

POLICY 5.001

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

Development CONSENT ITEM [Contact: JulieAnn Rico Allison, PX 48500.]

- As requested by the Board on Sept. 9, 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)
129

- 130 a. ~~Site-Level Procedure~~ Reporting Discrimination or Harassment.-- Any
131 student or applicant for admission who believes he/~~ers~~he is a victim of
132 discrimination or harassment (or any individual, including any student, teacher,
133 or other employee of the ~~School-D~~ 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 ~~P~~principal 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 to the area

156 superintendent, EEO/Title IX Coordinator, and ADA/504 Specialist. Failure by
157 the principal to respond to a complaint within two (2) work days will
158 automatically allow the complainant to re-file the complaint with the area
159 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. (Note: the
168 principal must document, in writing, any complaint, even if made informally;
169 and the complaint must be requested to sign the writing to verify its accuracy.)

170
171 i. The Pprincipal/~~or~~designee may arrange for the parties to resolve the
172 complaint informally through a voluntary conversation between the
173 complainant and the accused/student, facilitated by the principal/
174 designee. Both the complainant and the accused/student may be
175 accompanied by a person of their choice for support and guidance.

176
177 ii. The ~~student who complained~~ parties shall never be asked to work out the
178 problem directly with the accused/student unless the assistance of a
179 counselor, teacher, administrator, or mediator is provided and both
180 parties are willing.

181
182 iii. If the principal/designee and the complainant and the accused/student
183 (and/or their parents) agree that a satisfactory resolution has been
184 achieved through the informal conversation, then no further action need
185 be taken (besides notifying the area superintendent, EEO/Title IX
186 Coordinator, and ADA/504 Specialist that the matter has been resolved).
187 However, if a complete resolution has not been achieved, a formal written
188 complaint should be filed.

189
190 iv. If the complaint is satisfactorily resolved informally, the
191 Pprincipal/~~or~~designee shall notify the area superintendent, EEO/Title IX
192 Coordinator, ~~or~~ and ADA/504 Specialist of the resolution of the complaint.
193

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

- 232 k. All complaints filed with the Pppincipal/~~or~~ designee must be reported in writing
233 to the Aarea superintendent Executive Director and the EEO/title IX
234 Coordinator and ~~or~~ ADA/504 Specialist.
- 235
- 236 l. **Notice to Accused/Student.**-- Within two (2) days of receipt of a complaint,
237 the Pppincipal/~~or~~designee will notify the accused/student of the allegations.
238
- 239 m. **Notice to Parent(s)/Guardians.**-- Within two (2) days of receiving the
240 complaint, and in accordance with federal and state privacy laws, the
241 principal/designee shall notify the custodial parent(s)/guardian of any minor
242 student as defined in paragraph (6)(f)) who is allegedly subject to harassment
243 or discrimination. Notification may be made by telephone, letter, or personal
244 conference. The students involved (and their custodial parent(s)/ guardians, if
245 the students are minors) will also be notified of events and decisions described
246 in this Policy..
- 247
- 248 n. **Steps in the Investigation.**-- The Pppincipal/~~or~~-designee shall ~~promptly and~~
249 begin an investigation within two (2) work days and thoroughly investigate all
250 complaints of harassment or discrimination ~~which shall mandate, including, at~~
251 minimum, the following steps:-
252
- 253 i. ~~Promptly~~ talk with the complainant within two (2) work days:-
254
- 255 ii. give ~~the~~ complainant (or the custodial parent(s)/guardian thereof if the
256 complainant is a minor as defined in paragraph (6)(f)) shall have an
257 opportunity to describe the incident, present witnesses and other
258 evidence of the harassment or discrimination, and ensure that ~~put his/her~~
259 the complaint is put in writing if ~~he/she has not already done so:-~~
260
- 261 iii. ~~P~~romptly talk with the accused/student (or the custodial parent(s)/
262 guardian thereof if the accused/student is a minor as defined in paragraph
263 (6)(f)) within two (2) work days:-
264
- 265 iv. give ~~the~~ accused/student (or the custodial parent(s)/ guardian thereof if
266 the accused/student is a minor as defined in paragraph (6)(f)) shall have
267 an opportunity to describe the incident, present witnesses and other
268 evidence, and put his/her response in writing:-
269

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

- 309 iii. ~~The Principal/ or designee is encouraged to ask open-ended questions~~
310 ~~to enable students to describe what happened in their own words.~~
- 311
- 312 iv. ~~The Principal or designee may request that the accused/student, prepare~~
313 ~~a written response to the complaint, or the Principal or designee may~~
314 ~~prepare a written statement of the accused/student's response to the~~
315 ~~complaint based on their meeting and obtain the signature of the~~
316 ~~accused/student, after his/her review of the statement.~~
- 317
- 318 v. ~~The Principal or designee should review and dictate his/her notes with the~~
319 ~~complainant and accused/student after the interviews to verify the facts~~
320 ~~and ensure accuracy, and obtain signatures, but shall not tape the~~
321 ~~interviews.~~
- 322
- 323 -vi- ii. When necessary to carry out his/her the investigation or for other good
324 ~~reasons, and consistent with federal and state privacy laws, the~~
325 ~~Principal/ or designee also may discuss the complaint with any of the~~
326 ~~following persons:~~
- 327
- 328 A. ~~Superintendent/ or designee;~~
- 329
- 330 B. Chief Academic Officer;
- 331
- 332 C. ~~Area superintendent/designee Executive Directors;~~
- 333
- 334 D. ~~Associate Superintendents;~~
- 335
- 336 E. ~~Chief of School Police;~~
- 337
- 338 F. ~~The custodial parent(s)/guardian of the complainant, if the~~
339 ~~complainant is under eighteen (18) years of age (or has given~~
340 ~~consent or is an adult who has been determined to be incompetent~~
341 ~~or unable to give informed consent due to disability);~~
- 342
- 343 G. ~~The custodial parent(s)/guardian of the complainant, if the~~
344 ~~complainant is under eighteen (18) years of age a minor as defined~~
345 ~~in Section (6)(f);~~
- 346

- 347 H. A teacher or staff member whose knowledge of the students
348 involved may help determine who is telling the truth;
349
- 350 I. Child protective agencies responsible for investigating child abuse;
351 and/or
352
- 353 J. Legal counsel for the ~~district~~ Board.
354
- 355 p. **Written Decision of the Principal/Designee**-- Upon completion of the
356 investigation, the Pprincipal/or designee will make a decision about the validity
357 of the allegations in the complaint and about any corrective action, if
358 applicable/necessary, consistent with the Matrix of Incidents and Actions in
359 Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a
360 decision about the complaint, the Pprincipal/or designee should take into
361 account:
362
- 363 i. Statements made by the persons identified in Section 5 paragraphs
364 (13)(o), (p), above;
365
- 366 ii. The details and consistency of each person's account;
367
- 368 iii. Evidence of how the complainant reacted to the incident;
369
- 370 iv. Evidence of past instances of harassment or discrimination by the
371 accused/student (provided that, if evidence of harassment/ discrimination,
372 accusations, or complaints is to be considered, the principal/designee
373 must review in their entirety the files regarding those past incidents);
374
- 375 v. Evidence of past harassment or discrimination complaints that were
376 found to be untrue (provided that, if evidence of past accusations or
377 complaints is to be considered, the principal/designee must review in their
378 entirety the files regarding those past incidents); and
379
- 380 vi. Case law, state and federal laws and regulations, and the District's
381 Board's policies prohibiting harassment and discrimination.
382
- 383 q. To determine the severity of the harassment or discrimination, the
384 Pprincipal/or designee should consider, among other things:
385

- 386 i. ~~H~~ow the misconduct affected one or more student's education;
- 387
- 388 ii. ~~T~~he type, frequency, and duration of the misconduct;
- 389
- 390 iii. ~~T~~he number of persons involved;
- 391
- 392 iv. ~~T~~he subject(s) of harassment or discrimination;
- 393
- 394 v. ~~T~~he place and situation where the incident occurred; and/or
- 395
- 396 vi. ~~O~~ther similar incidents at the school.
- 397
- 398 r. Within thirty (30) calendar days of the filing of the complaint, the ~~P~~principal/or
- 399 ~~A~~rea superintendent/designee ~~Executive Director or~~
- 400 ~~designee~~ and the EEO/Title IX Coordinator ~~or and~~ ADA/504 Specialist a
- 401 written report that describes the complaint and investigation and contains
- 402 ~~his/her~~ findings, a decision, and reasons for the decision.
- 403
- 404 i. ~~If he/she~~ the principal/designee verifies that harassment or discrimination
- 405 occurred, this report shall describe the actions ~~he/she took~~ taken to end
- 406 the harassment or discrimination pursuant to the Matrix of Incidents and
- 407 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary);
- 408 address the effects of the harassment or discrimination on the
- 409 complainant; and prevent retaliation or further harassment or
- 410 discrimination.
- 411
- 412 ii. The ~~P~~principal/or designee shall notify the parties (and their custodial
- 413 parent(s)/guardians, if the parties are minors as defined in paragraph
- 414 (6)(f)) in writing of ~~his/her~~ the decision and their right to review by the
- 415 ~~A~~rea superintendent/ ~~Executive Director or~~ designee. (If the complaint
- 416 was originally filed with, and investigated by, the EEO/Title IX
- 417 Coordinator instead of the principal, the Title IX Coordinator shall inform
- 418 the parties of the right to appeal to the Chief Academic Officer/designee
- 419 within ten (10) days after receiving the Coordinator's decision.)
- 420
- 421 s. No retaliation of any kind is permitted ~~because~~ in connection with an
- 422 individual's ~~has~~having made a discrimination or harassment complaint.
- 423

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

430
431 a. The written complaint and request for review shall be sent to the Aarea
432 superintendent's ~~Executive Director's~~ office within ten (10) days of the
433 completion of the site-level process by the Pprincipal.

434
435 i. If the principal's designee conducted the investigation, the first level of
436 appeal is to the principal. If the complaint has been reviewed or
437 investigated by the principal, the next level of appeal is to the A area
438 superintendent/ Executive Director or designee, by using the following
439 procedures. (If the complaint was originally filed with, and investigated by,
440 the EEO/Title IX Coordinator or ADA/504 Specialist, the next level of
441 appeal is to the Chief Academic Officer/designee.)

442
443 ii. If the Aarea superintendent/designee ~~Executive Director~~ is directly
444 involved with a complaint or closely related to with the a parties party to
445 the complaint, then an ~~impartial designee~~ the Chief Academic
446 Officer/designee shall be asked to conduct the review and/or further
447 investigation.

448
449 b. **Notice Requirement.**-- Notice will be given to all parties of a request for
450 review by the Aarea superintendent/Executive Director ordesignee within two
451 (2) business days of the request for review.

452
453 c. **Procedure.**-- The Aarea superintendent ~~Executive Director or~~ designee shall
454 review the complaint, the answer to the complaint, the principal/designee's
455 report, and any other evidence in the record. The A area superintendent
456 ~~Executive Director or~~ designee may also conduct any further investigation
457 ~~he/she deems deemed~~ deemed necessary. ~~Time limits may be extended by written~~
458 ~~mutual agreement of the individuals and the person to whom the complaint is~~
459 ~~addressed.~~

460
461 i. During the investigation, the Aarea superintendent/ Executive Director or
462 designee may take any action necessary to protect the complainant, or

463 other ~~employees~~ or students or employees consistent with the
464 requirements of applicable regulations and statutes. No retaliation of any
465 kind is permitted in connection with an individual's having made a
466 harassment or discrimination complaint under this Policy.

467
468 ii. The ~~A~~ area superintendent ~~Executive Director~~ or designee will review the
469 ~~P~~principal's decision as to the validity of the allegations and any
470 corrective action, and will make a decision within thirty (30) calendar days
471 after receipt of the request for review. Time limits may be extended by
472 written mutual agreement of the complainant (or custodial
473 parent(s)/guardian on behalf thereof if the complainant is a minor as
474 defined in paragraph (6)(f)), and the accused/student (or custodial
475 parent(s)/guardian on behalf thereof if the accused/student is a minor).

476
477 iii. The ~~A~~ area ~~Executive Director~~ or superintendent/designee shall take
478 action deemed appropriate to resolve the situation, including, but not
479 limited to, ~~warning, out-of-school suspension, expulsion, transfer to~~
480 ~~alternative school, or other disciplinary action by the school, consistent~~
481 ~~with the requirements of applicable procedures outlined in each S~~school's
482 ~~Student-Parent Handbook, School District~~ the Matrix of Incidents and
483 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary), and
484 Florida law, or transfer to alternative school.

485
486 iv. The ~~A~~ area ~~Executive Director~~ or superintendent/designee will inform the
487 parties (and their custodial parent(s)/guardian if the parties are minors as
488 defined in paragraph (6)(f)). in writing of his/her the decision and the
489 parties' right to appeal.

490
491 v. A copy of the decision will be sent to the ~~EEO/Title IX~~ Coordinator or and
492 ADA/504 Specialist.

493 15. Appeal Procedure to Chief Academic Officer/Designee

494
495
496 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
497 the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the
498 ~~A~~ area superintendent's ~~Executive Director's~~ decision, it may be appealed in
499 writing to the ~~Superintendent~~ Chief Academic Officer/designee within ten (10)
500 days after receipt of the decision.

501

- 502 i. If the area superintendent's designee conducted the review, the next level
503 of appeal is to the area superintendent rather than to the Chief Academic
504 Officer.
505
- 506 ii. If the Chief Academic Officer/designee superintendent is directly involved
507 with a complaint or closely related to with a the parties to the complaint,
508 then ~~an impartial designee~~ the Chief Operating Officer/designee shall be
509 asked to review the matter.
510
- 511 b. **Notice.**-- Notice of the appeal shall be given in writing to all the parties (and
512 their custodial parent(s)/guardian if the parties are minors as defined in
513 paragraph (6)(f)) within two (2) days of ~~notice of receipt of~~ appeal.
514
- 515 c. **Procedure.**-- ~~The Superintendent~~ Chief Academic Officer/or designee shall
516 review the written complaint, the accused/student's response to the complaint
517 (or the response of the parent/guardian on behalf of the accused/student), and
518 all documentation pertaining to the alleged harassment or discrimination
519 including the ~~A~~ area superintendent's Executive Director's decision.
520
- 521 i. ~~The Superintendent~~ Chief Academic Officer/or designee, ~~in his/her~~
522 ~~discretion,~~ may request additional information.
523
- 524 ii. ~~The Superintendent~~ Chief Academic Officer/or designee shall issue a
525 written decision to the parties (and their custodial parent(s)/guardian if
526 the parties are minors as defined in paragraph (6)(f)) within twenty (20)
527 calendar days of the request of the appeal.
528

529 16. **Appeal to the Superintendent/Designee**
530

- 531 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
532 the parties are minors as defined in paragraph (6)(f)) is dissatisfied with the
533 Chief Academic Officer's decision, it may be appealed in writing to the
534 Superintendent within ten (10) days after receipt of the decision.
535
- 536 i. If the Chief Academic Officer's designee conducted the review, the next
537 level of appeal is to the Chief Academic Officer rather than to the
538 Superintendent.
539

- 540 ii. If the Superintendent is directly involved with a complaint or closely
541 related to a party to the complaint, then the Chief Counsel to the Board
542 shall be asked to review the matter and report the findings to the Board.
543
- 544 b. **Notice**-- Notice of the appeal shall be given in writing to the parties (and their
545 custodial parent(s)/guardian if the parties are minors as defined in paragraph
546 (6)(f)) within two (2) days of receipt of the appeal.
547
- 548 c. **Procedure**-- The Superintendent/designee shall review the written complaint,
549 the accused/student's response to the complaint (or the response of the
550 parent/guardian on behalf of the accused/student), and all documentation
551 pertaining to the alleged harassment or discrimination, including the Chief
552 Academic Officer's decision.
553
- 554 i. The Superintendent may request additional information.
555
- 556 ii. The Superintendent/designee shall issue a written decision to the parties
557 (and their custodial parent(s)/guardian if the parties are minors as
558 defined in paragraph (6)(f)) within twenty (20) calendar days of request of
559 the appeal. The decision of the Superintendent/designee is the final
560 decision of the District.
561
- 562 17. **Other Means of Resolution**-- If the complainant is not satisfied with the results of
563 the procedures contained in this policy, he/ørshe may utilize other means for
564 resolution as provided by law, including seeking recourse through the F_federal
565 Office for Civil Rights ("OCR").
566
- 567 18. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN**
568 **EMPLOYEE -- Investigation and Resolution of Complaints Against an**
569 **(Accused/Employee)**
570
- 571 a. ~~Site Level Procedure~~**Reporting Discrimination or Harassment**-- Any
572 student/applicant for admission (and/or the custodial parent(s)/guardian on
573 that complainant's behalf if the complainant is a minor as defined in paragraph
574 (6)(f)) who believes he/øf she is a victim of discrimination or harassment (ør
575 any individual, including any student, teacher, or other employee of the School
576 District who has knowledge of any incident(s) involving discrimination or
577 harassment of students) is strongly encouraged to report the incident(s) in
578 writing to a school official or the EEO/Title IX Coordinator and øf ADA/504

- 579 Specialist.
- 580
- 581 b. School officials must report in writing any allegations of discrimination or
- 582 harassment to the ~~P~~principal and to the EEO/Title IX Coordinator ~~and~~ or
- 583 ADA/504 Specialist. If the principal is directly involved with a complaint or
- 584 closely related to a party to the complaint, then the incident may be reported
- 585 directly to the EEO/Title Coordinator and ADA/504 Specialist.
- 586
- 587 c. The principal/designee shall document all complaints in writing to ensure that
- 588 problems are appropriately addressed. It is the responsibility of the principal
- 589 to forward all complaints to the area superintendent and Title IX Coordinator or
- 590 ADA/504 Specialist. Failure by the principal to respond to a complaint within
- 591 two (2) work days will automatically allow the complainant to re-file the
- 592 complaint with the area superintendent
- 593
- 594 ~~d. If the Principal is directly involved with a complaint or with the parties to the~~
- 595 ~~complaint, then the incident may be reported directly to the EEO Coordinator~~
- 596 ~~or 504 Specialist.~~
- 597
- 598 e. **Filing the Complaint Form.** Consistent with OCR guidelines, a formal
- 599 complaint process is required for any complaint against an employee. The
- 600 complainant (or the custodial parent(s)/guardian if the complainant parties is a
- 601 minor as defined in paragraph (6)(f)) may file a complaint, either orally or in
- 602 writing, with the Pprincipal ~~or~~ designee, EEO/Title IX Coordinator, or ADA/504
- 603 Specialist by using the *Harassment and Discrimination Student Complaint*
- 604 Report ~~F~~form (PBSD 1615), available on the District's web site at
- 605 www.palmbeach.k12.fl.us/Records/Forms.htm.
- 606
- 607 i. Complaints should be filed as soon as possible after the alleged incident,
- 608 but must be filed within ~~sixty (60)~~ one hundred eighty (180) calendar days
- 609 ~~of~~ after the alleged incident (that is, within 180 days after the last act of
- 610 alleged harassment or discrimination). Failure on the part of the
- 611 complainant to initiate and/or follow up on the complaint within this period
- 612 may result in the complaint being deemed abandoned.
- 613
- 614 ii. The ~~P~~principal ~~or~~ designee may assist the individual in completing the
- 615 ~~F~~form by recording information on the the *Harassment and Discrimination*
- 616 *Student Complaint Report ~~F~~form*, reviewing it with the complainant, and
- 617 obtaining the complainant's signature. The complainant will be requested

618 to provide signed, specific information regarding the alleged
619 discrimination or harassment, the alleged offender(s), witnesses, and
620 other relevant information.

621
622 iii. Complaints filed with the ~~P~~principal/~~or~~ designee must be reported in
623 writing to the ~~A~~area superintendent ~~Executive Director~~ and the EEO/Title
624 IX Coordinator and ADA/504 Specialist for investigation.

625
626 f. Notice to Parent(s)/Guardians.-- Within two (2) days of receiving the
627 complaint, and in accordance with federal and state privacy laws, the
628 principal/designee shall notify the custodial parent(s)/guardian of any minor
629 student as defined in paragraph (6)(f) who is allegedly subject to harassment
630 or discrimination. Notification may be made by telephone, letter, or personal
631 conference. The students involved (and their custodial parent(s)/ guardians, if
632 the students are minors) will also be notified of events and decisions described
633 in this Policy..

634
635 g. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.-- The
636 EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist shall document
637 and promptly and thoroughly investigate all complaints of harassment or
638 discrimination, including the following steps to ensure that problems are
639 appropriately addressed.:

640
641 i. ~~P~~romptly talk with the complainant within two (2) work days after receiving
642 the complaint form. The complainant (and/or the custodial
643 parent(s)/guardian of the complainant if the complainant is a minor as
644 defined in paragraph (6)(f)) shall have an opportunity to describe the
645 incident, present any evidence, name witnesses, and ensure that his/her
646 the complaint is put in writing if ~~he/she has not already done so.~~

647
648 ii. ~~T~~talk with any witnesses or others who may have relevant information. ;
649 and

650
651 iii. ~~C~~conduct an investigation ave meeting with the accused/employee, and the
652 accused/employee's representative, if applicable, to discuss the
653 allegations and allow the accused/employee to respond to the allegations.

654
655 h. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist
656 may recommend to the Chief Personnel Officer/~~or~~designee, any action

657 necessary to protect the complainant, or other students or employees or
658 students, consistent with the requirements of applicable ~~regulations or~~
659 statutes, State Board of Education Rules, School Board Policies, and
660 collective bargaining agreements.

661
662 i. In general, complainants will continue attending the same school and
663 pursuing their studies as directed while the investigation is conducted and
664 the complaint is pending resolution.

665
666 ~~ii. The EEO Coordinator or 504 Specialist shall document all complaints to~~
667 ~~ensure that problems are appropriately addressed.~~

668
669 ~~iii. ii.~~ When necessary to carry out his/her the investigation or for other good
670 reasons, and consistent with federal and state privacy laws, the EEO/Title
671 IX Coordinator or ADA/504 Specialist also shall discuss the complaint
672 with the following persons, as appropriate:

673
674 A. Superintendent/~~or~~designee;

675
676 B. Chief Academic Officer and/or Chief Operating Officer;

677
678 C. ~~A~~ area superintendent/designee Executive Directors;

679
680 D. ~~A~~ associate Superintendents;

681
682 E. Chief of School Police;

683
684 F. Chief Personnel Officer;

685
686 G. Director of ~~E~~mployee Labor Relations;

687
688 H. ~~T~~he custodial parent(s)/guardian of the complainant, if the
689 complainant is ~~under eighteen (18) years of age~~ a minor as defined
690 in Section (6)(f);

691
692 I. ~~A~~ a teacher or staff member whose knowledge of the student(s) or
693 employee(s) involved may help determine who is telling the truth;

694
695 J. ~~C~~hild protective agencies responsible for investigating child abuse;

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K. ~~Legal~~ counsel for the District Board; and/or

L. ~~Exclusive~~ bargaining representative or the legal counsel thereof, if appropriate; and

M. the accused/employee.

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

Upon completion of the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist shall make a decision about the validity of the allegations in the complaint.

a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the determination and any recommended corrective action with the ~~P~~principal/~~or~~designee and Chief Personnel Officer.

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

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

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

iii. ~~E~~evidence of how the complainant reacted to the incident;

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

v. ~~E~~evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past harassment/discrimination accusations or complaints are to be considered, the investigator must review in their entirety the files regarding those past complaints); and

- 734 vi. ~~C~~ase law, state and federal laws and regulations, and the District's
735 Board's Policyies prohibiting harassment and discrimination.
736
- 737 c. To determine the severity of the harassment or discrimination, the following
738 may be considered:
739
- 740 i. ~~H~~ow the misconduct affected one or more student's education;
741
- 742 ii. ~~T~~he type, frequency, and duration of the misconduct;
743
- 744 iii. ~~T~~he number of persons involved;
745
- 746 iv. ~~T~~he subject(s) of harassment or discrimination;
747
- 748 v. ~~T~~he place and situation where the incident occurred; and
749
- 750 vi. ~~O~~ther incidents at the school.
751
- 752 d. The following action(s) or discipline may be taken, consistent with any
753 applicable collective bargaining agreement provisions, to resolve a complaint
754 of harassment or discrimination:
755
- 756 i. ~~N~~o action if complaint is unsubstantiated;
757
- 758 ii. ~~T~~he training requirements for the employee;
759
- 760 iii. ~~O~~ral reprimand of the employee;
761
- 762 iv. ~~W~~ritten reprimand of the employee;
763
- 764 v. ~~S~~suspension of the employee up to and including termination; or
765
- 766 vi. Termination of the employee.
767
- 768 A. For the first verified offense of harassment of, or discrimination
769 against, a student, suspension should be recommended for a
770 minimum of thirty (30) days without pay up to and including
771 termination. Termination should be recommended for the second
772 offense of verified harassment of, or discrimination against, a student

- 773
774 B. Suspension without pay and/or termination requires School Board
775 action.
776
777

778 **20. Appeal Procedure for an Accused/Employee**
779

- 780 a. If the accused/employee wishes to appeal the action taken in resolution of the
781 complaint, such appeal shall be filed either in accordance with District Board
782 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
783
784 b. For those employees not in a bargaining unit, the appeal shall be filed in
785 accordance with Board Policy 3.31.
786

787 **21. Appeal Procedure for Student/Complainant When the Accused Is an**
788 **Employee**
789

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

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

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

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

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

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

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

A. The Superintendent may request additional information.

B. The Superintendent/designee shall issue a written decision to the parties (and the complainant's custodial parent(s)/guardian, if the complainant is a as defined in paragraph (6)(f)) within twenty (20) calendar days of request of the appeal. The decision of the Superintendent/designee is the final decision of the District.

c. Other Means of Resolution.-- If the complainant is not satisfied with the results of the procedures contained in this policy, he or she may utilize other

850 means for resolution as provided by law, including seeking recourse through
851 the Federal Office for Civil Rights ("OCR").
852

853 22. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION
854 BY VOLUNTEERS, VISITORS, OR CONTRACTORS -- Investigation of
855 Complaints Against a School Volunteer, Campus Visitor, Contractor/Consultant, or
856 Other Third Party.

857 a. The School Board will not tolerate harassment or discrimination by school
858 volunteers, consultants, independent contractors or subcontractors (or their
859 employees), or any third party in the school (or outside of the school at school-
860 sponsored events), on school buses, or at training facilities sponsored by the
861 School District. Any such alleged harassment or discrimination should be
862 reported immediately to the school principal, using the same formal written
863 complaint process as would be used to report harassment or discrimination by
864 a District employee.

865
866 b. It is the responsibility of the principal to forward all complaints to the area
867 superintendent and EEO/Title IX Coordinator and ADA/504 Specialist. Failure
868 by the principal to respond to a complaint within two (2) work days will
869 automatically allow the complainant to re-file the complaint with the area
870 superintendent.

871
872 c. Within two (2) days of receiving the complaint, and in accordance with federal
873 and state privacy laws, the principal/designee shall notify the custodial
874 parent(s)/guardian of any minor student as defined in paragraph (6)(f)) who is
875 allegedly subject to harassment or discrimination. Notification may be made
876 by telephone, letter, or personal conference. The students involved (and their
877 custodial parent(s)/ guardians, if the students are minors) will also be notified
878 of events and decisions described in this Policy.

879
880 d. Within two (2) days of receiving the complaint, the EEO/Title IX Coordinator or
881 ADA/504 Specialist shall begin an investigation, using procedures similar to
882 those used for investigation of allegations against District employees.

883
884 e. If the District's investigation substantiates a complaint of sexual harassment or
885 discrimination by a school volunteer, visitor, consultant/independent
886 contractor, vendor or other third party, the Superintendent shall promptly
887 recommend appropriate action. As stated in OCR's *Revised Sexual*
888 *Harassment Guidance (2001)*:

889 The type of appropriate steps that the school should take will differ
890 depending on the level of control that the school has over the third

891 party harasser. For example, if athletes from a visiting team harass
892 the home school's students, the home school may not be able to
893 discipline the athletes. However, it could encourage the other
894 school to take appropriate action to prevent further incidents; if
895 necessary, the home school may choose not to invite the other
896 school back.

897
898 f. Depending on the situation, an appropriate response may include, but not
899 limited to, revoking the volunteer's status under Policy 2.53; asking the visitor
900 to refrain from returning to the campus; requesting a contractor to remove an
901 employee from a project at a school site and discipline the employee; or
902 debaring a vendor pursuant to Policy 6.14(5). The District's response will be
903 designed to eliminate the harassment or discrimination and prevent its
904 reoccurrence. If the complainant is not satisfied with the District's response,
905 he/she (or the custodial parent(s)/guardian of a minor complainant as defined
906 in paragraph (6)(f)) may appeal according to the procedures used to appeal a
907 decision regarding alleged harassment or discrimination by an employee
908 under Section 21.

909
910 g. Other Means of Resolution.-- If the complainant is not satisfied with the
911 District's response under this Section, he/she may utilize other means for
912 resolution as provided by law, including seeking recourse through OCR.
913

914 23. Confidentiality

915
916 a. To the greatest extent possible, all complaints will be treated as confidential
917 and in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the
918 Family Educational Rights and Privacy Act ("FERPA"); and any other
919 applicable law, such as §§ 119.07(3)(p) and 231.291(3) or 231.262(1), Fla.
920 Stat.

921
922 b. ~~However,~~ limited disclosure may be necessary to complete a thorough
923 investigation as described above. The District's obligation to investigate and
924 take corrective action may supersede an individual's right to privacy.

925
926 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
927 confidentiality cannot be guaranteed.

928
929 24. ~~Notice~~ Informing Students and Employees About this Policy.-- Notice of the
930 existence of this ~~p~~Policy, prevention plan, and procedures shall be posted in
931 prominent locations in all District buildings, including information on how to receive

932 a copy. Notice shall be included annually in student, parent, and staff handbooks.

933
934 ~~a. Upon receiving a complaint, and in accordance with federal and state privacy~~
935 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all~~
936 ~~students under age 18 involved in the alleged harassment or discrimination~~
937 ~~within two (2) days of the allegations. Notification may be made by telephone,~~
938 ~~letter, or personal conference. The students involved and their~~
939 ~~parent(s)/guardians will also be notified of events and decisions described in~~
940 ~~this policy.~~

941
942 **25. Retaliation Prohibited**

943
944 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
945 harassment in connection with filing a complaint or assisting with an
946 investigation under this Policy.

947
948 b. Retaliatory or intimidating conduct against any individual who has made a
949 harassment or discrimination complaint or any individual who has testified,
950 assisted, or participated, in any manner, in an investigation is specifically
951 prohibited.

952
953 c. The Pprincipal/ordesignee, and EEO/Title IX Coordinatr or ADA/504
954 Specialist, if applicable, shall inform the complainants that he/she/they is are
955 protected by law from retaliation.

956
957 **26. Additional Assistance Available**

958
959 a. In all cases, the District reserves the right to refer the results of its own
960 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida
961 for possible criminal charges, whether or not the District takes any other
962 action.

963
964 b. The District will provide counseling services for students who have been
965 harassed or discriminated against.

966
967 c. Training will be provided to assist teachers and counselors who work with
968 students to prevent harassment and discrimination. Attendance is mandatory.
969

970 d. The Office for Civil Rights is the federal agency in the Department of
971 Education that monitors ensures that schools' compliance with Title IX, Title
972 VI, Title II of the Americans With Disabilities Act, and Section 504, and it can
973 be contacted at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at
974 OCR_Atlanta@ed.gov.
975

976 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~
977 ~~Boulevard, Suite A-128, West Palm Beach, Florida 33406; Telephone:~~
978 ~~(561) 434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-~~
979 ~~102, West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

980
981 **STATUTORY AUTHORITY:** §§ 230.22(2); 230.23 (17)(22); 230.23005(6). Fla.
982 Stat.

983
984 **LAWS IMPLEMENTED:** §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
985 Education Equity Act); 228.093(3)(d); 230.22(1).
986 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
987 231.262(1), 760.01(2), Fla. Stat.; Title II of the
988 Americans With Disabilities Act (42 U.S.C. 12131, et
989 seq. (Title II of the Americans with Disabilities Act);
990 Title IX of the Education Amendments of 1972 (20
991 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
992 Amendments of 1972); Title VI of the Civil Rights Act
993 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the
994 Civil Rights Act of 1964); Section 504 of the
995 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section
996 504 of the Rehabilitation Act of 1973); 20 U.S.C. §
997 1232g (Family Educational Rights and Privacy Act
998 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
999 Education Equity Act"); § 228.093(3)(d);
1000 230.23(6)(d)(1) and (8); 230.22(1) and (2);
1001 230.33(8); 119.07(3)(p), Fla. Stat.

1002
1003 STATE BOARD RULES
1004 SUPPLEMENTED: 6A-19.001, 6A-19.002, 6A-19.008, 6B-1.006(3)(a), (g)

1005
1006 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