

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."

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

Development

- There was discussion at the August 5th Policy meeting regarding the possibility of changing the language about investigative contact with parents of minor students to require parental contact during the investigation (at least in the case of adult ESE students). The Legal Department advises that this aspect of the Policy is generally appropriate as is. Under the student records privacy laws, adult students are recognized as independent adults with privacy rights. The IDEA also generally recognizes the independent rights of adult ESE students (except when an adult ESE student has been determined to be incompetent or unable to provide informed consent under state law). See 20 USC § 1415(m). Appropriate language regarding incompetency has been added to the proposed text.
- Based on discussion at the August 5 policy meeting, this version now requires the principal to begin an investigation within two (2) work days after receiving a complaint.
- Also based on discussion at the August 5 policy meeting, lines 182-88 and 617-623 have been rephrased to allow students to file a complaint up to 60 days after the alleged incident or within 60 days after the complainant becomes aware that harassment or discrimination probably occurred (provided that this awareness arises within one year of the incident).
- The formal complaint form referenced in the Policy is included after p. 27.
- 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.
- The summary sheet has been amended to mention that complainants unsatisfied with the District's final decision may use other lawful means of resolving the alleged harassment or discrimination, such as filing an OCR complaint.

CONSENT ITEM

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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 discrimination against any of its students or applicants for admission for any reason including pursuant to Title IX and § 228.2001(2)(a), Fla. Stat., but not limited to, sex, race, color, religion, sex, national origin, age, disability, or marital status, in its education programs or applicants for admission to educational programs; and the Board prohibits discrimination against, or harassment of, any student by any employee, 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 ~~p~~Policy, 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.
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45 c. Complaint is defined as ~~A complaint means~~ allegations regarding any action,
46 policy, procedure, or practice prohibited by this policy.
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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).
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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.
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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.
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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.

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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.

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- 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.
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- 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:
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- 99 a. Demeaning or derogatory comments, name-calling, racial slurs, or jokes,
- 100 threats, abusive words, gestures, or harm to an individual.
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- 102 b. Displaying visual or written material, including notes, stories, drawings, or
- 103 pictures, or defacing school property or materials to demean a person.
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- 105 c. Damaging, defacing or destroying private property of any person.
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- 107 d. Bullying.
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- 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.

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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.
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- 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.
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- 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.
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- 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 within two (2) work days will automatically allow the complainant to
140 re-file 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.
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- 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.
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- 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).
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- 154 i. The Principal/~~or~~designee may arrange for the parties to resolve the
155 complaint informally.
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- 157 ii. The student who complained, (or the custodial parent(s)/guardian on
158 behalf of the student if the student is a minor or is an adult who has given
159 consent or has been determined incompetent or unable to give informed
160 consent due to disability), shall never be asked to work out the problem
161 directly with the accused/student unless the assistance of a counselor,
162 teacher, administrator, or mediator is provided and the complainant is
163 willing.
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- 165 iii. If the complaint is resolved informally, the Principal/~~or~~designee shall
166 notify the EEO/Title IX Coordinator ~~or~~ and ADA/504 Specialist of the
167 resolution of the complaint.
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- 169 h. **Filing the a Formal Complaint Report**-- If the matter cannot be is not
170 resolved informally, the Principal/~~or~~designee shall assist the student (or
171 custodial parent(s)/guardian on behalf of the student if the student is a minor
172 or is an adult who has given consent or has been determined incompetent or
173 unable to give informed consent due to disability), in filing a complaint (if it is
174 not yet in writing). ~~Individuals~~ The student (or custodial parent(s)/guardian on
175 behalf of the student) may file a written complaint, ~~either orally or in writing~~
176 with the Principal/~~or~~designee by using the *Harassment and Discrimination*
177 *Complaint Student Complaint Report* Form (PBSD 1615). Said form is hereby
178 incorporated by reference and made a part of this Policy and shall be filed with
179 the Clerk of the School Board herewith and is available on the District's web
180 site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm>.
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- 182 i. Complaints should be made as soon as possible but no later than sixty (60)
183 calendar days ~~of~~ after the alleged incident (or within 60 calendar days after the
184 complainant becomes aware that harassment or discrimination probably
185 occurred, provided that this awareness arises within one year of the alleged
186 incident). Failure on the part of the complainant to initiate and/or follow up on
187 a complaint within this period may result in the complaint being deemed
188 abandoned.
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- 190 j. ~~If the student, or custodial parent(s)/guardian on behalf of the student, does~~
191 ~~not at first file a written complaint, the student, or custodial parent(s)/guardian~~
192 ~~on behalf of the student, will be requested to complete the complaint form. The~~

193 principal/ordesignee may assist the student (or custodial parent(s)/guardian on
194 behalf of the student if the student is a minor or is an adult who has given
195 consent or has been determined incompetent or unable to give informed
196 consent due to disability) in completing the form, or may complete the form for
197 the student or for the custodial parent(s)/guardian who is acting on behalf of
198 the student.

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200 k. The complainant will be requested to provide signed, specific information
201 regarding the alleged discrimination or harassment, the alleged offender,
202 witnesses, and other relevant information. In all instances, the student (or
203 custodial parent(s)/guardian on behalf of the student if the student is a minor
204 or is an adult who has given consent or has been determined incompetent or
205 unable to give informed consent due to disability), shall review the form to
206 ensure its accuracy and sign and date the complaint.

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208 l. All complaints filed with the Pprincipal/er designee must be reported in writing
209 to the Aarea superintendent Executive Director and the EEO/title IX
210 Coordinator and of ADA/504 Specialist.

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212 m. **Notice to Accused/Student.--** Within two (2) days of receipt of a complaint,
213 the Pprincipal/erdesignee will notify the accused/student of the allegations.

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215 n. **Notice to Parent(s)/Guardians.--** Within two (2) days of receiving a
216 complaint, and in accordance with federal and state privacy laws, the
217 principal/designee shall notify the custodial parent(s)/guardian of any student
218 under age eighteen (18) who is involved in alleged harassment or
219 discrimination (or the custodial parent(s)/guardian of an adult student who has
220 given consent or who has been determined to be incompetent or unable to
221 give informed consent due to disability). Notification may be made by
222 telephone, letter, or personal conference. The student(s) involved and his/her
223 custodial parent(s)/guardian will also be notified of events and decisions
224 described in this Policy.

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226 o. **Steps in the Investigation.--** The Pprincipal/er-designee shall promptly and
227 begin an investigation within two (2) work days and thoroughly investigate all
228 complaints of harassment or discrimination which shall mandate, including, at
229 minimum, the following steps:-
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231 i. Promptly talk with the complainant within two (2) work days:-

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- ii. give ~~the~~ complainant (or the custodial parent(s)/guardian thereof if the complainant is a minor or is an adult who is incompetent or unable to give informed consent due to disability) ~~shall have~~ an opportunity to describe the incident, present witnesses and other evidence of the harassment or discrimination, and ensure that ~~put his/her~~ the complaint is put in writing if ~~he/she has not already done so.~~
- iii. ~~P~~romptly talk with the accused/student (or the custodial parent(s)/guardian thereof if the accused/student is a minor or is an adult who is incompetent or unable to give informed consent due to disability) within two (2) work days.
- iv. give ~~the~~ accused/student (or the custodial parent(s)/ guardian thereof if the accused/student is a minor or is an adult who is incompetent or unable to give informed consent due to disability),~~shall have~~ an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing.
- v. ~~T~~alk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information; and
- vi. ~~C~~onduct a conference, if appropriate, with the complainant (and custodial parent(s)/guardian thereof, if the complainant is a minor or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) and the accused/student (and custodial parent(s)/guardian thereof, if the accused/student is a minor or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) 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 the custodial parent(s)/guardian on behalf thereof if the accused/student is a minor or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) prepare

271 a written response to the complaint; or the principal/designee may
272 prepare a written statement of the accused/student's oral response to the
273 complaint based on their meeting and obtain the signature of the
274 accused/student (and/or the custodial parent(s)/guardian thereof, if the
275 accused/student is a minor or is an adult who has given consent; or only
276 the custodial parent(s)/guardian's signature if the student is an adult who
277 has been determined to be incompetent or unable to give informed
278 consent) after his/her review of the statement.

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280 ix. The principal/designee should dictate and then review his/her notes with
281 the complainant and accused/student after the interviews to verify the
282 facts and ensure accuracy, and then obtain signatures, but shall not tape
283 the interviews.

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285 p. **Pursuing the Investigation.**-- During the investigation, the
286 Pprincipal/ordesignee may take any action necessary to protect the
287 complainant, or other ~~employees~~ or students or employees, consistent with the
288 requirements of applicable regulations and statutes.

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290 i. In general, complainants will continue attendance at the same school and
291 pursue their studies as directed while the investigation is conducted and
292 the complaint is pending resolution.

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294 ii. ~~The Pprincipal/or~~ designee shall document all complaints to ensure that
295 problems are appropriately addressed.

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297 iii. ~~The Pprincipal/ or~~ designee is encouraged to ask open-ended questions
298 to enable students to describe what happened in their own words.

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300 iv. ~~The Principal or~~ designee may request that the accused/student, prepare
301 a written response to the complaint, ~~;~~ or the Principal or designee may
302 prepare a written statement of the accused/student's response to the
303 complaint based on their meeting and obtain the signature of the
304 accused/student, after his/her review of the statement.

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306 v. ~~The Principal or~~ designee should review and dictate his/her notes with the
307 complainant and accused/student after the interviews to verify the facts
308 and ensure accuracy, and obtain signatures, but shall not tape the
309 interviews.

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- ~~vi.~~ ii. When necessary to carry out his/her the investigation or for other good reasons, and consistent with federal and state privacy laws, the Pprincipal/or designee also may discuss the complaint with any of the following persons:
 - A. Superintendent/or designee;
 - B. Chief Academic Officer;
 - C. Area superintendent/or designee Executive Directors;
 - D. Associate Superintendents;
 - E. Chief of School Police_;
 - F. The custodial parent(s)/guardian of the complainant, if the complainant is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability)_;
 - G. The custodial parent(s)/guardian of the accused/student, if the student is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability)_;
 - H. A teacher or staff member whose knowledge of the students involved may help determine who is telling the truth_;
 - I. Child protective agencies responsible for investigating child abuse_; and/or
 - J. Legal counsel for the district Board.
- q. Written Decision of the Principal/Designee-- Upon completion of the investigation, the Pprincipal/or designee will make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable/necessary, consistent with the Matrix of Incidents and Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary). In reaching a

- 349 decision about the complaint, the Principal/ or designee should take into
350 account:
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- 352 i. ~~S~~statements made by the persons identified in ~~Section 5~~ paragraphs
353 (13)(o), (p), above;
- 354
- 355 ii. ~~T~~he details and consistency of each person's account;
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- 357 iii. ~~E~~vidence of how the complainant reacted to the incident;
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- 359 iv. ~~E~~vidence of past instances of harassment or discrimination by the
360 accused/student (provided that, if evidence of harassment/ discrimination,
361 accusations, or complaints is to be considered, the principal/designee
362 must review in their entirety the files regarding those past incidents);
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- 364 v. ~~E~~vidence of past harassment or discrimination complaints that were
365 found to be untrue (provided that, if evidence of past accusations or
366 complaints is to be considered, the principal/designee must review in their
367 entirety the files regarding those past incidents); and
- 368
- 369 vi. ~~C~~ase law, state and federal laws and regulations, and the ~~D~~istrict's
370 Board's policyies prohibiting harassment and discrimination.
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- 372 r. To determine the severity of the harassment or discrimination, the
373 Principal/ or designee should consider, among other things:
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- 375 i. ~~H~~ow the misconduct affected one or more student's education;
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- 377 ii. ~~T~~he type, frequency, and duration of the misconduct;
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- 379 iii. ~~T~~he number of persons involved;
- 380
- 381 iv. ~~T~~he subject(s) of harassment or discrimination;
- 382
- 383 v. ~~T~~he place and situation where the incident occurred; and/or
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- 385 vi. ~~O~~ther similar incidents at the school.
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387 s. Within thirty (30) calendar days of the filing of the complaint, the Pprincipal/er
388 designee shall give the Aarea superintendent/designee ~~Executive Director or~~
389 ~~designee~~ and the EEO/Title IX Coordinator ~~or and~~ ADA/504 Specialist a
390 written report that describes the complaint and investigation and contains
391 his/her findings, a decision, and reasons for the decision.

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393 i. If ~~he/she~~ the principal/designee verifies that harassment or discrimination
394 occurred, this report shall describe the actions ~~he/she took~~ taken to end
395 the harassment or discrimination pursuant to the Matrix of Incidents and
396 Actions in Policy 5.1812 (elementary) or Policy 5.1813 (secondary);
397 address the effects of the harassment or discrimination on the
398 complainant; and prevent retaliation or further harassment or
399 discrimination.

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401 ii. The Pprincipal/er designee shall notify the parties (and their custodial
402 parent(s)/guardians, if the parties are minors or are adults who have
403 given consent or have been determined to be incompetent or unable to
404 give informed consent due to disability) in writing of his/her the decision
405 and their right to review by the Aarea superintendent/ ~~Executive Director~~
406 ~~or designee.~~ (If the complaint was originally filed with, and investigated
407 by, the EEO/Title IX Coordinator instead of the principal, the Title IX
408 Coordinator shall inform the parties of the right to appeal to the Chief
409 Academic Officer/designee within ten (10) days after receiving the
410 Coordinator's decision.)

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412 t. No retaliation of any kind is permitted because in connection with an
413 individual's h~~as~~having made a discrimination or harassment complaint.

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415 14. **Appeal to Area Superintendent ~~Executive Director of a Complaint Against an~~**
416 **Accused/Student.**-- If the complaint against an accused/student is not resolved at
417 the school-site level to the satisfaction of the parties ~~in the site-level process~~, either
418 party (or their custodial parent(s)/guardian (if the party is a minor or is an adult who
419 has given consent or has been determined to be incompetent or unable to give
420 informed consent due to disability) may seek review by the area
421 superintendent/designee through the following process:

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

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

- ii. If the A-area superintendent/designee ~~Executive Director~~ is directly involved with a complaint or closely related to with the a parties party to the complaint, then an ~~impartial designee~~ the Chief Academic Officer/designee shall be asked to conduct the review and/or further investigation.

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

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

- i. During the investigation, the A-area superintendent/ ~~Executive Director or designee~~ may take any action necessary to protect the complainant, or other ~~employees or students~~ or employees consistent with the requirements of applicable regulations and statutes. No retaliation of any kind is permitted in connection with an individual's having made a harassment or discrimination complaint under this Policy.

- ii. The A-area superintendent ~~Executive Director or designee~~ will review the ~~P~~principal's decision as to the validity of the allegations and any corrective action, and will make a decision within thirty (30) calendar days after receipt of the request for review. Time limits may be extended by written mutual agreement of the complainant (or custodial

465 parent(s)/guardian on behalf thereof if the complainant is a minor or is an
466 adult who has given consent or has been determined to be incompetent
467 or unable to give informed consent due to disability), and the
468 accused/student (or custodial parent(s)/guardian on behalf thereof if the
469 accused/student is a minor or is an adult who has given consent or has
470 been determined to be incompetent or unable to give informed consent
471 due to disability).

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

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482 iv. The ~~A~~ area Executive Director or superintendent/designee will inform the
483 parties (and their custodial parent(s)/guardian if the parties are minors or
484 are adults who have given consent or have been determined to be
485 incompetent or unable to give informed consent due to disability). in
486 writing of his/her the decision and the parties' right to appeal.

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488 v. A copy of the decision will be sent to the ~~EEQ/Title IX~~ Coordinator or and
489 ADA/504 Specialist.

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

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493 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
494 the parties are minors or are adults who have given consent or have been
495 determined to be incompetent or unable to give informed consent due to
496 disability) is dissatisfied with the ~~A~~ area superintendent's Executive Director's
497 decision, it may be appealed in writing to the ~~Superintendent~~ Chief Academic
498 Officer/designee within ten (10) days after receipt of the decision.

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500 i. If the area superintendent's designee conducted the review, the next level
501 of appeal is to the area superintendent rather than to the Chief Academic
502 Officer.

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504 ii. If the Chief Academic Officer/designee superintendent is directly involved
505 with a complaint or closely related to with a the parties to the complaint,
506 then ~~an impartial designee~~ the Chief Operating Officer/designee shall be
507 asked to review the matter.

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509 b. **Notice**-- Notice of the appeal shall be given in writing to all the parties (and
510 their custodial parent(s)/guardian if the parties are minors or are adults who
511 have given consent or have been determined to be incompetent or unable to
512 give informed consent due to disability) within two (2) days of ~~notice of receipt~~
513 of appeal.

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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 ~~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 or are adults who have given consent or have been
527 determined to be incompetent or unable to give informed consent due to
528 disability) within twenty (20) calendar days of the request of the appeal.

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

531
532 a. If the complainant or accused/student (or their custodial parent(s)/guardian if
533 the parties are minors or are adults who have given consent or have been
534 determined to be incompetent or unable to give informed consent due to
535 disability) is dissatisfied with the Chief Academic Officer's decision, it may be
536 appealed in writing to the Superintendent within ten (10) days after receipt of
537 the decision.

538
539 i. If the Chief Academic Officer's designee conducted the review, the next
540 level of appeal is to the Chief Academic Officer rather than to the
541 Superintendent.
542

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

- 582 or other employee of the ~~School~~-District who has knowledge of any incident(s)
583 involving discrimination or harassment of students) is strongly encouraged to
584 report the incident(s) in writing to a school official or the EEO/Title IX
585 Coordinator and or ADA/504 Specialist.
- 586
- 587 b. School officials must report in writing any allegations of discrimination or
588 harassment to the ~~P~~-principal and to the EEO/Title IX Coordinator and or
589 ADA/504 Specialist.
- 590
- 591 c. School officials must instruct students that they may file a complaint with the
592 ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504 Specialist. If the
593 principal is directly involved with a complaint or closely related to a party to the
594 complaint, then the incident may be reported directly to the EEO/Title
595 Coordinator and ADA/504 Specialist.
- 596
- 597 d. The principal/designee shall document all complaints in writing to ensure that
598 problems are appropriately addressed. It is the responsibility of the principal
599 to forward all complaints to the area superintendent and Title IX Coordinator or
600 ADA/504 Specialist. Failure by the principal to respond to a complaint within
601 two (2) work days will automatically allow the complainant to re-file the
602 complaint with the area superintendent
- 603
- 604 ~~e. If the Principal is directly involved with a complaint or with the parties to the~~
605 ~~complaint, then the incident may be reported directly to the EEO Coordinator~~
606 ~~or 504 Specialist.~~
- 607
- 608 f. **Filing the Complaint Form.--** The complainant (or the custodial
609 parent(s)/guardian if the complainant parties is a minor or is an adult who has
610 given consent or has been determined to be incompetent or unable to give
611 informed consent due to disability) may file a complaint, either orally or in
612 writing, with the ~~P~~principal/~~or~~designee, EEO/Title IX Coordinator, or ADA/504
- 613 Specialist by using the *Harassment and Discrimination* Student Complaint
614 Report Form (PBSD 1615), available on the District's web site at
615 [www.palmbeach.k12.fl.us/ Records/Forms.htm](http://www.palmbeach.k12.fl.us/Records/Forms.htm).
- 616
- 617 i. Complaints should be filed as soon as possible after the alleged incident,
618 but must be filed within sixty (60) calendar days of the alleged incident (or
619 within 60 calendar days after the complainant becomes aware that
620 harassment or discrimination probably occurred, provided that this

- 621 awareness arises within one year of the alleged incident). Failure on the
622 part of the complainant to initiate and/or follow up on a complaint within
623 this period may result in the complaint being deemed abandoned.
624
- 625 ii. The Principal/ ~~or~~ designee may assist the individual in completing the
626 Form by recording information on the the *Harassment and Discrimination*
627 Student Complaint Report Form, reviewing it with the complainant, and
628 obtaining the complainant's signature. The complainant will be requested
629 to provide signed, specific information regarding the alleged
630 discrimination or harassment, the alleged offender(s), witnesses, and
631 other relevant information.
632
- 633 iii. Complaints filed with the Principal/~~or~~ designee must be reported in
634 writing to the Area superintendent ~~Executive Director~~ and the EEO/Title
635 IX Coordinator ~~and~~ ADA/504 Specialist for investigation.
636
- 637 g. Notice to Parent(s)/Guardians.-- Within two (2) days of receiving a
638 complaint, and in accordance with federal and state privacy laws, the
639 principal/designee shall notify the custodial parent(s)/guardian of any student
640 under age eighteen (18) who is involved in alleged harassment or
641 discrimination (or the parent(s) of an adult student who has given consent or
642 who has been determined to be incompetent or unable to give informed
643 consent due to disability). Notification may be made by telephone, letter, or
644 personal conference. The student(s) involved and his/her custodial
645 parent(s)/guardian will also be notified of events and decisions described in
646 this Policy.
647
- 648 h. Investigation by EEO/Title IX Coordinator or ADA/504 Specialist.-- The
649 EEO/Title IX Coordinator/~~or~~designee or ADA/504 Specialist shall document
650 and promptly and thoroughly investigate all complaints of harassment or
651 discrimination, including the following steps to ensure that problems are
652 appropriately addressed.:
653
- 654 i. Promptly talk with the complainant within two (2) work days after receiving
655 the complaint form. The complainant (and/or the custodial
656 parent(s)/guardian of the complainant if the complainant is a minor or is
657 an adult who has given consent or has been determined incompetent or
658 unable to give informed consent) shall have an opportunity to describe

- 659 the incident, present any evidence, name witnesses, and ensure that
660 his/her the complaint is put in writing if ~~he/she has not already done so.~~
661
- 662 ii. ~~T~~talk with any witnesses or others who may have relevant information.;
663 and
664
- 665 iii. ~~C~~conduct an investigation ~~ave~~ee meeting with the accused/employee, and the
666 accused/employee's representative, if applicable, to discuss the
667 allegations and allow the accused/employee to respond to the allegations.
668
- 669 i. During the investigation, the EEO/Title IX Coordinator or ADA/504 Specialist
670 may recommend to the Chief Personnel Officer/erdesignee, any action
671 necessary to protect the complainant, or other students or employees ~~or~~
672 students, consistent with the requirements of applicable regulations ~~or~~
673 statutes, State Board of Education Rules, School Board Policies, and
674 collective bargaining agreements.
675
- 676 i. In general, complainants will continue attending the same school and
677 pursuing their studies as directed while the investigation is conducted and
678 the complaint is pending resolution.
679
- 680 ii. ~~The EEO Coordinator or 504 Specialist shall document all complaints to~~
681 ~~ensure that problems are appropriately addressed.~~
682
- 683 -iii- ii. When necessary to carry out his/her the investigation or for other good
684 reasons, and consistent with federal and state privacy laws, the EEO/Title
685 IX Coordinator or ADA/504 Specialist also shall discuss the complaint
686 with the following persons, as appropriate:
687
- 688 A. Superintendent/erdesignee;
689
- 690 B. Chief Academic Officer and/or Chief Operating Officer;
691
- 692 C. A area superintendent/designee ~~Executive Directors~~;
693
- 694 D. A associate S uperintendents;
695
- 696 E. Chief of School Police;
697

- 698 F. Chief Personnel Officer;
- 699
- 700 G. Director of ~~Employee~~ Labor Relations;
- 701
- 702 H. ~~The~~ custodial parent(s)/guardian of the complainant, if the
- 703 complainant is under eighteen (18) years of age (or has given
- 704 consent or is an adult who has been determined to be incompetent
- 705 or unable to give informed consent due to disability);
- 706
- 707 I. A teacher or staff member whose knowledge of the student(s) or
- 708 employee(s) involved may help determine who is telling the truth;
- 709
- 710 J. ~~C~~child protective agencies responsible for investigating child abuse;
- 711
- 712 K. ~~L~~egal counsel for the District Board; ~~and/or~~
- 713
- 714 L. ~~E~~exclusive bargaining representative or ~~the~~ legal counsel thereof, if
- 715 appropriate; and
- 716
- 717 M. the accused/employee.
- 718

719 19. ~~Resolution~~ **Decision of the EEO/Title IX Coordinator or ADA/504 Specialist.**--
720 Upon completion of the investigation, the EEO/Title IX Coordinator or ADA/504
721 Specialist shall make a decision about the validity of the allegations in the
722 complaint.

- 723
- 724 a. The EEO/Title IX Coordinator or ADA/504 Specialist shall discuss the
- 725 determination and any recommended corrective action with the
- 726 Principal/ordesignee and Chief Personnel Officer.
- 727
- 728 b. In reaching a decision about the complaint, the following should be taken into
- 729 account:
- 730
- 731 i. ~~S~~statements made by the persons identified in Paragraphs (18)(h), (i)
- 732 above;
- 733
- 734 ii. ~~T~~he details and consistency of each person's account;
- 735
- 736 iii. ~~E~~vidence of how the complainant reacted to the incident;

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- 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
 - vi. ~~C~~case law, state and federal laws and regulations, and the ~~D~~District's ~~B~~Board's ~~P~~Policies prohibiting harassment and discrimination.
- c. To determine the severity of the harassment or discrimination, the following may be considered:
- i. ~~H~~How the misconduct affected one or more student's education;
 - ii. ~~T~~The type, frequency, and duration of the misconduct;
 - iii. ~~T~~The number of persons involved;
 - iv. ~~T~~The subject(s) of harassment or discrimination;
 - v. ~~T~~The place and situation where the incident occurred; and
 - vi. ~~O~~Other incidents at the school.
- d. The following action(s) or discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of harassment or discrimination:
- i. ~~N~~No action if complaint is unsubstantiated;
 - ii. ~~T~~The training requirements for the employee;
 - iii. ~~O~~Oral reprimand of the employee;

- 776
777 iv. ~~W~~ritten reprimand of the employee;
778
779 v. ~~S~~suspension of the employee up to and including termination; or
780
781 vi. Termination of the employee.
782
783 A. For the first verified offense of harassment of, or discrimination
784 against, a student, suspension should be recommended for a
785 minimum of thirty (30) days without pay up to and including
786 termination. Termination should be recommended for the second
787 offense of verified harassment of, or discrimination against, a student
788
789 B. Suspension without pay and/or termination requires School Board
790 action.
791
792

793 **20. Appeal Procedure for an Accused/Employee**
794

- 795 a. If the accused/employee wishes to appeal the action taken in resolution of the
796 complaint, such appeal shall be filed either in accordance with District Board
797 Policy 3.31 or pursuant to the relevant collective bargaining agreement.
798
799 b. For those employees not in a bargaining unit, the appeal shall be filed in
800 accordance with Board Policy 3.31.
801

802 **21. Appeal Procedure for Student/Complainant When the Accused Is an**
803 **Employee**
804

- 805 a. Appeal to Chief Operating Officer/Designee-- If the complainant or
806 accused/student (or the custodial parent(s)/guardian if the complainant is a
807 minor or is an adult who has given consent or has been determined to be
808 incompetent or unable to give informed consent due to disability) is dissatisfied
809 with the EEO/Title IX Coordinator's or ADA/504 Specialist's decision, it may be
810 appealed in writing to the Superintendent Chief Operating Officer/designee
811 within ten (10) days after receipt of the decision. However, if the
812 Superintendent Chief Operating Officer is directly involved with a complaint or
813 closely related to with a the parties to the complaint, then an impartial
814 designee the Chief Academic Officer shall be asked to review the matter.

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i. **Notice.**-- Notice of the appeal shall be given to all the parties (and the custodial parent(s)/guardian of the complainant, if a minor or an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) within two (2) days of notice of receipt of appeal.

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

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

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 the custodial parent(s)/guardian if the complainant is a minors or is an adult who has given consent or has been determined to be incompetent or unable to give informed consent due to disability) is dissatisfied with the Chief Operating Officer's decision, it 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 or are adults who have given consent or have been determined to be incompetent or

853 unable to give informed consent due to disability) within two (2) days of
854 receipt of the appeal.

855
856 iv. Procedure.-- The Superintendent/designee shall review the written
857 complaint, the accused/employee's response to the complaint, and all
858 documentation pertaining to the alleged harassment or discrimination,
859 including the Chief Operating Officer's decision.

860
861 A. The Superintendent may request additional information.
862
863 B. The Superintendent/designee shall issue a written decision to the
864 parties (and the complainant's custodial parent(s)/guardian, if the
865 complainant is a minor or is an adult who has given consent or has
866 been determined incompetent or unable to give informed consent
867 due to disability) within twenty (20) calendar days of request of the
868 appeal. The decision of the Superintendent/designee is the final
869 decision of the District.
870

871 c. Other Means of Resolution.-- If the complainant is not satisfied with the
872 results of the procedures contained in this policy, he or she may utilize other
873 means for resolution as provided by law, including seeking recourse through
874 the Federal Office for Civil Rights ("OCR").
875

876 **22. Confidentiality**
877

878 a. To the greatest extent possible, all complaints will be treated as confidential
879 and in accordance with Fla. Stat. § 228.093(3)(d); ~~§ 119.07(3)(p)~~ and the
880 Family Educational Rights and Privacy Act ("FERPA"); and any other
881 applicable law, such as §§ 119.07(3)(p) and 231.291(3) or 231.262(1), Fla.
882 Stat.
883

884 b. ~~However,~~ limited disclosure may be necessary to complete a thorough
885 investigation as described above. The District's obligation to investigate and
886 take corrective action may supersede an individual's right to privacy.
887

888 c. The complainant's identity shall be ~~confidentially~~ protected, but absolute
889 confidentiality cannot be guaranteed.
890

891 **23. Notice ~~Informing Students and Employees About this Policy~~--** Notice of the

892 existence of this pPolicy, prevention plan, and procedures shall be posted in
893 prominent locations in all District buildings, including information on how to receive
894 a copy. Notice shall be included annually in student, parent, and staff handbooks.
895

896 ~~a. Upon receiving a complaint, and in accordance with federal and state privacy~~
897 ~~laws, the Principal or designee shall notify the parent(s)/guardians of all~~
898 ~~students under age 18 involved in the alleged harassment or discrimination~~
899 ~~within two (2) days of the allegations. Notification may be made by telephone,~~
900 ~~letter, or personal conference. The students involved and their~~
901 ~~parent(s)/guardians will also be notified of events and decisions described in~~
902 ~~this policy.~~
903

904 24. **Retaliation Prohibited**

- 905
- 906 a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or
907 harassment in connection with filing a complaint or assisting with an
908 investigation under this Policy.
909
- 910 b. Retaliatory or intimidating conduct against any individual who has made a
911 harassment or discrimination complaint or any individual who has testified,
912 assisted, or participated, in any manner, in an investigation is specifically
913 prohibited.
914
- 915 c. The Principal or designee, and EEO/Title IX Coordinatr or ADA/504
916 Specialist, if applicable, shall inform the complainants that he/she/they is are
917 protected by law from retaliation.
918

919 25. **Additional Assistance Available**

- 920
- 921 a. In all cases, the District reserves the right to refer the results of its own
922 investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida
923 for possible criminal charges, whether or not the District takes any other
924 action.
925
- 926 b. The District will provide counseling services for students who have been
927 harassed or discriminated against.
928
- 929 c. Training will be provided to assist teachers and counselors who work with
930 students to prevent harassment and discrimination. Attendance is mandatory.

931
932 d. The Office for Civil Rights is the federal agency in the Department of
933 Education that monitors ~~ensures that~~ schools' compliance with Title IX, Title
934 VI, Title II of the Americans With Disabilities Act, and Section 504, and it can
935 be contacted at 1-800-421-3481; by fax at (404) 562-6455; or by e-mail at
936 OCR_Atlanta@ed.gov.

937
938 A. ~~For more information, contact: EEO Coordinator, 3370 Forest Hill~~
939 ~~Boulevard, Suite A 128, West Palm Beach, Florida 33406; Telephone:~~
940 ~~(561) 434-8637 or the 504 Specialist, 3336 Forest Hill Boulevard, Suite B-~~
941 ~~102, West Palm Beach, Florida 33406; Telephone: (561) 434-8817.~~

942
943 **STATUTORY AUTHORITY:** §§ 230.22(2); 230.23 (17)(22); 230.23005(6), Fla.
944 Stat.

945
946 **LAWS IMPLEMENTED:** §§ 119.07(3)(p); 228.2001(2)(a), (b) (Florida
947 Education Equity Act); 228.093(3)(d); 230.22(1),
948 230.23(6)(d)1, 8; 230.33(8); 231.001; 231.291(3)(a);
949 231.262(1), 760.01(2), Fla. Stat.; Title II of the
950 Americans With Disabilities Act (42 U.S.C. 12131, et
951 seq. (Title II of the Americans with Disabilities Act);
952 Title IX of the Education Amendments of 1972 (20
953 U.S.C. § 1681-1688 et. seq. (Title IX of the Education
954 Amendments of 1972); Title VI of the Civil Rights Act
955 of 1964 (42 U.S.C. § 2000d et. seq. (Title VI of the
956 Civil Rights Act of 1964); Section 504 of the
957 Rehabilitation Act of 1973 (29 U.S.C. § 794 (Section
958 504 of the Rehabilitation Act of 1973); 20 U.S.C. §
959 1232g (Family Educational Rights and Privacy Act
960 ("FERPA")); § 228.2001(2)(a) Fla. Stat., ("Florida
961 Education Equity Act"); § 228.093(3)(d);
962 230.23(6)(d)(1) and (8); 230.22(1) and (2);
963 230.33(8); 119.07(3)(p), Fla. Stat.

964
965 **STATE BOARD RULES**
966 **SUPPLEMENTED:** 6A-19.001, 6A-19.002, 6A-19.008, 6B-1.006(3)(a), (g)

967
968 **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



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 columns 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.

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 (or within 60 days after you become aware that harassment or discrimination probably occurred, if you become aware of it within one year).

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. (If you are not satisfied with the final decision of the District, you may utilize other lawful means of resolving the alleged harassment or discrimination, such as filing a complaint with the federal Office for Civil Rights (OCR), as mentioned in School Board Policies 5.001 and 5.81.)

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 (or within 60 days after you become aware of the alleged harassment or discrimination, provided you become aware of it within one year). 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. (If you are not satisfied with the final decision of the District, you may utilize other lawful means of resolving the alleged harassment or discrimination, such as filing a complaint with the federal Office for Civil Rights (OCR), as mentioned in School Board Policies 5.001 and 5.81.)

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.

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 nesèsè 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 apre l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la. (Si ou pa satisfè ak desizyon final Distri a, ou kapab itilize lòt fason legal pou w kapab rezoub zak anmèdman oswa diskriminasyon an, epi tankou nou te di w nan regleman Komite Edikasyon an 5.001 ak 5.81, ou kapab ale nan biwo federal dwadelòm (OCR) pou pote plent ou.)

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 anmèdman 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 apre 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 apre l resevwa apèl la. Desizyon Sipèentandan an se desizyon final Distri Lekòl la. (Si ou pa satisfè ak desizyon final Distri a, ou kapab itilize lòt fason legal pou w kapab rezoub zak anmèdman oswa diskriminasyon an, epi tankou nou te di w nan regleman Komite Edikasyon an 5.001 ak 5.81, ou kapab ale nan biwo federal dwadelòm (OCR) pou pote plent ou.)

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.

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. (Se você não ficar satisfeito com a decisão final do Distrito, poderá utilizar outros meios legais para resolver o assédio ou discriminação alegados, como registrar uma queixa junto à Repartição de Direitos Cívicos (OCR), de acordo com os Regulamentos 5.001 e 5.81 do Conselho 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. (Se você não ficar satisfeito com a decisão final do Distrito, poderá utilizar outros meios legais para resolver o assédio ou discriminação alegados, como registrar uma queixa junto à Repartição de Direitos Cívicos (OCR), de acordo com os Regulamentos 5.001 e 5.81 do Conselho Escolar).

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

Spanish

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.

Descargo de Responsabilidad: La siguiente es solamente una descripción general. Debido a las limitaciones de espacio se han dejado afuera muchos detalles importantes. Ver las 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.

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. (Si usted no está satisfecho con la decisión del Distrito, puede utilizar otros medios legales para resolver el presunto acoso o discriminación, tal como presentar una queja en la Oficina Federal de Derechos Civiles (OCR), mencionado en las Normas de la Junta Escolar 5.001 y 5.81).

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. (Si usted no está satisfecho con la decisión del Distrito, puede utilizar otros medios legales para resolver el presunto acoso o discriminación, tal como presentar una queja en la Oficina Federal de Derechos Civiles (OCR), mencionado en las Normas de la Junta Escolar 5.001 y 5.81).