

PROTECTING STUDENTS FROM HARASSMENT AND DISCRIMINATION

1. **General Provisions** – The Governing Board of South Tech Charter Academy, Inc. does not condone harassment or discrimination against any of its students or applicants for admission for any reason including, but not limited to, their real or perceived sex, race, color, religion, national origin, age, disability, marital status, ancestry, ethnicity, gender, linguistic preference, political beliefs, sexual orientation, or social/family background in its educational programs or admission to educational programs and therefore prohibits such discrimination against, or harassment of, any student by any Board member, school employee, consultant, agent, visitor, volunteer, student or other person in or outside the school, at school sponsored events, on school busses, and at training facilities, or training programs sponsored by the Academy or Charter School Sponsor.
2. In an effort to promote an environment free of harassment of, or discrimination against, students in order to prevent, investigate, and take prompt, equitable, and appropriate action with regard to alleged discrimination and harassment.
3. The Board believes that all students are entitled to a safe, equitable, and harassment-free school experience. Discrimination and harassment will not be tolerated and shall be just cause for disciplinary action.
4. This policy shall be interpreted and applied consistent with all applicable state and federal laws.
5. **Definitions** – For purposes of this policy, the following definitions apply.
 - a. *Accused/employee* is defined as an Academy employee alleged to be responsible for the violation alleged in the complaint.
 - b. *Accused/student* is defined as a student alleged to be responsible for the violation that is alleged in the complaint.
 - c. *Complaint* is defined as written allegations regarding any action, policy, procedure, or practice prohibited by this policy.
 - d. *Complainant* is defined as a student of, or applicant for admission to the Academy who submits a written complaint of harassment or discrimination or an individual or group submitting a complaint on behalf of a student(s).
 - e. *Day* is defined as a working day and this term does not include weekends or holidays unless noted as a "calendar day".
 - f. *Minor, or minor student* is defined as any student who has not yet attained the age of eighteen (18). *For purposes of this policy*, the term should also be construed to include an adult student who has been determined incompetent or unable to give informed consent due to disability under state law. *Note: any procedure in this policy mentioning a minor student's parent/guardian should also be construed to include an adult student's parent/guardian, if the adult student has given consent.* For example, where the policy requires giving notice to the parent of a minor student, this requirement also includes notice to the parent of an adult student who has given consent for the parent to receive the notice. The notice would also be given to the parent of any adult student who has been determined to be incompetent or unable to give informed consent due to disability under state law.
 - g. *The term "Parties"* is defined as the accused student and/or accused employee, and the complainant.
 - h. *Sexual orientation* is defined as the direction of one's sexual or romantic interest towards persons of the opposite sex, same sex, or both sexes.
 - i. *School Official*, for purposes of this policy, is defined as Governing Board employees, Academy President or Management Company Representative, Secondary School Principal, assistant principals, teachers, Academy police officers and others who have the duty of reasonable supervision with respect to student activities.
6. **Title IX Coordinator and ada/504 Specialist** – Equal educational opportunities are guaranteed by Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973. South Tech Charter Academy, Inc. has designated the South Tech Charter Academy, Inc. Vice Principal of Curriculum and Instruction as the person responsible for ensuring students and their custodial parent(s)/guardians receive information related to discrimination and harassment.

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7. **Prohibited Harassment** – For purposes of this policy, harassment occurs when conduct is sufficiently severe, persistent, or pervasive that it has the purpose or effect of unreasonably interfering with a student’s performance or ability to benefit from his/her education, or creates an objectively intimidating, hostile, offensive, or abusive school environment. Types of conduct which are prohibited in the Academy and which may constitute harassment include but are not limited to:
 - a. Demeaning or derogatory comments, name-calling, racial slurs, jokes, threats, abusive words, gestures, or harm to an individual;
 - b. Displaying visual or written material, including notes, stories, drawings, or pictures, or defacing school property or materials to demean a person;
 - c. Damaging, defacing or destroying private property of any person;
 - d. Bullying;
 - e. Requests for sexual favors and other conduct of a sexual nature;
 - f. Any act of retaliation against an individual who reports a violation of the Board’s harassment and discrimination policy.

8. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY STUDENTS - Investigation and Resolution of Complaints against an Accused Student**
 - a. **Reporting Discrimination or Harassment** – Any student or applicant for admission who believes he/she is a victim of discrimination or harassment (or any individual, including any student, teacher, or other employee of the Academy, who has knowledge of any incident(s) involving discrimination or harassment of students) is strongly encouraged to report the incident(s) in writing to the Academy President or Management Company Representative or other Academy official or the Vice Principal of Curriculum and Instruction who is responsible for EEO/Title IX and ADA/504 compliance.
 - b. The Academy President or Management Company Representative/designee shall document all complaints in writing to ensure that problems are appropriately addressed. Although this policy encourages students to use the formal written complaint process, Academy officials “should investigate all complaints and reports of harassment, whether or not the complaint is in writing”, as stated by the Office for Civil Rights in *Protecting Students from Harassment and Hate Crime, A Guide for Schools, Part II (1999)*.
 - c. **Academy President or Management Company Representative Involvement** – If the President or Management Company Representative is directly and personally involved with a complaint or is closely related to a party to the complaint, then the Board Chair /designee shall be asked to conduct the investigation.
 - d. **Informal Resolution** – Where appropriate, the complainant and the accused/student may agree to informally resolve the complaint. Complaints should be filed as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days of the last act of harassment or discrimination). (Note: The President or Management Company Representative must document, in writing, any complaint, even if made informally; and the complainant must be requested to sign the writing to verify its accuracy.)
 - i. The President or Management Company Representative/designee may arrange for the parties to resolve the complaint informally through a voluntary conversation between the complainant and the accused/student facilitated by the President or Management Company Representative/designee within two (2) days of receiving the complaint. Both the complainant and the accused/student may be accompanied by a person of their choice for support and guidance.
 - ii. The parties shall never be asked to work out the problem directly with the accused/student unless the assistance of a counselor, teacher, administrator, mediator is provided and both parties are willing.
 - iii. If the President or Management Company Representative/designee and the complainant and the accused/student (and/or their parents) agree that a satisfactory resolution has been achieved, then no further action need to be taken other than notifying the Vice Principal of Curriculum and Instruction that the matter has been resolved. However, if

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complete resolution has not been achieved, a formal written complaint should be filed within ten (10) work- days after the meeting.

- e. **Filing a Formal Complaint Report** – If the matter is not satisfactorily resolved informally, the President or Management Company Representative/designee shall assist the student (or custodial parent(s)/guardian on behalf of the minor student as defined in paragraph (5)(f)), infilling a complaint (if it is not yet in writing). The student (or custodial parent(s)/guardian on behalf of the student) may file a written complaint with the President or Management Company Representative/designee by using the *Student Complaint Report* form (PBSD 1615). Said form is hereby incorporated by reference and made apart of this policy. The form is available on the Sponsor's web site at <http://www.palmbeach.k12.fl.us/Records/Forms.htm> The Witness Statement form (PBSD 1616) is to be completed by witnesses to the alleged incident.
- f. Complaints should be made as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days of the last act of harassment or discrimination). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being abandoned. The President or Management Company Representative/designee shall record in writing and document all complaints regarding sexual harassment and discrimination to ensure that problems are appropriately addressed, whether the report is made verbally or in writing.
- g. The President or Management Company Representative/designee may assist the student (or custodial parent(s)/guardian on behalf of the student) if the student is a minor, as defined in paragraph (5)(f)), in completing the form, or may complete the form for the student or the custodial parent(s)/guardian who is acting on behalf of the student. In all instances, the student (or custodial parent(s)/guardian) shall review the form to ensure its accuracy and sign and date the document.
- h. The complainant will be requested to provide signed, specific information regarding the alleged discrimination or harassment, the alleged offender, witnesses, and other relevant information. In all instances, the student (or custodial parent(s)/guardian acting in behalf of a minor student) shall review the form to ensure its accuracy and sign and date the document.
- i. All complaints must be reported in writing to the Academy Vice Principal of Curriculum and Instruction.
- j. **Notice to the Accused Student** – Within two (2) days of receipt of a complaint, the President or Management Company Representative/designee will notify the accused/student of the allegations.
- k. **Notice to Parent(s)/Guardians** – Within two (2) days of receiving the complaint, and in accordance with federal and state privacy laws, the President or Management Company Representative/designee shall notify the parent(s)/guardian of any minor student as defined in paragraph (5)(f) who is allegedly subject to harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/guardians, if the students are minors) will also be notified of events and decisions described in this policy.
- l. **Steps in the Investigation** – The President or Management Company Representative/designee shall begin an investigation within two (2) work days and thoroughly investigate all complaints of harassment and discrimination, including at a minimum, the following steps.
 - i. Talk with the complainant within two (2) work days.
 - ii. Give the complainant (or parent(s)/guardian of a minor student) an opportunity to describe the incident, present witnesses and other evidence of the harassment or discrimination, and ensure that the complaint is put into writing.
 - iii. Talk with the accused/student (or the custodial parent(s)/guardian acting on behalf of a minor student) within two (2) work days.
 - iv. Give the accused/student (or custodial parent(s)/guardian of a minor student) an opportunity to describe the incident, present witnesses and other evidence, and put his/her response in writing.

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- v. Talk with any person who saw the harassment, has knowledge of the discrimination, or who may have related information; and,
 - vi. Conduct a conference, if appropriate, with the complainant (or custodial parent(s)/guardian of a minor) and the accused/student (or custodial parent(s)/guardian of a minor accused/student) and give notice of the date, time and rules to the parties.
 - vii. The President or Management Company Representative /designee is encouraged to ask open ended questions to enable students to describe what happened in their own words.
 - viii. The President or Management Company Representative/designee may request that he accused/student prepare a written response to the complaint; or the President or Management Company Representative/designee may prepare a written statement of the accused/student's oral response to the complaint based on their meeting and obtain the signature of the accused/student (and/or custodial parent(s)/guardian of a minor student) after his/her review of the statement.
 - ix. The President or Management Company Representative/designee should dictate and then review his/her notes with the complainant and accused/student after the interviews to verify facts and ensure accuracy, and then obtain signatures, but shall not tape the interviews.
- m. **Pursuing the Investigation** – During the investigation, the President or Management Company Representative/designee may take any action necessary to protect the complainant, or other students or employees, consistent with the requirements of applicable regulations and statutes.
- i. In general, complainants will continue to pursue their studies at South Tech Charter Academy, Inc. while the investigation is conducted and the complaint is pending resolution.
 - ii. When necessary to carry out the investigation or for other good reasons, and consistent with state and federal privacy laws, the President or Management Company Representative/designee may also discuss the complaint with:
 - A. Secondary School Principal
 - B. Academy police
 - C. The custodial parent(s)/guardian of the complainant if the complainant is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to a disability).
 - D. A teacher or staff member whose knowledge of the students involved may help determine who is telling the truth.
 - E. Child protective agencies responsible for investigating child abuse; and/or
 - F. Legal counsel for the Board.
- n. **Written Decision of the President or Management Company Representative/Designee** – Upon completion of the investigation, the President or Management Company Representative/designee will make a decision about the validity of the allegations in the complaint and about any corrective action, if applicable, consistent with the Matrix of Incidents and Actions in Palm Beach School District Policy 5.813.
- o. To determine the severity of the harassment or discrimination, the President or Management Company Representative/designee should consider, among other things:
- i. How the misconduct affected one or more students education;
 - ii. The type, frequency, and duration of the misconduct;
 - iii. Number of students involved;
 - iv. The subject(s) of harassment or discrimination;
 - v. The place and situation where the incident occurred, and/or
 - vi. Other similar incidents at the Academy.
- p. Within thirty (30) calendar days of the filing of the complaint, the Academy President or Management Company Representative/designee shall give the Vice Principal of Curriculum and Instruction a written report that describes the complaint and investigation and contains findings, a decision and reasons for the decision.
- i. If the President or Management Company Representative/designee verifies that harassment or discrimination occurred, this report shall describe the actions taken to end the harassment or discrimination pursuant to the Matrix of Incidents and Actions in Palm

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- Beach School District Policy 5.183; address the effects of the harassment or discrimination on the complainant; and prevent retaliation or further harassment or discrimination.
- ii. The President or Management Company Representative/designee shall notify the parties (and their custodial Parent(s)/guardians, if the parties are minors as defined in paragraph (5)(f)) in writing of the decision and their right to appeal to:
 - A. The Secondary School Principal if the investigation was performed by a designee other than the Principal;
 - B. The Academy President or Management Company Representative unless he/she conducted the investigation.
 - q. **Other Means of Resolution** – If the complainant is not satisfied with the results of the procedures contained in this policy, he/she may utilize other means of resolution as provided by law, including seeking recourse through the federal Office of Civil Rights (OCR).
9. **GRIEVANCE PROCEDURE FOR HARASSMENT OR DISCRIMINATION BY AN EMPLOYEE - Investigation of Complaints Against an Accused/Employee**
- a. **Reporting Discrimination or Harassment** – Any student/applicant for admission (and/or the custodial parent(s)/guardian on that complainant's behalf if the complainant is a minor as defined in paragraph (5)(f)) who believes he/she is a victim of discrimination or harassment (or any individual, including any student, teacher, or other employee of the Academy who has knowledge of any incidents involving discrimination or harassment of students) is strongly urged to report the incident(s) in writing to a school official or the Academy I Vice Principal of Curriculum and Instruction, who is the designated EEO/Title IX Coordinator and ADA/504 Specialist. Complaints should be filed as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days of the last act of harassment or discrimination).
 - b. Academy I officials must report in writing, within two (2) work days, any allegations of discrimination or harassment to the Academy President or Management Company Representative and to the Vice Principal of Curriculum and Instruction. If the President or Management Company Representative is directly involved with a complaint or closely related to a party to the complaint, then the incident may be reported directly to the Vice Principal of Curriculum and Instruction.
 - c. **Filing the Complaint Form** – Consistent with OCR guidelines, a formal complaint process is required for any complaint against an employee. The complainant (or the custodial parent(s)/guardian if the complainant is a minor as defined in paragraph (5)(f)) may file a complaint in writing with the President or Management Company Representative/designee, or Vice Principal of Curriculum and Instruction by using the Student Complaint form (PBSD 1615), available on the Palm Beach School District web site at www.palmbeach.k12.us/Records/Forms.htm. The Witness Statement form (PBSD 1616) is to be completed by witnesses to the alleged incident.
 - i. Complaints should be filed as soon as possible but no later than one hundred eighty (180) calendar days after the alleged incident (that is, within 180 days of the last act of harassment or discrimination). Failure on the part of the complainant to initiate and/or follow up on the complaint within this period may result in the complaint being abandoned.
 - ii. The President or Management Company Representative/designee may assist the individual in completing the form by recording information on the Student Complaint Report form, reviewing it with the complainant, and obtaining the complainant's signature. The complainant will be requested to provide signed, specific information regarding the alleged harassment or discrimination, the alleged offender(s), witnesses, and other relevant information.
 - iii. A copy of the completed complaint form shall be filed with the Vice Principal of Curriculum and Instruction.
 - d. **Notice to Parent(s)/Guardians** – Within two (2) days of receiving the complaint, and in accordance with federal and state privacy laws, the President or Management Company Representative/designee shall notify the custodial parent(s)/guardian of any minor student as defined in paragraph (5)(f) who is allegedly subject to harassment or discrimination. Notification

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may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/guardian if the students are minors) will also be notified of events and decisions described in this policy.

- e. **Investigation by the Vice Principal of Curriculum and Instruction/or designee** – The South Tech Charter Academy, Inc. Vice Principal of Curriculum and Instruction also serves as the EEO/Title IX Coordinator and ADA/504 Specialist as noted in paragraph (5) The Vice Principal of Curriculum and Instruction/designee shall document and begin within two (2) work days to thoroughly investigate all complaints of harassment or discrimination, including the following steps to ensure problems are appropriately addressed:
 - 1. Talk with the complainant within (2) work days after receiving the complaint form. The complainant (and/or Custodial parent(s)/guardian of the complainant if he/she is a minor) shall have the opportunity to describe the incident, present any evidence, name witnesses, and ensure that the complaint is put in writing.
 - ii. Talk with any witnesses or others who may have relevant information, and
 - iii. Conduct an investigative meeting with the accused/employee, and the accused/employee's representative if applicable, to discuss the allegations and allow the accused/employee to respond to the allegations.
 - f. During the investigation, the Compliance Officer/designee may recommend any action necessary to protect the complainant, or other students or employees, consistent with the requirements of applicable statutes, State Board of Education Rules, Governing Board Policies and applicable collective bargaining agreements.
 - i. In general, complainants will continue pursuing their studies as directed while the investigation is conducted and the complaint is pending resolution.
 - ii. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the Vice Principal of Curriculum and Instruction/designee shall also discuss the complaint with the following persons as appropriate.
 - A. Academy President or Management Company Representative
 - B. Secondary School Principal
 - C. Academy police
 - D. The custodial parent(s)/guardian of the complainant if the complainant is under eighteen (18) years of age (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to a disability).
 - E. A teacher or staff member whose knowledge of the students involved may help determine who is telling the truth.
 - F. The accused/employee
 - G. Child protective agencies responsible for investigating child abuse; and/or
 - H. Legal counsel for the Board.
10. **Decision of the Vice Principal of Curriculum and Instruction/designee** – Upon completion of the investigation, within thirty (30) calendar days of receiving the complaint if possible, the Vice Principal of Curriculum and Instruction/designee shall make a decision about the validity of the allegations in the complaint.
- a. The Vice Principal of Curriculum and Instruction/designee shall discuss the determination and any recommended corrective action with the Academy President or Management Company Representative/designee.
 - b. In reaching a decision about the complaint, the following should be taken into account:
 - i. Statements made by persons identified in paragraphs (9)(e)(f) above;
 - ii. The details and consistency of each person's account;
 - iii. Evidence of how the complainant reacted to the incident;
 - iv. Evidence of past incidents of harassment or discrimination complaints by the accused/employee (provided that, if evidence of past harassment/discrimination incidents are to be considered, the investigator must review in their entirety the files regarding those past incidents);

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- v. Evidence of past harassment or discrimination complaints that were found to be untrue (provided that, if evidence of past harassment/discrimination accusations or complaints are to be considered, the investigator must review in their entirety the files regarding those past complaints); and
- vi. Case law, state and federal laws and regulations, and the Board's Policies prohibiting harassment and discrimination.
- c. To determine the severity of the harassment or discrimination, the following may be considered:
 - i. How the misconduct affected one or more student's education;
 - ii. The type, frequency, and duration of the misconduct;
 - iii. Number of persons involved;
 - iv. The subject(s) of harassment or discrimination;
 - v. The place and situation where the incident occurred; and
 - vi. Other incidents at the Academy
- d. The following actions or discipline may be taken, consistent with any applicable collective bargaining agreement provisions, to resolve a complaint of harassment or discrimination:
 - i. No action if the complaint is unsubstantiated;
 - ii. Training requirements for the employee;
 - iii. Oral reprimand of the employee;
 - iv. Written reprimand of the employee;
 - v. Suspension of the employee; or
 - vi. Termination of the employee.
 - A. For the first verified offense of harassment of, or discrimination against, a student, suspension should be recommended for a minimum of thirty (30) days without pay.
 - B. Suspension without pay and/or termination requires Board action.

11. Appeal Procedure for the Accused/Employee -

- a. **Appeal to South Tech Charter Academy, Inc. President or Management Company Representative** – If the complainant (or custodial parent(s)/guardian if the complainant is a minor as defined in paragraph (5)(f)) is dissatisfied with the Vice Principal of Curriculum and Instruction's decision, the decision may be appealed in writing to the Academy President or Management Company Representative within ten (10) days after receipt of the decision.
 - i. If the President or Management Company Representative is directly involved with a complainant or closely related to a party in the complaint, then the legal counsel to the Board will be asked to review the matter and report findings to the Board.
 - ii. **Notice** – Notice of the appeal shall be given in writing to the parties (and their custodial parents/guardian if the parties are minors) within two (2) days of receipt of the appeal.
 - iii. The President or Management Company Representative/designee shall review the written complaint, the accused/employee's response to the complaint, and all documentation pertaining to the alleged harassment or discrimination, including the Vice Principal of Curriculum and Instruction's decision.
 - A. The President or Management Company Representative may request additional information.
 - B. The President or Management Company Representative shall issue a written decision to the parties (and the custodial parents/guardians if the complainant is a minor) within twenty (20) calendar days of request of the appeal. The decision of the President or Management Company Representative is the final decision of South Tech Charter Academy, Inc..
- b. **Other Means of Resolution** – If the complainant is not satisfied with the results of the procedure contained in this policy, he or she may utilize other means for resolution as provided by law, including seeking recourse through the Office of Civil Rights (OCR).

12. GRIEVANCE PROCEDURE FOR SEXUAL HARASSMENT OR DISCRIMINATION BY VOLUNTEERS, VISITORS, OR CONTRACTORS – Investigation of Complaints Against an Academy Volunteer, Visitor or Contractor/Consultant, or Other Third Party

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- a. The Governing Board will not tolerate harassment or discrimination by school volunteers, consultants, independent contractors, sub contractors (or their employees), or any third party in the school (or outside the school at school-sponsored events), on school busses, or at training facilities sponsored by the Academy or Charter School Sponsor. Any such alleged harassment or discrimination should be reported immediately to the Academy President or Management Company Representative, using the same formal written complaint process as would be used to report harassment or discrimination by an Academy employee. The complaint should be filed as soon as possible, at least within one hundred eighty (180) calendar days of the alleged incident (i.e. within 180 days of the last act of alleged harassment or discrimination).
- b. It is the responsibility of the President or Management Company Representative to forward all complaints to the Vice Principal of Curriculum and Instruction within two (2) work days.
- c. Within two (2) work days of receiving the complaint, and in accordance with federal and state privacy laws, the President or Management Company Representative/designee shall notify the custodial parent(s)/guardian of any minor student as defined in paragraph 5(f) who is allegedly subject to harassment or discrimination. Notification may be made by telephone, letter, or personal conference. The students involved (and their custodial parent(s)/guardians, if the students are minors) will also be notified of events and decisions described in this policy.
- d. Within two (2) days of receiving the complaint, the Vice Principal of Curriculum and Instruction/designee shall begin an investigation, using procedures similar to those used for investigation of allegations against Academy employees.
- e. If the Academy's investigation substantiates a complaint of sexual harassment or discrimination by a school volunteer, visitor, consultant/independent contractor, vendor, or other third party, the President or Management Company Representative shall promptly recommend appropriate action. As stated in OCR's *Revised Sexual harassment Guidance (2001)*:

The type of appropriate steps that the school shall take will differ depending on the level of control that the school has over the third party harasser. For example, if athletes from a visiting team harass the home school's students, the home school may not be able to discipline the athletes. However, it could encourage the other school to take appropriate action to prevent further incidents; if necessary, the home school may choose not to invite the other school back.
- f. Depending on the situation, an appropriate response may include, but not limited to, revoking the volunteer's status under South Tech Charter Academy, Inc. Board Policy 2.18; asking the visitor to refrain from returning to the campus; requesting a contractor to remove an employee from a project at the school site and discipline the employee; or debarring a vendor. The Academy's response will be designed to eliminate the harassment or discrimination and prevent its reoccurrence. If the complainant is not satisfied with the Academy's response, he/she (or the Parent(s)/guardians of a minor student) may appeal according to the procedures used to appeal a decision regarding alleged harassment or discrimination by an Academy employee under Section 11(a).
- g. **Other Means of Resolution** – If the complainant is not satisfied with the results of the procedure contained in this policy, he or she may utilize other means for resolution as provided by law, including seeking recourse through the Office of Civil Rights (OCR).

13. Confidentiality

- a. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. § 1002.22(3)(d); the Family Educational Rights and Privacy Act (FERPA) and any other applicable law, such as Fla. Stat. §§ 119.07(3)(p)(u); 1012.31(3)(a); or 1012.796(1)(c).
- b. Limited disclosure may be necessary to complete a thorough investigation as described above. The Academy's obligation to investigate and take corrective action may supercede an individual's right to privacy.
- c. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.

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14. **Informing Students and Employees About this Policy** – Notice of the existence of this policy, prevention plan, and procedures shall be posted in prominent locations in all Academy buildings, including information on how to receive a copy. Notice shall be included annually in Student, parent, and staff handbooks.
15. **Retaliation Prohibited**
- a. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment in connection with filing a complaint or assisting with an investigation under this policy.
 - b. Retaliatory or intimidating conduct against any individual who has made a harassment or discrimination complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited.
 - c. The President or Management Company Representative/designee, and Vice Principal of Curriculum and Instruction, if applicable, shall inform complainants they are protected by law from retaliation.
16. **Additional Assistance Available**
- a. In all cases, South Tech Charter Academy, Inc. reserves the right to refer the results of its own investigation to the State Attorney for the Fifteenth Judicial Circuit of Florida for possible criminal charges, whether or not the Academy takes any other action.
 - b. The Academy will provide counseling services for students who have experienced harassment or discrimination against them.
 - c. Training will be provided to assist teachers and counselors who work with students to prevent harassment and discrimination.
 - d. The Office of Civil Rights is the federal agency in the Department of Education that monitors schools' compliance with Title IX, Title VI, Title II of The Americans With Disabilities Act, and Section 504, and it can be contacted at 1-800-421-3481; by fax at (404) 582-6455, or by e-mail at OCR_Atlanta@ed.gov.

Authority: §§ 1001.41(2); 1001.43(1)(6); 1006.07; 1012.23(1) Fla. Stat.

Implemented: §§ 119.07(3)(p)(u); 1000.05(2)(a)(b) (Florida Education Equity Act); 1002.22(3)(a)(d); 1001.41(1)(2); 1006.07(2)(h); 1006.08; 1012.31(3)(a); 1012.796(1)(c); 760.01(2), Fla. Stat.; 42 U.S.C.12131, et. seq. (Title II of the Americans With Disabilities Act); 20 U.S.C. § 1681-1688 (Title IX of the Education Amendments of 1972); 42 U.S.C. § 2000d et. seq. (Title VI of the Civil Rights Act of 1964); 29 U.S.C. § 794 (Section 504 of the Rehabilitation Act of 1973); 20 U.S.C. § 1232g (Family Educational Rights and Privacy Act) (FERPA)

State Board Rules 6A-1901; 6A-1902; 6A-19.008; 6A-1.0404(5)(7); 6B-1.006(3)(a)(g)
Supplemented:

History: New: 7/31/2012

Reference: Palm Beach School District Policy 5.001

RULES OF THE SCHOOL BOARD OF PALM BEACH COUNTY, FLORIDA

Title 6Gx50
Chapter 5. Pupil Personnel
Section 5.002

Policy 5.002 Prohibition of Bullying and Harassment

1. **Purpose.** The paramount goal of the School Board is to ensure a safe, secure, civil and respectful learning environment for all students and school employees. Bullying or harassment, like other disruptive or violent behaviors, is conduct that disrupts both a student's ability to learn and a school's ability to educate its students in a safe environment. It is important to change the social climate of schools and the social norms with regard to bullying and harassment. This requires the efforts of everyone in the school environment - teachers, administrators, counselors, other non-teaching staff, parents or legal guardians, and students. The purpose of this policy is to assist the School District in its goal of preventing and responding to acts of bullying or harassment and its compliance with the Jeffrey Johnston Stand Up for All Students Acts, Section 1006.147, and Florida Statutes.
2. **General Applicability of Policy.** This policy applies not only to students or school employees who directly engage in an act of bullying or harassment, but also to students or school employees who, by their indirect behavior, condone or support another student's or employee's act of bullying and harassment. The misuse of technology including, but not limited to, teasing, intimidating, defaming, threatening, or terrorizing another student, teacher, administrator, volunteer or other employee of the school district by sending or posting e-mail messages, instant messages, text messages, digital pictures or images, or Web site postings, including blogs, also may constitute an act of bullying or harassment regardless of whether such acts are committed on or off school district property and/or with or without the use of school district resources. This policy applies to any students or school employees whose conduct at any time or in any place constitutes bullying or harassment that interferes with or obstructs the mission or operations of the school district or the safety or welfare of the student, other students, or employees.
3. **Statement of Policy.** The School District prohibits bullying and harassment of any type of students or school employees, by either a student or a group of students, a school volunteer or visitor, or a school employee. Bullying and harassment are expressly prohibited on school district property or at school-related functions.
 - a. No teacher, administrator, volunteer or other school employee shall permit, condone or tolerate bullying and harassment.
 - b. The apparent permission or consent by a student being bullied or harassed does not lessen the prohibitions contained in this policy.
 - c. Reprisal or retaliation against a victim, good faith reporter, or a witness of bullying or harassment is prohibited.
 - d. False accusations or reports of bullying or harassment against another student are prohibited.
 - e. A person who engages in an act of bullying, reprisal, or false reporting of bullying and harassment, or permits, condones or tolerates bullying and harassment shall be subject to discipline for that act in accordance with school board policies.
 - f. The school district will act to investigate all complaints of bullying or harassment and will discipline or take appropriate action against any student, teacher, administrator, volunteer, or other employee of the school district who is found to have violated this policy.
 - g. The submission of good faith complaints or reports of bullying or harassment will not affect the reporter's future employment, grades or work assignments, or educational or work environment.
4. **Definitions.**
 - a. **Bullying** means systematically and chronically inflicting physical hurt or psychological distress on one or more students or school employees. It is further defined as unwanted and repeated written, verbal, or physical

behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:

- i. Teasing
 - ii. Social exclusion
 - iii. Threat
 - iv. Intimidation
 - v. Stalking
 - vi. Physical violence
 - vii. Theft
 - viii. Sexual, religious, or racial/ethnic harassment
 - ix. Public humiliation
 - x. Damaging or Destruction of property
 - xi. Placing a student in reasonable fear of harm to his or her person or property
 - xii. Cyberbullying, as defined herein.
 - xiii. Cyber-stalking as defined herein.
- b. *Cyberbullying* means the use of electronic communication or technology devices, to include but not be limited to, e-mail messages, instant messaging, text messaging, cellular telephone communications, internet blogs, social websites (e. g. MySpace, Facebook, etc.), internet chat rooms, internet postings, digital pictures or images, and defamatory websites to engage in acts of bullying or harassment regardless of whether such acts are committed on or off school district property and /or with or without the use of school district resources. For off-campus conduct, the School District shall be responsive in cases where the off-campus conduct causes, or threatens to cause, a substantial disruption at school or interference with the rights of students to be safe and secure.

The School Board recognizes that cyberbullying can be particularly devastating to young people because:

- i. Cyber bullying is often engaged in off-campus, but the harmful impact is felt at school.
- ii. Cyberbullying permits an individual to easily hide behind the anonymity that the Internet and other technology devices provide;
- iii. Cyberbullying provides a means for perpetrators to spread their harmful and hurtful messages to a wide audience with remarkable speed;
- iv. Cyberbullying does not require individuals to own their own action, as it is usually very difficult to identify cyberbullies because of screen names, so they do not fear being punished for their actions; and
- v. The reflection time that once existed between the planning of a prank - or a serious stunt - and its commission is all but erased when it comes to cyberbullying activity.

- c. **Cyberstalking** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose, as defined in Sec. 784.048(1)(d), F.S., as now or hereafter amended.
- d. **Harassment** means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written or verbal or physical conduct directed against a student or school employee that
- i. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 - ii. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - iii. Has the effect of substantially disrupting the orderly operation of the school; or
 - iv. Amounts to cyberbullying as defined herein.
- e. **Bullying and Harassment also encompass**
- i. Any act of retaliation by a student or school employee against another student or school employee who alleges, asserts or reports a violation of this policy or participates in the investigation of a bullying or harassment complaint. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.
 - ii. Perpetuation of conduct listed in the definition of bullying or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - A. Incitement or coercion;
 - B. Accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the School District system;
 - C. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment;
 - D. Cyberstalking as defined herein; or
 - E. Hazing as defined by Section 1006.135, Florida Statutes, as now or hereafter amended.
 - iii. Unwanted harm towards a student in regard to his/her actual or perceived traits or characteristics, including but not limited to age, color, creed, national origin, race, religion, marital status, sex, sexual orientation, gender expression and/or identity, physical attributes, physical, mental or educational ability or disability, ancestry, socio-economic background, political beliefs, linguistic preferences, or familial status.
- f. **Immediately** means as soon as reasonably possible but within 24 hours or the next school day.
- g. **On school district property or at school-related functions** means all school district buildings, school grounds, and school property and property immediately adjacent to school grounds, school bus stops, school buses, school vehicles, school contracted vehicles, or any other vehicle approved for school district purposes, the area of entrance or departure from school grounds, premises or events, and all school related functions, school-sponsored activities, events or trips. School district property also may mean a student's walking route to or from school for purposes of attending school or school-related functions, activities or events. While prohibiting bullying and harassment at these locations and events, the school district does not represent that it will provide

supervision or assume liability for incidences at these locations and events.

5. *Expected Behaviors On School Property or At School Related Functions.*

The School Board expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment. In addition to conducting themselves in a professional manner with supervisors, colleagues, and students, school administrators, teachers, staff, and volunteers will treat others with civility and respect, and will refuse to tolerate bullying or harassment. The School District finds that bullying and harassment, in an active or passive form, of any student or school employee is prohibited:

- a. During any school related education program, function or activity conducted by the School District;
- b. During any school-related or school-sponsored program, function or activity;
- c. While on school district property as defined by this policy; or
- d. Through the use of any electronic device, computer, or computer software that is accessed through a computer, computer system, or computer network of the School District. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary actions.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parent(s) or legal guardian(s), staff and community members, producing an atmosphere that encourages pupils to grow in self-discipline. The development of this atmosphere requires respect for self and others, as well as for school district property on the part of students, school staff and community members.

All administrators, faculty, and staff, in collaboration with parents, students, and community members, will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, conforming to reasonable standards of socially acceptable behavior, respecting the person, property, and rights of others, obeying constituted authority, responding to those who hold that authority, self-discipline, good citizenship, and academic success, as seen in the required school plan to address positive school culture and behavior.

Students are encouraged to support other students who walk away from acts of bullying and harassment when they see them, constructively attempt to stop them, and report such acts to the School Principal or his/her designee.

Students are required to conform to reasonable standards of socially acceptable behavior: respect the person, property and rights of others; obey constituted authority; and respond to the educational, support and administrative staff.

6. *Consequences for Prohibited Conduct, False Reporting and Reprisal or Retaliation.*

- a. *Act of Bullying or Harassment.* Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident can not be raised as a defense in any disciplinary action. For the commission of an act of bullying or harassment, the following consequences shall be applicable:
 - i. Consequences and appropriate remedial action for students who commit acts of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Student Codes of Conduct*, as provided in School Board Policies 5.18 through 5.1899.
 - ii. Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment shall be determined in accordance with the District's policies and applicable collective bargaining agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate as provided in *The Principles of Professional Conduct of the Education Profession in Florida*, Rule 6B-1006, F. A.C.
 - iii. Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act

of bullying or harassment shall be determined by the School Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.

- b. ***False Reporting.*** The consequences for a student or employee found to have wrongfully and intentionally accused another of an act of bullying or harassment shall be as follows:
- i. Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another of bullying or harassment range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the *Student Code of Conduct*.
 - ii. Consequences and appropriate remedial action for a school employee found to have wrongfully and intentionally accused another of bullying or harassment shall be determined in accordance with District policies, procedures and agreements.
 - iii. Consequences and appropriate remedial action for a visitor or volunteer found to have wrongfully and intentionally accused another of bullying or harassment shall be determined by the School Principal after consideration of the nature, severity and circumstances of the act, including reports to appropriate law enforcement officials.
- c. ***Reprisal or Retaliation.*** The School District will discipline and take appropriate action against any student, teacher, administrator, volunteer, or other employee of the school district who retaliates against any person who makes a good faith report of alleged bullying and harassment or against any person who testifies, assists, or participates in a proceeding or hearing relating to such bullying or harassment.
- i. The consequences and appropriate remedial action for a student, teacher, school administrator or school volunteer who engages in reprisal or retaliation shall be determined by the Principal or his or her designee after consideration of the nature, severity and circumstances of the act, in accordance with case law, Federal and State laws, School Board policies and any applicable agreements.
 - ii. Any student found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, suspension and expulsion.
 - iii. Any school teacher or school administrator found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, termination of employment.
 - iv. Any school volunteer found to have engaged in reprisal or retaliation in violation of this policy shall be subject to measures up to, and including, exclusion from school grounds.

7. *Reporting of Prohibited Acts.* At each school, the School Principal or designee shall be responsible for receiving complaints alleging violations of this policy.

- a. Any person who believes he or she has been the victim of bullying or harassment, or any person with knowledge or belief of conduct that may constitute bullying or harassment shall report the alleged acts immediately to the School Principal or designee.
- b. All school employees who receive a report of, observe, or have other knowledge or belief of conduct that may constitute bullying or harassment shall inform the Principal or designee immediately.
- c. The Principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, visitors, and parents, how a report of bullying may be filed and how this report will be acted upon.
- d. A student, parent or guardian, volunteers or visitors may report bullying or harassment incidents anonymously, on a designated complaint form, or in-person to the Principal or designee. However, the student may make a report of bullying or harassment to any school employee. The school employee will assist the student in reporting to the Principal or designee.
 - i. The School Principal or designee will devise anonymous methods of filing a report of bullying or

harassment by a student, parent, volunteer or visitor. Such formats may include electronic, drop-box, or telephone techniques for reporting, but the chosen format must promote safety and privacy. Although reports may be made anonymously by students, parents, volunteers or visitors, formal disciplinary action may not be based solely on the basis of an anonymous report. Independent verification of the anonymous report shall be necessary in order for any disciplinary action to be applied.

- e. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such acts.

8. Investigation of Complaints.

- a. The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act.
- b. The Principal or designee will begin a prompt investigation of the reported incident, but such investigation shall be commenced no later than the next school day. The person initiating the investigation may not be the accused perpetrator or victim. The maximum of 10 school days shall be the limit for the initial filing of incidents and completion of the investigative procedural steps.
- c. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- d. The investigating party shall collect and evaluate the following facts including but not limited to:
 - i. Description of incident(s) including the nature of the behavior;
 - ii. Context in which the alleged incident(s) occurred;
 - iii. How often the conduct occurred;
 - iv. Whether there were past incidents or past continuing patterns of behavior;
 - v. The relationship between the parties involved;
 - vi. The characteristics of parties involved, i. e. grade, age, etc.
 - vii. The identity and number of individuals who participated in bullying or harassing behavior;
 - viii. Where the alleged incident(s) occurred;
 - ix. Whether the conduct adversely affected the student's education or educational environment;
 - x. Whether the alleged victim felt or perceived an imbalance or power as a result of the reported incident; and
 - xi. The date, time and method in which parents or legal guardians of all parties involved were contacted.
- e. Whether a particular action of incident constitutes a violation of this policy shall require a determination based on all facts and surrounding circumstances and shall include:
 - i. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 - ii. A written final report to the School Principal.

- f. The principal or designee will make a determination whether or not the reported act of bullying or harassment falls within the scope of the School District. If the situation could possibly fall outside the domain of the School District, the principal or designee will consult with School Police to determine if the alleged act should be managed as a criminal act.
 - i. If it falls within the jurisdiction of School Police, school discipline and reporting procedures will be followed.
 - ii. If the alleged act is outside the jurisdiction of the School District, the School Police or School Principal will contact and refer the incident to the appropriate local law enforcement agency.
 - iii. If the incident is outside the scope of the District and determined not a criminal act, the School Principal shall inform the parents or legal guardians of all students involved.
- g. If the School Principal or designee is directly and personally involved with a complaint or is closely related to a party to the complaint, then the area superintendent shall be asked to conduct the investigation.

9. Notification to Parents or Guardians.

- a. The Principal or designee shall promptly report to the parents or legal guardians of a student who has been reported as a victim of bullying and/or harassment, and the custodial parent(s) or legal guardians of the perpetrator of the alleged acts of bullying and/or harassment. Such notification shall occur on the same day an investigation has been initiated, and may be made by telephone, writing, or personal conference. All notifications shall be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
- b. If the incident results in the perpetrator(s) being charged with a crime, the School Principal or designee shall by telephone or writing, inform the parents or legal guardians of the victims involved about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Section 9532) that states "...a student who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or public elementary school or secondary school within the local educational agency, including a public charter school."
- c. The frequency of notification will be dependent on the seriousness of the bullying or harassment incident.

10. Referrals for Counseling Intervention. When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services will be made available to the victim(s), perpetrator(s) and parents/guardians, as appropriate. In addition to disciplinary actions, the Principal will offer assistance to students who bully or harass others, including, as appropriate, behavior intervention plans or referrals to counseling services.

- a. The teacher or parent/legal guardian may request informal consultation with school staff, e. g., school counselor or school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardians are included.

11. Publication, Training and Education.

- a. At the beginning of each school year, the Principal or designee shall inform school staff, parents/guardians, and students of the School District's policy prohibiting bullying or harassment, the effects of bullying and other applicable initiatives to prevent such conduct.
- b. This policy shall be referenced in the Student Code of Conduct, in the School District's employee and student handbooks, and other means as determined by the Superintendent.
- c. The School District may implement programs and other initiatives to prevent bullying or harassment, to respond to bullying and harassment in a manner that does not stigmatize the victim, and to make resources or referrals to resources available to victims of bullying and harassment.

- d. The Superintendent or designee shall make vendors or contractors aware of this policy.
 - e. The Department of Safe Schools shall devise posters or other signage to provide reminders of this policy for display on school grounds and school buses.
12. **Immunity for Good Faith Reporting.** Any school employee, school visitor, volunteer, student, parent or legal guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official designated in this policy and who makes this report in compliance with the procedures set forth in the policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.
13. **Reporting of Bullying and Harassment.** Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline required under Section 1006.09(6), Florida Statutes. The principal or designee will report each incident of bullying and harassment, and the resulting consequences, including discipline and referrals, in the Safety Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data. The report shall also include *bullying/harassment* as an incident code, as well as the "bullying-related" element code to situations that meet the definition of bullying along with an accompanying behavior, i.e. "Battery, Bullying-related", as required by state laws.
14. **On-going Reporting to Target's Parents/Guardians.** Following an appropriate investigation, Principals or designees will report to the target's parents what steps have been taken to protect the student. Follow-up reports will be designed based on the success of the interventions and will continue in a fashion that is deemed necessary by the Principal. Notification will be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).
15. **Privacy and Confidentiality.**
- a. To the greatest extent possible, all complaints will be treated as confidential and in accordance with Fla. Stat. § 1002.22(3) (d); the Family Educational Rights and Privacy Act ("FERPA"); and any other applicable laws.
 - b. Limited disclosure may be necessary to complete a thorough investigation as described above. The District's obligation to investigate and take corrective action may supersede an individual's right to privacy.
 - c. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.
16. **Constitutional Safeguard** This policy shall not be interpreted to infringe upon the First Amendment rights of students (i.e., to prohibit a reasoned and civil exchange of opinions, or debate, that is conducted at appropriate times and places during the school day and is protected by federal and state laws).

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.41(2); 1001.42

LAWS IMPLEMENTED: Fla. Stat. §§ 1001.43, 1003.04, 1003.31, 1003.32, 1006.07, 1006.08, 1006.09, 1006.10, 1006.147, F. S.; 20 USC 1232g

HISTORY: 12/10/2008

WELLNESS PROMOTION

1. This Policy is intended to fulfill the requirement under Public Law 108-265 § 204 (2004) (42 U.S.C. § 1751 Note) that school districts shall have a "local school wellness policy" to promote student health and reduction of childhood obesity.
2. South Tech Charter Academy, Inc. will engage students, parents, teachers, food service professionals, health professionals, and other interested community members in implementing, monitoring, and reviewing Palm Beach District-wide nutrition and physical activity policies, and recommending the development of amendments to this Policy or the development of additional wellness policies.
3. The South Tech Charter Academy, Inc. Governing Board is committed to providing a school environment that enhances learning and development of lifelong wellness practices. The Academy shall promote a school environment that encourages and protects children's health, well-being, and ability to learn, by supporting healthy nutrition and physical activity. Since the Academy contracts food services with the Palm Beach School District, South Tech will cooperatively work with the District in implementing its' Wellness Promotion Policy.
4. The school environment should be safe, comfortable, and aesthetically pleasing; and schools should allow ample time and space for eating meals. Food and/or physical activity should not be used as a reward or punishment.
5. In addition to providing healthful meals in the cafeteria, schools should also promote wellness by including more healthful selections when foods and beverages are otherwise available on campus during the school day (e.g., in vending machines, concession stands, a la carte, student stores, parties/ celebrations, or fundraisers), consistent with health information in the USDA Dietary Guidelines for Americans (at www.healthierus.gov/dietaryguidelines).

Authority: Fla. Stat. §§ 1001.41(1), (2); 1001.43(1), (6)

Implemented: Fla. Stat. §§ 1001.41(3); 42 U.S.C. § 1751

Reference: Palm Beach School District Policy 1.1

History New: 08/03/2006; Revised: 3/11/2010

STUDENT SELECTION AND ENROLLMENT

South Tech Charter Academy, Inc. is a Charter School and therefore operates as a choice school, recruiting and enrolling students throughout the school year. Students served by this school are those who are, or whose parent(s) or legal guardian(s) are, residents of Palm Beach County, Florida, or other districts with whom inter-district agreements exist. Eligible students who submit a timely application shall be enrolled unless the number of applications exceeds the capacity of a program, class, grade level, or building. In accordance with F.S. 1002.33, the charter school will give enrollment preference to students who are siblings of a student enrolled in the charter school, students who are the children of a member of the Governing Board of the charter school, and students who are the children of an employee of the charter school. If eligible applicants exceed the capacity of a program, class, grade level, or building, a random lottery will be conducted. The lottery will assure that all eligible students who submitted timely applications have a fair and equal chance of selection into the program. All lottery participants not selected will be placed on a waiting list for priority placement into any vacancies that might occur.

A timely application will be considered one received prior to a stated deadline of March first of the year preceding attendance. Applicants for programs that have not exceeded capacity by the stated deadline will automatically be placed in the program of choice if otherwise qualified. Subsequent eligible applicants will be placed in programs on a first-come, first-served basis. All students applying before the stated deadline will be notified of selection status no later than the first week of April. Students applying after the stated deadline will be notified of selection status in a timely manner of four to six weeks after receipt of the application and support documents. Students withdrawn for any reason must repeat the application and approval process before readmission.

Authority: §§ 1002.33, Fla. Stat.

Implemented §§ 1002.33, Fla. Stat

History: New: 2/03/2005; Revised: 7/07/2005; 9/04/2008; 3/11/2010

STUDENT RESIDENCE ENROLLMENT REQUIREMENTS

1. Proof of Domicile Requirements for Initial and Continuing Enrollment

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- A. Absent an approved alternative method of assignment or reassignment, students must attend the school in the attendance zone where the student/parent(s)/legal guardian lives as set forth in School Board Policy 5.01.
- B. Upon initial enrollment in South Tech Academy, proof of domicile is necessary in order to ensure that a student is enrolled in South Tech's service area. Two proofs of domicile reflecting correct address are required to register a student. Examples of acceptable proof may include:
 - i. Current telephone or electric bill
 - ii. Rent receipt with the name of tenant and landlord and contact information.
 - iii. Lease agreement with name of tenant and landlord and contact information.
 - iv. Mortgage .
 - v. Automobile insurance.
 - vi. Current Florida Driver's License/Florida Identification Card.
 - vii. Cellular telephone bill.
 - viii. Credit card statement.
 - ix. United States Postal Service confirmation of address change request or evidence of correspondence.
 - x. Declaration of Domicile form from County Records Department.
- C. Parents on behalf of all new and returning students shall annually complete a "New and Returning Student Registration Form." (PBSD 0636)The form shall be verified under penalties of perjury pursuant to Fla. Stat. § 92.525. A PDF version of the form can be found on the District's website at:
<http://www.palmbeach.k12.fl.us/SupplementalEducationalServices> (form PBSD 0636).
- D. At any time that a student's address changes, it is the parent's responsibility to immediately notify South Tech Charter Academy, Inc. in writing.
- E. Parents are expected to obtain all of the required documentation before enrolling a child in school. In cases of homeless or foster care status, please refer to Section 4 below

2. Additional Proof May be Required

- A. In cases of schools that exceed 100% of enrollment capacity, or in cases of returned mail, or for other good cause, the following procedures may be implemented at the discretion of the President or Management Company Representative/Designee:
 - i. The Property Appraiser's website (PAPA) will be examined to determine the parent's homestead (primary residence) location. A conflicting address indicates that further investigation is required.
 - ii. A call may be made or a letter may be sent to parent(s)/guardian(s) who have conflicting address information, requesting that parent update enrollment information.
 - iii. The President or Management Company Representative/Principal/designee may also require submission of an "Affidavit of Residence" accompanied by the "Proof of Residence Requirements", outlined below. The Affidavit of Residence form is available on the District web site at:
www.palmbeachschools.org/RecordsForm.asp, and shall be verified under penalties of perjury pursuant to Fla. Stat. § 50 92.525
 - iv. The above activities will be conducted by South Tech to the extent allowed by existing resources. In cases of limited resources, the President or Management Company Representative may request assistance from the District by contacting the Superintendent.
- B. Additional Proof-of-Residence Requirements.-- When required (and in addition to the two proofs of domicile reflecting correct residential address under Section (1)(b) above), the parent or legal guardian must present a signed Affidavit of Residence (PBSD 1866) as well as one current document from each of the three columns in the table below (ORIGINAL documentation is required and copies are not accepted; School staff will make copies of all originals) to satisfy the proof-of-residence requirements:

STUDENT RESIDENCE ENROLLMENT REQUIREMENTS

Additional Proof of Residence Requirements

(When required, a document from *each column* must be presented along with a signed Affidavit of Residence, PBSB 1866)

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|--|---|---|
| <p>i. One of the following ORIGINAL DOCUMENTS with Parent/Guardian's Picture ID from the following list (used for parental identification only)</p> <ul style="list-style-type: none">A. current Florida State Driver's License; orB. current Florida State ID Card; orC. valid Passport (passport will not be copied) or consulate-issued photo ID; orD. valid employee photo ID | <p>ii. One of the following ORIGINAL DOCUMENTS with Parent/Guardian's name and address:</p> <ul style="list-style-type: none">A. current valid vehicle registration; orB. current credit card statement (may block out account number); orC. current bank statement (may block out account number) issued within 35 days before the date of registration; orD. current Florida voter registration card; orE. current utility bill: FPL, water, etc.; orF. current non-cellular telephone bills | <p>iii. One of the following ORIGINAL DOCUMENTS with Parent/Guardian's name and address:</p> <ul style="list-style-type: none">A. current Palm Beach County property tax bill of primary residence with parent/guardian's name and property address indicating homestead exemption; orB. current residential rental or lease agreement with the parent/guardian's name and address as well as manager or owner's name and phone number, and and record of last 2 payments (cancelled checks); orC. current homeowners/renters insurance policy; orD. Declaration of Domicile notarized and recorded) |
|--|---|---|
- C. Other documents or information may be accepted as "proof of residency" only under hardship circumstances.
- D. A Post Office box, private mail box (PMB)/mail drop address, or commercial establishment address does not meet residency requirements. Only residential street addresses are accepted. All proofs submitted must show the residential Palm Beach County address. The residential address of a relative of the student does not meet student residency requirements unless the student actually lives with the relative as the student's primary residence.
- E. The name and address from all three sources must match. A P.O box or PMB address is not a valid proof of residence or domicile. A hotel address is a temporary mode of residency and it should be treated as such.
- F. If the parent/guardian resides with someone else temporarily who resides in the school's boundary area, the

STUDENT RESIDENCE ENROLLMENT REQUIREMENTS

parent must submit an "Affidavit of Residence," signed by the parent/guardian and the owner or lessee with whom the parent is residing under penalties of perjury.

3. Submission of False Information; Enforcement

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- A. Florida Statutes § 837.06 provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his or her official duty shall be guilty of a misdemeanor of the second degree. Additionally, a person who knowingly makes a false declaration under penalties of perjury is guilty of the crime of perjury by false written declaration, a felony of the third degree under Fla. Stat. § 92.525.
- B. Families reported to be in violation of the residency requirements through the "Anonymous Residency Tip Line" (561-434-TIPS) may also be investigated, as outlined above.
- C. Students whose parents/guardians are found, after appropriate investigation, to have submitted false information in an effort to enroll a student in a school to which the student shall not have been assigned, shall be immediately withdrawn and referred for enrollment in the appropriate boundary school.
- D. Internal or external review personnel may be used to conduct random checks and to verify information provided. The District may pursue prosecution for any false information knowingly submitted.

4. Enrollment of Students Who are Homeless

- A. Homeless students are defined in Fla. Stat. § 1003.01(12) and include students who are without a fixed, regular and adequate residence. According to the McKinney-Vento Act (Section 725), 42 U.S.C. § 11432(g)(3)(A)-(C), homeless students are to be enrolled in the school immediately that meets the "best interest" of the student. Homeless children must be admitted to the school where they or their families live. [Florida Statute 1003.21 (1)(f)]. Arrangements are to be made for immunizations, transportation and all other school services. Appropriate student school and grade level placement as well as completion of required immunizations and physical examination shall occur within 30 days of enrollment.
- B. A School District of Palm Beach County New and Returning Student Registration form (PBSD 0636) should be completed by the student's parent(s)/guardian(s), signed, and returned to the school. School personnel are strictly prohibited from requesting or requiring documentation of the immigration status of students and families.
- C. School centers should work with the District Director of Student Intervention Services and the homeless shelter to obtain the necessary enrollment documents.
- D. Under no circumstances will students who are homeless be withdrawn due to lack of appropriate enrollment documentation.

5. Enrollment of Students Who are in Foster Care

- A. The registration process for foster care students shall be conducted in private in order to protect the student's confidentiality. No student in shelter or foster care should be denied entrance to school due to a missing form. For issues concerning foster care, contact the District Student Intervention Services Department.
- B. If the student lives in a residence licensed by the Department of Children and Families, the student may be enrolled in the school that serves that licensed residence.

6. Persons Acting as Parent

- A. For purposes of establishing student residency, a "*parent*" is defined as either or both natural or adoptive parent(s) of the student, the student's legal guardian, a person in a parental relationship to the student, or a person exercising supervisory authority over the student in place of the parent, pursuant to Fla. Stat.

STUDENT RESIDENCE ENROLLMENT REQUIREMENTS

§1000.21(5).

- B. The student must actually reside with the parent or Person Acting as Parent as the student's primary residence. For purposes of this section, "primary residence" means the residence in which the child spends most of his or her time.
- C. A Person Acting as Parent must complete form PBSB 1543, which is incorporated herein by reference and is available at www.palmbeach.k12.fl.us/Records/FormSearch.asp

7. Assignment to Correct School

- A. If the President or Management Company Representative determines that the student resides in a SAC which is outside the school boundary (except for a student, with an approved method of assignment or reassignment), the President or Management Company Representative or designee will assist the parents or guardians in enrolling the student in the correct school.
- B. When the student is already enrolled in a school and it is determined that there is a discrepancy in address documentation on file (via returned mail, random checks, investigation or discrepancies in public records, such as the Property Appraiser's Records and/or Voter Registration records), the parent/guardian shall have 10 days to provide sufficient documentation to the President or Management Company Representative/designee to validate primary residence, as outlined herein.
- C. If the President or Management Company Representative determines that insufficient documentation exists to prove that the student resides within the school enrollment boundary, the student will be reassigned to the appropriate home school.
 - i. If, after the parent/guardian's 10 day opportunity to provide further information, the Academy President or Management Company Representative/designee determines that insufficient information exists to prove that the student resides within the school enrollment boundary, the student will be assigned to the appropriate school at the end of the nine-week marking period.
 - ii. However, during the appeal process, the student will remain in his or her current school.

8. Appeal

- A.. If the parent/guardian believes that the determination has been made in error, they shall have 10 days to appeal the determination to the school Principal. The Principal will forward the appeal to the President or Management Company Representative/designee responsible for address verification.
- B. In considering an appeal, the appealing party may appear before the President or Management Company Representative's designee, who shall consider the documentation and information available, as well as the following:
 - i. unique and temporary circumstances such as temporary housing arrangements;
 - ii. fire or other severe damage to a primary residence; or
 - iii. other unique hardship circumstances which are not self-imposed.
- C. The designee shall inform the appealing party of the decision.

Authority: Fla. Stat. §§ 1001.41(1), (2), & (6); 1001.42(23); 1001.43(1)

Implemented: Fla. Stat. §§ 1001.41(6); 1001.42(4)(a), (6); 1002.31

Reference: Palm Beach School District Policy 5.011

South Tech Charter Academy, Inc. Board Policy **5.011**

STUDENT RESIDENCE ENROLLMENT REQUIREMENTS

History:

New: 09/06/2007; Revised: 3/11/2010

UNIFORM GRADING SYSTEM

1. South Tech Academy will use a uniform high school grading system that will be utilized by all staff assigning student grades. The basis for that grading system is Section 1003.437, Fla. Stat.
2. The grading system and interpretation of letter grades used for high school students shall be as follows:
 - a. Grade "A" equals 90 percent through 100 percent, has a grade point average value of 4, and is defined as "outstanding progress."
 - b. Grade "B" equals 80 percent through 89 percent, has a grade point average value of 3, and is defined as "above average progress."
 - c. Grade "C" equals 70 percent through 79 percent, has a grade point average value of 2, and is defined as "average progress."
 - d. Grade "D" equals 60 percent through 69 percent, has a grade point average value of 1, and is defined as "lowest acceptable progress."
 - e. Grade "F" equals zero percent through 59 percent, has a grade point average value of zero, and is defined as "failure."
 - f. Grade "I" equals zero percent, has a grade point average value of zero, and is defined as "incomplete." (Grades of "I" result in a semester calculation of "F" if not replaced with a passing grade.)
3. South Tech Academy operates a 4 X 4 Block schedule. This form of schedule incorporates longer periods to provide a school year's (180 days) instruction) in a half-year (90) days. Grading periods are called Terms, and shall occur at four and one-half week intervals. The school year consists of eight Terms, which is two semesters on a conventional 6 or 7 period day schedule. Each Term is one-quarter of a semester, so four Terms comprises one Semester and meets the Block Schedule time requirements of 120 hours of bona fide instruction to award one high school credit.
 - a. Terms 1, 3, 5, 7 grades will be determined according to the following formula:
 - i. Fifty Percent of the Term grade will be calculated from the average of daily grades, which will be based on participation, seatwork, homework, pop quizzes, focus lesson grades, or a combination of each, but should be based on work that can be made up by students not in attendance.
 - ii. Twenty-Five Percent of the Term grade will be calculated from the averages of grades for projects, essays, shop or lab projects, etc. and other more significant learning opportunities.
 - iii. Twenty Five Percent of the Term grade will be calculated from unit tests, chapter tests, end of Term assessment, and other class assessments.
 - b. Terms 2 and 6 grades will be determined according to the following formula:
 - i. Fifty Percent of the Term grade will be calculated from the average of daily grades, which will be based on participation, seatwork, homework, pop quizzes, focus lesson grades, or a combination of each, but should be based on work that can be made up by students not in attendance.
 - ii. Twenty-Five Percent of the Term grade will be calculated from the average of unit tests, chapter tests, projects, and other more significant learning opportunities.
 - iii. Twenty Five Percent of the Term grade will be calculated from the Mid-Semester assessment.
 - c. Terms 4 and 8 grades will be determined according to the following formula:
 - i. Fifty Percent of the Term grade will be calculated from the average of daily grades, which will be based on participation, seatwork, homework, pop quizzes, focus lesson grades, or a combination of each, but should be based on work that can be made up by students not in attendance.

- ii. Twenty-Five Percent of the Term grade will be calculated from the average of unit tests, chapter tests, projects, and other more significant learning opportunities.
 - iii. Twenty Five Percent of the Term grade will be calculated from the Final assessment.
 - d. Semester grades will be determined according to the following formula: Grades for the four terms, the Mid-Semester assessment, and the final assessment will be totaled and divided by six (6) to determine the semester average grade.
 - e. Semester Exams constitute a separate entry on the Grade Report.
4. Honors points will be used for the purposes of class ranking. A weighted system is used to calculate the student's honor point average (HPA). The standard grade point average (GPA) is based on a 4.0 (**A**), 3.0 (**B**), 2.0 (**C**), 1.0 (**D**), and 0 for any other grade. The grade received in a course is weighted according to the level of the course as indicated in the course descriptions provided by the Guidance Department.
- a. Regular-level courses use the standard scale
 - b. Honors-level and gifted-level courses are weighted at 1.125 times the standard scale
 - c. Advanced Placement (AP) courses offered through the College Board are weighted at 1.5 times the standard scale. In order to obtain the 1.5 weighting, a student must take and pass the standardized AP examination.
 - d. For students entering in the 2006-2007 school year and thereafter, all dual enrollment classes will be weighted the same as AP courses.

STATUTORY AUTHORITY: Fla. Stat. §§ 1003.437, 1007.271

LAWS IMPLEMENTED: Fla. Stat. §§ 1003.437, 1007.271

HISTORY: New: 2/05/09; Revised: 3/11/2010

ESE STUDENT WORK EXPERIENCE

The Governing Board of South Tech Charter Academy, Inc. recognizes the benefit of work experience in promoting ESE student independent living. However, work experience programs must be structured to be compatible with student's abilities and in an environment compatible with those persons to whom the ESE student will have contact. Decisions regarding work experience assignments are to be made by the Child Study Team consisting of the LEA, ESE teacher, student, parent and regular education teacher.

Authority: 230.22(2) FS; 1002.33(9)(k) FS

Implemented: 230.22(2) FS; 1002.33(9)(k) FS

History: New: 10/05/2006

ENFORCEMENT OF SCHOOL ATTENDANCE

1. School attendance is the direct responsibility of parent(s)/guardian(s) and students. Except as provided in Section 1003.24, Fla. Stat. and State Board of Education Rule 6A-1.09513, all students are expected to attend school regularly and to be on time for classes in order to benefit from the instructional program and to develop habits of punctuality, self-discipline, and responsibility.
2. Governing Board policy dictates that school staff responds in a timely manner to unexcused absences through a letter mailed to the home and/or telephone calls.
3. Justifying student absence is the responsibility of the parent(s)/guardian(s) of each student. Justification will be evaluated based on the following Board-adopted definitions of "excused" and "unexcused" absences.
 - a. An "excused" absence is
 - i. Student illness-- If a student is continually sick and repeatedly absent from school, he or she must be under the supervision of a physician in order to receive an excuse from attendance.
 - ii. Medical appointment
 - iii. Death in the family
 - iv. Observance of a religious holiday or service that is recognized as such by all members of the faith.
 - v. Subpoena by law enforcement agency or mandatory court appearance.
 - vi. Other individual student absences beyond the control of the parent or student, as determined and approved by the Principal or the Principal's designee.
 - b. An "unexcused" absence is any absence that does not fall into one of the above excused absence categories. The attendance administrator, or designee, must determine if an absence or tardiness is excused or unexcused according to the criteria established by the Board, within this Policy.
4. The school shall track the excused and unexcused absences in the District's computer system.
5. In the case of an unexcused absence from school or an absence for which the reason is unknown, the Principal (or designee) must contact the home in a timely manner to prevent the development of a pattern of non-attendance.
6. Each school Principal shall implement the steps enumerated in Section 1003.23(1), Fla. Stat. to ensure regular school attendance. If the child does not comply with efforts to enforce school attendance, the President or Management Company Representative will be notified and will file a request for the Superintendent to file a truancy petition pursuant to Section 984.151., Fla. Stat.
7. Each student will be required to attend classes one hundred and eighty (180) days each school year.
8. All school related trips which are authorized by the principal are not considered absences under this Policy. The school related trips should be those which relate to the curriculum.

STATUTORY AUTHORITY: Fla. Stat. §§ 1001.32(2); 1001.41(2);1001.42(17) & (23); 1001.43 (1) & (8)

LAWS IMPLEMENTED: Fla. Stat. §§ 1001.32(2); 1003.26; 1003.24; 1001.43 (8)

HISTORY: New: 2/05/09; Revised: 3/11/2010

GANG CONTROL POLICY

The purpose of the South Tech Charter Academy, Inc. Gang Control Policy is to address problems associated with youth gangs through proactive education and disciplinary action, where necessary. **South Tech Charter Academy, Inc. has a zero tolerance for gang or gang-related activities in school buildings or on school grounds. Participation in any gang or gang-related activity in school buildings or on school grounds will result in the assignment of appropriate discipline and withdrawal from the school. This notice will appear in all student recruitment literature, student admission applications, and the Student Code of Conduct.**

1. DEFINITION OF GANGS (Florida Statute Section 874.03)

- a. Youth and street gang - Any ongoing organization, association or group of three (3) or more persons, either formal or informal, which meets BOTH of the following criteria:
 - i. Has unique common name or common identifying signs, colors, or symbols, and.
 - ii. Has members or associates who, individually or collectively engage repeatedly in, or have repeatedly engaged in criminal activity.
- b. Youth and street gang member - A person who meets any two (2) of the following criteria:
 - i. Admits to gang membership, is a youth up to age 21 who is identified as a gang member by a parent or guardian,
 - ii. Is identified as a gang member by a documented reliable informant,
 - iii. Resides in or frequents, a particular gang's area and adopts their style of dress, use of hand signs, symbols, or tattoos, and associates with known gang members,
 - iv. Is identified as a gang member by an informant of previously untested reliability and corroborated by independent information,
 - v. Has been arrested more than once in the company of identified gang members for offenses which are consistent with usual gang activity,
 - vi. Is identified as a gang member by physical evidence such as photographs or other documentation.

2. OPERATIONAL POLICY AND PROCEDURES

- a. Gang control is the responsibility of all staff members. South Tech Charter Academy, Inc. staff will be vigilant and sensitive to dress, behavior, and activities typically associated with gangs. Administration will be notified immediately upon recognition of any suspected gang-related issues or incidents.
- b. Graffiti is a communication vehicle for gangs and must be removed or covered immediately upon discovery. Allowing graffiti to remain encourages additional graffiti and may contribute to outbreaks of violence. Graffiti will be immediately reported to the office staff, who will, in turn, dispatch a custodian to remove or cover the graffiti. Staff will generate an emergency work order for painting over graffiti that cannot be rendered invisible or illegible through cleaning.
- c. The school administrator shall justify in writing any restrictions of symbolic expression as follows and prior to imposing such restrictions shall articulate:

GANG CONTROL POLICY

- i. Which item of dress, expression, or article is being restricted, and
 - ii. The basis of the administrator's belief based on articulated facts that the exercise of the prohibited activity would materially interfere with or substantially disrupt school activities.
 - d. The type of dress, apparel, activities, acts, behavior or manner of grooming displayed, reflected, or participated in by the student shall not:
 - i. Lead school officials to reasonably believe that such behavior, apparel, activities, acts or other attributes are gang related and would materially interfere or substantially disrupt the school environment or activity and/or educational objectives;
 - ii. Present a physical safety hazard to self, students, staff, employees, or other persons authorized to be on the school campus.
 - e. Student behavior or other attributes in violation of these provisions will be corrected by the student upon direction by school personnel. If the student refuses, the parent/guardian will be notified and appropriate discipline assigned to the student.
 - f. Students identified as being involved in, influenced by, or affiliated with gangs shall be provided assistance and/or programs which discourage gang involvement or affiliation, enhance self-esteem, encourage interest and participation in school or other positive activities and promote membership in authorized school organizations.
 - g. Training to provide increased awareness of the threat to the safety of students, staff and school property which gang-related activity poses shall be provided on an as-needed basis. Presentations shall provide training in current identification symbols used by those involved in gang-related activity and shall include the identification of hand signals, apparel, jewelry, and/or other pertinent gang-related information.
- 3. NOTIFICATION:
 - a. The Academy President or Management Company Representative shall notify the student body of the South Tech Charter Academy, Inc. Gang Control Policy through presentations and publications, including, but not limited to recruitment literature, student admission applications, and the Student Code of Conduct.
 - b. It shall be the responsibility of students and parents to familiarize themselves with said policy.
- 4. REVIEW PROCEDURE:
 - a. Student and/or parents who are in disagreement with handling of gang related issues and/or corrective and disciplinary action associated with the gang control policy may follow Due Process.
 - b. Grievance Procedures stated in Board Policy 5.19 prescribe appropriate steps involved in Due Process.

GANG CONTROL POLICY

Implemented: 230.23(6)(c)(d); 231.05; 232.25 FS

History: New: 11/04/2004; Revised: 7/07/2005; 3/11/2010

REGULAR SCHOOL ATTENDANCE

1. Regular Attendance Is Mandatory--Pursuant to Fla. Stat. §§ 1003.01, 1003.21, 1003.23, and 1003.24, all students who are subject to compulsory attendance shall be required to attend school regularly, as defined in paragraph (1)(b)(i) herein.
 - a. Aside from any exemptions recognized under Fla. Stat. Chapter 1003, the only permissible exception to mandatory regular attendance shall be an excused absence as defined in School Board Policy 5.09.
 - b. Definitions
 - i. "Regularly" or "regular attendance" means attending school *every school day*, including *every class period*, for the *entire class period*, of *each course or class* in which a student is enrolled (or the equivalent of such class periods in schools with block scheduling).
 - ii. A "school day" for a given student, is that portion of the day in which school is actually in session for the group of pupils of which the student is a part. Students may not be counted in attendance while away from the school on a school day unless they are engaged in an educational activity which constitutes a part of the school-approved instructional program.
 - iii. "Subject to compulsory attendance" refers to minors who are required by law to attend school regularly unless an exemption or exception is applicable under Fla. Stat. Chapter 1003.
2. Academic Performance Does Not Excuse Absences--Attendance and academic performance shall be reported separately on student report cards, as required by Fla. Stat. § 1003.33.
 - a. Pursuant to Fla. Stat. § 1003.33(2), schools shall not allow students to be exempted from any academic performance requirements based on practices designed to encourage student attendance. A student's attendance record may not be used in whole or in part to provide an exemption from any academic performance requirement.
 - b. Further, a student's academic performance shall not be used in whole or in part to provide an exemption from any attendance requirement. The Student Progression Plan under South Tech Academy Board Policy 8.012 shall be interpreted consistent with this Policy.
3. Discipline for Attendance Violations--Even if a student with certain absences is allowed to pass a course or pass to the next grade level under the Student Progression Plan, students must be aware that unexcused absences (as defined in Policy 5.09) are prohibited and may result in discipline and/or other interventions.
 - a. In accordance with Fla. Stat. § 1006.09(1) (b), no student shall be *suspended* for unexcused tardiness, lateness, absence, or truancy.
 - b. However, other discipline and/or other interventions besides suspension may be imposed for attendance violations (such as habitual tardiness, failing to attend an assigned class while at school, being out of the assigned area, or leaving class or the school grounds without permission), as provided by other relevant Board Policies, State Board of Education Rules, and Florida Statutes.
4. Make Up Work--Florida Statutes mandate that students be in regular school attendance. The Board's position is that any absence from any class, for any reason, negatively impacts student learning, progress, and achievement. Students are required to make up work missed for all absences, whether excused or unexcused. Make-up work will be graded and included in student grades. Students who fail to make up missed work will be assigned a zero on daily grading for missed days. Repeated failure or refusal to make up work will result in disciplinary action and placement upon a student performance contract.
5. Students with Disabilities--This Policy shall be construed in harmony with the IDEA and Section 504 of the Rehabilitation Act and their federal implementing regulations and parallel state laws and an IEP or 504 Plan implementing such laws.

LAWS IMPLEMENTED:

Fla. Stat. §§ 1001.42, 1001.43, 1003.21, 1003.23, 1003.24, 1003.33,
1003.41, 1006.07, 1006.09

HISTORY:

New 2/05/09

STUDENT CONDUCT AND BEHAVIOR

1. Schools are established for the benefit of all students. The educational purposes of the schools are best accomplished in a climate of student behavior that is socially acceptable and conducive to the learning and teaching process. Student behavior that disrupts this process or that infringes upon the rights of other individuals will not be tolerated.
2. The Governing Board supports the administrative staff and teachers in taking all necessary steps, **exclusive of corporal punishment of any kind, at any time or in any circumstance**, to enforce and implement all board policies and administrative directives to maintain appropriate student behavior. Important among these policies and directives are those in the areas of conduct, discipline, suspensions and expulsions, and enhancing the climate for learning.
3. Palm Beach School District policies inclusive of **5.181** through **5.1891** are adopted and shall serve as the basis for South Tech Charter Academy, Inc. Board code governing student conduct and discipline. All discipline shall be administered in accordance with provisions of the Palm Beach School District “Matrix of Incidents and Actions for Secondary Schools”.
4. The Board recognizes that the code of student conduct must be compliant with the Individuals with Disabilities Education Act (IDEA) and Section 504 of the Rehabilitation Act. Therefore, students eligible for services under IDEA or Section 504, will be disciplined in accordance with these Acts and are governed by those Board policies which specify application to students covered under IDEA and Section 504.
5. The codes shall be distributed to all school personnel, students, parents or guardians and discussed at the beginning of every school year.
6. In accordance with § 1006.13 FS, the Board adopts a policy of zero tolerance for crime, gang-related activity, substance abuse, possession of a firearm, and threats of violence.
7. To the extent that any definition, recommended disciplinary action or any provision in the policies serving as the basis for code governing student conduct are contrary to state law, state board of education rule, the law or state board rule shall control.
8. Grievance Against Schools
 - a. Students, parents or guardians are required to follow the procedures outlined in South Tech Charter Academy, Inc. Board Policy 5.19 for addressing grievances against the school.
 - b. Grievances associated with student boycotts, walkouts, and sit-ins, must be presented by the parents themselves rather than by students.

Authority: FS 230.23(6)(c)(d); 230.23(8); 230.23(22); 1006.13; 230.23005(1)

Implemented: FS 230.23(6)(c)(d); 230.23005(1); 1006.13; 18 U.S.C. §§ 921(a)(25)(26); 922(q)(2)(3); 924(a)(4)

Reference: Palm Beach School District Policy 5.18

History: New: 8/19/2004, Revised: 11/04/2004; 7/07/2005, 4/14/16

THREATS OF VIOLENCE CONTROL POLICY

The purpose of the South Tech Charter Academy, Inc. Threats of Violence Control Policy is to address associated problems through proactive education and disciplinary action, where necessary. **South Tech Charter Academy, Inc. has a zero tolerance for threats of violence in school buildings, on school grounds, or from remote locations. Making a threat of violence, participating in any threatening activity, or spreading a threat through any communication media or in any other manner will result in criminal prosecution to the fullest extent of law. Students involved in making any threat of violence or associated activity will be immediately suspended and the student expulsion process may be initiated. Notice of this policy and the severity of both committing a threat of violence and the consequences of involvement in such activities will appear in all student recruitment literature, student admission applications, and the Student Code of Conduct.**

- 1) **DEFINITION OF THREATS OF VIOLENCE:** “Credible threat of violence” is **defined** as “a knowing and willful statement or course of conduct that would place a reasonable person in fear for his or her safety, or the safety of his or her immediate family, and that serves no legitimate purpose.” (§ 527.8(b)(2).)
- 2) **OPERATIONAL POLICY AND PROCEDURES:**
 - a) Threats of violence control and management is the responsibility of all staff members. South Tech Charter Academy, Inc. staff will be vigilant and sensitive to any form of violent threats to individuals or groups, whether directed toward students, school staff, or individuals who are not associated with SouthTech Charter Academy.
 - b) Staff will immediately notify administration upon becoming aware of any threat of violence during school hours. After hours, they are expected to contact any member of administration, who in turn, will notify the president and principal. The president and/or principal will notify School Police and other appropriate staff members according to need.
 - c) Students will notify school staff or Administration immediately upon becoming aware of a threat while on campus.
 - d) If students become aware of a threat of violence while not in school, they are expected to notify a responsible adult immediately and report the threat to School Police at 561-434-8700.
 - e) Training to provide increased awareness of the potential dangers due to acts of terrorism or other forms of violence will be provided to students and staff on an as-needed basis. The importance of not diminishing the potential of stated threats will be foremost in all such related training.
- 3) **NOTIFICATION:**
 - a) The Academy President shall notify the student body of the South Tech Charter Academy, Inc. Threats of Violence Control Policy through presentations and publications, including, but not limited to recruitment literature, student admission applications, and the Student Code of Conduct.
 - b) It shall be the responsibility of students and parents to familiarize themselves with said policy.

THREATS OF VIOLENCE CONTROL POLICY

4) **REVIEW PROCEDURE:**

Student and/or parents who are in disagreement with administrative dissolution of threats of violence events and related issues and/or corrective and disciplinary application administered in accordance with enforcing the threats of violence control policy, may follow Due Process as prescribed in Board Policy 5.19.

Authority: 527.8(b)(2), 784.048(1)(c) F S

Implemented: 527.8(b)(2), 784.048(1)(c) F S

History: New: 4/14/16

PARENT/STUDENT GRIEVANCES

1. The Governing Board of South Tech Charter Academy, Inc. recognizes that misunderstandings between students, parents (or guardians), and School staff may occur. It is the intent of this policy to provide a means for resolving these issues.
 - a. A key ingredient in a student's educational success is parental involvement in the student's education. This includes daily parent/student discussion, parental involvement in school activities, such as Open House, Parent Teacher Student Organization (PTSO) meetings, and School Advisory Committee (SAC) meetings.
 - b. Parents and guardians are encouraged to arrange, by appointment, periodic conferences with their student's instructional staff to discuss student progress and needs, and resolve minor misunderstandings.
2. Parents or students wishing to file a formal grievance shall do the following:
 - a. Submit a written request to the Director of Academies and Operations outlining the nature of the grievance and desired resolution.
 - b. The Director of Academies and Operations shall schedule a meeting with the immediate staff member and supervisor involved at a date and time convenient to both parties. This shall occur within five (5) days of receiving the grievance.
 - c. If the issue is not resolved in step 2b, the parent or student may appeal to the Secondary School Principal for resolution. The Principal shall schedule a hearing and deliver a response within ten (10) days of the request.
 - d. If the issue is not resolved in step 2c, the parent or student may appeal to the Academy President or Management Company Representative for resolution. The President or Management Company Representative shall schedule a hearing and deliver a response within ten (10) days of the request.
 - e. The parent or student, after exhausting school center remedies, may appeal the grievance to the Governing Board. The parent or student shall make a request in writing to the Board Secretary requesting a Board hearing. The Board chairman may call the Board to an Executive Session meeting if it is determined necessary to protect confidential information. The Board shall render a final decision on the matter by majority vote within thirty (30) days.
 - f. The parent or guardian may have another adult of their choice attend any of the above sessions, with prior written notification, which includes the person's identity and role, to assist them in articulating their grievance and resolution.
3. The Board, President or Management Company Representative and Academy staff shall respect the rights of students and parents to disagree on an issue, and seek redress without fear of reprisal.

Authority: FS 230.23(6)(c)(d); 230.23(8); 230.23(22); 230.235; 230.23005(1)

Implemented: FS 230.23(6)(c)(d); 230.23005(1); 230.235; 18 U.S.C. §§ 921(a)(25)(26); 922(q)(2)(3); 924(a)(4)

Reference: South Tech Charter Academy, Inc. Policy 5.18

History: New: 8/19/2004; Revised: 7/07/2005, 8/02/2007; 3/11/2010

South Tech Charter Academy, Inc. Board Policy 5.30

REPORTING CHILD ABUSE, ABANDONMENT, OR NEGLECT

All South Tech Academy employees who know or have reasonable cause to suspect that a child is an abused, abandoned, or neglected child shall immediately report such knowledge or suspicion to the Department of Children and Families' Florida 24 Hour Abuse Hotline (1-800-96 ABUSE). Notice of this requirement and the Hotline number shall be posted throughout the school.

Authority: 39.201-39.206, F.S.
Implementation: 39.201), F.S.
History: New: 12/11/08
Reference: Palm Beach School District Policy 5.30

ADMINISTRATION OF STUDENT MEDICATION TREATMENT

1. Duties and Authority of South Tech Charter Academy, Inc. Personnel Regarding Student Medication
 - a. Pursuant to Fla. Stat. § 1006.062 (1), "Notwithstanding the provisions of the Nurse Practice Act, part I of Chapter 464, school district personnel shall be authorized to assist students in the administration of prescription medication," if the following conditions have been met:
 - i. As required by Fla. Stat. § 1006.062 (1)(b)1, for each prescribed medication, the student's parent or guardian shall provide to the school principal a written statement signed Physician's Authorization for Student Medication/Treatment form ("Authorization form") prepared by the Health Department) which shall grant to the principal or the principal's designee permission to assist in the administration of such medication and which shall explain the necessity for such medication to be provided during the school day, including any occasion when the student is away from school property on official school business;
 - ii. "The school principal or the principal's trained designee shall assist the student in the administration of such medication" pursuant to Fla. Stat. § (1006.062(1)(b)(1),
 - iii. School personnel shall be trained by a registered nurse, licensed practical nurse, physician's assistant, or physician according to a procedure which the Health Care District School Nurse Program provides.
 - iv. "Each prescribed medication to be administered by School personnel shall be received, counted, and stored in its original container. When the medication is not in use, it shall be stored in its original container in a secure fashion under lock and key in a location designated by the principal," pursuant to Fla. Stat. § 1006.062 (1)(b)2.
 - v. A properly executed Physician's Authorization for Student Medication/Treatment form ("Authorization form" prepared by the Health Department) must be on file for the student and the particular medication; and
 - vi. Other conditions have been fulfilled, and procedures have been followed, as set forth in this Policy, Sections 1(b) through 8(f)(ii).
 - b. A minimum of two (2) Academy personnel shall be designated by the Principal to assist in the administration of medication. These designees will be trained at the beginning of each school year.
 - c. Academy personnel will be designated by the Principal to administer medication, as necessary, during a field trip. The designee will be trained by a school nurse.
 - d. The Authorization form provided by the custodial parent/guardian shall be a confidential medical record. The Authorization form is to be made available for review only to Academy personnel designated by the principal to administer medication.
 - e. By signing the Authorization form, the custodial parent/guardian provides permission for Academy personnel designated by the Principal to:
 - i. administer medication/treatment;
 - ii. share relevant information with appropriate staff; and/or
 - iii. contact the student's health care provider concerning the medication ordered.
 - f. Pursuant to Fla. Stat. § 1006.062(2), "there shall be no liability for civil damages as a result of the administration of such medication, when the person administering such medication acts as an ordinarily reasonably prudent person would have acted under the same or similar circumstances."
 - g. Schools do not have the authority in the absence of the Authorization form or consent of the custodial parent/guardian to administer, or require students to take, medication.
 - h. Medications are to be kept in a double-locked cabinet or locked refrigerator.
 - i. Medications shall be administered in compliance with the requirements in Section (7) of this Policy.
 - j. Medication/treatment orders and sign-out sheets: Medication Administration Records (MAR) shall be filed in the student's confidential health record (located in the school health room).
2. Authority and Responsibility of the School Nurse
 - a. In schools where a school nurse is assigned full-time, the school nurse will manage the medication administration program.
 - b. In schools where a part-time school nurse is assigned, or when the school nurse is absent, the administration of medication comes under the authority of the school Principal.
 - c. Medication/treatment shall be administered in compliance with Section (7) of this Policy.

ADMINISTRATION OF STUDENT MEDICATION TREATMENT

3. Custodial Parent/Guardian's Request for Student Medication/Treatment
 - a. Requests from a custodial parent/guardian for their child to receive any medication/treatment during school hours must be made by submitting a properly executed Authorization form to the school nurse or Principal/designee. Further, it is the responsibility of the parent(s)/guardian to notify school administration if the student needs to use a blood glucose monitoring device and/or insulin delivery system at school.
 - b. A separate Authorization form must be submitted for:
 - i. each medication;
 - ii. each treatment;
 - iii. each dosage change; and/or
 - iv. each new school year;
 - c. The custodial parent/guardian may retrieve the medication/treatment from the school at any time before the end of the school year.
 - d. Medication that is not retrieved by the custodial parent/guardian after one (1) week following the termination of the physician's order will be destroyed.
 - e. Medication that is not retrieved by the custodial parent/guardian within two (2) days after the close of the school year will be destroyed.
 - f. When medication is destroyed, this action shall be taken consistent with Fla. Stat. § 499.0121, in such a manner as to ensure total destruction of the substance so that no one could make use of the medication or be harmed by it.
 - g. The Authorization form is to be obtained from the office of the student's physician;
4. Medication/Treatment Prescribed by a Physician
 - a. Prescribed medication by a physician should be brought to school by the custodial parent/guardian in the original container.
 - b. The medication should be given to the school nurse and/or principal's designee to accept medication.
 - c. The container must be appropriately labeled by a pharmacy or by the physician showing:
 - i. student's name;
 - ii. physician's name;
 - iii. medication name, dose, and administration information;
 - iv. prescription number (if applicable);
 - v. prescription date; and
 - vi. expiration date.
 - d. If the prescription medication is in pill or capsule form, the pills/capsules are to be counted by the school nurse and/or Principal's designee in the presence of the parent/guardian and both shall sign the student's Medication Administration Record noting the date, the amount of medication received, and their signatures.
 - e. If the prescription medication is in liquid form, the amount of liquid in the container is to be
5. Over-the-Counter Medication
 - a. Over-the-counter medication must be:
 - i. authorized by the parent with a valid parental consent forms on file with the school
 - ii. in the new sealed original container; and
 - iii. labeled with the student's name by the custodial parent/guardian.
 - b. If the over-the-counter medication is in pill or capsule form, the number of pills/capsules are to be counted documented by the school nurse and/or principal's designee in the presence of the parent/guardian and both shall sign the student's Medication Administration Record noting the date, the amount of medication received, and their signatures.
 - c. If the over-the-counter medication is in liquid form, the amount of liquid in the container is to be estimated by the school nurse and/or principal's designee in the presence of the parent/guardian and both shall sign the student's Medication Administration Record noting the date, the amount of medication received, and their signatures.
 - d. South Tech Charter Academy, Inc. participates in the Palm Beach County School Health Program expanded pilot project whereby the over-the-counter medication acetaminophen will be administered free

ADMINISTRATION OF STUDENT MEDICATION TREATMENT

charge, by an employed nurse of the Palm Beach Health Care District's School Nurse Program to students identified by the nurse as individuals likely to benefit from the non-prescription drug. South Tech is relying on the expertise of the nurse, following a of specific protocol and standing orders, to administer this medication in accordance with the regulations of her employer. South Tech will require any of its students participating in this program to have valid parental consent forms on file with the school giving medical authorization to receive the non-prescription medication prior to the nurse administering the medication. Such consent forms will be valid for the school year referenced on the form, and in addition to any other medical authorization forms already required by South Tech for the protection of its students."

6. Students' Rights and Responsibilities
 - a. While on school property, asthmatic students shall be allowed to retain a metered dose inhaler when they have written approval from the custodial parent/guardian and physician (on an "Authorization form") pursuant to Fla. Stat. § 1002.20(3)(h). The school nurse and/or Principal's designee shall maintain a copy of these approvals in the individual medication administration record.
 - b. Diabetes management. Pursuant to Fla. Stat. § 1002.20(3) (per HB 747 (2010)), school assignments for students with diabetes will not be restricted on the basis that the student has diabetes, due the absence of a full-time school nurse or due to the absence of school district employees trained in the management of diabetes.
 - i. Students with diabetes whose parents/guardians and physician provide written authorization to the school principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin- delivery system used by the student, and treating hypoglycemia and hyperglycemia.
 - ii. As provided in Board Policy 5.3212, students who need to monitor their blood glucose levels during the school day, as ordered by their physician, have the responsibility of showing the monitoring device and/or insulin delivery system to their teachers and administrators and school nurse at the beginning of the school year or at such later date as corresponds with their starting to use such medical devices at school. The device(s) must be labeled consistent with Sections (4) or (5) above.
 - c. While in school, participating in school sponsored activities, or in transit to or from school or school-sponsored activities, students who have experienced or are at risk for experiencing life-threatening allergic reactions shall be allowed to retain an epinephrine auto-injector (not including a two-dose delivery system) and self-administer epinephrine by auto-injector when they have provided the school with written approval from the custodial parent/guardian and physician (on an "Authorization form") pursuant to Fla. Stat § 1002.20(3)(i). The school nurse and/or principal's designee shall maintain a copy of these approvals in the medication administration record.
 - d. Pursuant to Fla. Stat. § 1002.20(3) (per SB 166 (2010)), a student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a physician prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school for school-sponsored activities with authorization from the student's parent.
 - e. To facilitate correct identification and maintain the health and safety of the student during the administration of the medication/treatment by the school nurse and/or school district staff, the parent/guardian must provide each school year a recent photograph of the student to the principal's designee.
7. Administration of Medication
 - a. A reasonable attempt shall be made to administer medicine in a manner which shall not interfere with the educational process.

ADMINISTRATION OF STUDENT MEDICATION TREATMENT

- b. If the information required in the Authorization form as required in Section (3)(b)(i-vi) above is not available, or the container is not labeled properly pursuant to Section (4)(d)(i-vi), the medication/treatment will not be administered to the student by the school nurse Page 4 of 5 and/or principal's designee.
 - c. Further, the medication/treatment will not be administered, and the custodial parent/guardian and the principal/designee must be notified, if:
 - i. there is a conflict between the physician's order and the medication label directions (e.g., conflicts regarding the name of the medication, the student's name, the time the medication is to be given, or the dosage);
 - ii. there is a possible contamination of the medication;
 - iii. if the medication is to be taken orally, and the student is unable to swallow oral medication;
 - iv. there has been a change in the medication's color or composition;
 - v. there is a question of the student's identity;
 - vi. the medication has expired; or
 - vii. the student refuses to take the medication.
 - d. Medication "rights" are to be observed before medication is administered to a student. These include but are not limited to:
 - i. right student: the student is to be identified before medication is administered.
 - ii. right medication: the orders must match the medication label.
 - iii. right dosage: the orders must match the medication label.
 - iv. right time: the orders must match the medication label and the medication is to be given within thirty (30) minutes before or after the prescribed time.
 - v. right route: the medication must be properly administered. Examples of administration are inhalation, oral or injection.
 - vi. right documentation: following the medication administration or provision of a treatment, documentation must be completed on the student's Medication Administration Record.
 - e. The school nurse/Principal's designee must observe the student while the student is taking the medication.
 - f. Oral medication should be taken with water, unless otherwise specified by the ordering physician.
 - g. Any deviation from Section (7) of this Policy must be noted in the student's individual medication administration record and reported immediately by telephone to the custodial parent/guardian and to the principal/designee.
8. Individual Medication Record
- a. The individual medication administration record is a legal document.
 - b. The person who administers the medication shall note the following information on the student's individual medication administration record each time a medication/treatment is administered and all such information shall be *recorded in ink*:
 - i. the initials of the person administering the medication/treatment;
 - ii. the name and dosage of the medication/treatment; and
 - iii. the date and time the medication/treatment was given; or
 - iv. a notation if the medication/treatment should have been administered, but was not.
 - c. Any medication/treatment that is administered on an "as needed" basis shall be recorded each time it is given.
 - d. Errors made in signing out medications must be crossed out, initialed, and correctly entered; and
 - e. Correction fluid, erasures, correction tape or similar items are not permitted on the individual medication administration record.
 - f. The custodial parent/guardian and the principal/designee must be notified, and the medication/treatment will not be administered, if:
 - i. there is no written and/or signed physician order in the individual medication administration record; or
 - ii. the individual medication administration record does not contain a signed permission from the custodial parent/guardian.

ADMINISTRATION OF STUDENT MEDICATION TREATMENT

Authority: Fla. Stat. §§ 230.22(2); 230.23(22); 232.46; 1001.41(1) & (2); 1001.42(22); 1001.43(7); 1006.07; 1006.062

Implemented: Fla. Stat. §§ 230.231001.42(6)(a); 232.46; 232.47; 1002.20(3); 1003.22; 1006.07; 1006.062

History: New: 08/03/2006; Revised: 11/8/2012

Reference: Palm Beach School District Policy 5.321

BLOOD GLUCOSE MONITORING

1. Pursuant to Fla. Stat. § 1006.062(4) (c), students with diabetes mellitus (insulin-dependent or non-insulin dependent) or recurrent hypoglycemia have the right to monitor their blood sugar levels, or have such levels monitored during the day as ordered by their physician.
2. The purpose of blood glucose monitoring is to obtain information needed for appropriate decisions regarding the balance of insulin, food and exercise for the student.
3. Parents/guardians have the responsibility to notify the Academy administration in advance, pursuant to board Policy 5. 321, that their child will use a glucose monitoring device. Each student who will use a monitoring device has the responsibility of showing it to his/her teachers and school administrators at the beginning of the school year (or later time corresponding with beginning to use the device at school), and the device should be labeled with the student's name and other information consistent with Policy 5.321.
4. The academy Principal shall annually notify assistant principals and teachers of the students who will use glucose monitoring devices at the Academy. Applicable personnel are to be trained as specified in this policy.
5. The student, school nurse, or other personnel trained pursuant to section (7) below, will perform the monitoring. If a student will perform the monitoring, he or she will be assessed by the school nurse for adequate knowledge and skill in all aspects of blood glucose monitoring. Students performing self-monitoring shall be under the supervision of the school nurse or other personnel trained according to section (7) below.
6. The Academy Principal/designee shall identify at least two personnel to be trained in accordance with section (7), as backup for the school nurse in order to supervise and/or perform monitoring of blood glucose for students with diabetes or recurrent hypoglycemia.
7. Non-medical Academy personnel shall be allowed to perform or assist with blood glucose monitoring as a health-related service pursuant to Fla. Stat. § 1006.062(4), upon successful completion of child-specific training by a Florida-licensed registered nurse, nurse practitioner, physician (M.D. or D.O.), or physician assistant. The school nurse will supervise and assess the proficiency of non-medical Academy staff who receive such training.
8. As required by Fla. Stat. § 1006.062(4) and Board Policy 5.321, all blood glucose monitoring procedures shall be monitored periodically by a Florida-licensed registered nurse, nurse practitioner, physician (M.D. or D.O.) or physician assistant.
9. The schedule for a student's glucose monitoring in school should closely follow the monitoring schedule used at home. The student's individualized health care plan (IHCP) and/or section 504 Modification Plan (504 Plan) should specify when regular monitoring is to occur and when symptoms would indicate the need for additional monitoring.
10. The most appropriate setting for the glucose monitoring will, in many cases, be the school health room. Students in grade three or higher may monitor or be monitored in a supportive classroom situation. The location and method of monitoring glucose levels, including safe disposal of sharps/lancelets shall be determined by a joint decision of the academy Principal/designee and the school nurse with input from the student, the student's parent(s)/guardian(s), and the student's physician or other licensed healthcare provider.
11. The IHCP and 504 Plan will address emergency procedures for individual diabetic students and will contain a detailed description of the method of response.

BLOOD GLUCOSE MONITORING

12. Consistent with Fla. Stat. § 1006.062(2) and Board Policy 5.321, there shall be no liability for civil damages as a result of monitoring of student blood glucose levels when the person performing or supervising such monitoring acts as an ordinarily prudent person would have acted under the same or similar circumstances.
13. The Academy Principal and 504 designees will receive annual training on Section 504 of the Rehabilitation Act of 1973. Such training will include, but not be limited to, diabetes.

Authority: §§ 1001.41(2); 1006.062, Fla. Stat.

Implemented: §§ 1001.42(6)(a); 1006.062, Fla. Stat.

History: New: 08/03/2006

Reference: Palm Beach School District Policy 5.3212

STUDENT RECORDS

1. **Purpose.**-- The Governing Board and President affirm their responsibility for establishing student records procedures compliant with law, including Fla. Stat. § 1002.22, State Board of Education Rule 6A-1.0955, 20 U.S.C. 1232g, and 34 C.F.R. Part 99. Personnel who handle student records are responsible for being acquainted with those laws, which this Policy implements and supplements.
2. **Annual Notice of FERPA Rights.**-- An annual notice of parents' (and adult students') rights under Fla. Stat. § 1002.22, regarding student records, shall be published in the Student and Family Handbook. This annual notice shall include, but is not limited to, the following
 - a. Right of access, right of waiver of access, right to challenge and hearing (pursuant to Policy 5.19), and right of privacy;
 - b. Notice of the location and availability of this Policy on education records; and
 - c. The designation of certain non-School District agency personnel as "other school officials" who may have a "legitimate educational interest" in student records information.
 - d. A statement that the School Board has a policy of supporting the law on rights relating to student records; the types of information and maintained by any public educational institution. However, if the record or report includes information on more than one pupil, the parent or adult student shall be entitled to receive, or be informed of, only the part of the record that pertains to the student who is the subject of the request; the other pupils' information must be redacted.
 - e. Any other matters required by law.
3. **Types of Student Records and Their Location** -- Student education records include the Cumulative Record folder kept for each child at the school center as stated below in subparagraph (3)(c). This folder contains personal student information, student grades, and test results. The District shall maintain student information as required by SBER 6A-1.0955 (3)(a)3 and may retain student information as set forth in SBER 6A-I .0955 (4).
 - a. The following education records may be maintained to facilitate instruction guidance and educational progress of students and adults enrolled in this School District. The student's information can be found at the school center and the student's cumulative record folder includes the student's legal name. Proof of birth information, last known address, name of parent/guardian, location of last school attended, days absent/present, and date withdrawn and date enrolled, courses taken, record of achievement, date of graduation or withdrawal. Additional student information retained at a school center may include: health and background data, extracurricular information, guidance information, standardized test scores, educational and career plans, honors, work experience and teacher comments, exceptional student staffing information, list of schools attended, driver education certificate, correspondence from private or community agencies, written agreements of corrections, deletions or expunctions of records and discipline records.
 - b. Other records that fall within the definitions in federal law. Fla. Stat. 31002.22 (2) (c) & (d), or SBER 6A-1.0955 (2)(a) are also deemed student records for purposes of confidentiality protections
 - c. Records are kept by the school's records custodian and school's Principal at the last school attended or graduated from for 3 years. Records are then sent to the Records Management Department of the school district Records Management can be contacted at (561) 434-8951. These records also appear on TERMS within the district's mainframe. School addresses are available on the District's website

STUDENT RECORDS

4. **Access by Parents and Adult Students**-- Parents and adult students shall be granted access to that student's records within 30 days after receipt of a request by the School/District. The right to access student records by the parent or eligible student includes the right, upon request, to be shown any record or report relating to such student maintained by the School/District and that. Upon a reasonable request, the school shall furnish such parent or student with an explanation or interpretation of any such record or report. Copies of any list, record or report requested under the provisions of Fla. Stat. 6 1002.22(3) shall be furnished to the parent or student upon request
- a. Both parents' right of access will be honored by the school unless there is a binding legal document or court order, on file at the school, specifically denying the right to one or both parents.
 - b. A parent or adult student shall have the right, upon request, to be shown any record or report relating to that student and maintained by any public educational institution. However, if the record or report includes information on more than one pupil, the parent or adult student shall be entitled to receive, or be informed of, only the part of the record that pertains to the student who is the subject of the request; the other pupils' information must be redacted.
 - c. A minimal fee based on the fee schedule below, may be if charged for these copies, when the School District is providing a record not usually provided a parent, is providing a large quantity of documents, is providing documentation to a non-parent either with the consent of the parent or pursuant to court order or subpoena or is a duplication of a record previously provided. However, the fee shall not exceed the actual cost to the School District for providing the copies and cannot be charged if it would deny availability of the records to the parent. The principal will make arrangements for access and notify the parent or eligible student of the time and place where the records may be inspected
 - d. Fee Schedule --Schedule of Fees -- When fees are authorized under section (4)(c) above, the School/District shall furnish the parent a copy or certified copy of any student record upon payment of the fees prescribed below. Wherever the term "actual cost" appears in this Schedule, it shall mean "the cost of the material and supplies used to duplicate the record, but it does not include the labor cost or overhead cost associated with such duplication,"

TYPE OF RECORD DUPLICATED FEES

Legal page, one side	\$0.15
Letter page, one side	\$0.15
Legal page, double-sided	\$0.20
Letter page, double-sided	\$0.20
Audio tape	Actual cost (approx. \$3.00 per tape)
Video tape	Actual cost (approx. \$5.00 per video)
Computer diskette	Actual cost (approx. \$0.45 per diskette)
Computer tape (cartridge)	Actual cost (approx. \$5.35 per tape)
CD	Actual cost
Computer tape (Round)	Actual cost (approx. \$1 0.00 per tape)

ADDITIONAL SERVICES FEES

Certified copy charge \$1 .00

Other Types of Copies -- For any copies not listed above, the charge shall be limited to the actual cost of duplication

5. **Waiver** - Parents and adult students have the right to waive the right of access to letters or statements of recommendation or evaluation for that student. Such waivers may not be required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from, any public agency or public educational institution in this state

STUDENT RECORDS

- a. Such waiver shall apply to recommendations or evaluations only if:
 - i. the parent or student is, upon request, notified of the names of all persons submitting confidential letters or statements. And
 - ii. such recommendations or evaluations are used solely for the purpose for which they were specifically intended
 - b. NOTE: The waiver shall include but not be limited to access to confidential letters or statements. The waiver shall not be valid unless in writing and signed by the adult student or the parent or guardian of the pupil, as appropriate. The waiver may be revoked in writing with respect to actions occurring after the revocation. The School/District may not require that adult students or the parent or guardian of pupils waive any other rights under F.S. 6 1002.22.
6. **Disclosures and Exemption from Public Records Requests.**—Student records are confidential and exempt from the Public Records Act. That is, personally identifiable records or reports of a student. Any personal information contained therein. is confidential and exempt from Florida's Public Records Statute. They cannot be obtained through public records requests. Even student records that have been redacted to obscure personally-identifiable information remain confidential and exempt from the Public Records Act pursuant to Florida State University v. Hafton, 672 So. 2d 576, 580 (Fla. 1st DCA 1996). However, when a personnel investigative report or litigation records contains any personally-identifiable student information, "all student identifying information [shall] be redacted from the report prior to it being released." Johnson v. Deluz, 875 So. 2d 1 (Fla. 4th DCA 2004). See also Fla. AGO 2006-21.
7. **Release of Student Records** -- The School/District may not permit the release of confidential student records. reports. or information without the written consent of the student's parent, or of the student himself or herself if he or she is qualified as eligible to any individual, agency or organization, except as allowed by law. Personally identifiable records or reports of a student may be released, however, without the consent of the student or the student's parent to certain persons or organizations, including school officials and other officials with a legitimate educational interest, as well as under other conditions stated within Fla. Stat. 6 1002.22 (3)(d).
8. **Written Consent** --Where prior written consent of the adult student or the parent or guardian of a student, as appropriate, is required written consent may be obtained by the following
- .a. The written consent required must be signed and dated and shall include:
 - i. Specification of the records to be disclosed;
 - ii. The purposes of the disclosures, and
 - iii. The party or class of parties to whom a disclosure is to be made.
 - a. Personally identifiable information shall be disclosed only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the pupil, as appropriate. Personally identifiable information, which is disclosed to an institution, agency or organization, may be used by its officers, employees and agents, but only for the purpose for which the disclosure was made.
 - b. Whenever written consent is required, the School/District shall presume that the adult student or the parent or guardian of the student, as appropriate, giving consent has the authority to do so unless the School/District has been provided with evidence that there is a legally binding instrument or state law or court order governing such matters as divorce, separation or custody which provides to the contrary.
 - d. When disclosure is made through prior written consent, if a parent or eligible student so requests, the School/District shall provide him or her with a copy of the records disclosed; and if the parent of a student who is not an eligible student so requests, the School/District shall provide the student with a copy of the records disclosed

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- e. A record of requests and disclosures of personally identifiable information from the education records, shall be maintained and kept with the education records of the student. Such record of access shall be available only to parents and to the school official and his/her assistants who are responsible for the custody of such records. Records of requests and disclosures do not have to be maintained when the disclosure is to the adult student or to the parent or guardian of the pupil, when the disclosure is based on written consent, or when the disclosure is to School/ District officials or other school officials with a legitimate educational interest. The record of requests for disclosure shall include but is not limited to the following:
 - i. The parties who have requested or obtained personally identifiable information; and
 - ii. The legitimate interests of the persons or entities requesting or obtaining the information..

9. **Access by "Other School Officials."**—*South Tech Charter Academy, Inc. will honor joint agreements, which provide for the exchange of information about students that may be negotiated by the Palm Beach School District*, with the Palm Beach County Health Department, the Florida Department of Health, the Health Care District of Palm Beach County, the Children's Services Council of Palm Beach County, the Florida Department of Children and Families, and other agencies in specific circumstances where agency personnel have a legitimate educational interest in students jointly served, and brought to the Board for approval, and such agency personnel are therefore designated by the Board as "other school officials" who may have a "legitimate educational interest" in student records information, pursuant to the Board's authority under 34 C.F.R. § 99.31(a)(1); 34 C.F.R. § 99.7(3)(iii); and Fla. Admin. Code R. 6A-1.0955(6)(h).
- a. As required Fla. Stat. § 1002.22(3)(d)2, the agreement with such agencies shall specify that the agency shall impose safeguards to limit access only to those personnel "who have legitimate educational interests in the information contained in the records." Legitimate educational interests are defined as the need to review an education record in order to fulfill the employee's professional responsibilities and complete job duties in performing an official task that requires access to information in the education records of students jointly served.
 - b. Moreover, pursuant to State Board of Education Rule 6A-1.0955(6)(g), such inter-agency agreements shall allow personally-identifiable student information to be disclosed to such agencies "only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the adult student or the parent or guardian of the pupil, as appropriate."
 - c. The scope and extent of legitimate educational interests that "other school officials" have will vary depending on the purpose of their need for access. For example, a yearbook vendor hired to publish a school's yearbook will have a very limited scope of student information in which he/she has legitimate educational interests: only the amount needed to complete the task under contract. By contrast, an attorney retained by the School District to defend a case would have a much greater scope of legitimate educational interests-in many cases, it could include the entire student records file, when such access is needed to fulfill the attorney's professional responsibility. The School District has the sole authority to determine the scope of legitimate educational interests held by "other school officials."
 - d. Pursuant to the Board's authority under 34 C.F.R. § 99.31(a)(1); 34 C.F.R. § 99.7(3)(iii); and Fla. Admin. Code Rule 6A-1.0955(6)(h), the District hereby designates "other school officials" who shall be deemed to have a "legitimate educational interest" in student records information.
 - i. The Palm Beach District Board designates such "school officials" to include an administrator, supervisor, instructor, or support staff member (including health or medical staff and school police, a university student who is placed in a school under a Professional Development School Partnership or student-teaching internship), or a School Board member, who needs to access student records information in order to carry out his or her official duties or fulfill his/her professional responsibility.

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- ii. "Other school officials" shall also include persons such as: the District's health care partners and other governmental and social agencies jointly serving students, to the extent student records information is needed to provide and/or evaluate health services and governmental/social services to students; a person or company with whom the school has contracted or partnered to perform a special task (such as a class ring or yearbook vendor under contract with the school, or an attorney, auditor, nurse, psychologist, medical consultant, or therapist under contract with the District); and a parent or student or other person serving on an official committee (such as a disciplinary or grievance committee) or assisting another school official in performing his or her tasks; or an official of a charter school of this District (to access name/address mailing labels of District students to the extent legitimately needed for recruiting purposes and only upon agreement not to re-disclose the information to third parties.

10. Transfer of Records

- a. The Academy and School District will disclose education records without consent to officials of another school district in which a student seeks or intends to enroll, upon request of those officials.
- b. The Board recognizes that federal law requires the Academy and District to "facilitate the transfer of disciplinary records, with respect to a suspension or expulsion . . . to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full- or part-time basis, in the school." 20 U.S.C. § 7165(b)

11. Access by Military Recruiters and Institutions of Higher Learning.-- Because the Academy and District Boards do not have a directory information Policy, information that many school districts have designated as "directory information" will be released only upon written parental consent. However, as part of the No Child Left Behind Act of 2001, Congress has required that school districts receiving assistance under the Elementary and Secondary Education Act of 1965 (ESEA) must give military recruiters access to certain directory information.

- a. The Board recognizes that federal law (20 U.S.C. § 7908(a)(1)) now requires that high schools "shall provide, on a request made by military recruiters or an institution of higher education, access to secondary school students' names, addresses, and telephone listings." This requirement is also found in 10 U.S.C. § 503(c)(1)(A)(ii). The information will be used for military recruiting purposes and other legitimate purposes such as informing students of scholarship opportunities at institutions of higher learning. Parental consent is not required before providing the information to recruiters and postsecondary institutions or colleges, although parents may "opt out."
- b. In accordance with those laws, military recruiters are entitled to receive the name, address, and telephone listing of high school students, unless the parent or student have advised the school that they do not want the student's information to be disclosed without specific prior written consent.
- c. Parents will be notified of the right to opt out in the School District's Family Student Handbook and New and Returning Student Registration form.
- d. "A secondary school student or the parent of the student may request that the student's name, address, and telephone listing . . . not be released without prior written parental consent" to military recruiters or institutions of higher learning. 20 U.S.C. § 7908(a)(2). Therefore, If a high school student or parent does not want the school or the District to disclose one or more of these categories of information (name, address, or telephone) to military recruiters or officials of institutions of higher learning without prior written consent, the parent or student must notify the school principal in writing within 10 days after the annual distribution of the Student and Family Handbook

STUDENT RECORDS

12. **Production of Student Records Pursuant to a Subpoena or Court Order.**-- If a party to litigation presents a subpoena or court order for release of student records, the District shall ensure that the "student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency." Fla. Stat. § 1002.22(3)(d)11.
- a. As stated in 34 C.F.R. §99.31(a)(9)(ii), the purpose of this notice is to allow the student and parents to object or seek protective action. Non-party students and parents shall receive 10 days' notice; and students and parents who are a party to the litigation shall receive 5 days' notice.
 - b. Litigants seeking student records should bear in mind that discovery of confidential records is limited by law. The requestor of confidential records must demonstrate "extraordinary necessity" or "exceptional circumstances." See *State, Department of Highway Safety and Motor Vehicles v. Krejci Co. Inc.*, 570 So. 2d 1322, 1324-25 (Fla. 2d DCA 1990); *Henderson v. Perez*, 835 So.2d 390 (Fla. 2d DCA 2003). See also *Florida State University v. Hatton*, 672 So. 2d 576, 580 (Fla. 1st DCA 1996) (requiring a balancing test to determine whether the requestors have a legitimate need that outweighs the students' express, substantial statutory privacy rights in the confidentiality of student information.)
 - c. Moreover, if the court allows discovery of confidential records, it should take "all precaution to ensure the confidentiality of the records." *Krejci Co. Inc.*, 570 So. 2d at 1325. For example, Fla. Admin. Code R. 6A-1.0955(6)(g)2 delineates that: "Personally identifiable information shall be disclosed [by the School District] only on the condition that the party to whom the information is disclosed shall not disclose the information to any other party with out prior written consent of the adult student or the parent or guardian of the pupil, as appropriate." Other appropriate means of safeguarding the information would be: clearing the courtroom if documents are allowed to be submitted at trial; instructing jurors not to re-disclose the information, and sealing such records from public access in court files.
13. **Emergency Disclosure** -- The School District may disclose personally identifiable .student information in health and safety emergencies determined based upon. but not limited to. the following factors:
- a. The seriousness of the threat to the health or safety of the pupil or adult student or other individuals;
 - b. The need for the information to meet the emergency;
 - c. Whether the parties to whom the information is disclosed are in a position to deal with the emergency: and
 - d. The extent to which time is of the essence in dealing with the emergency.

Authority: §§ 1001.32(2); 1001.41(2); 1001.43(8); 1002.22(4), Fla. Stat.

Implemented: § 1002.22, Fla. Stat.; 20 U.S.C. § 12329; 34 C.F.R. Part 99
State Board of Education Rule 6A-1.0955

Reference: Palm Beach District Policy 5.50

History: New: 10/05/2006, 3/ 06/2008, 3/11/2010

MILITARY RECRUITER AND COMMUNITY SPEAKER GUIDELINES

As noted in South Tech Charter Academy, Inc. Board Policy 5.50, military recruiters have limited access to student records. Military recruiters have congressional authority to talk to students about career opportunities in the armed forces. College and university representatives also have access to students. Community speakers may also request permission to talk to students about non-military career opportunities. The courts have held we cannot deny a speaker access to students solely on a dislike of their viewpoint. Peace activists who request to speak must be allowed the same access to students as the recruiters or college representatives.

This policy outlines guideline for handling speaker requests.

1. Board Policy 5.50 and a statement in the Student-Family Handbook allows parents/guardians to opt out of releasing student information within ten (10) days of receiving the Handbook. However, requests should be honored throughout the school year. Opt out letters should be given to the data processor to input this information so student records are protected from being with requests from recruiters. **Do not release information to military recruiters prior to ten (10) days after parents have received the Handbook.**
2. The President or Management Company Representative/Designee can regulate the time, place and manner of a presentation.
3. The President or Management Company Representative/Designee can require that speakers put their request in writing.
4. The President or Management Company Representative/Designee should offer speakers the same opportunity as offered to recruiters. Denying peace activists may constitute viewpoint discrimination.
5. If literature distribution by recruiters is allowed, distribution of non-military literature must be allowed to other speakers. The President or Management Company Representative/Designee should review the materials prior to distribution.
6. The President or Management Company Representative/Designee can require that the message given by community speakers be an educational one and not contain any denigrating information about the military. Speakers may discuss non-military jobs.
7. The President or Management Company Representative/Designee should ensure the speaker is knowledgeable about the subject.
8. The President or Management Company Representative/Designee can stipulate that the speaker not cause a disruption to the regular school programming.
9. The President or Management Company Representative/Designee can caution the speaker not to focus on discouraging a particular career.
10. The President or Management Company Representative/Designee can receive assurance that the presentation will not be vulgar, disrespectful or obscene.
11. The President or Management Company Representative/Designee is not obligated to distribute an opt-out form brought by the speaker. District approved opt-out forms are in the guidance office.
12. Facts about the military can be shared (ex. salary, work conditions, casualties) even if they are not positive.
13. JROTC training is part of an educational program listed in the DOE Course Code Directory. JROTC should not be classified as military recruitment.

Authority: §§ 1001.41(2); 1001.43(8); 1002.22(4), Fla. Stat.

MILITARY RECRUITER AND COMMUNITY SPEAKER GUIDELINES

Implemented: § 1002.22, Fla. Stat.; 20 U.S.C. § 1232g; 34 C.F.R. Part 99
State Board of Education Rule 6A-1.0955

History: New: 10/05/2006; Revised: 3/11/2010