



# **POLICIES FOR STAFF & STUDENTS**

\*Abuse Reporting \*ADA \*Drug-Free Workplace  
\*Equal Employment Opportunity \*Employee Assistance Program  
\*Florida Educational Equity Act \*Harassment \*HIPAA  
\*HIV, AIDS, Communicable Diseases \*Non-Discrimination\*Tobacco-Free Environment

## ***Department of Human Resources***

*Dr. Adrienne McElroy, Assistant Superintendent, Human Resources  
and Labor Relations*

*Title IX Coordinator, Equity and Compliance Officer*  
*[adrienne.mcelroy@yourcharlotteschools.net](mailto:adrienne.mcelroy@yourcharlotteschools.net)*  
*(941) 255-0808*

*Justin Boudreau, Director of Human Resources*  
*Title IX Coordinator, Equity and Compliance Officer*  
*[justin.boudreau@yourcharlotteschools.net](mailto:justin.boudreau@yourcharlotteschools.net)*  
*(941) 255-0808*

Charlotte County Public Schools  
District Administrative Offices  
1445 Education Way  
Port Charlotte, FL 33948-1053

Website – [www.yourcharlotteschools.net](http://www.yourcharlotteschools.net)

## **Board Members**

Cara Reynolds, Chairman  
Wendy Atkinson, Member  
Kim Amontree, Member  
John Leclair, Vice Chairman  
Bob Segur, Member

Mark Vianello, Superintendent of Schools

## **INTENT OF THIS PAMPHLET**

Charlotte County Public Schools District complies with federal and state laws and guidelines which distinguish and establish rights and responsibilities of students and staff. This pamphlet also delineates CCPS Board of Education policies which provide frameworks and processes for keeping the District compliant with both Federal and State of Florida laws, rules, and guidelines.

This pamphlet does not supersede the support and instructional contracts instead it is meant to aid in the application of school board policies and applicable statutes. The purpose of this pamphlet is to provide direction to school students (and their families) as well as to staff should they encounter violations of these laws and policies. The persons whose names appear on the front of this pamphlet (see cover) are sources to students and employees who wish to make complaints about the District's (or its employee-representatives') adherence to these laws. These District officials hear complaints and monitor compliance; they are readily available for those students or staff who have a need to be heard in advancing a complaint:

Dr. Adrienne McElroy, Assistant Superintendent, Human Resources and Labor Relations

Title IX Coordinator, Equity and Compliance Officer  
[adrienne.mcelroy@yourcharlotteschools.net](mailto:adrienne.mcelroy@yourcharlotteschools.net) (941) 255-0808

Justin Boudreau, Director of Human Resources

Title IX Coordinator, Equity and Compliance Officer  
[justin.boudreau@yourcharlotteschools.net](mailto:justin.boudreau@yourcharlotteschools.net) (941) 255-0808

1445 Education Way  
Port Charlotte, FL 33948-1053

Revised January 2024

For ready reference, this pamphlet includes a Table of Contents.

## **DISTRICT LEADERS 2024-2025**

**MARK VIANELLO**

Superintendent of Charlotte County Public Schools

**MIKE DESJARDINS**

Assistant Superintendent for Student Support Services

**BOB BEDFORD**

Assistant Superintendent of Learning

**GREG GRINER**

Chief Financial Officer

**CARL HENDRICK**

Chief Technology Officer

**ADRIENNE MCELROY**

Assistant Superintendent for Human Resources and Labor Relations

**JEFFREY HARVEY**

Assistant Superintendent for Operations

**LAURA BLUNIER**

Director of Professional Learning

**TONY CONTE**

Director of Transportation

**DEBBIE FABER**

Director of Procurement

**NICOLE COX**

Director of Exceptional Student Learning

**SHELIA BROWN**

Director of Pre-K & Elementary Learning

**LISA OBERDIER**

Director of Pre-K to 12 Curriculum

**MATT KUNDER**

Director of Secondary Learning

**BRIAN GRANSTRA**

Director of Career and Technical Education

**JUSTIN BOUDREAU**

Director of Human Resources

**DARRELL MILSTEAD**

Director of Management Information Systems

**JACK HAM**

Director of School Support

**JANICE SCOTT**

Director of Finance

**BILLY WILLIAMS**

Director of Maintenance, Operations & Special Projects

**WILLIAM SEIBERT**

Director of Food Services

**JENNIFER COX-MCKIMMEY**

Coordinator of District Health Services

**SUSAN FLORES**

Coordinator of Social Work & Mental Services

**JOE KING**

Coordinator of District Security and Emergency Management

**REBECCA MARAZON**

Coordinator of Psychological Services

## **SCHOOL PRINCIPALS**

**Baker Pre-K Center** (941) 575-5470

Nicole Hansen

**Charlotte Harbor School** (941) 255-7440

Kristy Johnson

**Charlotte High School** (941) 575-5450

Angie Taillon

**Charlotte Tech. Center** (941) 255-7500

Cynthia Gulsby

**Deep Creek Elementary School** (941) 255-7535

James Vernon

**East Elementary School** (941) 575-5475

Melissa White

**Kingsway Elementary School** (941) 255-7590

Danielle Hudzina

**L. A. Ainger Middle School** (941) 625-9600

Bruce Fourman

**Lemon Bay High School** (941) 629-4552

Robert Murphy

**Liberty Elementary School** (941) 255-7515

Carolyn Whaley

**Meadow Park Elementary School** (941) 255-7470

Lauren Elek

**Murdock Middle School** (941) 255-7525

Lyman Welton

**Myakka River Elementary School** (941) 697-7111

Jody Poulakis

**Neil Armstrong Elementary School** (941) 255-7450

Melody Hazeltine

**Peace River Elementary School** (941) 255-7622

Grace Tollefson

**Port Charlotte High School** (941) 255-7485

Lou Long

**Port Charlotte Middle School** (941) 255-7460

Tara Whisnant

**Punta Gorda Middle School** (941) 575-5485

Samuel Davis

**Sallie Jones Elementary School** (941) 575-5440

Keli Sare

**The Academy @ CTC** (941) 255-7545

Deshon Jenkins

**Vineland Elementary School** (941) 743-0188

Jacqueline Bachnik

**Public Information Officer.** (941) 255-0808

Claudette Smith

## CONTENTS

Intent of This Pamphlet	2
DISTRICT LEADERS 2022-2023	3
School Principals	4
EDUCATIONAL EQUITY ACT	8
Americans with Disabilities Act (ADA)	8
FMLA: Family Medical Leave Act of 1993 Complaint Process	8
HIPAA: Health Insurance Portability and Accountability Act Administration	9
Employment Records	9
Requests from your employer	9
HIPAA: Charlotte County School Board: Related Policy	9
DRUG-FREE WORKPLACE	10
SMOKING AND TOBACCO-FREE ENVIRONMENT	11
CONFLICT OF INTEREST	11
STAFF GIFTS	12
COMMUNICABLE DISEASES: HIV, AIDS, AND OTHER DISEASES	12
EQUAL EMPLOYMENT OPPORTUNITY	13
EMPLOYEE ASSISTANCE PROGRAM (EAP)	13
DISCRIMINATION (Defined)	13
NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES	14
Coverage	15
SEXUAL HARASSMENT, DEFINITION OF	15
SEXUAL HARASSMENT, COMPLAINT PROCEDURES	17
BULLYING AND HARASSMENT: COMPLAINT PROCEDURES:	18
Definitions	19
Expected Behavior: (Students)	20
Student Consequences for Bullying/Harassment	20
Procedure for Reporting Bullying/Harassment: Parent/Student Complaints	21
Procedure for Investigating Bullying Harassment: ALL School Community Members	21
Scope of Investigations	22
Parent Notification of Involved Parties	22
Counseling Referral: Students	22
Data Report: Students	23

Training and Instruction: Prevention of Student Bullying/Harassment	23
Policy Publication: Student Bullying/Harassment	23
Immunity for Reporting: ALL School Community Members	24
Privacy/Confidentiality	24
PERSONNEL FILE	24
NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY FOR STUDENTS	25
Complaint Procedures	29
Informal Complaint Procedure	29
Formal Complaint Procedure	30
MANDATORY REPORTING OF CHILD ABUSE, NEGLECT, THREATENED HARM, AND EXPLOITATION	35
BE PREPARED TO DESCRIBE:	35
FOUR WAYS TO MAKE A REPORT:	35
INTERPRETER SERVICE	36
GRIEVANCE PROCEDURES FOR NONDISCRIMINATION AND EQUAL OPPORTUNITY/ACCESS	37
Employee and Job Applicant Procedure	37
Informal Discussion	37
Board Appeal	37
REPORTING ABUSE, NEGLECT, THREATENED HARM AND EXPLOITATION	38
DISTRICT SCHOOL BOARD OF CHARLOTTE COUNTY NOTICE OF SOCIAL SECURITY NUMBER DISCLOSURE	38
ANTI-FRAUD	38
Scope	39
Policy	39
MANDATORY REPORTING OF MISCONDUCT BY EMPLOYEES	39
Reporting Misconduct	39
Parental Notification of Alleged Misconduct	40
Filing a Complaint with the Department of Education	40
Report of Resignation or Termination	40
Transmittal of False or Incorrect Report	41
Requirement of Disclosure of Employee Misconduct	41
Posting Requirements	41
Liability	42
EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS OF AMERICA AND OTHER DESIGNATED YOUTH GROUPS	42

STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY	45
Social Media Use	48
FUND-RAISING FOR SCHOOL PROJECTS AND ACTIVITIES	48
VIOLATION OF LOCAL, STATE, AND/OR FEDERAL LAWS	50
STAFF DRESS AND GROOMING	51



## **EDUCATIONAL EQUITY ACT**

The Florida Educational Equity Act became law in June, 1984. This law prohibits discrimination on the basis of race, color, sex, age, national origin, religion, marital status, or handicap against a student or employee in the state system of public education.

*Section 1000.05, Florida Statutes*

*State Board of Education, Rules 6A-19.01 through 6A-19.10.*

## **AMERICANS WITH DISABILITIES ACT (ADA)**

The School Board shall comply with the Americans with Disabilities Act of 1990 (ADA). This federal legislation makes unlawful any discrimination against a qualified individual with a disability who can perform the essential functions of his/her job with reasonable accommodations.

More specifically, discrimination is unlawful for a covered entity on the basis of disability against a qualified individual with a disability in regard to:

- a) Recruitment, advertising, and job application procedures;
- b) Hiring, upgrading, promotion, award of tenure, demotion, transfer, layoff, and rehiring;
- c) Rates of pay or any other form of compensation and changes in compensation;
- d) Job assignments, job classifications, organizational structures, position descriptions, lines of progression, and seniority lists;
- e) Leaves of absence, sick leave, or any other leave;
- f) Fringe benefits available by virtue of employment, whether or not administered by the covered entity;
- g) Selection and financial support for training, including: apprenticeships, professional meeting, conferences and other related activities, and selection for leaves of absence to pursue training;
- h) Activities sponsored by a covered entity, including social and recreational programs; and,
- i) Any other term, condition, or privilege of employment.

## **FMLA: FAMILY MEDICAL LEAVE ACT OF 1993 COMPLAINT PROCESS**

The U.S. Department of Labor's Wage & Hour Division (WHD) is responsible for administering and enforcing the Family and Medical Leave Act for most employees.

If you have questions, or you think that your rights under the FMLA may have been violated, you can contact WHD at 1-866-487-9243. You will be directed to the WHD office nearest you for assistance. There are over 200 WHD offices throughout the country staffed with trained professionals to help you.

The information below is useful when filing a complaint with WHD:

- your name;
- your address and phone number (how you can be contacted);
- the name of the company where you work or worked;
- location of the company (this may be different than the actual job site where you worked);
- phone number of the company;
- manager or owner's name;
- the circumstances of your FMLA request and your employer's response.

Your employer is prohibited from interfering with, restraining, or denying the exercise of FMLA rights,

retaliating against you for filing a complaint and cooperating with the Wage and Hour Division, or bringing a private action to court. You should contact the Wage and Hour Division immediately if your employer retaliates against you for engaging in any of these legally protected activities.

To contact the WHD office nearest you, visit: [www.dol.gov/whd/america2.htm](http://www.dol.gov/whd/america2.htm).

## **HIPAA: HEALTH INSURANCE PORTABILITY AND ACCOUNTABILITY ACT ADMINISTRATION**

The Privacy Rule of HIPAA controls how a health plan or covered health care provider discloses protected health information to an employer, including your manager or supervisor.

### **EMPLOYMENT RECORDS**

The Privacy Rule does not protect your employment records, even if the information in those records is health-related. Generally, the Privacy Rule also does not apply to the actions of an employer, including the actions of a manager in your workplace.

If you work for a health plan or covered health care provider:

- The Privacy Rule does not apply to your employment records.
- The Rule does protect your medical or health plan records if you are a patient of the provider or a member of the health plan.

### **REQUESTS FROM YOUR EMPLOYER**

The Privacy Rule does not prevent your supervisor, human resources worker or others from asking you for a doctor's note or other information about your health if your employer needs the information to administer sick leave, workers' compensation, wellness programs, or health insurance.

- However, if your employer asks your health care provider directly for information about you, your provider cannot disclose the information in response without your authorization.
- Covered health care providers must have your authorization to disclose this information to your employer, unless other laws require them to disclose it.

Generally, the Privacy Rule applies to disclosures made by your healthcare provider, not to the questions of your employer.

For further information on this topic, please refer to 45 C.F.R. §§ 160.103 and 164.512(b)(1)(v), and OCR's Frequently Asked Questions.

You may also contact the Department of Labor at (866) 4-USA- DOL, or the Equal Employment Opportunity Commission at (800) 669-4000, for information about non-Privacy Rule issues.

### **HIPAA: CHARLOTTE COUNTY SCHOOL BOARD: RELATED POLICY**

It is the policy of the School Board that all staff that has access to Protected Health Information (PHI) (hereafter "staff") preserves the integrity and the confidentiality of PHI pertaining to employees/applicants by adhering to the following:

1. Adhering to the standards set forth in the Notice of Privacy Practices;
2. Collecting, using, and disclosing PHI only in conformance with state and federal laws and current procedures;
3. Honoring employees'/applicants' covenants and/or authorizations, as appropriate;
4. District staff will not use or disclose PHI for uses outside of District's treatment, payment, and health care operations (TSO), such as marketing, employment, life insurance applications, etc.,

- without an authorization from employee/applicant.
5. Using and disclosing PHI to remind employees/applicants of their appointments only within their consent;
  6. Recognizing that PHI collected about employees/applicants must be
  7. accurate, timely, complete, and available when needed;
  8. Privacy practices shall be implemented to protect the integrity of all PHI maintained.
  9. Respecting employees'/applicants' privacy to the extent allowable by law;
  10. Acting as responsible information stewards by:
    - a. Treating all PHI data as confidential in accordance with professional ethics, accreditation standards, and legal requirements;
    - b. Not disclosing PHI data unless the employee/applicant (or his/her authorized representative) has properly consented to or authorized the release, or the release is otherwise authorized by law;
  11. Recognizing that, although our District "owns" the medical information, the employee/applicant has a right to inspect and obtain a copy of his/her PHI;

In addition, employees/applicants have a right to request an amendment to his/her medical information if s/he believes his/her information is inaccurate or incomplete.

1. Employees/Applicants shall be permitted access to their medical information.
2. Employees/Applicants shall be provided an opportunity to request the correction of inaccurate or incomplete PHI in their medical information in accordance with the law and professional standards.

All staff of our District shall maintain a list of all disclosures of PHI for purposes other than TPO for each employee/applicant. We will provide this list to employees/applicants upon written request.

All staff of our District shall adhere to any restrictions concerning the use or disclosure of PHI that employees/applicants have requested and have been approved by our District.

Violation of this policy is grounds for disciplinary action, up to and including termination of employment and criminal or professional sanctions in accordance with our District's personnel rules and regulations.

Any changes to this policy will be effective upon the release of a revised privacy policy and shall be made available to employees/applicants.

PO1430.05, PO3430.05, PO4430.05

## **DRUG-FREE WORKPLACE**

The School Board believes that quality education is only possible in a drug-free environment. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the evidence of use of any controlled substance.

The Board shall not permit the manufacture, possession, use, distribution or dispensing of any controlled substance, alcohol, or any drug paraphernalia, as the term is defined by law, by any member of the District's staff at any time while on District property or while involved in any District-related student activity or event.

Any staff member who violates this policy shall be subject to disciplinary action in accordance with

District procedures and the terms of collective bargaining agreements.

The Superintendent shall establish procedures that ensure compliance with this policy. Each staff member will be given a copy of the standards regarding unlawful possession, use, or distribution of illicit drugs and alcohol by staff and informed that compliance with this requirement is mandatory. Such procedures shall provide for appropriate disciplinary actions, when needed, which comply with the terms of any negotiated agreement.

F.S. 440.101, 440.102

41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988

PO1124, PO3124, PO4124

## **SMOKING AND TOBACCO-FREE ENVIRONMENT**

The School Board recognizes that the use of tobacco products, including electronic smoking devices, is a health, safety, and environmental hazard for students, staff, visitors, and school facilities. The Board is committed to providing students, staff, and visitors with a smoking and tobacco-free environment on school property and at off-campus, school-sponsored events.

For purposes of this policy, "use of tobacco" shall mean: to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco substitutes, including cigarettes, cigars, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes; to use vapor-generating electronic devices, e-cigarettes (including, but not limited to, "JUULs"), vaping products or supplies, including but not limited to vape pods, liquids or other vaping supplies, and/or; to use other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

PO1215, PO3215, PO4215, PO5512, PO7434

## **CONFLICT OF INTEREST**

To ensure the proper performance of school business as well as to earn and keep public confidence in the District, the following shall be adhered to:

- A. Employees shall not engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system;
- B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District;
- C. Employees shall not make use of materials, equipment, or facilities of the District in private practice.

The above expectations are not intended to be all inclusive nor to substitute for good judgment on the part of all employees.

Exceptions to this policy shall be approved by the Superintendent consistent with state law.

Employees may not participate in the selection, award, or administration of a contract supported by a federal grant/award if s/he has a real or apparent conflict of interest. Such a conflict of interest would

arise when the employee, any member of his/her immediate family, his/her partner, or an organization which employs or is about to employ any of the parties described in this section, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

Employees may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts.

PO1129, PO3129, PO4129

### **STAFF GIFTS**

Instructional staff members shall not accept any form of compensation from vendors that might reasonably be expected to influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, instructional staff members shall not accept any compensation from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, instructional staff members who recommend purchases shall not enter into a contractual arrangement with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual instructional staff member receives compensation in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, gifts, and other such things of value. In the event that an instructional staff member receives such compensation, albeit unsolicited, from a vendor, the instructional staff member shall notify the Director of Finance, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Director of Finance.

See also PO3129, Conflict of Interest.

### **COMMUNICABLE DISEASES: HIV, AIDS, AND OTHER DISEASES**

The School Board seeks to provide a safe educational environment for students and staff. Ensuring that all persons within the school community understand methods of transmission and prevention of diseases makes such an environment possible. School community members should understand that such diseases are not contracted through airborne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease. For purposes of this policy, these diseases shall include the following:

- a. HIV (human immunodeficiency virus);
- b. AIDS (acquired immune deficiency syndrome);
- c. AIDS-related complex (condition);
- d. HAV, HBV, HCV, (hepatitis A, B, C); and
- e. Other diseases that may be specified by the State Department of Health as contact-communicable diseases.

The Board recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

With this in mind, the Board directs the Superintendent to develop programs for students and staff for the purpose of their understanding the manner in which these diseases may be prevented and how they

are transmitted. These programs should specify the risk factors involved: how to deal with those risks, emphasizing the fact that these diseases are preventable if basic precautions are taken.

The Board further directs the Superintendent to assure that students or staff who reveal the fact they have contracted one (1) of these diseases will have their status safeguarded in accordance with federal and state statutes dealing with confidentiality and that their civil rights will be respected. Staff members will have access to District-leave policies in accordance with Board policy and negotiated agreements and opportunities for reasonable accommodation as described by the Americans with Disabilities Act. Should a student be unable to attend school as a result of illness, an alternative education program shall be provided in accordance with the Board's policy and administrative procedures dealing with homebound instruction.

F.S. 1001.41, 1006.07; PO8453

## **EQUAL EMPLOYMENT OPPORTUNITY**

The School Board shall comply with all federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. The School Board does not discriminate (including anti-Semitism [as defined in Bylaw 0100]) on the basis of race, ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), recognized disability, pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, "protected classes") in its programs and activities, including employment opportunities.

The Superintendent shall identify an individual whose responsibility will be to require compliance with federal and state regulations and to ensure that any complaints are addressed promptly in accordance with law. This individual shall also require proper notice of nondiscrimination in accordance with federal law to staff members and the general public. Any sections of the District's collectively- bargained agreements dealing with hiring and promotion shall contain a statement of nondiscrimination.

PO1122, PO3122, PO4122

## **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

The School Board of Charlotte County has implemented both an Employee Assistance Program and a Mental Health/Substance Abuse Plan. All employees and their dependents are eligible to participate in these plans. The design of EAP is to help individuals who are experiencing problems of daily living which may affect their ability to perform their job in the most efficient manner or which may affect the overall well-being of the individual. The District's Employee Benefits website has the EAP information and can be provided upon request.

PO1170.01, PO3170.0, PO4170.01

## **DISCRIMINATION (DEFINED)**

1. Limiting, segregating or classifying students, employees, applicants for admission, or applicants for employment, in such a way as to deprive individuals of educational or employment opportunities or otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;
2. Denying educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;
3. Providing unequal educational or employment opportunities to individuals because of their

race, sex, national origin, marital status or handicap;

4. Providing unnecessarily separate educational programs or activities for individuals because of their race, sex, national origin, marital status or handicap;

5. Entering into contractual or other arrangements which utilize criteria or administrative methods which have the effect of subjecting individuals to discrimination or which otherwise adversely affect individuals because of their race, sex, national origin, marital status or handicap;

6. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a qualified handicapped person as a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their handicap;

7. The application of any policy or procedure, or taking of any admission or employment action concerning the potential or actual marital status of a student, employee or applicant for admission or employment that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students or a group of employees on the basis of potential or actual marital status, or on the basis of head of household or principal wage earner status; however, reasonable practices prohibiting nepotism shall not constitute marital status discrimination;

8. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on ancestry or place of birth or of cultural, or linguistic characteristics of a national origin group;

9. The application of any policy or procedure, or taking of an admission action, that adversely affects a student, or applicant for admission, belonging to a national origin minority group, unnecessarily based on limited-English-language skills;

10. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their race/ethnic category;

11. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their gender.

(Source: State Board of Education, Florida: 6A-190014A, 1-11.)

## **NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES**

The School Board does not discriminate on the basis of sex (including sexual orientation or gender identity), in its education programs or activities, and is required by Title IX of the Education Amendments Act of 1972, and its implementing regulations, not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. The Board is committed to maintaining an education and work environment that is free from discrimination based on sex, including sexual harassment.

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When the District has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent. Pursuant to its Title IX obligations, the Board is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. Board employees, students, third-party vendors and contractors, guests, and other members of the School District community who commit Sexual Harassment are subject to the full range of disciplinary sanctions

set forth in this policy. The Board will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to the District's education programs and activities.

#### **COVERAGE**

This policy applies to Sexual Harassment that occurs within the District's education programs and activities and that is committed by a member of the School District community or a Third Party.

This policy does not apply to Sexual Harassment that occurs off school grounds, in a private setting, and outside the scope of the District's education programs and activities; such Sexual Misconduct/Sexual Activity may be prohibited by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws if committed by a Board employee.

Consistent with the U.S. Department of Education's implementing regulations for Title IX, this policy does not apply to Sexual Harassment that occurs outside the geographic boundaries of the United States, even if the Sexual Harassment occurs in the District's education programs or activities. Sexual Harassment that occurs outside the geographic boundaries of the United States is governed by the Student Code of Conduct if committed by a student, or by Board policies and administrative procedures, applicable State and/or Federal laws if committed by a Board employee.

#### **SEXUAL HARASSMENT, DEFINITION OF**

Sexual Harassment: "Sexual Harassment" means conduct on the basis of sex that satisfies one or more of the following:

- A. A Board employee conditioning the provision of an aid, benefit, or service of the District on an individual's participation in unwelcome sexual conduct (often called "*quid pro quo*" harassment);
- B. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, *and* objectively offensive that it effectively denies a person equal access to the District's education program or activity; or
- C. "Sexual assault" as defined in 20 U.S.C. 1092(f)(6)A(v), or "dating violence" as defined in 34 U.S.C. 12291(a)(10), "domestic violence" as defined in 34 U.S.C. 12291(a)(8), or "stalking" as defined in 34 U.S.C. 12291(a)(30).

"Sexual assault" means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault includes rape, sodomy, sexual assault with an object, fondling, incest, and statutory rape;

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person), without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;



3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An “object” or “instrument” is anything used by the offender other than the offender’s genitalia;
  4. *Fondling* is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity;
  5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law;
  6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law;
  7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent;
  8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep;
- D. “Domestic violence” includes felony or misdemeanor crimes of violence committed by:
1. A current or former spouse or intimate partner of the victim;
  2. A person with whom the victim shares a child in common;
  3. A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  5. Any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime occurred;
- E. “Dating violence” means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship;
- F. “Stalking” means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person’s safety or the safety of others; or (2) suffer substantial emotional distress.

## **SEXUAL HARASSMENT, COMPLAINT PROCEDURES**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX Coordinator's(s') contact information, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report.

Dr. Adrienne McElroy, Assistant Superintendent, Human Resources and Labor Relations  
Title IX Coordinator, Equity and Compliance Officer  
adrienne.mcelroy@yourcharlotteschools.net (941) 255-0808

Justin Boudreau, Director of Human Resources  
Title IX Coordinator, Equity and Compliance Officer  
justin.boudreau@yourcharlotteschools.net (941) 255-0808

Dr. Mike Desjardins, Assistant Superintendent for School Support Services  
Title IX Coordinator  
mike.desjardins@yourcharlotteschools.net (941) 255-0808

Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator(s). Anonymous reports of an alleged act of bullying or harassment may be reported to an administrator, supervisor, or other School District official; however, formal disciplinary action may not be based solely on an anonymous report.

Nothing in this policy shall be construed to infringe upon a Respondent's right to due process. Additionally, the Respondent will be provided the Complainant's identity prior to conclusion of the formal hearing and finding of fact (See Policy 1362, Policy 3362, and Policy 4362).

Students, Board members, and Board employees are required, and other members of the School District community, and Third Parties are encouraged, to report allegations of sex discrimination or Sexual Harassment promptly to the/a Title IX Coordinator or to any Board employee, who will in turn notify the/a Title IX Coordinator. Reports can be made orally or in writing and should be as specific as possible. The person making the report should, to the extent known, identify the alleged victim(s), perpetrator(s), and witness(es), and describe in detail what occurred, including date(s), time(s), and location(s).

If a report involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the person making the report should submit it to the Superintendent, or another Board employee who, in turn, will notify the Superintendent of the report. The Superintendent will then serve in place of the Title IX Coordinator for purposes of addressing that report of Sexual Harassment.

The Board does business with various vendors, contractors, and other third parties who are not students or employees of the Board. Notwithstanding any rights that a given vendor, contractor, or third-party Respondent may have under this policy, the Board retains the right to limit any vendor's, contractor's, or third-party's access to school grounds for any reason. The Board further retains all rights it enjoys by contract or law to terminate its relationship with any vendor, contractor, or third-party irrespective of any process or outcome under this policy.

A person may file criminal charges simultaneously with filing a Formal Complaint. A person does not need to wait until the Title IX investigation is completed before filing a criminal complaint. Likewise, questions or complaints relating to Title IX may be filed with the U.S. Department of Education's Office for Civil Rights at any time.

Any allegations of Sexual Misconduct/Sexual Activity not involving Sexual Harassment will be addressed through the procedures outlined in Board policies, the applicable Student Code of Conduct, applicable collective bargaining agreement, and/or Employee/Administrator Handbook.

Because the Board is considered to have actual knowledge of Sexual Harassment or allegations of Sexual Harassment if any Board employee has such knowledge, and because the Board must take specific actions when it has notice of Sexual Harassment or allegations of Sexual Harassment, a Board employee who has independent knowledge of or receives a report involving allegations of sex discrimination and/or Sexual Harassment must notify the/a Title IX Coordinator within two (2) days of learning the information or receiving the report. The Board employee must also comply with mandatory reporting responsibilities regarding suspected abuse, abandonment, or neglect of a child pursuant to F.S. 39.201 and Policy 8462 – Student Abuse, Abandonment, and Neglect, if applicable. If the Board employee's knowledge is based on another individual bringing the information to the Board employee's attention and the reporting individual submitted a written complaint to the Board employee, the Board employee must provide the written complaint to the Title IX Coordinator.

If a Board employee fails to report an incident of Sexual Harassment of which the Board employee is aware, the Board employee may be subject to disciplinary action, up to and including termination.

When a report of Sexual Harassment is made, the Title IX Coordinator shall promptly (i.e., within two (2) days of the Title IX Coordinator's receipt of the report of Sexual Harassment) contact the Complainant (including the parent/guardian if the Complainant is under eighteen (18) years of age or under guardianship) to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures, inform the Complainant of the availability of supportive measures with or without the filing of a Formal Complaint, and explain to the Complainant the process for filing a Formal Complaint. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Any supportive measures provided to the Complainant or Respondent shall be maintained as confidential, to the extent that maintaining such confidentiality will not impair the ability of the District to provide the supportive measures.

PO2266

#### **BULLYING AND HARASSMENT: COMPLAINT PROCEDURES:**

The School Board is committed to providing an educational setting that is safe, secure, and free from bullying and/or harassment for all of its students and school employees.

The District will not tolerate bullying and/or harassment of any type. Conduct that constitutes bullying and/or harassment, as defined herein, is prohibited:

- a) during any education program or activity conducted by the District;
- b) during any school-related or school-sponsored program or activity or on a school bus of the District; or
- c) through the use of data or computer software that is accessed through a computer, computer system, or computer network of the District.

This policy has been developed in consultation with District students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies as prescribed in F.S. 1006.147 and in conformity with the Florida Department of Education (FLDOE) Model Policy.

The Superintendent shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and/or harassment as they may occur on school grounds, at school-sponsored events, and through school computer networks. Implementation of the plan will be ongoing throughout the school year and will be integrated with the school curriculum, District disciplinary policies, and violence prevention efforts.

#### **DEFINITIONS**

"Bullying" means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

- a) teasing;
- b) threats;
- c) intimidation;
- d) stalking;
- e) cyberstalking;
- f) cyberbullying;
- g) physical violence;
- h) theft;
- i) sexual, religious, or racial harassment;
- j) public or private humiliation;
- k) destruction of property; and
- l) social exclusion.

"**Harassment**" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

- a) places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
- b) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or
- c) has the effect of substantially disrupting the orderly operation of a school.

"Bullying" and/or "harassment" also encompass:

Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying and/or harassment. Reporting an act of bullying and/or harassment that is not made in good faith is considered retaliation.

Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:

1. incitement or coercion;
2. accessing or knowingly and willingly causing or providing access to data or computer software through all communication devices including but not limited to a computer, computer system, or computer network within the scope of the District school system; or
3. acting in a manner that has an effect substantially similar to the effect of bullying and/or harassment.

**"Cyberstalking"** as defined in F.S. 784.048(1)(d) means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

#### **EXPECTED BEHAVIOR: (STUDENTS)**

The District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff and community members, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate bullying and/or harassment.

The District shall provide for appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

#### **STUDENT CONSEQUENCES FOR BULLYING/HARASSMENT**

Consequences and appropriate remedial action for students who commit acts of bullying and/or harassment or found to have falsely accused another as a means of bullying and/or harassment may range from positive behavioral interventions up to and including suspension or expulsion, pursuant to the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying and/or harassment or found to have falsely accused another as a means of bullying and/or harassment shall include discipline in accordance with District policies, administrative procedures, and the collective bargaining agreement. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the Principles of Professional Conduct of the Education Profession in Florida --F.A.C. 6B-1006). Consequences to visitors and volunteers found to have committed acts of bullying and/or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying and/or harassment or found to have falsely accused another as a means of bullying and/or harassment shall be determined by the school administrator after consideration of the nature and

circumstances of the act, including reports to appropriate law enforcement officials.

**PROCEDURE FOR REPORTING BULLYING/HARASSMENT: PARENT/STUDENT COMPLAINTS**

Any student or student's parent/guardian who believes s/he has been or is the victim of bullying and/or harassment should immediately report the situation to the school principal or designee. Complaints against the principal or designee should be filed with the Superintendent. Complaints against the Superintendent should be filed with the School Board.

All school employees are required to report alleged violations of this policy to the principal or as described above. All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Both written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal or designee shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

**PROCEDURE FOR INVESTIGATING BULLYING HARASSMENT: ALL SCHOOL COMMUNITY MEMBERS**

The investigation of a reported act of bullying and/or harassment is deemed to be a school-related activity and begins with a report of such an act. Once an incident has been reported to administration and is verified as a school-related incident, an investigation will begin. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal or designee, who is trained in investigative procedures. Documented interviews of the victim, the alleged perpetrator(s), and any witnesses shall be conducted privately and shall be confidential. The investigator shall collect and evaluate the facts including but not limited to the following:

- a) the nature of the behavior;
- b) how often the conduct occurred;
- c) whether there were past incidents or past continuing patterns of behavior;
- d) the relationship between the parties involved;
- e) the characteristics of the parties involved;
- f) the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying and/or harassment;
- g) the number of alleged bullies/harassers;
- h) the age of the alleged bully/harasser;
- i) where the bullying and/or harassment occurred;
- j) whether there have been other incidents in the school involving the same or other students;
- k) whether the conduct adversely affected the student's education or educational environment;
- and
- l) Date, time, and method in which the parent(s)/guardian(s) of all parties involved were contacted.

Whether a particular action or incident constitutes a violation of the policy requires a determination based on all the facts and surrounding circumstances and shall include:

- a) a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior;  
and
- b) a written report to the principal.

All investigations shall be completed within the ten (10) days of the initial filing of the incident. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

The First Amendment prohibits schools from punishing computer posts from home computers, unless such postings are brought to school in physical form or distributed or disseminated by the alleged perpetrator within the school environment.

#### **SCOPE OF INVESTIGATIONS**

The investigator will provide a report on the results of the investigation with recommendations for the principal or designee to make a determination if an act of bullying and/or harassment falls within the scope of District authority. If the action is within the scope of the District, District procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of the District, and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of the District and believed not a criminal act, the principal or designee shall inform parents/guardians of all minor parties.

#### **PARENT NOTIFICATION OF INVOLVED PARTIES**

The principal or designee shall report the occurrence of an incident of bullying as defined by District policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone, email, personal conference or by first-class upon conclusion of the investigation and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). A safety plan will be developed by the school in conjunction with the student, who has been the target of an official act of bullying, and his/her parent/guardian/caregiver. The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator's being charged with a crime, the principal or designee shall inform the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 932) and School Board Policy 5517.01, PO5517 and F.S. 1002.20(5).

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

#### **COUNSELING REFERRAL: STUDENTS**

The District shall provide a referral procedure for intervening when bullying and/or harassment is suspected or when a bullying incident is reported. The procedure will include:

- 1) a process by which the teacher or parent may request informal consultation with school staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- 2) a referral process to provide professional assistance or services that may include school intervention with a problem-solving focus to consider appropriate services, such as the development of a safety

plan, (parent/guardian involvement required) or, if an official discipline report or official complaint is issued, a student referral for school intervention as counseling support or other action (parent/guardian involvement required); or

- 3) a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
  - a) counseling and support to address the needs of the victim(s) of bullying and/or harassment;
  - b) interventions to address the behavior of students who bully and/or harass others (e.g., empathy training, anger management, etc.);
  - c) intervention which includes assistance and support for parents, as may be deemed necessary or appropriate.

#### **DATA REPORT: STUDENTS**

The District will use the Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the District shall include each reported incident of bullying and/or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

The District will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Survey 5 from Education Information and Accountability Services, and at designated dates provided by the Department.

#### **TRAINING AND INSTRUCTION: PREVENTION OF STUDENT BULLYING/HARASSMENT**

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided instruction, at least annually, on the District's policy and administrative procedures regarding bullying and/or harassment. The instruction shall include evidence-based methods of preventing bullying and/or harassment, as well as information about how to effectively identify and respond to bullying in schools. Instruction regarding bullying, harassment, and the District's violence prevention and school safety efforts shall be integrated into District curriculum at the appropriate grade levels.

#### **POLICY PUBLICATION: STUDENT BULLYING/HARASSMENT**

At the beginning of each school year, the Superintendent or designee shall inform school staff, parents/guardians/other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

The District shall provide notice to students and staff of this policy in the Code of Student Conduct and in employee handbooks. The Superintendent will also provide such notification to all District contractors.

Each principal or designee shall implement a process for discussing, at least annually, the District policy on bullying and harassment with students. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, at each school and at District facilities.

#### **IMMUNITY FOR REPORTING: ALL SCHOOL COMMUNITY MEMBERS**

A school employee, school volunteer, students, parent/guardian, or other persons who promptly report(s) in good faith an act of suspected bullying and/or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in District policy is immune from



a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report bullying and/or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to an employee, student, or volunteer determined to have made an intentionally false report about harassment, intimidation, and/or bullying.  
PO5517.01

## **PRIVACY/CONFIDENTIALITY**

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform to any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

F.S. 110.1221, 1002.20, 1006.13, 1006.147

Florida Department of Education Model Policy (June 2008) Adopted 11/18/08

## **PERSONNEL FILE**

Necessary for the orderly operation of the School District is to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with federal, state, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida. Materials relating to work performance, discipline, suspension, or dismissal will be reduced to writing and signed by a person competent to know the facts or make the judgment. The resignation or termination of an employee before an investigation of alleged misconduct by the employee affecting the health, safety, or welfare of a student is concluded must be clearly indicated in an employee's personnel file.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

Pursuant to state law, a complaint of misconduct against a District employee, and all information obtained pursuant to an investigation by the District of the complaint of misconduct, are confidential and exempt from inspection or copying until the investigation ceases to be active, or until the District provides written notice to the employee who is the subject of the complaint, in the manner set forth below, that the District has either:

- A. Concluded the investigation with a finding not to proceed with disciplinary action or file charges;
- or

- B. Concluded the investigation with a finding to proceed with disciplinary action and/or to file charges. If the investigation results in such a finding, the District shall also file a legally sufficient complaint regarding the misconduct as required by state law and Policy 8141 – Mandatory Reporting of Misconduct by Certificated Employees.

Materials relating to work performance, discipline, or dismissal must be reduced to writing and signed by an individual competent to know the facts or make the judgment. In cases of separation due to termination or resignation in lieu of termination, the person shall execute and maintain an affidavit of separation, on the form adopted by the form adopted by the Florida Department of Education. F.S. 837.06

Regardless of the status of an investigation, any legally sufficient complaint will be filed in writing with Florida Department of Education (FLDOE) within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District pursuant to F.S. 1012.796(1)(d)1. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education.

Any material that is derogatory to an employee shall not be open to inspection for an additional ten (10) days after the employee has been notified either:

- A. By certified mail, return receipt requested, to his/her address of record; or
- B. By personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

No record in a personnel file which is confidential and exempt from inspection and copying pursuant to applicable law shall be disclosed except as provided by applicable law.

The Superintendent shall maintain a record in each personnel file of those persons reviewing the files each time they are reviewed.

The Superintendent shall develop guidelines as to what should be included in a personnel file. The contents of the personnel files should be consistent from file to file. The District should periodically conduct audits of personnel files to determine whether the contents are consistent with the guidelines.

A copy of each such entry shall be given to the employee upon request.

The employee shall have access to his/her file upon request.  
PO1590, PO3590, PO4590

## **NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY FOR STUDENTS**

Any form of discrimination or harassment can be detrimental to an individual's academic progress, social relationship, and/or personal sense of worth. As such, the School Board will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race, color, sex (including sexual orientation, transgender status, or gender identity), medically-induced or genetic disability, pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by state and/or federal law (collectively, "protected classes").

The Board also does not discriminate on the basis of protected classes in its employment policies and practices as they relate to students.

Equal educational opportunities shall be available to all students, without regard to the protected classes, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall do the following:

Curriculum Content

Review current and proposed courses of study and textbooks to detect any bias based upon the protected classes; ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

Staff Training

Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;

Student Access

Review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the protected classes in any duty, work, play, classroom, or school practice, except as permitted under state and federal laws and regulations;

Verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society, pursuant to Board Policy 7510 - Use of District Facilities;

District Support

Ensure that like aspects of the District's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters; and

Student Evaluation

Verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the protected classes.

District Compliance Officer(s)

The Board designates the following individuals to serve as the District's "Compliance Officers" (also known as "Civil Rights Coordinators") (hereinafter referred to as the "COs").

Director of Human Resources  
Justin Boudreau, MBA  
1445 Education Way  
Port Charlotte, Florida 33948  
941-255-0808  
[justin.boudreau@yourcharlotteschools.net](mailto:justin.boudreau@yourcharlotteschools.net)

Assistant Superintendent of Human Resources and Labor Relations  
Adrienne McElroy, Ed.D., SHRM-SCP  
1445 Education Way  
Port Charlotte, Florida 33948  
941-255-0808  
[adrienne.mcelroy@yourcharlotteschools.net](mailto:adrienne.mcelroy@yourcharlotteschools.net)

Assistant Superintendent for Student Support Services  
Michael Desjardins, Ed.D.  
1445 Education Way  
Port Charlotte, Florida 33948  
941-255-0808  
[mike.desjardins@yourcharlotteschools.net](mailto:mike.desjardins@yourcharlotteschools.net)

The following person is designated as the District Compliance Coordinator for receiving complaints pertaining to Section 504 and/or ADA:

Coordinator of Psychological Services  
Rebecca Marazon  
1445 Education Way  
Port Charlotte, Florida 33948  
Phone: 941-255-0808  
Fax: 941-255-7573

The name(s), title(s), and contact information of this/these individual(s) will be published annually in the staff handbooks, in the School District annual report to the public, on the School District's website, and/or the Student Code of Conduct.

The COs are responsible for coordinating the District's efforts to comply with applicable federal and state laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The CO(s) shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations is provided to students, their parents, staff members, and the general public. A copy of each of the acts and regulations on which this notice is based may be found in the CO's office.

The Superintendent shall annually attempt to identify children with disabilities, ages 3-22, who reside in the District but do not receive a public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their

ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis.

#### Reports and Complaints of Unlawful Discrimination and Retaliation

Students and all other members of the School District community and third parties are encouraged to promptly report incidents of unlawful discrimination and/or retaliation to a teacher, administrator, supervisor, or other District official so that the Board may address the conduct. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the CO within two (2) business days.

Members of the School District community, which includes students or third parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs. While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported acts of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability, pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by state and/or federal law (collectively "protected classes"), the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 The CO shall keep the Principal informed of the status of the Policy 2260 investigation and provide him/her with a copy of the resulting written report.

The COs will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. COs shall accept complaints of unlawful discrimination/retaliation directly from any member of the School District community or a visitor to the District, or receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a CO will begin either an informal or formal process (depending on the request of the person alleging the discrimination/retaliation or the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to any person who files a complaint. In the case of a formal complaint, the CO will prepare recommendations for the Superintendent or oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of discrimination/retaliation that are reported to them to the CO within two (2) business days of learning of the incident/conduct.

Any Board employee who directly observes unlawful discrimination/retaliation of a student is obligated,

in accordance with this policy, to report such observations to one of the COs within two (2) business days. Additionally, any Board employee who observes an act of unlawful discrimination/retaliation is expected to intervene to stop the misconduct, unless circumstances make such an intervention dangerous, in which case the staff member should immediately notify other Board employees and/or local law enforcement officials, as necessary, to stop the misconduct. Thereafter, the CO or designee must contact the student, if age eighteen (18) or older, or the student's parents if the student is under the age eighteen (18), within two (2) school days to advise s/he/them of the Board's intent to investigate the alleged wrongdoing.

## **COMPLAINT PROCEDURES**

Any student who believes that s/he has been subjected to unlawful discrimination or retaliation may seek resolution of his/her complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims and a process for rendering a decision regarding whether the charges are substantiated.

Due to the sensitivity surrounding complaints of unlawful discrimination or retaliation, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) business days of the complaint being received).

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful discrimination or retaliation with the United States Department of Education Office for Civil Rights ("OCR"). The Atlanta Office of the OCR can be reached at 61 Forsyth Street, SW. - Suite 19T10, Atlanta, GA 30303-8927, Phone: 404-974-9406, FAX: 404-974-9471; Web: <http://www.ed.gov/ocr>.

### **INFORMAL COMPLAINT PROCEDURE**

The goal of the informal complaint procedure is to stop, quickly, inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully discriminated or retaliated against. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the parties (the alleged target of the discrimination and individual(s) alleged to have engaged in the discrimination) agree to participate in it.

Students who believe that they have been unlawfully discriminated/retaliated against may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

All complaints involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully discriminated/retaliated against and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person who engaged in the allegedly discriminatory/retaliatory conduct that it is inappropriate and must stop. The complaining individual should address the alleged misconduct as soon after it occurs as possible.

The COs are available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the person who allegedly engaged in the unlawful conduct of his/her concerns is not prohibited from otherwise filing an informal or formal complaint. In addition, with regard to certain types of unlawful discrimination, such as sexual discrimination, the CO may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully discriminated/retaliated against may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (2) to the Superintendent or other District-level employee; and/or (3) directly to one of the COs.

All informal complaints must be reported to one of the COs who will either facilitate an informal resolution as described below or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students who believe they are being unlawfully discriminated/retaliated against with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful discrimination/retaliation, informal resolution may involve, but not be limited to, one (1) or more of the following:

- A. Advising the student about how to communicate his/her concerns to the person who allegedly engaged in the discriminatory/retaliatory behavior;
- B. Distributing a copy of Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends; and
- C. If both parties agree, the CO may arrange and facilitate a meeting between the student claiming discrimination/retaliation and the individual accused of engaging in the misconduct to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. Parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint. And, as stated above, parties may request that the informal process be terminated at any time to move to the formal complaint process.

#### **FORMAL COMPLAINT PROCEDURE**

If a complaint is not resolved through the informal complaint process, if one (1) of the parties requested that the informal complaint process be terminated to move to the formal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process shall be implemented.

A student who believes s/he has been subjected to unlawful discrimination/retaliation (hereinafter referred to as the "complainant") may file a formal complaint, either orally or in writing, with a teacher, Principal, or other District employee at the student's school, the CO, Superintendent, or another District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after

the conduct occurs. If a complainant informs a teacher, Principal, or other District employee at the student's school, Superintendent, or other District employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within two (2) business days.

Throughout the course of the process, the CO should keep the parties informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in; the discriminatory/retaliatory conduct; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and the resolution sought by the complainant.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the CO shall ask for such details in an oral interview. Thereafter, the CO will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the complainant and/or the person alleged to have engaged in the misconduct. In making such a determination, the CO should consult the complainant to assess his/her agreement to the proposed action. If the complainant is unwilling to consent to the proposed change, the CO may still take whatever actions s/he deems appropriate in consultation with the Superintendent.

Within two (2) business days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the complainant has been subjected to unlawful discrimination/retaliation. A Principal will not conduct an investigation unless directed to do so by the CO.

Simultaneously, the CO will inform the individual alleged to have engaged in the discriminatory or retaliatory conduct (hereinafter referred to as the "respondent") that a complaint has been received. The respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The respondent must also be informed within, five (5) business days, of the opportunity to submit a written response to the complaint.

Although certain cases may require additional time, the CO or designee will attempt to complete an investigation into the allegations of discrimination/retaliation within fifteen (15) business days of receiving the formal complaint. The investigation will include:

- A. Interviews with the complainant;
- B. Interviews with the respondent;
- C. Interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations; and



- D. Consideration of any documentation or other information presented by the complainant, respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the Superintendent that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and state and federal law as to whether the complainant has been subjected to unlawful discrimination/retaliation. The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used. The CO may consult with the Board's legal counsel before finalizing the report to the Superintendent.

Absent extenuating circumstances, within five (5) business days of receiving the report of the CO or designee, the Superintendent must either issue a final decision regarding whether the charges have been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within five (5) days. At the conclusion of the additional investigation, the Superintendent shall issue a final written decision as described above.

If the Superintendent determines the complainant was subjected to unlawful discrimination/retaliation, s/he must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation. The decision of the Superintendent will be final.

The Board reserves the right to investigate and resolve a complaint or report of unlawful discrimination/retaliation regardless of whether the student alleging the unlawful discrimination/retaliation pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

The complainant may be represented, at his/her own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights or the filing of a court case. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

Privacy/Confidentiality

The School District will employ all reasonable efforts to protect the rights of the complainant, the respondent(s), and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform to any discovery - or disclosure - obligations. All records generated under the terms of this policy shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. All complainants proceeding through the formal investigation process will be advised that their identities may be disclosed to the

respondent(s).

During the course of a formal investigation, the CO or designee will instruct each person who is interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation is expected not to disclose to third parties any information that s/he learns and/or provides during the course of the investigation.

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with the Board's records retention policy. Any records that are considered student education records in accordance with the Family Educational Rights and Privacy Act or under Florida's student records law will be maintained in a manner consistent with the provisions of the federal and state law.

#### Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful discrimination/retaliation by taking appropriate action reasonably calculated to stop and prevent further misconduct. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable state law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful discrimination/retaliation is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to end such conduct, prevent its recurrence, and remedy its effects.

#### Retaliation

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination, or participates as a witness in an investigation is prohibited. Specifically, the Board will not retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by any federal or state civil rights law, or because that individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under those laws, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws.

#### Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent or designee shall provide appropriate information to all members of the School District community related to the implementation of this policy and shall provide training for District students and staff where appropriate. All training, as well as all information, provided regarding the Board's policy and discrimination in general, will be age and content appropriate.

#### Retention of Investigatory Records and Materials

All individuals charged with conducting investigations under this policy shall retain all information,

documents, electronically stored information ("ESI"), and electronic media (as defined in Policy 8315) created and received as part of an investigation, including, but not limited to:

- All written reports/allegations/complaints/statements;
- Narratives of all verbal reports/allegations/complaints/statements;
- A narrative of all actions taken by District personnel;
- Any written documentation of actions taken by District personnel;
- Written witness statements;
- Narratives of, notes from, or audio, video, or digital recordings of witness statements;
- All documentary evidence;
- E-mails, texts, or social media posts pertaining to the investigation;
- Contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- Written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- Dated written determinations to the parties;
- Dated written descriptions of verbal notifications to the parties;
- Written documentation of any interim measures offered and/or provided to complainants, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt; and
- Documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects.

The information, documents, ESI, and electronic media (as defined in Policy 8315) retained may include public records and records exempt from disclosure under Federal and/or State law (e.g., student records).

The information, documents, ESI, and electronic media (as defined in Policy 8315) created or received as part of an investigation shall be retained in accordance with Policy 8310, Policy 8315, and Policy 8330 for not less than three (3) years, but longer if required by the District's records retention schedule.

F.S. 553.014

F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act

F.S. 760.08

F.S. 760.021

F.S. 1000.05, Florida Educational Equity Act

F.S. 1002.311

F.A.C. 6A-19.001

Fourteenth Amendment, U.S. Constitution

20 U.S.C. Section 1681, Title IX of Education Amendment Act

20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended

42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended

42 U.S.C. 6101 et seq., Age Discrimination Act of 1975

34 C.F.R. Part 110 (7/27/93)

29 C.F.R. Part 1635

Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services,  
Department of Education, Office of Civil Rights, March 1979

Title III of the No Child Left Behind Act of 2001

## **MANDATORY REPORTING OF CHILD ABUSE, NEGLECT, THREATENED HARM, AND EXPLOITATION**

Chapter 39, F.S. mandates that any person who knows, or has reasonable cause to suspect that a child is abused or neglected by a parent, legal custodian, caregiver, or other person responsible for the child's welfare shall immediately report such knowledge or suspicion to the central abuse hotline of the Department of Children and Families.

The District requires the following persons to provide their names to the Hotline staff. The name of the reporter shall be entered into the record of the report but the reporter's name shall be held confidential as provided in s. 39.202, F.S.

- Physician
- Osteopath
- Medical Examiner
- Chiropractic Physician
- Nurse
- Hospital personnel engaged in the admission, examination, care or treatment of children
- Health Professional
- Mental Health Professional
- Practitioner who relies solely on spiritual means for healing
- School Teacher
- School Official or Personnel
- Social Worker
- Day Care Center Worker
- Professional Child Care Worker
- Foster Care Worker
- Institutional Worker
- Law Enforcement
- Judge

### **BE PREPARED TO DESCRIBE:**

- Victim's name, address or location, date of birth or approximate age, race, and sex;
- Physical, mental or behavioral indications that the person is infirm, disabled, been harmed, or is at threat of harm;
- Signs or indications of harm or injury, including a physical description;
- Name and relationship of the alleged perpetrator to the victim. If the relationship is unknown, a report will still be taken if other reporting criteria are met.

### **FOUR WAYS TO MAKE A REPORT:**

Reports may be made by one (1) of the following methods:

1. Toll-free Telephone: 800-96-ABUSE
2. Toll-free Telephone Device for Deaf (TDD): 800-453-5145

3. Toll-free Fax Transmission: 800-914-0004
4. Internet: [www.myflfamilies.com/services/abuse/abuse-hotline](http://www.myflfamilies.com/services/abuse/abuse-hotline)

State law requires any school teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the school principal or Superintendent, who must notify the Department of Children and Family Services. If, during the course of an investigation of legally prohibited harassment, the Compliance Officers or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with state law and PO8462 - Student Abuse and Neglect.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of legally prohibited harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of legally prohibited harassment be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

In accordance with F.S. 1012.98 and PO8462, all district employees are required to participate yearly in the online child abuse training provided by the Department of Children and Families.

**BE PREPARED TO DESCRIBE:**

- Victim's name, address or location, date of birth or approximate age, race, and sex;
- Physical, mental or behavioral indications that the person is infirm, disabled, been harmed, or is at threat of harm;
- Signs or indications of harm or injury, including a physical description;
- Name and relationship of the alleged perpetrator to the victim. If the relationship is unknown, a report will still be taken if other reporting criteria are met.

Reports may be made by one (1) of the following methods:

1. Toll-free Telephone: 800-96-ABUSE
2. Toll-free Telephone Device for Deaf (TDD): 800 453 5145
3. Toll-free Fax Transmission: 800-914-0004
4. Internet: [www.myflfamilies.com/services/abuse/abuse-hotline](http://www.myflfamilies.com/services/abuse/abuse-hotline)

**INTERPRETER SERVICE**

The Hotline has contracted with an interpreter service to accommodate over 130 different languages. Do not let language be a barrier to reporting abuse!

**NOTIFICATION OF REPORT:**

- Telephone reporters, prior to concluding their conversations, will always be told whether the information provided has been accepted as a report.
- For faxed information, notification of whether or not an abuse report was accepted will only be provided if you request it. The two options are telephone and U.S. Mail. If you check your telephone and provide your phone number, we will attempt to call you to advise you if we

accept a report. We will only leave a message if we reach your personal voicemail. If you request notification by U.S. Mail and provide your address, we will mail you a form indicating whether or not a report was accepted.

## **GRIEVANCE PROCEDURES FOR NONDISCRIMINATION AND EQUAL OPPORTUNITY/ACCESS**

### **EMPLOYEE AND JOB APPLICANT PROCEDURE**

Whenever a job applicant or employee feels that s/he has a complaint regarding harassment or discrimination, the District shall make every effort to arrive at a satisfactory resolution to the problem on an informal basis. When this cannot be done, the individual can resort to the more formal procedures as provided herein.

### **INFORMAL DISCUSSION**

If an employee or job applicant believes there is a basis for a complaint regarding harassment or discrimination, he/she shall discuss the issue with his/her immediate supervisor within sixty (60) calendar days of the alleged violation. Every effort will be made (first) to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, he/she may choose to pursue the more formal procedure provided herein. If the complaint is against the immediate supervisor, the complaint shall go to the next highest level first.

**Level I** – If the complainant is not satisfied with the informal resolution, he/she may, within ten (10) days, file a formal complaint to his/her immediate supervisor in writing or via a message which can be transcribed into writing. If the complaint is against the immediate supervisor, the complaint may be filed with the next highest level supervisor or with the Assistant Superintendent of Human Resources & Employee Relationships. Complaint forms are available in the Human Resources Department. The Assistant Superintendent shall communicate his/her answer in writing to the complainant within ten (10) days after receipt of the complaint. Class complaints involving more than one (1) supervisor, and complaints involving an administrator above the building level may be filed by the complainant at Level II.

**Level II** – If the complainant is not satisfied with the resolution at Level I he/she may, within ten (10) days of the answer, file a copy of the complaint with the Superintendent. Within ten (10) days of receipt of the complaint the superintendent shall indicate his/her disposition in writing to the complainant.

### **BOARD APPEAL**

If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the School Board, provided the request for placement on Board agenda is filed within ten (10) days. Charlotte County Public Schools shall conspicuously post its Notice of Nondiscrimination and the name and telephone number of district employees responsible for compliance with nondiscrimination provisions.

This procedure shall be available at all work sites; school- / unit- administrators and / or district leaders shall be able to explain the procedure to employees. Complaint forms may be obtained from the Assistant Superintendent of Human Resources & Labor Relations, Adrienne McElroy.

AP4122

## **REPORTING ABUSE, NEGLECT, THREATENED HARM AND EXPLOITATION**

### **DISTRICT SCHOOL BOARD OF CHARLOTTE COUNTY NOTICE OF SOCIAL SECURITY NUMBER DISCLOSURE**

October 1, 2007

Chapter 2007-251 Laws of Florida, signed by the Governor on June 27, 2007 requires agencies to notify individuals of the purpose(s) that require the collection of social security numbers. The District School Board of Charlotte County collects social security numbers (SSN's) for the following purposes:

- The Department of Homeland Security requires SSN's as an identifier in Section 1 of I-9 form.
- The Internal Revenue Service and Social Security Administration require a Social Security number on a Form W-4, that is used to determine how much federal withholding tax is to be collected and Federal Insurance Contribution Act (FICA) tax on wages paid and later reported in a W-2 Wage and Tax Statement.
- The Internal Revenue Service requires a Taxpayer Identification Number on a Form W-9 which could be a Social Security or an Employer Identification number that could be used to generate a 1099 Miscellaneous Income Statement based on expenditures processed through accounts payable. Vendors with Social Security numbers are captured in the Vendor Application process and are used on purchase orders issued by the District. Employee Social Security numbers are used as the vendor number for processing travel or other reimbursements.
- The BiTech Human Resource/Finance software program requires the use of Social Security numbers as the primary personal identification of employees for wages, leaves, payroll deductions, etc.
- The Florida Department of Law Enforcement digital Fingerprint system requires a SSN for primary personal ID background identification use and digital fingerprinting.
- The National School Lunch Act requests Social Security numbers from parents on the free or the reduced price meal application and through the household verification process as part of determining a family's eligibility for its child (-ren) for free or reduced price meals.
- Enrollment in health insurance, life insurance, and other miscellaneous insurances requires Social Security numbers.
- Florida Division of Retirement requires Social Security numbers to report earnings used to document creditable years of service in the Florida Retirement System.
- First Report of Injury on the Workers Compensation forms require Social Security numbers.
- The Florida Department of Education uses Social Security numbers as a standardized identification number to track students from year to year and when they move from one school or county to another. Social Security numbers are used for students in grades 10 through 12 as identifiers for colleges and scholarship programs such as Bright Futures. For students in grades 3 through 12 Social Security numbers are used as identifiers for standardized testing such as FSA.

The Social Security numbers of all current and former employees are confidential and exempt from s.119.07(1) and s.24(a), Art. I of the State Constitution.

### **ANTI-FRAUD**

This policy is implemented to make employees aware of activities which may be fraudulent, illegal, or otherwise unethical. The District will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

**SCOPE**

This policy applies to any fraud or suspected fraud, involving elected officials, employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the District.

**POLICY**

Fraud and fraudulent activity is strictly prohibited.

Each employee or agent of the District shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Superintendent. If the observed or suspected fraud or fraudulent activity involves a board member or the Superintendent, the report should be made to the Board Attorney.

The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred.

All administrators shall be vigilant for any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's Whistleblower's procedure. PO1211, PO3211, PO4211, PO8730

**MANDATORY REPORTING OF MISCONDUCT BY EMPLOYEES**

The School Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process.

For purposes of this policy, the term "employee(s)" includes all employees of the District and school officers as defined in F.S. 1012.01.

**REPORTING MISCONDUCT**

All employees are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student.

If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the Board Chairman in writing. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, or lewd conduct with a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b), and must notify the Florida Department of Education of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned or was terminated before the



conclusion of the investigation.

The Superintendent shall report to law enforcement agencies with jurisdiction any misconduct that would result in disqualification from educator certification or employment as set forth in F.S. 1012.315.

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

#### **PARENTAL NOTIFICATION OF ALLEGED MISCONDUCT**

Within thirty (30) days of the date on which the District learns of misconduct by instructional personnel, educational support personnel, and school administrators, that affects the health, safety, or welfare of a student, including misconduct that involves engaging in or soliciting sexual, romantic, lewd conduct with a student, or any conduct that would result in disqualification from educator certification or employment as provided in F.S. 1012.315, the parent of a student who was subjected to or affected by such misconduct shall receive written notification informing the parent of the following:

- A. The alleged misconduct, including which allegations have been substantiated, if any;
- B. whether the District reported the misconduct to the FLDOE if required by F.S. 1012.796;
- C. the sanctions imposed by the District against the employee, if any; and
- D. support the District will make available to the student subjected to or affected by the misconduct.

Parental notification shall be provided consistent with the provisions set forth in Policy 1590, Policy 3590, and Policy 4590, including the statutory requirement that school administrators, educational support personnel, and instructional staff members be provided ten (10) days notice before the disclosure of derogatory material.

#### **FILING A COMPLAINT WITH THE DEPARTMENT OF EDUCATION**

If it is alleged that an instructional staff member, educational support personnel, or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent, regardless of whether the subject of the complaint is still an employee of the District. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the District's untimely filing, or failure to file complaints and follow-up reports (F.S. 1012.796(e)).

#### **REPORT OF RESIGNATION OR TERMINATION**

If the Superintendent determines that a legally sufficient complaint of misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education,

or by any educational support personnel that affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must immediately report the misconduct to the Department of Education in the format prescribed by the Department even if the instructional staff member, educational support personnel, or administrator resigns or is terminated before the conclusion of the District's investigation. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(d)).

#### **TRANSMITTAL OF FALSE OR INCORRECT REPORT**

The Superintendent shall not knowingly sign and transmit to any state official a report that the Superintendent knows to be false or incorrect.

The Superintendent may not knowingly sign and transmit to any state official a report that the superintendent knows to be false or incorrect or knowingly fail to complete the investigation of any allegation of misconduct, that affects the health, safety, or welfare of a student, that would be a violation of F.S. 800.101 or that would be a disqualifying offense under F.S. 1012.315, or any allegation of sexual misconduct with a student. The superintendent may not knowingly fail to report the alleged misconduct to the Florida Department of Education as required in F.S. 1012.796, or knowingly fail to report misconduct to the law enforcement agencies with jurisdiction over the conduct pursuant to Board policy under F.S. 1001.42.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any state official a report of alleged misconduct by instructional personnel, educational support personnel, or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

#### **REQUIREMENT OF DISCLOSURE OF EMPLOYEE MISCONDUCT**

The Board, Superintendent, or any other District employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel, educational support personnel, or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional or educational support personnel, or administrators with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional or educational support personnel or administrators that affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

#### **POSTING REQUIREMENTS**

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional or educational support personnel or school administrators that affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional or educational support personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional or educational support personnel or

school administrators is effectively communicated to all.

## **LIABILITY**

Employees who report misconduct which affects the health, safety, or welfare of a student may be entitled to certain statutory liability protections as set forth in F.S. 39.203 and 768.095.

Legal

F.S. 1001.42(6)

F.S. 1001.42(7)(b)

F.S. 1001.51(12)(b)

F.S. 1006.061(2)

F.S. 1012.795

F.S. 1012.796

F.S. 1012.796(d)

F.S. 1012.796(e)

## **EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS OF AMERICA AND OTHER DESIGNATED YOUTH GROUPS**

20 USC § 7905

UNITED STATES CODE OF CIVIL REGULATIONS 108.9

CHARLOTTE COUNTY PUBLIC SCHOOLS DISTRICTS ADHERES TO AND COMPLIES WITH MANDATORY LANGUAGE OF THE UNITED STATES CODE IN MAKING ITS FACILITIES AVAILABLE TO THE BOY SCOUTS.

Designated open forum means that an elementary school or secondary school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.

Sec.

108.1 Purpose.

108.2 Applicability.

108.3 Definitions.

108.4 Effect of State or local law.

108.5 Compliance obligations.

108.6 Equal access.

108.7 Voluntary sponsorship.

108.8 Assurances.

108.9 Procedures.

Sec. 108.1 Purpose.

The purpose of this part is to implement the Boy Scouts of America Equal Access Act, 20 U.S.C. 7905.

Sec. 108.2 Applicability.

This part applies to any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.

#### Sec. 108.3 Definitions.

The following definitions apply to this part:

- a) Act means the Boy Scouts of America Equal Access Act, section 9525 of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1981-82 (20 U.S.C. 7905).
- b) Boy Scouts means the organization named "Boy Scouts of America," which has a Federal charter and which is listed as an organization in title 36 of the United States Code (Patriotic and National Observances, Ceremonies, and Organizations) in Subtitle II (Patriotic and National Organizations), Part B (Organizations), Chapter 309 (Boy Scouts of America).
- c) Covered entity means any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.
- d) Department means the Department of Education.
- e) Designated open forum means that an elementary school or secondary school designates a time and place for one or more outside youth or community groups to meet on school premises or in school facilities, including during the hours in which attendance at the school is compulsory, for reasons other than to provide the school's educational program.
- f) Elementary school means an elementary school as defined by section 9101(18) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1958 (20 U.S.C. 7801).
- g) Group officially affiliated with any other Title 36 youth group means a youth group resulting from the chartering process or other process used by that Title 36 youth group to establish official affiliation with youth groups.
- h) Group officially affiliated with the Boy Scouts means a youth group formed as a result of a community organization charter issued by the Boy Scouts.
- i) Limited public forum means that an elementary school or secondary school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.
- j) Local educational agency means a local educational agency as defined by section 9101(26) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1961 (20 U.S.C. 7801).
- k) Outside youth or community group means a youth or community group that is not affiliated with the school.
- l) Premises or facilities means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.
- m) Secondary school means a secondary school as defined by section 9101(38) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1965 (20 U.S.C. 7801).
- n) State educational agency means a State educational agency as defined by section 9101(41) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1965 (20 U.S.C. 7801).
- o) Title 36 of the United States Code (as a patriotic society) means title 36 (Patriotic and National Observances, Ceremonies, and Organizations), Subtitle II (Patriotic and National Organizations)

of the United States Code.

- p) Title 36 youth group means a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21.
- q) To sponsor any group officially affiliated with the Boy Scouts or with any other Title 36 youth group means to obtain a community organization charter issued by the Boy Scouts or to take actions required by any other Title 36 youth group to become a sponsor of that group.
- r) Youth group means any group or organization intended to serve young people under the age of 21.

#### **Sec. 108.4 Effect of State or local law.**

The obligation of a covered entity to comply with the Act and this part is not obviated or alleviated by any State or local law or other requirement.

#### **Sec. 108.5 Compliance obligations.**

- a) The obligation of covered entities to comply with the Act and this part is not limited by the nature or extent of their authority to make decisions about the use of school premises or facilities.
- b) Consistent with the requirements of Sec. 108.6, a covered entity must provide equal access to any group that is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity may require that any group seeking equal access inform the covered entity whether the group is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity's failure to request this information is not a defense to a covered entity's noncompliance with the Act or this part.

#### **Sec. 108.6 Equal access.**

- 1) General. Consistent with the requirements of paragraph (b) of this section, no covered entity shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting within that covered entity's designated open forum or limited public forum. No covered entity shall deny that access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group.
- 2) Specific requirements.
  - a) Meetings. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting in the covered entity's designated open forum or limited public forum must be given equal access to school premises or facilities to conduct meetings.
  - b) Benefits and services. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting as described in paragraph (b)(1) of this section must be given equal access to any other benefits and services provided to one or more outside youth or community groups that are allowed to meet in that same forum. These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.
  - c) Fees. Fees may be charged in connection with the access provided under the Act and this part.
  - d) Terms. Any access provided under the Act and this part to any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group, as well as any fees charged for this access, must be on terms that are no less favorable than the most favorable terms

provided to one or more outside youth or community groups.

- e) Nondiscrimination. Any decisions relevant to the provision of equal access must be made on a nondiscriminatory basis. Any determinations of which youth or community groups are outside groups must be made using objective, nondiscriminatory criteria, and these criteria must be used in a consistent, equal, and nondiscriminatory manner.

#### **Sec. 108.7 Voluntary sponsorship**

Nothing in the Act or this part shall be construed to require any school, agency, or school served by an agency to sponsor any group officially affiliated with the Boy Scouts or with any other Title 36 youth group.

#### **Sec. 108.8 Assurances.**

An applicant for funds made available through the Department to which this part applies must submit an assurance that the applicant will comply with the Act and this part. The assurance shall be in effect for the period during which funds made available through the Department are extended. The Department specifies the form of the assurance, including the extent to which assurances will be required concerning the compliance obligations of subgrantees, contractors and subcontractors, and other participants, and provisions that give the United States a right to seek its judicial enforcement. An applicant may incorporate this assurance by reference in subsequent applications to the Department.

(Approved by the Office of Management and Budget under control number 1870-0503.)

#### **Sec. 108.9 Procedures.**

The procedural provisions applicable to title VI of the Civil Rights Act of 1964, which are found in 34 CFR 100.6 through 100.11 and 34 CFR part 101, apply to this part, except that, notwithstanding these provisions and any other provision of law, no funds made available through the Department shall be provided to any school, agency, or school served by an agency that fails to comply with the Act or this part.

Authority: 20 U.S.C. 7905.

### **STAFF TECHNOLOGY ACCEPTABLE USE AND SAFETY**

Technology has fundamentally altered the ways in which information is accessed, communicated, and transferred in society. As a result, educators are continually adapting their means and methods of instruction, and the ways they approach student learning, to incorporate the vast, diverse, and unique resources available through the Internet. The School Board provides technology and information resources (as defined by Bylaw 0100) to support the educational and professional needs of its staff and students. The Board provides staff with access to the Internet for limited educational purposes only and utilizes online educational services/apps to enhance the instruction delivered to its students and to facilitate the staff's work. The District's computer network and Internet system do not serve as a public access service or a public forum and the Board imposes reasonable restrictions on its use consistent with its limited educational purpose.

The Board regulates the use of District technology and information resources by principles consistent with applicable local, state, and federal laws and the District's educational mission. This policy and its related administrative procedures and any applicable employment contracts and collective bargaining agreements govern the staff's use of the District's technology and information resources and staff's wireless communication devices when they are connected to the District's computer network, Internet

connection, and/or online educational services/apps, or when used while the staff member is on Board-owned property or at a Board-sponsored activity (see Policy 7530.02).

Users are required to refrain from actions that are illegal (such as libel, slander, vandalism, harassment, theft, plagiarism, inappropriate access, and the like) or unkind (such as personal attacks, invasion of privacy, injurious comment, and the like). Because its technology resources are not unlimited, the Board has also instituted restrictions aimed at preserving these resources, such as placing limits on use of bandwidth, storage space, and printers.

Users have no right or expectation to privacy when using District technology and information resources (including, but not limited to, privacy in the content of their personal files, e-mails, and records of their online activity when using the District's computer network and/or Internet connection).

Staff members are expected to utilize District technology and information resources to promote educational excellence in our schools by providing students with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The Board encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities.

#### **ADOPTION OF INSTRUCTIONAL MATERIALS.**

The Internet is a global information and communication network that brings incredible education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access relevant information that will enhance their learning and the education process. Further, District technology resources provide students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges and responsibilities.

First, the Board may not be able to technologically limit access, through its technology resources, to only those services and resources that have been authorized for the purpose of instruction, study and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness for supporting and enriching the curriculum according to adopted guidelines and reasonable selection criteria (taking into account the varied instructional needs, learning styles, abilities, and developmental levels of the students who would be exposed to them), access to the Internet, because it serves as a gateway to any publicly available file server in the world, opens classrooms and students to electronic information resources that may not have been screened by educators for use by students of various ages.

Pursuant to federal law, the Board has implemented technology protection measures that protect against (e.g., filter or block) access to visual displays/depictions/materials that are obscene, constitute child pornography, and/or are harmful to minors, as defined by the Children's Internet Protection Act (CIPA). At the discretion of the Board or Superintendent, the technology protection measures may also be configured to protect against access to other material considered inappropriate for students to access. The Board also utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The technology protection measures may not be disabled at any time that students may be using the District technology resources, if such disabling will cease to protect against

access to materials that are prohibited under the CIPA. Any staff member who attempts to disable the technology protection measures without express written consent of an appropriate administrator will be subject to disciplinary action, up to and including termination.

The Superintendent may temporarily or permanently unblock access to websites or online educational services/apps containing appropriate material, if access to such sites has been inappropriately blocked by the technology protection measures. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the technology protection measures. The Superintendent may also disable the technology protection measures to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy.

Training shall include:

- A. the safety and security of students while using e-mail, chat rooms, social media, and other forms of direct electronic communications;
- B. the inherent danger of students disclosing personally identifiable information online;
- C. the consequences of unauthorized access (e.g., "hacking", "harvesting", "digital piracy", "data mining", etc.), cyberbullying, and other unlawful or inappropriate activities by students or staff online; and
- D. unauthorized disclosure, use, and dissemination of personally identifiable information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

The disclosure of personally identifiable information about students online is prohibited.

Building principals are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the District technology resources. Such training shall include, but not be limited to, education concerning appropriate online behavior, including interacting with other individuals on social media, including in chat rooms and cyberbullying awareness and response. All users of District technology resources are required to sign a written agreement to abide by the terms and conditions of this policy and its accompanying procedures.

Staff will be assigned a school email address and an employee I.D. number that they are required to utilize for all school-related electronic communications, including those to students, parents, and other staff members.

With prior approval from the Superintendent, staff may direct students who have been issued school-assigned email accounts to use those accounts when signing-up/registering for access to various



online educational services, including mobile applications/apps that will be utilized by the students for educational purposes under the teacher's supervision.

Staff members are responsible for good behavior when using District technology and information resources - i.e., behavior comparable to that expected when they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. The Board does not approve any use of its technology and information resources that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Staff members may only use District technology resources to access or use social media if it is done for educational or business- related purposes.

General school rules for behavior and communication apply.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked and disciplinary action taken against them. Users are personally responsible and liable, both civilly and criminally, for uses of District technology and information resources that are not authorized by this policy and its accompanying guidelines.

The Board designates the Superintendent as the administrators responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to staff members' use of District technology and information resources.

#### **SOCIAL MEDIA USE**

An employee's personal or private use of social media may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to engage in conduct that violates Board policies, the Code of Ethics of the Education Profession in Florida, the Principles of Professional Conduct for the Education Profession in Florida, or any other state or federal laws, and may result in disciplinary action including, but not limited to, termination. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer. Postings to social media should be done in a manner sensitive to the staff member's professional responsibilities.

In addition, federal and state confidentiality laws forbid schools and their employees from using or disclosing student education records without parental consent (see Policy 8330) excluding the companies we do business with or otherwise provided by law. Education records include a wide variety of information; posting personally identifiable information about students is not permitted. Staff members who violate state and federal confidentiality laws or privacy laws related to the disclosure of confidential student or employee information may be disciplined including, but not limited, to termination.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities. PO2520

#### **FUND-RAISING FOR SCHOOL PROJECTS AND ACTIVITIES**

All fund-raising projects and activities by schools or groups within the school shall contribute to the educational and extra-curricular experiences of students and shall not be in conflict with the overall instructional program as administered by the Superintendent.

Money derived from any school fund-raising project or activity shall be deposited within five (5) days in the school's internal funds account and shall be disbursed as prescribed by School Board policies and State Board of Education Rules.

Each school shall continuously evaluate its fund-raising projects and extra-curricular activities of the school program, the promotion of education experiences, the time involved for students and teachers, and the additional demands made on the school community. To the extent possible, principals shall notify the Superintendent at the beginning of the school year concerning all planned student fund-raising activities.

The determination of the fund-raising projects and activities for a school shall be the principal and the staff's responsibility, and shall conform to the following conditions and directives by the Superintendent:

- A. The safety and wellbeing of students shall be of paramount concern in considering approval of the activity;
- B. Students shall be instructed to only solicit friends, neighbors, and relatives;
- C. Students are not permitted to participate in door-to-door solicitation unless written approval is obtained from the Superintendent;
- D. Fund-raising activities may not interfere with regular classroom hours;
- E. Appropriate school personnel shall be present at any group fund-raising activity conducted off-campus (e.g., car washes, rummage sales, supermarkets, discount stores, etc.). Such activities may only be conducted at appropriate off-campus locations with the written approval of the school principal and the business organization;
- F. Solicitation on public roads or highways is prohibited;
- G. Student participation is voluntary, and parents must be notified prior to the scheduled activity;
- H. Fund-raising activities which encourage parents and other patrons to come to the school are preferred, such as dinners, school carnivals, fairs, gift shops and dramatic or musical productions; and
- I. Any fund-raising activity which provides advertising for a commercial entity is prohibited unless approved by the School Board (An example would be using student groups in advertising for profit.).

A parent-teacher association or any other organizations connected with the school may sponsor fund-raising activities provided school work and time are not adversely affected. Such activities shall be conducted in accordance with Board policies. Unlawful activity shall be prohibited by any school group or on Board property.

A student shall not sell tickets on the school grounds during the school day.

Students may not sell any item on the school grounds without first having the principal's approval.

Individuals and business agencies shall not be subject to excessive annoyances from the solicitation of funds by school groups or school personnel. The solicitation of funds away from school shall require the approval of the Superintendent or his/her designee's approval. When possible, all necessary money shall be raised for school needs without recourse to any solicitation away from the school. The Superintendent shall approve a solicitation activity only when funds cannot be raised otherwise. This policy does not preclude private or volunteer contributions for athletic or other purposes.

Sale of beverages shall be in accordance with State Board of Education Rules and Board Policy 8540.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fund-raising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Director of Finance, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Director of Finance at his/her earliest opportunity.

The Superintendent shall distribute this policy and the procedures which implement it to each student organization granted permission to solicit funds.

PO5830

## **VIOLATION OF LOCAL, STATE, AND/OR FEDERAL LAWS**

Anyone known to be violating a local, state, and/or federal law on School Board property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to state statutes and Board policies.

An administrative employee is required to self-report within twenty-four (24) hours any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida Statutes.

PO1139.02, PO3139.02, PO4139.02

## **STAFF DRESS AND GROOMING**

The School Board believes that staff members set an example in dress and grooming for their students to follow. A support staff member who understands this precept and adheres to it enlarges the importance of his/her task, presents an image of professionalism, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

Selected support staff members shall wear prescribed uniforms in order to be properly identified as employees of the Board. In order to accomplish this goal, the Board will budget for uniforms for these employees in accordance with the applicable bargaining agreement.

PO1216, PO3216, 4216