

Office of School Board Attorney
Walter J. Harvey, School Board Attorney

SUBJECT: **INITIAL READING: PROPOSED AMENDMENTS TO BOARD POLICIES 1140, SUSPENSION OR DISMISSAL OF ADMINISTRATORS; 3140, SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF; 8141, MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES; 1120.11, 3120.11, AND 4120.11, PREFERENCE FOR VETERANS IN EMPLOYMENT; 2260, NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY; 5517, ANTI-DISCRIMINATION/HARASSMENT (STUDENTS); 5517.02, DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURES FOR STUDENTS; AND 5517.03, DATING VIOLENCE OR ABUSE**

COMMITTEE: **PERSONNEL, STUDENT, SCHOOL, & COMMUNITY SUPPORT**

LINK TO STRATEGIC BLUEPRINT: **SAFE, HEALTHY & SUPPORTIVE LEARNING ENVIRONMENT**

Consistent with the Board's statutory responsibility to periodically review and update its policies to conform to legislative changes and District practices, authorization is requested for the Superintendent to initiate rulemaking to amend the Board policies identified in this item. These amendments have been recommended by NEOLA, Inc., the Board's policy consultant, or are being recommended to reflect District or best practices, and all have been drafted in collaboration with, and reviewed by, the Superintendent, Cabinet members, and District staff of the departments that will implement them.

Policies 1140, *Suspension or Dismissal of Administrators*, 3140, *Suspension or Dismissal of Instructional Staff*, and 8141, *Mandatory Reporting of Misconduct by Certificated Employees*, are proposed to be amended to include a statutory requirement under Section 1012.27(5)(b), F.S., that parents of a student who was subjected to or affected by alleged misconduct by instructional personnel or school administrators be notified of certain alleged misconduct 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 educational certification or employment under Florida law. The statute and policy require that the notification must inform the parent of the alleged misconduct, whether the District reported the misconduct to the Florida Department of Education (FLDOE) if required, what sanctions were imposed against the employee if any, and support the District will make available to the student subjected to or affected by the misconduct. The notification must be provided within thirty (30) days of when the District learns of the misconduct.

Amendments are proposed to Policies 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*, to clarify eligibility for veteran's preference in employment under Section

295.07, F.S. The preference extends to the mother, father, legal guardian, or unremarried widow or widower of a service member who died as a result of military service under combat-related conditions and to current members of any reserve component of the United States Armed Forces or The Florida National Guard.

Proposed amendments to Policies 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment(Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*, would require that individuals charged with conducting investigations under each of these policies retain all information, documents, electronically stored information, and electronic media created and received as part of the investigation, that the information be retained immediately upon commencement of an investigation or upon receipt of specific information or written notice that could lead to an investigation, formal complaint, or potential litigation, and that it be retained for at least three (3) years or longer if required by retention schedules or Board policy.

Attached are the Notice of Intended Action and the proposed policy amendments. Changes are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

Authorization of the Board is requested for the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedure Act to amend Board Policies: 1140, *Suspension or Dismissal of Administrators*; 3140, *Suspension or Dismissal of Instructional Staff*; 8141, *Mandatory Reporting of Misconduct by Certificated Employees*; 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*; 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment(Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*.

RECOMMENDED:

That The School Board of Miami-Dade County, Florida, authorize the Superintendent to initiate rulemaking proceedings in accordance with the Administrative Procedures Act to amend Board Policies: 1140, *Suspension or Dismissal of Administrators*; 3140, *Suspension or Dismissal of Instructional Staff*; 8141, *Mandatory Reporting of Misconduct by Certificated Employees*; 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*; 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment (Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on February 13, 2019, its intention to amend Board Policies 1140, *Suspension or Dismissal of Administrators*; 3140, *Suspension or Dismissal of Instructional Staff*; 8141, *Mandatory Reporting of Misconduct by Certificated Employees*; 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*; 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment(Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*, at its meeting of April 17, 2019.

PURPOSE AND EFFECT: It is recommended that Board Policies 1140, *Suspension or Dismissal of Administrators*, 3140, *Suspension or Dismissal of Instructional Staff*, and 8141, *Mandatory Reporting of Misconduct by Certificated Employee*, be amended to include a statutory requirement under Section 1012.27(5)(b), F.S., that parents of a student who was subjected to or affected by alleged misconduct by instructional personnel or school administrators be notified of certain alleged misconduct.

Amendments to Policies 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*, are proposed to clarify eligibility for veteran's preference in employment under Section 295.07, F.S.

Policies 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment(Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*, are proposed to be amended to require that individuals conducting investigations under these policies retain all information as part of the investigation, including electronically stored information.

SUMMARY: The Board has a statutory responsibility to periodically review and update its policies to conform to legislative changes and District and best practices. It is recommended that Board Policies 1140, *Suspension or Dismissal of Administrators*, 3140, *Suspension or Dismissal of Instructional Staff*, and 8141, *Mandatory Reporting of Misconduct by Certificated Employee*, be amended to include a statutory requirement under Section 1012.27(5)(b), F.S., that parents of a student who was subjected to or affected by alleged misconduct by instructional personnel or school administrators be notified of certain alleged misconduct. Amendments to Policies 1120.11, 3120.11, and 4120.11, *Preference for Veterans in Employment*, are proposed to clarify eligibility for veteran's preference in employment under Section 295.07, F.S. Policies 2260, *Nondiscrimination and Access to Equal Educational Opportunity*; 5517, *Anti-Discrimination/Harassment(Students)*; 5517.02, *Discrimination/Harassment Complaint Procedures for Students*; and 5517.03, *Dating Violence or Abuse*, are proposed to be amended to require that individuals conducting investigations under these policies retain all information as part of the investigation, including electronically stored information.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41 (1), (2); 1001.42 (6), (7), (8), (12), (15), (17); 1001.43 (10), F.S.

LAWS IMPLEMENTED INTERPRETED OR MADE SPECIFIC: 295.07; 1001.41 (1), (2); 1001.42 (6), (7), (8), (12), (15), (17); 1012.27(5)(b); 1012.796, F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING SCHOOL BOARD MEETING OF April 17, 2019, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided in Section 120.54(1), F.S., must do so in writing by March 12, 2019, to the Superintendent, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by the School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

COPIES OF THE PROPOSED AMENDED POLICIES are available at cost to the public for inspection and copying in the Citizen Information Center, Room 102, 1450 N.E. Second Avenue, Miami, Florida 33132.

1 SUSPENSION OR DISMISSAL OF ADMINISTRATORS

2 An administrator may be suspended, returned to annual contract (if holding a
3 Continuing Contract) or dismissed at any time during the contract year pursuant to
4 Florida law, the Rules of the Educational Practices Commission, and/or for cause.
5 | ~~Additionally,~~ Policy 8141 provides the procedures for the mandatory reporting of
6 alleged misconduct by school administrators to the Florida Department of
7 Education.

8 Administrators may be required to take such recognized examinations as the
9 Superintendent deems necessary to evaluate their health, competence, and/or
10 performance. Refusal to take required examination(s) shall be grounds for
11 immediate dismissal. The School Board shall pay for the cost of the examination(s).

12 The Superintendent shall determine the effective date of suspension, reassignment,
13 or dismissal.

14
15 | Parents of a student who was subjected to or affected by alleged misconduct will be
16 | notified in accordance with Section 1012.27, F.S., and Policy 8141.

17 F.S. 1012.22, 1012.27, 1012.33, 1012.34

1 SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF

2 Employees may be suspended from duty upon the recommendation of the
3 Superintendent and the approval of the School Board, subject to Policy 3140.01 and
4 applicable law.

5 An employee suspended by the Board without pay shall be entitled to an
6 administrative hearing pursuant to the applicable collective bargaining agreement.

7 No member of the staff may be dismissed except by Board action and any dismissal
8 shall be pursuant to the applicable collective bargaining agreement. If the dismissed
9 employee has a property interest, the employee shall be entitled to an administrative
10 hearing according to Florida law and the applicable collective bargaining agreement.

11 Employees terminated during the initial probationary period or subject to
12 non-reappointment after the expiration of his/her annual contract shall not be
13 entitled to an administrative hearing.

14 Policy 8141 provides the procedures for mandatory reporting of alleged misconduct
15 by instructional staff members to the Florida Department of Education.

16 When the Board approves the separation of an individual for cause from their
17 employ, it shall apply to all positions which the individual may hold at that time.

18 No person who has been separated from the employ of the Board for cause shall be
19 reemployed in any department on any basis unless a special request for so doing
20 has been approved by the Board.

21 | Parents of a student who was subjected to or affected by alleged misconduct will be
22 | notified in accordance with Section 1012.27, F.S., and Policy 8141.

23 F.S. 1012.22, 1012.27, 1012.32, 1012.33, 1012.34

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MANDATORY REPORTING OF MISCONDUCT
BY CERTIFICATED EMPLOYEES

The School Board shall address employee misconduct and, where appropriate, provide a measured disciplinary response consistent with due process. In addition, with respect to certificated and/or certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.

Reporting Professional Misconduct

District staff are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student.

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of 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).

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 and school administrators which 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 1012.315, F.S., 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 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.

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2 | Parental notification shall be provided consistent with the provisions set forth in
3 | Policies 1590, 3590, and 4590.

4 **Filing a Complaint with the Department of Education**

5 If an instructional staff member or administrator has committed a violation as
6 provided in F.S. 1012.795, and defined by rule of the State Board of Education, the
7 Superintendent shall file with the Department of Education any legally sufficient
8 complaint within thirty (30) days after the date on which the subject matter of the
9 complaint came to the attention of the Superintendent. A complaint is legally
10 sufficient if it contains ultimate facts that show a violation has occurred as provided
11 in F.S. 1012.795 and defined by rule of the State Board of Education. The
12 Superintendent shall include all known information relating to the complaint with
13 the filing of the complaint. This paragraph does not limit or restrict the power and
14 duty of the Department of Education to investigate complaints, regardless of the
15 District's untimely filing, or failure to file, complaints and follow-up reports (F.S.
16 1012.796(e)).

Report of Resignation or Termination

17 If the Superintendent determines that misconduct by an instructional staff member
18 or an administrator who holds a certificate issued by the Florida Department of
19 Education affects the health, safety, or welfare of a student and the misconduct
20 warrants termination, the staff member may resign or be terminated and the
21 Superintendent must report the misconduct to the Department of Education in the
22 format prescribed by the Department. The Department shall maintain each report
23 of misconduct as a public record in the instructional personnel's certification files
24 (F.S. 1012.796(d)).

25 **Transmittal of False or Incorrect Report**

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

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

32 **Requirement of Disclosure of Employee Misconduct**

33 The Board, Superintendent, or District administrator, may not enter into a
34 confidentiality agreement regarding terminated or dismissed instructional
35 personnel/administrators, or instructional personnel/administrators who resign in
36 lieu of termination, based in whole or in part on misconduct that affects the health,
37 safety, or welfare of a student. In addition, they may not provide instructional
38 personnel/administrators with employment references or discuss the instructional

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1 personnel/administrators' performance with prospective employers in another
2 educational setting, without disclosing the instructional personnel/administrators'
3 misconduct. Any part of an agreement or contract that has the purpose or effect of
4 concealing misconduct by instructional personnel/administrators which affects the
5 health, safety, or welfare of a student is void, is contrary to public policy, and may
6 not be enforced (F.S. 1001.42(6)).

7 **Posting Requirements**

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

16 | F.S. 1001.42(6), 1001.42(7)(b), 1001.51(12)(b), 1006.061(2), [1012.27\(5\)\(b\)](#),
17 | [1012.315](#), 1012.795
18 | F.S. 1012.796, 1012.796(1)(d), 1012.796(e)

1 PREFERENCE FOR VETERANS IN EMPLOYMENT

2 Preference in employment, reemployment, promotion, and retention shall be given to
3 veterans who meet minimum eligibility requirements and have the knowledge, skills,
4 and abilities required for the particular position.

5 **Appointment or Retention in Positions of Employment**

6 Preference shall be given based on the following:

7 A. Those disabled veterans:

8 1. who have served on active duty in any branch of the Armed
9 Forces of the United States, have been separated under
10 honorable conditions, and have established the present
11 existence of a service-connected disability which is
12 compensable under public laws administered by the U.S.
13 Department of Veterans' Affairs; or

14 2. who are receiving compensation, disability retirement
15 benefits, or pension by reason of public laws administered by
16 the U.S. Department of Veterans' Affairs and the Department
17 of Defense.

18 B. The spouse of any person who has a total disability, permanent in
19 nature, resulting from a service-connected disability and who,
20 because of this disability, cannot qualify for employment, and the
21 spouse of any person missing in action, captured in line of duty by a
22 hostile force, or forcibly detained or interned in line of duty by a
23 foreign government or power.

24 C. A veteran of any war as defined in F.S. 1.01(14). The veteran must
25 have served at least one (1) day during a wartime period to be
26 eligible for veterans' preference. Active duty for training shall not be
27 allowed for eligibility under this paragraph.

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1 D. The unremarried widow or widower of a veteran who died of a
2 service-connected disability.

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4 E. The mother, father, legal guardian, or unremarried widow or
5 widower of a service member who died as a result of military service
6 under combat-related conditions, as verified by the United States
7 Department of Defense.

8
9 F. A current member of any reserve component of the United States
10 Armed Forces or The Florida National Guard.

11
12 Preference in employment and retention may be given only to eligible persons who
13 are described above ~~and who are residents of this State.~~

14 In all positions in which the appointment or employment of persons is not subject to
15 a written examination, first preference in appointment, employment, and retention
16 shall be given by the State and political subdivisions in the State to persons
17 included under A and B above, and second preference shall be given to persons
18 included under C and D above, who possess the minimum qualifications necessary
19 to discharge the duties of the position involved.

20 A disabled veteran employed as the result of being placed at the top of the
21 appropriate employment list shall be appointed for a probationary period of one (1)
22 year. At the end of the period, if the work of the veteran has been satisfactorily
23 performed, the veteran will acquire permanent employment status and will be
24 subject to the employment rules of the District.

25 **Reinstatement or Reemployment**

26 When a District administrator has served in the Armed Forces of the United States
27 and is discharged or separated with an honorable discharge, the District shall
28 reemploy or reinstate the person to the same position that s/he held prior to service
29 in the Armed Forces, or to an equivalent position, provided the person returns to the
30 position within one (1) year of his/her date of separation or, in the case of extended
31 active duty, within one (1) year of the date of discharge or separation subsequent to
32 the extension. The person shall also be awarded preference in promotion and shall
33 be promoted ahead of all others who are as well qualified or less qualified for the
34 position.

35 Further, the District shall reemploy or reinstate the person who was a veteran when
36 employed by the District and who was recalled to extended active duty in the Armed
37 Forces of the United States and was discharged or separated with an honorable
38 discharge to the same position that s/he held prior to service in the Armed Forces,
39 or to an equivalent position, provided the person returns to the position within
40 one (1) year of his/her date of separation or, in the case of extended active duty,
41 within one (1) year of the date of discharge or separation subsequent to the
42 extension. The person shall also be awarded preference in promotion and shall be
43 promoted ahead of all others who are as well qualified or less qualified for the

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1 position. "Extended active duty" means active duty, other than for training, beyond
2 the date of honorable discharge or separation, due to military requirements.

3 The provisions in the preceding two (2) paragraphs pertaining to persons who are
4 reemployed or reinstated shall apply only to a veteran's first promotion after
5 reinstatement or reemployment, without exception.

6 | F.S. [1.01\(14\)](#), 110.2135, 295.07, 295.08, 295.085, 295.09

1 **PREFERENCE FOR VETERANS IN EMPLOYMENT**

2 Preference in employment, reemployment, promotion, and retention shall be given to
3 veterans who meet minimum eligibility requirements and have the knowledge, skills,
4 and abilities required for the particular position.

5 **Appointment or Retention in Positions of Employment**

6 Preference shall be given based on the following:

7 A. Those disabled veterans:

- 8 1. who have served on active duty in any branch of the Armed
9 Forces of the United States, have been separated under
10 honorable conditions, and have established the present
11 existence of a service-connected disability which is
12 compensable under public laws administered by the U.S.
13 Department of Veterans' Affairs; or
- 14 2. who are receiving compensation, disability retirement
15 benefits, or pension by reason of public laws administered by
16 the U.S. Department of Veterans' Affairs and the Department
17 of Defense.

18 B. The spouse of any person who has a total disability, permanent in
19 nature, resulting from a service-connected disability and who,
20 because of this disability, cannot qualify for employment, and the
21 spouse of any person missing in action, captured in line of duty by a
22 hostile force, or forcibly detained or interned in line of duty by a
23 foreign government or power.

24 | C. A veteran of any war as defined in ~~F.S.~~ 1.01(14), ~~F.S.~~ The veteran
25 must have served at least one (1) day during a wartime period to be
26 eligible for veterans' preference. Active duty for training shall not be
27 allowed for eligibility under this paragraph.

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1 D. The unremarried widow or widower of a veteran who died of a
2 service-connected disability.

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4 E. The mother, father, legal guardian, or unremarried widow or
5 widower of a service member who died as a result of military service
6 under combat-related conditions, as verified by the United States
7 Department of Defense.

8
9 F. A current member of any reserve component of the United States
10 Armed Forces or The Florida National Guard.

11 Preference in employment and retention may be given only to eligible persons who
12 are described above ~~and who are residents of this State.~~

13 In all positions in which the appointment or employment of persons is not subject to
14 a written examination, first preference in appointment, employment, and retention
15 shall be given by the State and political subdivisions in the State to persons
16 included under A and B above, and second preference shall be given to persons
17 included under C and D above, who possess the minimum qualifications necessary
18 to discharge the duties of the position involved.

19 A disabled veteran employed as the result of being placed at the top of the
20 appropriate employment list shall be appointed for a probationary period of one (1)
21 year. At the end of the period, if the work of the veteran has been satisfactorily
22 performed, the veteran will acquire permanent employment status and will be
23 subject to the employment rules of the District.

24 **Reinstatement or Reemployment**

25 When a District employee has served in the Armed Forces of the United States and
26 is discharged or separated with an honorable discharge, the District shall reemploy
27 or reinstate the person to the same position that s/he held prior to service in the
28 Armed Forces, or to an equivalent position, provided the person returns to the
29 position within one (1) year of his/her date of separation or, in the case of extended
30 active duty, within one (1) year of the date of discharge or separation subsequent to
31 the extension. The person shall also be awarded preference in promotion and shall
32 be promoted ahead of all others who are as well qualified or less qualified for the
33 position.

34 Further, the District shall reemploy or reinstate the person who was a veteran when
35 employed by the District and who was recalled to extended active duty in the Armed
36 Forces of the United States and was discharged or separated with an honorable
37 discharge to the same position that s/he held prior to service in the Armed Forces,
38 or to an equivalent position, provided the person returns to the position within
39 one (1) year of his/her date of separation or, in the case of extended active duty,
40 within one (1) year of the date of discharged or separation subsequent to the
41 extension. The person shall also be awarded preference in promotion and shall be
42 promoted ahead of all others who are as well qualified or less qualified for the

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1 position. "Extended active duty" means active duty, other than for training, beyond
2 the date of honorable discharge or separation, due to military requirements.
3 The provisions in the preceding two (2) paragraphs pertaining to persons who are
4 reemployed or reinstated shall apply only to a veteran's first promotion after
5 reinstatement or reemployment, without exception.

6 | F.S. [1.01\(14\)](#), 110.2135, 295.07, 295.08, 295.085, 295.09

1 PREFERENCE FOR VETERANS IN EMPLOYMENT

2 Preference in employment, reemployment, promotion, and retention shall be given to
3 eligible veterans who meet the minimum eligibility requirements and have the
4 knowledge, skills, and abilities required for the particular position.

5 **Appointment or Retention in Positions of Employment**

6 Preference shall be given based on the following:

7 A. Those disabled veterans:

8 1. who have served on active duty in any branch of the Armed
9 Forces of the United States, have been separated under
10 honorable conditions, and have established the present
11 existence of a service-connected disability which is
12 compensable under public laws administered by the U.S.
13 Department of Veterans' Affairs; or

14 2. who are receiving compensation, disability retirement
15 benefits, or pension by reason of public laws administered by
16 the U.S. Department of Veterans' Affairs and the Department
17 of Defense.

18 B. The spouse of any person who has a total disability, permanent in
19 nature, resulting from a service-connected disability and who,
20 because of this disability, cannot qualify for employment, and the
21 spouse of any person missing in action, captured in line of duty by a
22 hostile force, or forcibly detained or interned in line of duty by a
23 foreign government or power.

24 C. A veteran of any war as defined in F.S. 1.01(14). The veteran must
25 have served at least one (1) day during a wartime period to be
26 eligible for veterans' preference. Active duty for training shall not be
27 allowed for eligibility under this paragraph.

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1 D. The unremarried widow or widower of a veteran who died of a
2 service-connected disability.

3
4 E. The mother, father, legal guardian, or unremarried widow or
5 widower of a service member who died as a result of military service
6 under combat-related conditions, as verified by the United States
7 Department of Defense.

8
9 F. A current member of any reserve component of the United States
10 Armed Forces or The Florida National Guard.
11

12 Preference in employment and retention may be given only to eligible persons who
13 are described above ~~and who are residents of this State.~~

14 In all positions in which the appointment or employment of persons is not subject to
15 a written examination, first preference in appointment, employment, and retention
16 shall be given by the State and political subdivisions in the State to persons
17 included under A and B above, and second preference shall be given to persons
18 included under C and D above, who possess the minimum qualifications necessary
19 to discharge the duties of the position involved.

20 A disabled veteran employed as the result of being placed at the top of the
21 appropriate employment list shall be appointed for a probationary period of one (1)
22 year. At the end of the period, if the work of the veteran has been satisfactorily
23 performed, the veteran will acquire permanent employment status and will be
24 subject to the employment rules of the District.

25 **Reinstatement or Reemployment**

26 When a District employee has served in the Armed Forces of the United States and
27 is discharged or separated with an honorable discharge, the District shall reemploy
28 or reinstate the person to the same position that s/he held prior to service in the
29 Armed Forces, or to an equivalent position, provided such person returns to the
30 position within one (1) year of his/her date of separation or, in the case of extended
31 active duty, within one (1) year of the date of discharge or separation subsequent to
32 the extension. The person shall also be awarded preference in promotion and shall
33 be promoted ahead of all others who are as well qualified or less qualified for the
34 position.

35 Further, the District shall reemploy or reinstate the person who was a veteran when
36 employed by the District and who was recalled to extended active duty in the Armed
37 Forces of the United States and was discharged or separated with an honorable
38 discharge to the same position that s/he held prior to service in the Armed Forces,
39 or to an equivalent position, provided the person returns to the position within
40 one (1) year of his/her date of separation or, in the case of extended active duty,
41 within one (1) year of the date of discharge or separation subsequent to the
42 extension. The person shall also be awarded preference in promotion and shall be
43 promoted ahead of all others who are as well qualified or less qualified for the

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1 position. "Extended active duty" means active duty, other than for training, beyond
2 the date of honorable discharge or separation, due to military requirements.

3 The provisions in the preceding two (2) paragraphs pertaining to persons who are
4 reemployed or reinstated shall apply only to a veteran's first promotion after
5 reinstatement or reemployment, without exception.

6 | F.S. [1.01\(14\)](#), 110.2135, 295.07, 295.08, 295.085, 295.09

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NONDISCRIMINATION AND
ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

3 The School Board shall provide equal opportunity for all students and will not
4 discriminate or tolerate harassment in its educational programs or activities on any
5 basis prohibited by law or Board policy.

6 The Superintendent shall:

7 A. Curriculum Content

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review current and proposed courses of study and textbooks to detect any bias based upon sex, race, color, ethnic or national origin, religion, marital status, disability, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, and pregnancy; 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;

17 B. Staff Training

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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;

23 C. Student Access

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review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, and pregnancy in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

The Board may establish and maintain a single-gender nonvocational class, extra-curricular activity, or school for elementary, middle, or high school students.

1 D. District Support

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3 verify that similar aspects of the District's program receive similar
4 support as to staff size and compensation, purchase and
5 maintenance of facilities and equipment, access to such facilities
6 and equipment, and related matters;

7 E. Student Evaluation

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9 verify that tests, procedures, or guidance and counseling materials,
10 which are designed to evaluate student progress, rate aptitudes,
11 analyze personality, or in any manner establish or tend to establish
12 a category by which a student may be judged, are not differentiated
13 or stereotyped on any basis prohibited by law or Board policy.

14 The District Compliance Officer will supervise compliance with Federal and State
15 regulations and address complaints according to law and Policy 5517.02. The Board
16 shall provide proper notice of nondiscrimination for Title II, Title VI, and VII of the
17 Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section
18 504 of the Rehabilitation Act of 1973, and the Age Act is provided to students, their
19 parents, staff members, and the general public.
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22 **Privacy/Confidentiality**

23 The privacy of students, the individuals against whom the complaint is filed, and the
24 witnesses, shall be respected consistent with the Board's legal obligations to
25 investigate, take appropriate action, and comply with any discovery or disclosure
26 obligations. All records generated under this policy and its related administrative
27 procedures shall be maintained as confidential to the extent permitted by law.
28

29 **Retention of Investigatory Records and Materials**

30 All individuals charged with conducting investigations under this policy shall retain
31 all information, documents, electronically stored information (ESI), and electronic
32 media created and received as part of an investigation. The information shall be
33 retained immediately upon commencement of an investigation and/or, in
34 accordance with School Board Policy 8320, upon receipt of specific information
35 and/or written notice that could lead to an investigation, formal complaint, or
36 potential litigation.

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1 The information, documents, ESI, and electronic media retained may include public
2 records and records exempt from disclosure under Federal and/or State law (e.g.,
3 student records).

4
5 The information, documents, ESI, and electronic media created or received as part of
6 an investigation shall be retained for not less than three (3) years, but longer if
7 required by School Board Policy 8320 or the District's records retention schedule.

8
9 F.S. 760.08, 760.021, 1000.05

10 F.A.C. 6A-19.001

11 Fourteenth Amendment, U.S. Constitution

12 20 U.S.C. Section 1681, Title IX of Education Amendment Act

13 20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974

14 42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act

15 29 U.S.C. Section 794, Rehabilitation Act of 1973

16 42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964

17 42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990

18 42 U.S.C. 6101 et seq.

19 34 C.F.R. Part 110 (7/27/93)

20 29 C.F.R. Part 1635

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

23 Title III of the No Child Left Behind Act of 2001

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[ANTI-DISCRIMINATION/HARASSMENT \(STUDENTS\)](#)

2 The School Board shall comply with all Federal laws and regulations prohibiting
3 discrimination and all requirements and regulations of the U.S. Department of
4 Education. The Board will enforce its prohibition against
5 discrimination/harassment based on sex, race, color, ethnic or national origin,
6 religion, marital status, disability, age, political beliefs, sexual orientation, gender,
7 gender identification, social and family background, linguistic preference,
8 pregnancy, and any other basis prohibited by law. The Board shall maintain an
9 educational and work environment free from all forms of
10 discrimination/harassment, which includes Title IX of the Education Amendments
11 of 1972. Title IX prohibits sexual harassment and other sexual misconduct such as
12 unwelcome touching, graphic verbal comments, sexual jokes, slurs, gestures or
13 pictures. All students, administrators, teachers, staff, and all other school
14 personnel share responsibility for avoiding, discouraging, and reporting any form of
15 prohibited discrimination or harassment against students by employees, other
16 students and their parents or guardians, or third parties. This policy prohibits
17 discrimination and harassment at all School District operations, programs, and
18 activities on school property, or at another location if it occurs during an activity
19 sponsored by the Board.

20 For additional information about Title IX or any other discrimination/harassment
21 concerns contact:

22 Title: Office of Civil Rights Compliance (CRC)
23 Executive Director/Title IX Coordinator

24 Address: 155 N.E. 15th Street, Suite P104E
25 Miami, FL 33132

26 Phone: (305) 995-1580

27 Fax: (305) 995-2047

28 E-mail: crc@dadeschools.net

29 Website: <http://crc.dadeschools.net/>

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1 For information on Section 504 of the Rehabilitation Act of 1973 or any other
2 student disability concerns contact:

3 Title: Division of Special Education
4 504 Coordinator

5 Address: 1501 N.E. 2nd Avenue, Suite 409
6 Miami, FL 33132

7 Phone: (305) 995-1796

8 Fax: (305) 523-0591

9 E-mail: ese@dadeschools.net

10 Website: <http://ese.dadeschools.net/>

11 The Board will take immediate steps to discipline individuals for:

- 12 A. Retaliating against a person who has made a report or filed a
13 complaint alleging unlawful discrimination/harassment, or who has
14 participated as a witness in a discrimination/harassment
15 investigation.
- 16 B. Filing a malicious or knowingly false report or complaint of
17 discrimination/harassment.
- 18 C. Disregarding, failing to investigate adequately, or delaying
19 investigation of allegations of prohibited discrimination/harassment,
20 when responsibility for reporting and/or investigating unlawful
21 harassment charges comprises part of one's supervisory duties.

22 The District compliance officer will supervise compliance with Federal and State
23 regulations and address complaints in accordance with law and Policy 5517.02. The
24 Board will provide proper notice of nondiscrimination for Title II, Title VI, and Title
25 VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972,
26 Section 504 of the Rehabilitation Act of 1973, and the Americans with Disabilities
27 Act of 1990.

28 **Reports and Complaints**

29 Students are encouraged to promptly report incidents of discriminatory or harassing
30 conduct to their Principal or the Office of Civil Rights Compliance (CRC) so that the
31 conduct can be addressed before it becomes severe, pervasive, or persistent.

1 Students who believe they have been harassed or discriminated against are entitled
2 to use the complaint process in Policy 5517.02. Students and parents are
3 encouraged to present complaints of discrimination or harassment by other
4 students or employees to the Principal, complaints against employees will be
5 referred by the Principal to the CRC Office as soon as possible after the alleged
6 conduct occurs while the facts are known and potential witnesses are available.
7 During the investigation, the complainant and the subject of the complaint shall be
8 provided an opportunity to present witnesses and evidence relevant to the
9 complaint. The Principal shall apply the Code of Student Conduct to allegations of
10 discrimination/harassment by students.

11 The investigative process through CRC involves the investigation of complaints of
12 harassment and discrimination based on the protected categories. The CRC office
13 investigates each case within a reasonable time.

14 Documentation of investigations of complaint and of any corrective action taken by
15 the school site and throughout the District will be maintained by the department
16 that conducted the investigation. Records of ongoing investigations are kept
17 confidential until a final determination is made on each case. During the
18 investigative process, appropriate preventive measures will be taken to protect the
19 victims and the school community. Subsequent to the completion of a case, the
20 complainant and the subject of the complaint will be provided with written
21 notification of the outcome of the investigation. The District will take remedial
22 action, as necessary, to address and resolve any substantiated complaint of
23 discrimination or harassment and to prevent its recurrence.

24 Initiating a complaint will not adversely affect the complainant's participation in
25 educational or extra-curricular programs unless the complainant makes the
26 complaint maliciously or with knowledge that it is false. Investigation of an
27 | allegation shall not ~~be~~ proceed solely on the basis of an anonymous complaint
28 without first attempting to ascertain the identity of the complainant. If after such
29 efforts, the complainant remains anonymous, the investigation will proceed to the
30 extent possible.

31 **Privacy/Confidentiality**

32 The District respects the privacy of students, the individual(s) against whom the
33 complaint is filed, and the witnesses consistent with the Board's legal obligations to
34 investigate, take appropriate action, and comply with any discovery or disclosure
35 obligations. All records generated under this policy and Policy 5517.02 shall be
36 maintained as confidential to the extent permitted by law.

1 The complaint process in Policy 5517.02 is not intended to interfere with student
2 rights to pursue complaints with the United States Department of Education, Office
3 for Civil Rights, or the Florida Department of Education. The CRC Office processes
4 such complaints according to the procedures and standards set forth by Federal and
5 State agencies.

6 **Retention of Investigatory Records and Materials**

7
8 All individuals charged with conducting investigations under this policy shall retain
9 all information, documents, electronically stored information (ESI), and electronic
10 media created and received as part of an investigation. The information shall be
11 retained immediately upon commencement of an investigation and/or, in
12 accordance with School Board Policy 8320, upon receipt of specific information
13 and/or written notice that could lead to an investigation, formal complaint, or
14 potential litigation.

15
16 The information, documents, ESI, and electronic media retained may include public
17 records and records exempt from disclosure under Federal and/or State law (e.g.,
18 student records).

19 The information, documents, ESI, and electronic media created or received as part of
20 an investigation shall be retained for not less than three (3) years, but longer if
21 required by School Board Policy 8320 or the District's records retention schedule.

22 **Education and Training**

23 The Board promotes preventative educational measures to create greater awareness
24 of unlawful harassment and discrimination. The Superintendent shall provide
25 appropriate training to members of the School District community related to the
26 implementation of this policy and Policy 5517.02.

27 **Sexual Conduct**

28 Any teacher, administrator, coach, or other school authority who engages in sexual
29 conduct with a student may also be guilty of a crime.

30 F.S. 110.1221, 1000.05, 1006.07
31 42 U.S.C. 2000d et seq.
32 42 U.S.C. 2000e et seq.
33 29 U.S.C. 621 et seq.
34 29 U.S.C. 794

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- 1 42 U.S.C. 12101 et seq.
- 2 20 U.S.C. 1681 et seq.
- 3 42 U.S.C. 1983
- 4 National School Boards Association Inquiry and Analysis – May 2008

5 Revised 11/19/13

6 © **NEOLA 2011**

1 **DISCRIMINATION/HARASSMENT COMPLAINT**
2 **PROCEDURES FOR STUDENTS**

3 The Office of Civil Rights Compliance (CRC) is responsible for investigating
4 complaints of discrimination and harassment, including sexual harassment and
5 retaliation filed by employees, students and their parents. The CRC office accepts
6 complaints of discrimination/harassment directly from any member of the School
7 District community. Upon receipt of a complaint, the Compliance Officer will route
8 the complaint to the appropriate school or District office for investigation and/or
9 response. Documentation of investigations of complaints and of any corrective
10 action taken by the school site and throughout the District will be maintained by the
11 department that conducted the investigation.

12 **Complaint Procedures**

13 Any student/parent who has a good faith belief that a student has been subjected to
14 prohibited discrimination/harassment may seek resolution of his/her complaint
15 through the procedures described below.

16 Students/parents are encouraged to promptly report complaints of discriminatory or
17 harassing conduct to their Principal. In addition to the manner prescribed in
18 Policy 5517, a student/parent may also file the complaint directly with the Region
19 Office or the District's Office of Civil Rights Compliance (CRC).

20 **CRC Office Contact Information**

21 Title: Office of Civil Rights Compliance (CRC)
22 Executive Director/Title IX Coordinator

23 Address: 155 N.E. 15th Street, Suite P104E
24 Miami, FL 33132

25 Phone: (305) 995-1580

26 Fax: (305) 995-2047

27 E-mail: crc@dadeschools.net

28 Website: <http://crc.dadeschools.net/>

1 This procedure is not intended to interfere with the rights of students/parents to
2 pursue a complaint of discrimination/harassment with the United States
3 Department of Education, Office for Civil Rights (“OCR”), or the Florida Department
4 of Education.

5 A. Complaints must be in writing and include the following information
6 to the extent it is available: the identity of the individual believed to
7 have engaged in, or be engaging in, prohibited conduct; a detailed
8 description of the facts upon which the complaint is based; a list of
9 potential witnesses; and identification of the resolution which the
10 complainant seeks.

11 Anonymous complaints shall not be processed, without first
12 attempting to ascertain the identity of the complainant and except
13 as outlined in Policy 5517.01. If after such efforts, the complainant
14 remains anonymous, the investigation will proceed.

15 The complaint must be signed attesting that it is true to the best of
16 the complainant’s knowledge, information, and belief. The Principal
17 or the CRC Office will assist the complainant in reducing verbal
18 complaints to writing. Any complainant who knowingly submits
19 false information will be subject to discipline according to the Code
20 of Student Conduct or applicable laws. During the investigation of a
21 complaint, the complainant and the subject of the complaint shall
22 be provided an opportunity to present witnesses and other evidence
23 relevant to the complaint.

24 The initiation of a discrimination or harassment complaint by
25 student/parent will not be used as a basis for actions that adversely
26 affect the student’s standing in his/her educational or
27 extra-curricular activities unless the student makes the complaint
28 maliciously or with knowledge that it is false. Additionally,
29 participation in or assistance with the investigation of a complaint
30 shall not be used as the basis of any adverse action against the
31 student or parent.

32 B. Students/parents should make every effort to submit a complaint as
33 soon as possible after the prohibited conduct while the facts are
34 known and potential witnesses are available, and to ensure a timely
35 response to the conduct in question. Under Federal guidelines,
36 complaints must be filed within 180 calendar days of the date of the
37 last act of alleged discrimination.

1 **Processing Complaints**

2 A. School-Site

3 All complaints involving student to student harassment, including
4 sexual harassment, will be first investigated at the school site. If
5 such complaints are made directly to the District Office, the Region
6 Office or the CRC Office, they will be referred to the school site for
7 the initial investigation. Complaints involving harassment,
8 including sexual harassment, of a student by an employee or other
9 representatives of the school system will be investigated by the CRC
10 Office.

11 Principals are required to:

- 12 1. receive and document the complaint and notify the CRC
13 Office within twenty-four (24) hours of receiving the
14 complaint; for verbal complaints, assist the complainant in
15 reducing the complaint to writing and encourage the
16 complainant to attest that it is true to the best of the
17 complainant's knowledge, information, and belief;
- 18 2. provide a copy of this Policy 5517.02 to the complainant;
- 19 3. meet with the complainant (student/parent) to ascertain the
20 facts pertinent to the allegations;
- 21 4. meet with the student(s) accused of the alleged harassment to
22 obtain a response to the complaint both orally and in writing;
- 23 5. meet with all available witnesses identified by the person(s)
24 making the report of harassment and the subject of the
25 complaint, individually and confidentially. Witnesses will be
26 asked to make a statement both orally and in writing
27 regarding the alleged facts that form the basis of the
28 complaint;
- 29 6. document all reports and interventions on the appropriate
30 student case management forms within ten (10) workdays;

1 Upon completion of the investigation, any student(s) found to
2 have violated this policy will be subject to any of the
3 disciplinary actions described in the Code of Student Conduct
4 and coded on the appropriate student case management
5 form;

6 *The principal shall contact Miami-Dade County Schools
7 Police in accordance with the Code of Student Conduct.

8 7. provide complainant and subject of the complaint with a
9 written notification of the outcome of the investigation in
10 accordance with student confidentiality requirements; and
11

12 Absent unusual circumstances, the written report of the
13 investigation will be provided within ten (10) workdays of
14 reaching a final determination.

15 8. notify the CRC Office concurrently in writing of the outcome
16 of the complaint.

17 If the complaint is made directly to a school staff member other than
18 the Principal, they shall immediately refer the complaint to the
19 Principal.

20 School-site administrators shall apply the Code of Student Conduct
21 to all allegations of harassment by students and to report the
22 allegations to the CRC Office. Additional procedures concerning
23 complaints of bullying are contained in Policy 5517.01.
24 Students/Parents are encouraged to direct complaints alleging
25 discrimination/harassment by employees to the CRC Office. Any
26 such complaints filed with the school must be immediately
27 forwarded by the Principal to the CRC Office.

28 B. Appeals to the Region Office

29 If the complaint is not resolved to the complainant's satisfaction
30 after discussion with the Principal, the student/parent may appeal
31 to the Region Office by submitting a letter to the corresponding
32 Region Office within fifteen (15) workdays of the Principal's final
33 determination.

1 Within fifteen (15) workdays, the Region Office shall address appeals
2 of complaints made to the school site by:

- 3 1. reviewing documentation submitted by the Principal;
- 4 2. providing a copy of this Policy 5517.02 to the complainant;
- 5 3. discussing the allegations with the complainant, the subject
6 of the complaint, and witnesses (in person or otherwise), if
7 necessary;
- 8 4. appending existing documentation to outline the steps taken
9 to address the complaint, including the outcome/resolution;
- 10 5. providing complainant and the subject of the complaint with
11 a written notification of the outcome of the investigation in
12 accordance with student confidentiality requirements; and
13

14 Absent unusual circumstances, the written report of the
15 investigation will be provided within ten (10) workdays of
16 reaching a final determination by the Region Office.

- 17 6. notifying the CRC Office concurrently in writing of the
18 outcome of the complaint.

19 C. Complaints to the CRC Office

20 The Compliance Officer is responsible for accepting complaints and
21 routing them for investigation and/or response within three (3)
22 workdays. Students/Parents should be aware that submitting
23 complaints to other District offices (e.g., Superintendent) may
24 require additional time to process.

25 Investigations conducted by the CRC Office, absent unusual
26 circumstances, may take thirty (30) workdays. The complainant
27 and the subject of the complaint will be provided a written report of
28 the findings summarizing the evidence gathered during the
29 investigation and the final determination of the case. The written
30 report of the investigation will be provided within ten (10) workdays
31 of reaching a final determination.

1 If the student/parent does not agree with the final determination
2 made by the CRC Office, s/he may appeal the determination to the
3 Superintendent by submitting a letter of appeal within fifteen (15)
4 workdays of the date of the final determination.

5 The Superintendent or designee shall address the requests for
6 appeal within fifteen (15) workdays of receipt of the written request
7 by:

- 8 1. reviewing documentation submitted by the CRC office;
- 9 2. reviewing information provided by complainant;
- 10 3. obtaining additional information if determined necessary to
11 do so;
- 12 4. providing complainant written notification of the outcome of
13 the appeal; and

14
15 Absent unusual circumstances, the written notification will
16 be provided within fifteen (15) workdays of the review.

- 17 5. notifying the CRC Office concurrently in writing of the
18 outcome of the review.

19 D. Other School District Offices/Sites:

20 Complaints filed with any other School District site shall be referred
21 directly to the CRC Office for routing and processing.

22 For complaints filed directly with the United States Department of
23 Education and/or the Florida Department of Education, the
24 Compliance Officer coordinates the District's investigation and
25 response to the Federal or State agency. However, the Federal or
26 State agency provides a written response directly to the
27 complainant. The School Board will provide proper notice of
28 nondiscrimination for Title II, Title VI, and Title VII of the Civil
29 Rights Act of 1964, Title IX of the Education Amendment Act of
30 1972, Section 504 of the Rehabilitation Act of 1973, Americans with
31 Disabilities Act of 1990.

1 E. Corrective Strategies:

2 Appropriate remedial/corrective action for students who commit
3 acts of harassment range from behavioral interventions up to and
4 including suspension or expulsion as outlined in the Code of
5 Student Conduct. Removal from the class where the infraction
6 occurred may be implemented as a preventive measure, pending the
7 outcome of the investigation.

8 Consequences and appropriate remedial action for a school
9 employee found to have committed an act of harassment shall
10 include discipline in accordance with District policies,
11 administrative procedures, and collective bargaining agreements.
12 Alternate assignments to another location are considered when the
13 nature of the allegation is so egregious as to warrant the removal of
14 an employee from the site to an alternate assignment until the
15 resolution of the case.

16 Consequences and appropriate remedial action for a visitor or
17 volunteer found to have committed an act of harassment shall be
18 determined by the school administrator after consideration of the
19 nature and circumstances of the act, including reports to
20 appropriate law enforcement officials. Temporary removal of the
21 alleged subject of the complaint from the premises may be
22 implemented as a preventive measure.
23

24 **Retention of Investigatory Records and Materials**

25 All individuals charged with conducting investigations under this policy shall retain
26 all information, documents, electronically stored information (ESI), and electronic
27 media created and received as part of an investigation. The information shall be
28 retained immediately upon commencement of an investigation and/or, in
29 accordance with School Board Policy 8320, upon receipt of specific information
30 and/or written notice that could lead to an investigation, formal complaint, or
31 potential litigation.

32

33 The information, documents, ESI, and electronic media retained may include public
34 records and records exempt from disclosure under Federal and/or State law (e.g.,
35 student records).

36 The information, documents, ESI, and electronic media created or received as part of
37 an investigation shall be retained for not less than three (3) years, but longer if
38 required by School Board Policy 8320 or the District's records retention schedule.

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1

2 Revised 11/19/13

3 © **MIAMI-DADE 2013**

1

DATING VIOLENCE OR ABUSE

2 Student dating violence or abuse is prohibited in all secondary schools on school
3 property, during any school-related or school-sponsored program or activity, and/or
4 during school-sponsored transportation.

5 **Definition**

6 Student dating violence involves a pattern of emotional, verbal, sexual, or physical
7 abuse used by one person in a current or past dating relationship to exert power
8 and control over another. Abuse may include insults, coercion, social sabotage,
9 sexual harassment, stalking, threats and/or acts of physical or sexual abuse. It
10 may also include abuse, harassment, and stalking via electronic devices such as cell
11 phones and computers, harassment through a third party, and may be physical,
12 mental, or both.

13 **Reporting Requirement**

14 A. All verbal or written reports/complaints alleging violations of this
15 policy shall be submitted to the Principal or designee.

16 B. All school employees who witness an act of dating violence or abuse
17 or who have a reasonable suspicion that an act of dating violence
18 and/or abuse has taken place must report the incident to the
19 Principal or designee. The employee shall also immediately report
20 the incident to School Police if there is reason to suspect that the
21 incident might constitute a crime. Any uncertainty regarding
22 whether an alleged violation might constitute a crime must be
23 resolved in favor of reporting the incident to School Police.

24 C. An employee's failure to report may result in action(s) or discipline
25 consistent with the collective bargaining agreement provisions or
26 School Board policy.

27 D. Nothing in this policy shall relieve a reporter of the obligation to
28 report a reasonable suspicion of child abuse or neglect to the Florida
29 Abuse Hotline or local law enforcement pursuant to F.S. 39.201.

1 **Complaints/Reports**

2 A. Complaints and reports should be submitted as soon as possible
3 after the alleged incident but shall be submitted within ninety (90)
4 school days after the most recent alleged act of dating violence
5 and/or abuse. The Principal or designee shall document and
6 investigate any complaints or reports and take immediate action to
7 prevent the reoccurrence of the behavior. Appropriate disciplinary
8 action may be taken pursuant to the *Code of Student Conduct*
9 (Policy 5500).

10 B. Failure on the part of the alleged victim to initiate a complaint
11 within ninety (90) school days or to cooperate with the investigation
12 may result in the complaint being deemed abandoned regarding that
13 particular incident.

14 C. Additional procedures regarding complaints about bullying and
15 harassment are contained in Policy 5517.01 and Policy 5517.02 and
16 the allegations may also be required to be reported to the Office of
17 Civil Rights pursuant to Policy 5517.

18 D. Each school shall publicize the procedure for submitting a
19 complaint or report of dating violence in-person or anonymously and
20 how this report will be addressed.

21 E. The victim of student dating violence or abuse, anyone who
22 witnessed an act of dating violence or abuse, and anyone who has
23 reasonable suspicion that an act of dating violence or abuse has
24 taken place pursuant to this policy may submit a report of dating
25 violence or abuse.

26 F. Submission of a good faith complaint or report of student dating
27 violence or abuse will not affect the complainant or reporter's future
28 employment, grades, learning or working environment, or work
29 assignments. Appropriate action will be pursued for persons found
30 to have wrongfully and intentionally accused another of an act of
31 dating violence or abuse.

32 G. Any written or verbal reports of an act of dating violence or abuse
33 shall be considered an official means of reporting. Reports may be
34 made anonymously but disciplinary action may not be based solely
35 on the basis of an anonymous report.
36
37

1 **Retention of Investigatory Records and Materials**

2
3 All individuals charged with conducting investigations under this policy shall retain
4 all information, documents, electronically stored information (ESI), and electronic
5 media created and received as part of an investigation. The information shall be
6 retained immediately upon commencement of an investigation and/or, in
7 accordance with School Board Policy 8320, upon receipt of specific information
8 and/or written notice that could lead to an investigation, formal complaint, or
9 potential litigation.

10
11 The information, documents, ESI, and electronic media retained may include public
12 records and records exempt from disclosure under Federal and/or State law (e.g.,
13 student records).

14 The information, documents, ESI, and electronic media created or received as part of
15 an investigation shall be retained for not less than three (3) years, but longer if
16 required by School Board Policy 8320 or the District's records retention schedule.
17

1 **Support and Reasonable Accommodations**

- 2 A. Principals shall include the policy in the school's student/parent
3 handbook.
- 4 B. If students or their parent(s)/guardian(s) inform the school that a
5 court has issued a restraining or protective order, a copy of the
6 order should be maintained in the students' files. The school shall
7 notify School Police immediately if it reasonably believes that a
8 criminal or civil restraining order has been violated. School Police
9 shall respond to a report of a violation of a criminal or civil
10 restraining order.
- 11 C. Whenever possible, face-to-face contact between the victim and
12 alleged perpetrator should be avoided during the pendency of the
13 investigation.
- 14 D. The student who is allegedly experiencing dating violence or abuse
15 may submit a verbal or written request for accommodations to the
16 school. If the request is made verbally, the school administrator
17 shall document the request in writing and provide a written decision
18 to the student as soon as possible. A denial of a request for
19 accommodation must specify the reason(s) for the denial. If
20 scheduling changes are requested or determined by the school to be
21 in the best interest of the victim, the school will accommodate the
22 victim's preference to the extent possible.

23 **Dating Violence and/or Abuse Prevention Curriculum**

24 Instruction regarding dating violence or abuse will be provided for students in
25 grades 7 through 12 as a component of the health education curriculum as listed in
26 F.S. 1003.42. This instruction includes, but is not limited to, the definition of
27 dating violence or abuse, the warning signs of dating violence or abusive behavior,
28 the characteristics of healthy relationships, measures to prevent and stop dating
29 violence or abuse, and community resources available to victims of dating violence
30 or abuse. The curriculum must emphasize prevention based education. Schools
31 should also implement a peer mentor or peer education component that will foster a
32 deeper understanding of the issues by allowing students to relate to a similarly
33 situated peer.

1 **Professional Development**

2 The Principal shall review the policy with faculty/staff at the Opening of Schools
3 meeting. Teachers, school administrators, counseling professionals and other
4 school site employees shall also be provided training in proper identification,
5 investigation, and intervention of dating violence or abuse incidents that fall within
6 the jurisdiction of the school.

7 Students, parents/legal guardians, teachers, and school volunteers shall be
8 provided information on this policy, evidence-based methods of preventing dating
9 violence or abuse, and how to effectively identify and respond to dating violence or
10 abuse incidents.

11 F.S. 1006.148

12 Adopted 9/3/13

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