



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	2260.01
Title of Policy:	Anti-Harassment and Non-Discrimination Appeal Procedures
Cabinet Member:	Chris Moore and Valerie Londono
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 11/15/2021 • Work Session – 12/14/2021 • Rule Development Workshop – 1/18/2022 • School Board Meeting Information – 1/18/2022 • School Board Meeting Approval – 2/8/2022 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • This policy is being revised to clarify the procedures regarding the process by which a Complainant may file an appeal stemming from a complaint concerning alleged violation(s) of: <ul style="list-style-type: none"> ○ The Florida Educational Equity Act, F.S. 1000.05, as addressed in Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures; ○ The Jeffrey Johnston Stand Up for All Students Act, F.S. 1006.147, as addressed in Policy 5517.01 – Bullying and Harassment; ○ Section 504 of the Rehabilitation Act of 1973; and ○ The Americans with Disabilities Act of 1990, as amended. • Further, the policy is being revised to cross-reference the new Policy 2266 - Nondiscrimination on The Basis of Sex in Education Programs and Activities, to clarify that the appeals procedure for Title IX cases is addressed solely in Policy 2266. • These proposed revisions partially encompass the suggested language from NEOLA.
Specific Authority:	§§1000.05, 1001.41; F.S.; Florida Educational Equity Act; Titles VI, VII, and IX of the Civil Rights Act of 1964; Section 504 of the Education Amendments of 1972; Americans with Disabilities Act, Public Law 101-336; Section 504 of the Rehabilitation Act of 1973; and Americans with Disabilities Act of 2008.
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

2260.01 – ANTI-HARASSMENT AND NON-DISCRIMINATION APPEAL PROCEDURES

A. Generally.

1. The Board provides that no qualified individual shall, solely by reason of his/her race, color, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status (except authorized by law), religion, military status, age, ancestry, or genetic information be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in the District, except as otherwise provided by State law.
2. Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the ADAAA prohibit discrimination against students with a disability. Mitigating measures as provided in ADAAA may not be taken into consideration when determining whether a student is disabled. An impairment that is episodic or in remission may qualify as a disability if it would substantially limit a major life activity when active. No discrimination against any student with a disability will knowingly be permitted in any of the programs, policies, procedures, or activities of the District.
3. **Appeal Defined.** An “appeal,” as defined under this policy, stems from a complaint concerning alleged violation(s) of Title IX Education Amendments of 1972, which prohibit gender discrimination in education or alleged violation(s) of the Florida Educational Equity Act, F.S. 1000.05, which prohibits discrimination in public education which is investigated by a Compliance Officer in accordance with Policy 5517 – Anti-Harassment. In addition, Section 504 of the Rehabilitation Act of 1973 and the ADAAA prohibit discrimination against students with a disability. No discrimination against any student with a disability will knowingly be permitted in any of the programs or activities of the District. To ensure the District’s compliance, the following appeal procedures have been adopted.
4. **School Compliance Officers.** The School Compliance Officer for each school is the school principal. The school principal may designate other persons to act in this capacity on his/her behalf as the demands of the institution dictate. Nevertheless, all written grievances may be properly directed to the principal of the institution alleged to be in violation of Title IX Education Amendments of 1972, the Florida Education Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008.
5. **District Compliance Officers.** The District Compliance Officers are identified annually and the contact information for these individuals is published in the Code of Student Conduct, on the District website, and in the District’s Anti-Harassment and Non-Discrimination Notice in accordance with Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures.
6. **Maintenance of Written Complaints.** All written complaints received at schools in the District alleging violations of Title IX Education Amendments of 1972, the Florida Education Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, regardless of resolution at the individual school level, shall be forwarded to the District’s Compliance Officer. The District’s Compliance Officer or his/her designee shall maintain all such written complaints as well as the written response/resolution to such complaints. These documents may be public records and shall be available for inspection and copying through a proper public records request, subject to reasonable fee. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* (FERPA) will be maintained in a manner consistent with the provisions of Federal Law.

B. Student Appeal Procedures - Steps.

1. **Step 1.**

If the student and/or parent/legal guardian of the student believes that an action, or inaction, by the school, school representative, or school employee has violated his/her rights under Title IX Education Amendments of 1972, the Florida Educational Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008, the student is encouraged to seek a resolution through appropriate informal discussion with the individual or individuals alleged to have committed the violation or other appropriate school personnel.

2. Step 2.

- a. If the informal discussion does not satisfactorily resolve the issue, the student (or parent/legal guardian on behalf of the student) shall submit a written statement of his/her appeal to the school principal or designee, within thirty (30) school days of the informal discussion. This statement shall include a specific description of the alleged discriminatory denial of opportunity to the student, name(s) of the person or persons causing the alleged violation, the date of the alleged violation, the resolution sought by the student, and the signature of the student and his/her parent/legal guardian. Failure of the student to timely submit such written appeal shall not impact the student's legal rights under Title IX Education Amendments of 1972, the Florida Educational Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008.
- b. Within seven (7) days of receipt of the written appeal, the school principal or designee shall investigate and render a written response to the appeal to the student and/or parent/legal guardian. This response shall either uphold, modify, or deny the resolution sought.

3. Step 3.

- a. If the student and/or parent/legal guardian is not satisfied with the response issued in Step 2, the student and/or parent/legal guardian may, within seven (7) school days of the date of the response, resubmit the appeal in writing to the District's Compliance Officer.
- b. Within seven (7) school days, the District's Compliance Officer shall issue a written response to the student and/or parent/legal guardian. The decision of the District's Compliance Officer shall be final except as provided by law or Board policy which includes the right of the student and/or parent/legal guardian to request an impartial due process hearing in regard to the student's identification, evaluation, or placement under Section 504 of the Rehabilitation Act of 1973 and the ADAAA.

4. The Superintendent shall develop and update administrative procedures as necessary to implement this policy.

Revised 4/22/08
Revised 11/16/10
Revised 7/22/14
Revised 7/19/16
Revised 9/24/19

F.S. 1000.05
F.S. 1001.41
Florida Educational Equity Act
Titles VI, VII, and IX of the Civil Rights Act 1964
Section 504 of the Education Amendments of 1972

Americans with Disabilities Act, Public Law 101-336
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act Amendments Act of 2008 (ADAAA)

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Book: Florida Policies for Update

Section: Vol. 21, No. 2 - Feb. 2021

Title: REVISED POLICY - VOL. 21, NO. 2 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Number: po2260.01

REVISED POLICY - VOL. 21, NO. 2

2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The School Board does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities will make **and the Board will make its facilities, programs, and activities accessible to qualified individuals with disabilities.** ~~accessible to qualified individuals with disabilities its facilities, programs, and activities.~~ No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

who is of an age during which nondisabled persons are provided educational services;

is of any age during which it is mandatory under Florida law to provide educational services to disabled persons; or

to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a **person with a disability**~~disabled person~~ who meets the academic and technical standards requisite to admission or participation in the vocational program or activity. **The Board will not deny a student with disabilities access to its vocational education programs or courses due to architectural and/or equipment barriers, or because the student needs related aids or services to receive an appropriate education.**

District Compliance Officer(s)

The following person(s) is/are designated as the District Compliance Officer(s) ("Compliance Officer(s)") for receiving complaints pertaining to Section 504 and/or the ADA:

[DRAFTING NOTE: School districts may want to consider appointing both a male and a female

compliance officer in order to provide complainants with the option to report their concerns to an individual of the gender with which they feel most comfortable. Additionally, by appointing two (2) compliance officers, there should always be a compliance officer available to investigate a claim that pertains to the other compliance officer.]

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

(Name)

(School District Title)

(Telephone Number)

(Office Address)

(E-mail Address)

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.

() on each individual school's website.

() in the School District's calendar.

() _____.

Building Principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

The Compliance Officer(s) **[is] [are]** responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the Compliance Officer.

The Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

Complaint Procedures

If a person believes that s/he has been discriminated against on the basis of his/her disability, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations ("Section 504"), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records.

Internal complaints and requests for due process hearings must be put in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint or the request for a hearing, and offer possible solutions to the dispute. The complaint or request for due process hearing must be filed with a District Compliance Officer within specified time limits. The District's Compliance Officer is available to assist individuals in filing a complaint or request.

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that the Board office is open for normal operating hours, Monday – Friday, excluding State-recognized holidays).

~~If a student believes that s/he has been excluded from participation in, denied the benefits of, or subjected to discrimination under any program or activity receiving Federal financial assistance on the basis of his/her disability, the student and his/her parents, or the eligible student, may utilize the complaint procedures set forth in Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.~~

Internal Complaint Procedures

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication, or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions

regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

Step 1

Investigation by the Building Compliance Officer: A student or parent may initiate an investigation by filing a written internal complaint with the Building Compliance Officer. The complaint should fully describe the circumstances giving rise to the dispute and how the child is adversely affected. The complaint must be filed as soon as possible, but not longer than thirty (30) calendar days after disclosure of the facts giving rise to the complaint. The Building Compliance Officer shall conduct an impartial investigation of the complaint. As part of the investigation, the Building Compliance Officer shall permit the complainant to present witnesses and other evidence in support of the complaint. The investigation shall be completed within fifteen (15) school days of the written complaint being filed. The Building Compliance Officer will notify the complainant in writing of the outcome of the investigation.

Step 2

Appeal to the District Compliance Officer: If the complaint is not resolved satisfactorily at Step 1, the student or parent may appeal the Building Compliance Officer's decision in writing to the District Compliance Officer. The appeal must be made within five (5) school days following receipt of the Building Compliance Officer's decision. The District Compliance Officer will review the case, may conduct an informal hearing, and will notify all parties in writing of their decision within ten (10) school days of receiving the appeal.

Step 3

If the complaint is not resolved satisfactorily at Step 2, the student or parent may request a due process hearing, provided the complaint involves an issue related to the identification, evaluation, or placement of the student.

If it is determined that the Complainant was subjected to unlawful discrimination, the Building and District Compliance Officers 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.

Filing a Complaint with OCR/Florida Commission on Human Relations/EEOC

At any time, if an employee believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the ADA, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

Appealing to OCR/Florida Commission on Human Relations/EEOC

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional [] **sixty (60)** [] _____ (___) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

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 discriminate/retaliate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, 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.~~

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce 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 report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation,

proceeding, or hearing under those laws and/or this policy, 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 and/or this policy.

Retaliation against a person for making a report of discrimination, filing a formal complaint, or participating in an investigation or meeting is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Formal complaints alleging retaliation may be filed according to the internal complaint process set forth above.

The exercise of rights protected under the First Amendment of the United States Constitution does not constitute retaliation prohibited under this policy.

Training

The Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures, and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating

its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students within its jurisdiction who **have a physical or mental impairment that substantially limits one or more major life activities**~~are disabled~~ within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one (1) or more major life activities, the Board will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For **students with disabilities**~~disabled students~~ who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13).

Parents/Guardians/Custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. **The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.**

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate.

Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. **If the Board operates a separate class or facility that is identifiable as being for persons with disabilities,**

the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

Non-academic Extra-Curricular Services

The District will provide non-academic extra-curricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the Compliance Officer(s) will be published on the District's website and posted throughout the District, and included published in the District's recruitment statements or general information publications.

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Legal References

34 C.F.R. Part 104

29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended

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

Redline Draft

2260.01 – ANTI-HARASSMENT AND NON-DISCRIMINATION APPEAL PROCEDURES

A. Generally.

1. The Board provides that no qualified individual shall, solely by reason of his/her race, color, national origin, sex (including sexual orientation, ~~trans~~gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status (except authorized by law), religion, military status, age, ancestry, or genetic information be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in the District, except as otherwise provided by State law.
2. Section 504 of the Rehabilitation Act of 1973 ("~~Section 504~~"), the Americans with Disabilities Act ~~of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), and the ADA~~ prohibit discrimination against students with a disability. Mitigating measures as provided in ADA~~AA~~ may not be taken into consideration when determining whether a student is disabled. An impairment that is episodic or in remission may qualify as a disability if it would substantially limit a major life activity when active. No discrimination against any student with a disability will knowingly be permitted in any of the programs, policies, procedures, or activities of the District. ~~No discrimination against any student with a disability will knowingly be permitted in any of the programs or activities of the District. To ensure the District's compliance, the following appeal procedures have been adopted.~~
3. **Appeal Defined.** An "appeal," as defined under this policy, stems from a complaint concerning alleged violation(s) of:
 - a. ~~f Title IX Education Amendments of 1972, which prohibit gender discrimination in education or alleged violation(s) of T~~he Florida Educational Equity Act ("~~FEEA~~"), F.S. 1000.05, which prohibits discrimination in public education which is investigated by a Compliance Officer in accordance with Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures;
 - b. The Jeffrey Johnston Stand Up for All Students Act ("Jeffrey Johnston Act"), F.S. 1006.147, as addressed in accordance with Policy 5517.01 – Bullying and Harassment; and
 - c. ~~In addition, Section 504/ of the Rehabilitation Act of 1973 and the ADA~~AA, which prohibit discrimination against students with a disability. ~~No discrimination against any student with a disability will knowingly be permitted in any of the programs or activities of the District. To ensure the District's compliance, the following appeal procedures have been adopted.~~
 - ~~3.d. Appeal for the purpose of this policy does not cover alleged violation(s) of Title IX Education Amendments of 1972, the appeal procedure for which is addressed through Policy 2266 – Nondiscrimination on The Basis of Sex in Education Programs and Activities.~~
4. **School Compliance Officers.** The School Compliance Officer for each school is the school principal. The school principal may designate other persons to act in this capacity on his/her behalf as the demands of the institution dictate. Nevertheless, all written grievances may be properly directed to the principal of the institution alleged to be in violation of FEEA, the Jeffrey Johnston Act, or Section 504/ADA. Title IX Education Amendments of 1972, the Florida Education Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008.
5. **District Compliance Officers.** The District Compliance Officers are identified annually and the contact information for these individuals is published in the Code of Student Conduct, on the District

website, and in the District's Anti-Harassment and Non-Discrimination Notice in accordance with Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures.

6. **Maintenance of Written Complaints.** All written complaints received at schools in the District alleging violations of ~~Title IX Education Amendments of 1972, the FEEA, the Jeffrey Johnston Act, or Section 504/ADA, Florida Education Equity Act, F.S. 1000.05, Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities Act Amendments Act (ADAAA) of 2008,~~ regardless of resolution at the individual school level, shall be forwarded to the District's Compliance Officer. The District's Compliance Officer or ~~his/her~~ designee shall maintain all such written complaints as well as the written response/resolution to such complaints. These documents may be public records and shall be available for inspection and copying through a proper public records request, subject to reasonable fee. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* (FERPA) will be maintained in a manner consistent with the provisions of Federal Law and any applicable state law, including redaction where necessary of any confidential information.
7. Unless expressly stated otherwise, the term "day" or "days" as used in this policy means school day(s) (i.e., a day(s) that the school is open for normal operating hours, Monday – Friday, excluding Board-recognized holidays).
- ~~6-8.~~ Notwithstanding any process provided by this policy, at any time, a Complainant who has been subjected to discrimination based upon a disability or protected class in violation of Section 504/ADA, may file a complaint or pursue an appeal with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

B. Student Appeal Procedures – Steps.

1. Step 1 – Informal resolution.-

If the student and/or parent/legal guardian of the student believes that an action, or inaction, by the school, school representative, or school employee has violated his/her rights ~~not satisfied with the result of an investigation of allegation(s) under FEEA, the Jeffrey Johnston Act, or Section 504/ADA~~ Title IX Education Amendments of 1972, the Florida Educational Equity Act, F.S. 1000.05, ~~Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008,~~ the student and/or parent/guardian may appeal in writing to the Dean, Asst. Principal or designee who completed the investigation. That school representative will have a conference with the student and parent/guardian to discuss concerns related to the investigation. ~~the student is encouraged to seek a resolution through appropriate informal discussion with the individual or individuals alleged to have committed the violation or other appropriate school personnel.~~

2. Step 2 – Written appeal to Principal or designee.-

a. If the informal discussion does not satisfactorily resolve the issue, within thirty (30) school days after the date of the informal discussion, the student and/or parent/legal guardian may submit to the Principal a written statement to request a formal appeal. The Principal must respond in writing within seven (7) school days to uphold, modify, or deny the resolution. ~~the student (or parent/legal guardian on behalf of the student) shall submit a written statement of his/her appeal to the school principal or designee, within thirty (30) school days of the informal discussion. This statement shall include a specific description of the alleged discriminatory denial of opportunity to the student, name(s) of the person or persons causing the alleged violation, the date of the alleged violation, the resolution sought by the student, and the signature of the student and his/her parent/legal guardian. Failure of the student to timely submit such written appeal shall not impact the student's legal rights under Title IX Education Amendments of 1972, the Florida Educational Equity Act, F.S. 1000.05, Section~~

~~504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act Amendments Act (ADAAA) of 2008.~~

~~b. Within seven (7) days of receipt of the written appeal, the school principal or designee shall investigate and render a written response to the appeal to the student and/or parent/legal guardian. This response shall either uphold, modify, or deny the resolution sought.~~

3. **Step 3 – Written appeal to District Compliance Officer.**

a. If the student and/or parent/legal guardian is not satisfied with the response issued in Step 2, the student and/or parent/legal guardian may, within seven (7) school days of the date of the response, resubmit the appeal in writing to the District's Compliance Officer.

b. Within seven (7) school days, the District's Compliance Officer shall issue a written response to the student and/or parent/legal guardian.

~~b.c.~~ The decision of the District's Compliance Officer shall be final except as otherwise provided by law or Board policy, which includes the right of the student and/or parent/legal guardian to request an impartial due process hearing in regard to the student's identification, evaluation, or placement under Section 504 ~~of the Rehabilitation Act of 1973 and the ADAAA~~ADA.

4. If it is determined on appeal that the Complainant was subjected to unlawful discrimination, harassment, or retaliation, the School and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination, harassment, or retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

4.5. The Superintendent shall develop and update administrative procedures as necessary to implement this policy.

Revised 4/22/08
Revised 11/16/10
Revised 7/22/14
Revised 7/19/16
Revised 9/24/19
Revised

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Section 504 of the Education Amendments of 1972
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Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act Amendments Act of 2008 (~~ADAAA~~ADA)

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**Clean
Version**

2260.01 – ANTI-HARASSMENT AND NON-DISCRIMINATION APPEAL PROCEDURES

A. Generally.

1. The Board provides that no qualified individual shall, solely by reason of his/her race, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status (except authorized by law), religion, military status, age, ancestry, or genetic information be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity in the District, except as otherwise provided by State law.
2. Section 504 of the Rehabilitation Act of 1973 (“Section 504”), the Americans with Disabilities Act of 1990, as amended (“ADA”), and the implementing regulations (collectively “Section 504/ADA”), prohibit discrimination against students with a disability. Mitigating measures as provided in ADA may not be taken into consideration when determining whether a student is disabled. An impairment that is episodic or in remission may qualify as a disability if it would substantially limit a major life activity when active. No discrimination against any student with a disability will knowingly be permitted in any of the programs, policies, procedures, or activities of the District. To ensure the District’s compliance, the following appeal procedures have been adopted.
3. **Appeal Defined.** An “appeal,” as defined under this policy, stems from a complaint concerning alleged violation(s) of:
 - a. The Florida Educational Equity Act (“FEEA”), F.S. 1000.05, which prohibits discrimination in public education which is investigated by a Compliance Officer in accordance with Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures;
 - b. The Jeffrey Johnston Stand Up for All Students Act (“Jeffrey Johnston Act”), F.S. 1006.147, as addressed in accordance with Policy 5517.01 – Bullying and Harassment; and
 - c. Section 504/ADA, which prohibit discrimination against students with a disability.
 - d. Appeal for the purpose of this policy does not cover alleged violation(s) of Title IX Education Amendments of 1972, the appeal procedure for which is addressed through Policy 2266 – Nondiscrimination on The Basis of Sex in Education Programs and Activities.
4. **School Compliance Officers.** The School Compliance Officer for each school is the school principal. The school principal may designate other persons to act in this capacity on his/her behalf as the demands of the institution dictate. Nevertheless, all written grievances may be properly directed to the principal of the institution alleged to be in violation of FEEA, the Jeffrey Johnston Act, or Section 504/ADA.
5. **District Compliance Officers.** The District Compliance Officers are identified annually and the contact information for these individuals is published in the Code of Student Conduct, on the District website, and in the District’s Anti-Harassment and Non-Discrimination Notice in accordance with Policy 5517 – Anti-Harassment; Compliance Officers; Complaint and Investigation Procedures.
6. **Maintenance of Written Complaints.** All written complaints received at schools in the District alleging violations of FEEA, the Jeffrey Johnston Act, or Section 504/ADA, regardless of resolution at the individual school level, shall be forwarded to the District’s Compliance Officer. The District’s Compliance Officer or designee shall maintain all such written complaints as well as the written response/resolution to such complaints. These documents may be public records and shall be available for inspection and copying through a proper public records request, subject to reasonable

fee. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* (FERPA) will be maintained in a manner consistent with the provisions of Federal Law and any applicable state law, including redaction where necessary of any confidential information.

7. Unless expressly stated otherwise, the term “day” or “days” as used in this policy means school day(s) (i.e., a day(s) that the school is open for normal operating hours, Monday – Friday, excluding Board-recognized holidays).
8. Notwithstanding any process provided by this policy, at any time, a Complainant who has been subjected to discrimination based upon a disability or protected class in violation of Section 504/ADA, may file a complaint or pursue an appeal with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations, or the Equal Employment Opportunity Commission ("EEOC").

B. Student Appeal Procedures – Steps.

1. Step 1 – Informal resolution.

If not satisfied with the result of an investigation of allegation(s) under FEEA, the Jeffrey Johnston Act, or Section 504/ADA, the student and/or parent/guardian may appeal in writing to the Dean, Asst. Principal or designee who completed the investigation. That school representative will have a conference with the student and parent/guardian to discuss concerns related to the investigation.

2. Step 2 – Written appeal to Principal or designee.

If the informal discussion does not satisfactorily resolve the issue, within thirty (30) school days after the date of the informal discussion, the student and/or parent/legal guardian may submit to the Principal a written statement to request a formal appeal. The Principal must respond in writing within seven (7) school days to uphold, modify, or deny the resolution.

3. Step 3 – Written appeal to District Compliance Officer.

- a. If the student and/or parent/legal guardian is not satisfied with the response issued in Step 2, the student and/or parent/legal guardian may, within seven (7) school days of the date of the response, resubmit the appeal in writing to the District's Compliance Officer.
- b. Within seven (7) school days, the District's Compliance Officer shall issue a written response to the student and/or parent/legal guardian.
- c. The decision of the District's Compliance Officer shall be final except as otherwise provided by law or Board policy, which includes the right of the student and/or parent/legal guardian to request an impartial due process hearing in regard to the student's identification, evaluation, or placement under Section 504/ADA.

4. If it is determined on appeal that the Complainant was subjected to unlawful discrimination, harassment, or retaliation, the School and District Compliance Officers must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination, harassment, or retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

5. The Superintendent shall develop and update administrative procedures as necessary to implement this policy.

Revised 4/22/08
Revised 11/16/10
Revised 7/22/14
Revised 7/19/16
Revised 9/24/19
Revised _____

F.S. 1000.05
F.S. 1001.41
Florida Educational Equity Act
Titles VI, VII, and IX of the Civil Rights Act 1964
Section 504 of the Education Amendments of 1972
Americans with Disabilities Act, Public Law 101-336
Section 504 of the Rehabilitation Act of 1973
Americans with Disabilities Act Amendments Act of 2008 (ADA)

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