit, ki dabitid pran 20 jou aprè l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la.

## Uma Breve Explicação Para os Pais e Alunos: Relatando Assédio ou Discriminação

Regulamento 5.81 proíbe o assédio sexual a alunos e a discriminação por sexo contra os alunos.

Regulamento 5.001 proíbe assédio a, ou discriminação contra alunos baseando-se em, mas não se limitando a: raça, cor, religião, sexo, nacionalidade, idade, deficiência ou estado civil.

Declinação de Responsabilidade: O que se segue é somente um resumo geral. Muitos detalhes importantes não foram aqui mencionados por motivo de espaço. Veja os Regulamentos 5.001 e 5.81 para maiores detalhes. Os Regulamentos do Conselho Escolar do Condado de Palm Beach se encontram na Internet em: [www.SchoolBoardPolicies.com](http://www.SchoolBoardPolicies.com).

### A. Aluno Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **aluno**:

**1. Diretor(a).** Relate o incidente para o diretor(a) da escola. Mesmo que você solicite fazer a queixa informalmente, o diretor(a) documentará a queixa por escrito.

a. Se for oportuno e se você concordar, o diretor(a) poderá se oferecer para providenciar uma resolução informal através de uma reunião com o assediador ou discriminador acusado. Se a resolução informal não for oportuna ou possível, o diretor(a) o(a) ajudará a registrar e assinar uma queixa formal usando o formulário de *Relatório de Queixas do Aluno* (se você ainda não tiver escrito a queixa neste formulário). Para dar prosseguimento à queixa, esta deverá ser registrada dentro de 60 dias corridos do incidente.

b. O diretor(a) investigará e expedirá uma declaração por escrito sobre os fundamentos da queixa e qualquer ação corretiva necessária.

**2. Superintendente da Área.** Se você não ficar satisfeito com a decisão do diretor, você poderá apelar escrevendo para o superintendente da área dentro de 10 dias úteis. O superintendente da área expedirá uma decisão por escrito, normalmente dentro de 20 dias corridos do recebimento da solicitação para revisão.

**3. Coordenador Acadêmico Geral.** Se você não ficar satisfeito com a decisão do superintendente da área, você poderá apelar escrevendo para o Coordenador Acadêmico Geral dentro de 10 dias úteis. O Coordenador Acadêmico Geral expedirá uma declaração por escrito, geralmente dentro de 10 dias corridos do recebimento do pedido de revisão.

**4. Superintendente.** Se você não ficar satisfeito(a) com a decisão do Coordenador Acadêmico Geral, você poderá apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração por escrito dentro de 20 dias do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar.

### B. Empregado Assediador e/ou Discriminador. Se o acusado de assediar e/ou discriminar for um **empregado** do Distrito Escolar:

**1. Diretor(a)** Relate o incidente para o diretor(a) da escola. O diretor pode ajudá-lo a registrar uma queixa formal no formulário de *Relatório de Queixa do Aluno*. (Mas, se você acredita que o diretor(a) está pessoalmente envolvido no assédio ou discriminação alegadas você pode registrar a queixa junto ao superintendente da área. Ou você poderá relatar o incidente para o coordenador do Título IX ou ao Especialista ADA/504 [ADA: Lei que protege os americanos com deficiências 504]). Para dar prosseguimento à queixa é necessário que esta seja registrada dentro de 60 dias corridos do incidente. O diretor(a) mandará o relatório para o **Coordenador do Título IX** ou ao **Especialista ADA/504** (e um deles investigará a queixa e expedirá uma declaração sobre a fundamentação da queixa e sobre qualquer ação corretiva recomendada).

**2. Diretor Executivo de Operações ou seu Representante.** Se você não ficar satisfeito com a decisão do Coordenador do Título IX ou do Especialista ADA/504, você poderá apelar escrevendo para o Diretor Executivo de Operações (ou seu representante) dentro de 10 dias úteis. Uma declaração por escrito deverá ser expedida dentro de 20 dias corridos do recebimento do pedido de revisão.

**3. Superintendente.** Se você não ficar satisfeito com a decisão do Diretor Executivo de Operações, você pode apelar escrevendo para o Superintendente dentro de 10 dias úteis. O Superintendente expedirá uma declaração dentro de 20 dias corridos do recebimento do pedido de revisão. A decisão do Superintendente é a decisão final do Distrito Escolar.

## Descripción Breve para Estudiantes y Padres: Cómo informar acerca del acoso o la discriminación

La Norma 5.81 prohíbe el acoso sexual de los estudiantes y la discriminación contra estudiantes basándose en el género.

La Norma 5001 prohíbe el acoso o discriminación contra estudiantes basándose, pero no limitándose a: raza, color, religión, género, nacionalidad, edad, discapacidad o estado civil.

Aviso: La siguiente es solamente una descripción general. Debido a las limitaciones de espacio se han dejado afuera muchos detalles importantes. Ver Normas 5.001 y 5.81 para información más completa. Las Normas de la Junta Escolar del Condado de Palm Beach se encuentran en el siguiente sitio de la Internet: [www.SchoolBoardPolicies.com](http://www.SchoolBoardPolicies.com).

### **A. Estudiante acosador o discriminador.** Si el supuesto acosador o discriminador es un **estudiante:**

**1. Director(a).** Informe del incidente al director de la escuela. Aunque decida presentar una queja informal, el director documentará la queja por escrito.

- a. Si es apropiado y usted está de acuerdo, el director puede decidir buscar una solución informal, por medio de una reunión con el supuesto acosador o discriminador. Si una solución informal no es apropiada o posible, el director le puede ayudar a presentar y firmar una queja formal, utilizando el formulario Informe de Queja para Estudiantes-*Student Complaint form*- (si es que ya no lo ha hecho en este formulario). Para proseguir con una queja, ésta debe ser registrada por escrito, dentro de los 60 días del calendario natural en que ocurrió el incidente.
- b. El director hará una investigación y formulará una decisión por escrito, acerca de la validez de la queja y cualquier medida correctiva que sea necesaria.

**2. Superintendente del Área.** Si usted no está satisfecho con la decisión del director, puede apelar por escrito al superintendente del área dentro de 10 días laborables. El superintendente del área emitirá su decisión por escrito, normalmente, dentro de 30 días del calendario natural, después de haber recibido la apelación.

**3. Funcionario Académico Superior.** Si usted no está satisfecho con la decisión del superintendente de área puede presentar una apelación por escrito al Funcionario Académico Superior dentro de 10 días laborables. Éste emitirá una decisión por escrito, normalmente dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

**4. Superintendente.** Si usted no está satisfecho con la decisión del Funcionario Académico Superior, puede apelar por escrito al Superintendente dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar.

### **B. Empleado Acosador o Discriminador.** Si el supuesto acosador o discriminador es un **empleado** del Distrito Escolar.

**1. Director(a).** Informe del incidente al director de la escuela. Éste le puede ayudar a presentar una queja formal, por medio del formulario Informe de Queja para Estudiantes - *Student Complaint Report*. (Si usted cree que el director está personalmente involucrado en el supuesto acoso o discriminación, puede presentar una queja al superintendente del área o puede informar del incidente al Coordinador de Título IX o Especialista de ADA/504). Para proseguir con la queja, ésta debe ser presentada dentro de 60 días del calendario natural en que ocurrió el incidente. El director enviará el informe al **Coordinador del Título IX** y al **Especialista de ADA/504**. (y uno de ellos hará una investigación de la queja y emitirá una decisión por escrito acerca la validez de la queja y de las medidas correctivas recomendadas).

**2. Funcionario Ejecutivo de Operaciones (o persona designada).** Si usted no está satisfecho con la decisión del Coordinador de Título IX o del Especialista de ADA/504, puede apelar por escrito al Funcionario Ejecutivo de Operaciones (o persona designada) dentro de 10 días laborables. Una decisión por escrito será emitida dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración.

**3. Superintendente.** Si usted no está satisfecho con la decisión del Oficial Superior de Personal (o la decisión del Funcionario Superior de Operaciones), puede presentar su apelación por escrito, al Superintendente, dentro de 10 días laborables. El Superintendente emitirá una decisión por escrito dentro de 20 días del calendario natural, después de haber recibido la solicitud para reconsideración. La decisión del Superintendente es la decisión final del Distrito Escolar.