

# FLORIDA VIRTUAL SCHOOL BOARD OF TRUSTEES

## NOTICE OF ADVERTISEMENT AND PUBLIC HEARING REGARDING ANTICIPATED ADOPTION OF NEW OR REVISED BOARD POLICIES

### PROPOSED POLICIES AND POLICY REVISIONS

<b>Exh.</b>	<b>Dept./Subject</b>	<b>Short Title</b>
1.	Program	Nondiscrimination and Access to Equal Educational Opportunity
2.	Program	Section 504/ADA Prohibition Against Discrimination Based on Disability
3.	Program	Nondiscrimination on the Basis of Sex In Education Programs and Activities
4.	Students	Homeless Students
5.	Students	Attendance
6.	Students	Missing and Absent Children
7.	Students	Immunization and Health Examination
8.	Students	Student Progression
9.	Students	Promotion, Acceleration, Placement, and Retention
10.	Students	Reporting Student Progress
11.	Students	Grading
12.	Students	Grade Forgiveness
13.	Students	Student Progress through Mastery Learning
14.	Students	Graduation Requirements
15.	Students	Graduation Requirements for Out-of-State or Out-of-Country Transfer Students
16.	Students	Credits from Other Schools
17.	Students	Accelerated Graduation Options
18.	Students	Student Conduct
19.	Students	Anti-Harassment
20.	Students	The Schools and Investigations Involving Students
21.	Students	Participation in Extra Curricular Activities
22.	Students	Student/Parent Rights
23.	Students	Parents' Bill of Rights
24.	Operations	School Safety and Security
25.	Operations	Anti-Fraud
26.	Administration	Whistleblower Protection
27.	HR	Military Leave

## PROPOSED REPEALS AND “STRIKE-THROUGHS”

Exh.	Dept./Subject	Short Title	FLVS #
28.	Professional Standards	Fraud Reporting	PS016
29.	Students	Homeless Student Education	STU001

**Notice of Approval to Advertise:** The Florida Virtual School Board of Trustees (“Board”) has authorized and directed this Notice of Advertisement and Public Hearing regarding its anticipated consideration and adoption of new or revised Board Policies. In the February 9, 2022, Volume 48, Issue 27, Florida Administrative Register, the Board previously published a Notice of Advertisement and Public Hearing for its March 8, 2022 meeting; however that March 8, 2022 meeting was cancelled and is rescheduled for March 29, 2022, as set forth in this notice.

**Purpose & Effect:** It is the intention of the Board that the above-referenced new and revised policies simplify, update, streamline and ensure alignment of FLVS operations and Board Policies and Bylaws with applicable state and federal laws, rules, and regulations.

**Access to Text of the New or Revised Policy(ies):** Individuals seeking access to the hardcopy/printed version of the new or revised policy(ies) herein referenced may contact Mr. Bruce Moore, FLVS Board Clerk, at 2145 Metrocenter Boulevard, Suite 100, Orlando, Florida 32835. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to [bmoore@flvs.net](mailto:bmoore@flvs.net). Individuals seeking access to the electronic version of the new or revised policy(ies) may do so via the internet by visiting the Florida Virtual School website at [www.flvs.net](http://www.flvs.net) (navigate to Board of Trustees – “Notice of Rulemaking” tabs/pages). Please be advised that the President and Chief Executive Officer (“CEO”) of the Florida Virtual School is authorized to correct technical, grammatical, and spelling errors, and to rearrange and renumber sections, paragraphs, designations, and cross-references in any new, revised, and existing Board Policy and Bylaw which—following consultation with the FLVS Office of General Counsel—the CEO deems reasonable and prudent to achieve and advance the purpose and effect of such policies and bylaws.

**Rule Making Authority:** The Board is authorized to adopt, amend, and delete Board Policies pursuant to section 1002.37 and applicable provisions of Chapter 120 of the Florida Statutes.

**Laws Implemented:** Section 1002.37 of the Florida Statutes and all such applicable laws expressed and/or referenced by the new or revised policy(ies) herein identified.

**Person(s) Proposing/Initiating New or Revised Policy(ies):** The new or revised policy(ies) herein identified were originated by and through the FLVS CEO in consultation with the FLVS Office of General Counsel and FLVS personnel with subject matter expertise pertinent to the new or revised policy.

**Public Hearing:** The Board intends to consider, adopt, or otherwise take formal/final action on the above-referenced new and revised policy(ies) following a public hearing on such matter(s). **The public hearing will be held during the course of a regular quarterly meeting of the Board of Trustees on Tuesday, March 29, 2022, which is scheduled to begin at 9:00 a.m. (EST).** The meeting will not be held in person. Rather, it will be held by video conference. Any person who wishes to present or register public comments during the public hearing should contact Mr. Bruce Moore, Board Clerk, 2145 Metrocenter Blvd., Suite 100, Orlando, Florida, 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to [bmoore@flvs.net](mailto:bmoore@flvs.net).

*Any person requiring special accommodations to attend or participate in any meeting of the Board of Trustees should contact Mr. Bruce Moore, Board Clerk, at 2145 Metrocenter Blvd., Suite 100, Orlando, Florida 32835, no later than 48 hours prior to the start of the Board meeting. The Board Clerk may be reached by telephone at (407) 735-1191 or by email to [bmoore@flvs.net](mailto:bmoore@flvs.net). Persons who are hearing or speech impaired are also urged to contact the Florida Relay Service at 1-800-955-8771 (TDD) or at 1-800-955-8770 (Voice).*

*If a person decides to appeal any decision made by the Board with respect to any matter considered at the meeting, he or she will need a record of the meeting/proceedings, and for such purpose, may need to ensure that a verbatim record of the proceedings is made which record includes the testimony and evidence upon which the appeal is to be based.*

2260

**Nondiscrimination and  
Access to Equal Educational  
Opportunity**



Book	Clean
Section	2000 Program
Title	NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY
Code	po2260
Status	From Neola

## **2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY**

### **I. General Policy Statement**

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, FLVS will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race (including anti-Semitism), ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, protected classes).

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

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

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

In order to achieve the aforesaid goal, the President and Chief Executive Officer (CEO) shall:

#### **A. Curriculum Content**

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

B. Staff Training

Develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes in all aspects of the program;

C. Student Access

1. Review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;
2. Verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts of America or any other youth group listed in Title 36 of the United States Code as a patriotic society;

D. FLVS Support

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

E. Student Assessment

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

II. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful discrimination/retaliation, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged discrimination/retaliation.

**Compliance Officers:** For purposes of this Policy, Compliance Officers are those indicated below.

**Respondent** is the individual who has been alleged to have engaged in unlawful discrimination/retaliation, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged discrimination/retaliation.

**FLVS community** means students and FLVS employees (i.e., administrators, and professional and classified staff), as well as FLVS Board of Trustees (Board) members, agents, volunteers, contractors, or other persons subject to the control and supervision of FLVS.

**Third Parties** include, but are not limited to, guests and/or visitors on FLVS property and/or appearing through the FLVS learning management system (e.g., visiting speakers, participants

on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, FLVS, and other individuals who come in contact with members of the FLVS community at school-related events/activities (whether on or off FLVS property).

**Day(s):** Unless expressly stated otherwise, the term “day” or “days” as used in this policy means business day(s) (i.e., a day(s) that FLVS main administrative office is open for normal operating hours, Monday – Friday, excluding federal and State-recognized holidays and excluding those days designated in the FLVS annual calendar as non-working days).

### III. **FLVS Compliance Officer**

#### A. Compliance Officers (CO)

FLVS designates the following individuals to serve as the FLVS Compliance Officers, Section 504 Compliance Officer/ADA Coordinator, and Title IX Coordinator (referred to collectively herein as the Compliance Officer or CO):

Title IX: FLVS Senior Manager of Professional Standards or authorized designee.  
Contact Information: [hrprofessionalstandards@flvs.net](mailto:hrprofessionalstandards@flvs.net); 407-513-3550

Section 504, IDEA, and ADA: FLVS Senior Director of Instruction or authorized designee. Contact information: [equaleducationopportunity@flvs.net](mailto:equaleducationopportunity@flvs.net); 407-513-3517

#### B. Publication

The names, titles, and contact information for these individuals will be published annually in the parent and staff handbooks and on the FLVS website.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the FLVS community, and third parties who seek support or advice when informing another individual about unwelcome conduct or to intercede informally on behalf of the student.

#### C. Duties and Responsibilities

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

#### D. Students with Disabilities, Limited English Proficiency, or Other Needing Additional Services

FLVS is committed to identifying, evaluating, and providing a free appropriate public education (FAPE) to students with disabilities ages 3 through 22 within its jurisdiction. In addition, FLVS shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in FLVS programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include

procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, FLVS will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis. The CEO is responsible for verifying that a concentration of students who are Limited English Proficient (LEP) in one or more programs is not the result of discrimination.

- E. FLVS is committed to educating (or providing for the education of) each qualified person with a disability with persons who are not disabled to the maximum extent appropriate. Generally, FLVS will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment, even with the use of supplementary aids and services cannot be achieved satisfactorily. If FLVS operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

#### **IV. Reports and Complaints of Unlawful Discrimination and Retaliation**

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

Members of the FLVS community, which includes students or Third Parties, who believe they have been unlawfully discriminated/retaliated against are entitled to utilize the complaint process set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs (unless the Complainant makes the complaint maliciously or with the knowledge that it is false). While there are no time limits for initiating complaints under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of alleged bullying, aggressive behavior and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal/instructional leader believes that the reported misconduct may constitute unlawful discrimination based on a protected class, the principal/instructional leader shall report the act to the CO who shall investigate the allegation in accordance with this policy. While the CO investigates the allegation, the principal/instructional leader shall suspend the Policy 5517.01 investigation to await the CO's written report. The CO shall keep the principal/instructional leader informed of the status of the Policy 2260 investigation and provide the principal/instructional leader with a copy of the resulting written report.

The CO will be available during regular school/work hours to discuss concerns related to unlawful discrimination/retaliation. The CO shall accept reports of unlawful discrimination/retaliation directly from any member of the FLVS community or a Third Party, or receive reports that are initially filed with another FLVS employee. Upon receipt of a report of alleged discrimination/retaliation, the CO will contact the Complainant and begin either an informal or formal complaint process (depending on the Complainant's request and the nature of the alleged discrimination/retaliation), or the CO will designate a specific individual to conduct such a process. The CO will provide a copy of this policy to the Complainant and the Respondent. In the case of a formal complaint, the CO will prepare recommendations for the CEO or oversee the preparation of such recommendations by a designee. All members of the FLVS community must

report incidents of discrimination/retaliation that are reported to them to the CO within two (2) days of learning of the incident/conduct.

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

Nothing contained in this policy is intended to interfere with the rights of any individual to pursue a complaint of unlawful discrimination or retaliation with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations ("FCHR"), or the Equal Employment Opportunity Commission ("EEOC").

## V. **Investigation and Complaint Procedure**

Except for sex discrimination and/or Sexual Harassment that is covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities, any student who alleges to have been subjected to unlawful discrimination or retaliation may seek resolution of the complaint through the procedures described below. The formal complaint procedures involve an investigation of the individual's claims of discrimination/retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

### A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful discrimination/retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

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

All complaints involving an FLVS employee or any other adult member of the FLVS community and a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe doing so, the individual should tell or otherwise inform the Respondent that the allegedly discriminatory/retaliatory conduct is inappropriate and must stop. The Complainant should address the alleged misconduct as soon after it occurs as possible. The CO is

available to support and counsel the Complainant when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful discrimination (e.g., sex discrimination), the CO may advise against the use of the informal complaint process.

A Complainant who alleges unlawful discrimination/retaliation may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or FLVS administrator in the school the student attends; (2) to the CEO or other FLVS administrator; and/or (3) directly to the CO.

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

FLVS's informal complaint procedure is designed to provide the Complainant with a range of options aimed at bringing about a prompt resolution of their concerns. Depending upon the nature of the Complainant's wishes informal resolution may involve, but not be limited to, one (1) or more of the following:

1. Advising the Complainant about how to communicate concerns to the Respondent.
2. Distributing a copy of this Policy 2260 – Nondiscrimination and Access to Equal Educational Opportunity to the individuals in the school or office where the Respondent works or attends.
3. If both parties agree, the CO may arrange and facilitate a meeting or mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the CO or designee is directed to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. If the Complainant is dissatisfied with the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

#### B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one (1) of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or if the Complainant, from the outset, elects to file a formal complaint, or the CO determines the allegations are not appropriate for resolution through the informal process, the formal complaint process shall be implemented.

The Complainant may file a formal complaint, either orally or in writing, with a teacher, principal/instructional leader, or other FLVS official at the student's school, the CO, CEO, or another FLVS official who works at another school or at the FLVS administration. Due to the sensitivity surrounding complaints of unlawful discrimination, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a formal complaint within thirty (30) calendar days after the conduct occurs while the facts are known and witnesses are available. If a Complainant informs a teacher, principal/instructional leader, or other FLVS official at the student's school, CEO, or other FLVS employee, either orally or in writing, about any complaint of discrimination/retaliation, that employee must report such information to the CO within

two (2) days.

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

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is based (i.e., when where, and what occurred); a list of potential witnesses; and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the CO will consider whether any action should be taken in the investigatory phase to protect the Complainant from further discrimination or retaliation, including, but not limited to, a change of work assignment or schedule for the Complainant and/or the Respondent. In making such a determination, the CO should consult the Complainant to assess whether the individual agrees with the proposed action. If the Complainant is unwilling to consent to the proposed change, the CO may still take whatever actions deemed appropriate in consultation with the CEO and/or the FLVS General Counsel.

Within two (2) days of receiving the complaint, the CO or designee will initiate a formal investigation to determine whether the Complainant has been subjected to unlawful discrimination/retaliation.

Simultaneously, the CO will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and provided with a copy of any relevant policies and/or administrative guidelines, including Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) days.

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

1. interviews with the Complainant;
2. interviews with the Respondent;
3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. consideration of any documentation or other information presented by the Complainant, Respondent, or any other witness that is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the CO or designee shall prepare and deliver a written report to the CEO that summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful discrimination/retaliation as provided in Board policy and State and Federal law as to whether the Respondent has engaged in unlawful discrimination/retaliation of the

Complainant The CO's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. In determining if unlawful discrimination or retaliation occurred, a preponderance of evidence standard will be used.

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

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

If the CEO determines the Respondent engaged in unlawful discrimination/retaliation toward the Complainant, the CEO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

The decision of the CEO shall be final.

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

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

## VI. **Privacy/Confidentiality**

FLVS will employ all reasonable efforts to protect the rights of the Complainant, the Respondent(s), and the witnesses as much as possible, consistent with FLVS's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality, however, cannot be guaranteed. Additionally, the Respondent must be provided the Complainant's identity.

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

All records created as a part of an investigation of a complaint of discrimination/retaliation will be maintained by the CO in accordance with FLVS's records retention policy. Any records that are

considered student education records in accordance with the Family Educational Rights and Privacy Act or under Florida's student records law will be maintained in a manner consistent with the provisions of the Federal and State law.

#### **VII. Sanctions and Monitoring**

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

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

#### **VIII. Retaliation/False Charges**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither FLVS nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

#### **IX. Education and Training**

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

X. **Retention of Investigatory Records and Materials**

The CO is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (“ESI”), and electronic media created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by FLVS personnel;
- D. any written documentation of actions taken by FLVS personnel or individuals contracted or appointed by the Board to fulfill its responsibilities related to the investigation and/or FLVS’s response to the alleged violation of this policy;
- E. written witness statements;
- F. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- G. all documentary evidence;
- H. e-mails, texts, or social media posts pertaining to the investigation;
- I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- K. dated written determinations to the parties;
- L. dated written descriptions of verbal notifications to the parties;
- M. written documentation of any interim measures offered and/or provided to Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;
- N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;
- O. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- P. copies of the Board policy and/or procedures/guidelines used by FLVS to conduct the investigation, and any documents used by FLVS at the time of the alleged violation to communicate FLVS’s expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- Q. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and

- R. documentation of any training provided to FLVS personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all FLVS personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

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

The information, documents, ESI, and electronic media created or received as part of an investigation shall be retained for not less than three (3) years, but longer if required by FLVS's records retention schedule.

© Neola 2021

Legal F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act  
F.S. 760.021  
F.S. 760.08  
F.S. 1000.05, Florida Educational Equity Act  
F.S. 1002.311  
F.S. 1002.37  
F.A.C. 6A-19.001  
Fourteenth Amendment, U.S. Constitution  
20 U.S.C. Section 1681, Title IX of Education Amendment Act  
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974  
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act  
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964  
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended  
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975  
34 C.F.R. Part 110 (7/27/93)  
29 C.F.R. Part 1635  
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979  
Every Student Succeeds Act, Title III

2260.01

**Section 504/ADA Prohibition  
Against Discrimination  
Based on Disability**



Book	Clean
Section	2000 Program
Title	SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY
Code	po2260.01
Status	From Neola

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

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

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

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

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

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

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

- A. who is of an age during which nondisabled persons are provided educational services;
- B. is of any age during which it is mandatory under Florida law to provide educational services to disabled persons; or
- C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

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

### **Compliance Officer (CO)**

For purposes of this Policy, FLVS designates the following individual to serve as the FLVS Compliance Officer for receiving complaints pertaining to Section 504 and/or the ADA (referred to collectively herein as the Compliance Officer or CO):

FLVS Senior Director of Instruction or authorized designee.

Contact information: [equaleducationopportunity@flvs.net](mailto:equaleducationopportunity@flvs.net); 407-513-3517

The names, titles, and contact information for these individuals will be published annually in the parent and staff handbooks and on the FLVS website.

A CO will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the FLVS community, and third parties who seek support or advice when informing another individual about unwelcome conduct or to intercede informally on behalf of the student.

The CO is responsible for coordinating FLVS's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the CO.

The CO will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to FLVS's internal complaint procedure, and will attempt to resolve such complaints.

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

### **Complaint Procedures**

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

In accordance with Section 504 of the Rehabilitation Act of 1973 and its implementing regulations (Section 504), parents and students will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation, or misapplication of Section 504. In addition, students and their

parents will be notified of their right to file a complaint with the U.S. Department of Education's Office for Civil Rights. Finally, students and parents will be advised of their right to request a due process hearing before an Impartial Hearing Officer (IHO) regarding the identification, evaluation, or educational placement of persons with disabilities, and their right to examine relevant education records.

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

Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that FLVS main administrative office is open for normal operating hours, Monday – Friday, excluding federal and State-recognized holidays and excluding those days designated in the FLVS annual calendar as non-working days).

### **Internal Complaint Procedures**

An internal complaint may be filed by a student and/or parent. A student and/or parent may initiate the internal complaint procedure when s/he/they believe that a violation, misapplication, or misinterpretation of Section 504 has occurred. Additionally, the following procedure may be used for any disagreement with respect to actions regarding the identification, evaluation, or educational program or placement of students who are identified as disabled or believed to be disabled pursuant to Section 504, and are not eligible under the IDEIA, except in the case of disciplinary actions where the provisions of the Student Code of Conduct apply. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights or requesting a due process hearing.

#### **Step 1**

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

#### **Step 2**

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

#### **Step 3**

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

If it is determined that the Complainant was subjected to unlawful discrimination, the CO must identify what corrective action will be taken to stop, remedy, and prevent the recurrence of the

discrimination/retaliation. The corrective action should be reasonable, timely, age-appropriate and effective, and tailored to the specific situation.

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

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

### **Appealing to OCR/Florida Commission on Human Relations/EEOC**

If the complainant is not satisfied with the President and Chief Executive Officer's decision, the complainant will have an additional sixty (60) days to appeal the decision to the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Employment Opportunity Commission.

### **Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful discrimination/retaliation or participates as a witness in an investigation is prohibited. Neither the Board nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

### **Training**

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

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

### **Facilities**

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

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

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

## **Education**

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

If a student has a physical or mental impairment that significantly limits one (1) or more major life activities, FLVS will provide the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For students with disabilities who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan. Parents/Guardians/Custodians (parents) are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan. The quality of education services provided to students with disabilities will be equal to the quality of services provided to students without disabilities.

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

Generally, FLVS will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If FLVS places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home. If FLVS operates a separate class or facility that is identifiable as being for persons with disabilities, the facility, program, and activities and services must be comparable to the facilities, programs, and activities and services offered to students without a disability.

## **Non-academic Extra-Curricular Services**

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

## **Notice**

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

Legal

F.S. 1002.37

34 C.F.R. Part 104

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

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

2266

**Nondiscrimination on the  
Basis of Sex In Education  
Programs and Activities**



Book	Clean
Section	2000 Program
Title	NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES
Code	po2266
Status	From Neola

## **2266 – NONDISCRIMINATION ON THE BASIS OF SEX IN EDUCATION PROGRAMS AND ACTIVITIES**

### **Introduction**

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

The Board prohibits Sexual Harassment that occurs within its education programs and activities. When FLVS has actual knowledge of Sexual Harassment in its education program or activity against a person in the United States, it shall promptly respond in a manner that is not deliberately indifferent.

Pursuant to its Title IX obligations, FLVS is committed to eliminating Sexual Harassment and will take appropriate action when an individual is determined responsible for violating this policy. FLVS employees, students, third-party vendors and contractors, guests, and other members of the FLVS community who commit Sexual Harassment are subject to the full range of disciplinary sanctions set forth in this policy. FLVS will provide persons who have experienced Sexual Harassment ongoing remedies as reasonably necessary to restore or preserve access to FLVS's education programs and activities.

### **Coverage**

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

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

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

## Definitions

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

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

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

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

1. *Rape* is the carnal knowledge of a person (i.e., penetration, no matter how slight, of the genital or anal opening of a person) without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
2. *Sodomy* is oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
3. *Sexual Assault with an Object* is using an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. An "object" or "instrument" is anything used by the offender other than the offender's genitalia.
4. *Fondling* is the touching of the private body parts over or under the clothing of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
5. *Incest* is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by State law.

6. *Statutory Rape* is sexual intercourse with a person who is under the statutory age of consent as defined by State law.
  7. *Consent* refers to words or actions that a reasonable person would understand as agreement to engage in the sexual conduct at issue. A person may be incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity. A person who is incapacitated is not capable of giving consent.
  8. *Incapacitated* refers to the state where a person does not understand and/or appreciate the nature or fact of sexual activity due to the effect of drugs or alcohol consumption, medical condition, disability, or due to a state of unconsciousness or sleep.
- D. "Domestic violence" includes felony or misdemeanor crimes of violence committed by:
1. a current or former spouse or intimate partner of the victim;
  2. a person with whom the victim shares a child in common;
  3. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
  4. a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime occurred; or
  5. any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime occurred.
- E. "Dating violence" means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- F. "Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

**Complainant:** "Complainant" means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

**Respondent:** "Respondent" means an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Formal Complaint:** "Formal Complaint" means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that FLVS investigate the allegation(s) of Sexual Harassment. At the time of filing a Formal Complaint with FLVS, a Complainant must be participating in or attempting to participate in FLVS's education program or activity. A "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through any online portal that the FLVS provides for this purpose) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or a party to the Formal Complaint and must not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

**Actual Knowledge:** "Actual knowledge" means notice of Sexual Harassment or allegations of Sexual Harassment to FLVS's Title IX Coordinator, or any FLVS official who has authority to institute corrective measures on behalf of FLVS, or any FLVS employee. The mere ability or obligation to report Sexual

Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has the authority to institute corrective measures on behalf of FLVS. "Notice" includes, but is not limited to, a report of Sexual Harassment to the Title IX Coordinator. This standard is not met when the only FLVS official with actual knowledge is the Respondent.

**Supportive Measures:** "Supportive measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to FLVS's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or FLVS's educational environment or deter Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, school/campus escort services, mutual restrictions of contact between the parties, changes in work locations, leaves of absence, increased security and monitoring of certain areas of the campus (including school buildings and facilities), referral to Employee Assistance Program, and other similar measures.

**Education Program or Activity:** "Education program or activity" refers to all operations of FLVS, including but not limited to in-person and online educational instruction, employment, extracurricular activities, athletics, performances, and community engagement and outreach programs. The term applies to all activity that occurs on FLVS property or on other property owned or occupied by FLVS. It also includes locations, events, and circumstances that take place off-FLVS property/grounds over which FLVS exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurs.

**FLVS community** means students and FLVS employees (i.e., administrators, and professional and classified staff), as well as Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of FLVS.

**Third Parties** include, but are not limited to, guests and/or visitors on FLVS property and/or appearing through the FLVS learning management system (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, FLVS, and other individuals who come in contact with members of the FLVS community at school-related events/activities (whether on or off FLVS property).

**Inculpatory Evidence:** "Inculpatory evidence" is evidence that tends to establish a Respondent's responsibility for alleged Sexual Harassment.

**Exculpatory Evidence:** "Exculpatory evidence" is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that FLVS main administrative office is open for normal operating hours, Monday – Friday, excluding federal and State-recognized holidays and excluding those days designated in the FLVS annual calendar as non-working days).

**Eligible Student:** "Eligible Student" means a student who has reached eighteen (18) years of age or is attending an institution of postsecondary education.

### **Title IX Coordinator**

FLVS designates and authorizes the following individuals to oversee and coordinate its efforts to comply with Title IX and its implementing regulations: (referred to collectively herein as the Title IX Coordinator):

FLVS Senior Manager of Professional Standards or authorized designee.  
Contact Information: [hrprofessionalstandards@flvs.net](mailto:hrprofessionalstandards@flvs.net); 407-513-3550

The Title IX Coordinator shall report directly to the President and Chief Executive Officer (CEO) except when the CEO is a Respondent. In such matters, the Title IX Coordinator shall report directly to the FLVS General Counsel. Questions about this policy should be directed to the Title IX Coordinator.

The CEO shall notify applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, FLVS employees, of the following information:

Florida Virtual School does not discriminate on the basis of sex in its education program or activity, and is required by Title IX and its implementing regulations not to discriminate in such a manner. The requirement not to discriminate in its education program or activity extends to admission and employment. FLVS's Title IX Coordinator is:

FLVS Senior Manager of Professional Standards or authorized designee.  
Contact Information: [hrprofessionalstandards@flvs.net](mailto:hrprofessionalstandards@flvs.net); 407-513-3550

Any inquiries about the application of Title IX and its implementing regulations to FLVS may be referred to the Title IX Coordinator, the Assistant Secretary for the U.S. Department of Education's Office for Civil Rights, or both.

The Board has adopted a grievance process that provides for the prompt and equitable resolution of student and employee complaints alleging any action that is prohibited by Title IX and/or its implementing regulations. The grievance process is included in Policy 2266 – Nondiscrimination on the Basis of Sex in Education Programs or Activities, which is available at [www.flvs.net](http://www.flvs.net). The grievance process specifically addresses how to report or file a complaint of sex discrimination, how to report or file a formal complaint of Sexual Harassment, and how FLVS will respond.

The CEO shall also prominently display the Title IX Coordinator's contact information – including name(s) and/or title(s), phone number(s), office address(es), and e-mail address(es) – and this policy on FLVS's website and in each handbook or catalog that FLVS makes available to applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, and FLVS employees.

### **Grievance Process**

FLVS is committed to promptly and equitably resolving student and employee complaints alleging Sexual Harassment. FLVS's response to allegations of Sexual Harassment will treat Complainants and Respondents equitably, including providing supportive measures to the Complainant and Respondent, as appropriate, and following this Grievance Process before imposition of any disciplinary sanctions or other actions, other than supportive measures, against the Respondent.

The Title IX Coordinator, along with any investigator(s), decision-maker(s), or any person(s) designated to facilitate an informal resolution process, shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent.

If a determination of responsibility for Sexual Harassment is made against the Respondent, FLVS will provide remedies to the Complainant. The remedies will be designed to restore or preserve equal access to FLVS's education program or activity. Potential remedies include, but are not limited to, individualized services that constitute supportive measures. Remedies may also be disciplinary or punitive in nature and may burden the Respondent.

### **Report of Sexual Discrimination/Harassment**

Any person may report sex discrimination, including Sexual Harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or Sexual Harassment), in person, by mail, by telephone, or by electronic mail, using the Title IX

Coordinator's contact information listed above, or by any other means that results in the Title IX Coordinator receiving the person's oral or written report. Reports may be made at any time (including during non-business hours), by using the telephone number(s) or electronic mail address(es), or by mail to the office address(es), listed for the Title IX Coordinator.

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

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

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

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

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

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

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

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

FLVS to provide the supportive measures.

**Emergency Removal:** Subject to limitations and/or procedures imposed by State and/or Federal law, FLVS may remove a student Respondent from its education program or activity on an emergency basis after conducting an individualized safety and risk analysis. The purposes of the individualized safety and risk analysis is to determine whether the student Respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment that justifies removal. If FLVS determines the student Respondent poses such a threat, it will so notify the student Respondent and the student Respondent will have an opportunity to challenge the decision immediately following the removal. See Policy 5610 – Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students, and Policy 5611 – Due Process Rights.

If the Respondent is a non-student employee, FLVS may place the Respondent on administrative leave during the pendency of the grievance process.

For all other Respondents, including other members of the FLVS community and Third Parties, FLVS retains broad discretion to prohibit such persons from entering onto FLVS property at any time and for any reason, whether after receiving a report of Sexual Harassment or otherwise.

### **Formal Complaint of Sexual Harassment**

A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information set forth above. If a Formal Complaint involves allegations of Sexual Harassment by or involving the Title IX Coordinator, the Complainant should submit the Formal Complaint to the CEO, who will designate another person to serve in place of the Title IX Coordinator for the limited purpose of implementing the grievance process with respect to that Formal Complaint.

When the Title IX Coordinator receives a Formal Complaint or signs a Formal Complaint, FLVS will follow its Grievance Process, as set forth herein. Specifically, FLVS will undertake an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and provide that credibility determinations will not be based on a person's status as a Complainant, Respondent, or witness.

It is a violation of this policy for a Complainant(s), Respondent(s), and/or witness(es) to knowingly making false statements or knowingly submitting false information during the grievance process, including intentionally making a false report of Sexual Harassment or submitting a false Formal Complaint. FLVS will not tolerate such conduct, which is a violation of the student Code of Conduct and Board policies.

The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

### **Timeline**

FLVS will seek to conclude the grievance process, including resolving any appeals, within sixty (60) days of receipt of the Formal Complaint.

If the Title IX Coordinator offers informal resolution processes, the informal resolution processes may not be used by the Complainant or Respondent to unduly delay the investigation and determination of responsibility. The timeline, however, may be subject to a temporary delay of the grievance process or a limited extension for good cause with written notice to the Complainant and the Respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; and the need for language assistance or an accommodation of disabilities. The Title IX Coordinator will provide the parties with reasonable updates on the status of the grievance process.

Upon receipt of a Formal Complaint, the Title IX Coordinator will provide written notice of the following to the parties who are known:

- A. Notice of FLVS's grievance process, including any informal resolution processes;
- B. Notice of the allegations of misconduct that potentially constitutes Sexual Harassment as defined in this policy, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
  - 1. include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process;
  - 2. inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence.
  - 3. inform the parties of any provision in the student Code of Conduct, this policy, and/or Board policies that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, during the course of the investigation, the investigator becomes aware of allegations about the Complainant or Respondent that are not included in the original notice provided to the parties, the investigator will notify the Title IX Coordinator and the Title IX Coordinator will decide whether the investigator should investigate the additional allegations; if the Title IX Coordinator decides to include the new allegations as part of the investigation, the Title IX Coordinator will provide notice of the additional allegations to the parties whose identities are known.

### **Dismissal of a Formal Complaint**

FLVS shall investigate the allegations in a Formal Complaint, *unless* the conduct alleged in the Formal Complaint:

- A. would not constitute Sexual Harassment (as defined in this policy) even if proved;
- B. did not occur in FLVS's education program or activity; or
- C. did not occur against a person in the United States.

If one of the preceding circumstances exist, the Title IX Coordinator *shall* dismiss the Formal Complaint. If the Title IX Coordinator dismisses the Formal Complaint due to one of the preceding reasons, FLVS may still investigate and take action with respect to such alleged misconduct pursuant to another provision of an applicable code of conduct and/or Board policy.

The Title IX Coordinator *may* dismiss a Formal Complaint, or any allegations therein, if at any time during the investigation or post-secondary student hearing:

- A. a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- B. the Respondent is no longer enrolled in FLVS or employed by FLVS; or
- C. specific circumstances prevent FLVS from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.

If the Title IX Coordinator dismisses a Formal Complaint or allegations therein, the Title IX Coordinator must promptly send written notice of the dismissal and the reason(s) therefor simultaneously to the

parties.

### **Consolidation of Formal Complaints**

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

Where a grievance process involves more than one Complainant or more than one Respondent, references in this policy to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

### **Informal Resolution Process**

Under no circumstances shall a Complainant be required as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, to waive any right to an investigation and adjudication of a Formal Complaint of Sexual Harassment. Similarly, no party shall be required to participate in an informal resolution process.

If a Formal Complaint is filed, the Title IX Coordinator may offer to the parties an informal resolution process. If the parties mutually agree to participate in the informal resolution process, the Title IX Coordinator shall designate a trained individual to facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. The informal resolution process may be used at any time prior to the decision-maker(s) reaching a determination regarding responsibility.

If the Title IX Coordinator is going to propose an informal resolution process, the Title IX Coordinator shall provide to the parties a written notice disclosing:

- A. the allegations;
- B. the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations; and
- C. any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared.

Any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the Formal Complaint.

Before commencing the informal resolution process, the Title IX Coordinator shall obtain from the parties their voluntary, written consent to the informal resolution process.

During the pendency of the informal resolution process, the investigation and adjudication processes that would otherwise occur have stayed and all related deadlines are suspended.

The informal resolution process is not available to resolve allegations that an FLVS employee sexually harassed a student.

The informal resolution process is not available to resolve allegations involving a sexual assault involving a student Complainant and a student Respondent.

### **Investigation of a Formal Complaint of Sexual Harassment**

In conducting the investigation of a Formal Complaint and throughout the grievance process, the burden

of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility is on FLVS, not the parties.

In making the determination of responsibility, the decision-maker(s) is(are) directed to use the preponderance of the evidence standard. The decision-maker(s) is charged with considering the totality of all available evidence, from all relevant sources.

FLVS is not permitted to access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the party provides FLVS with voluntary, written consent to do so; if a student party is not an Eligible Student, FLVS must obtain the voluntary, written consent of a parent.

Similarly, the investigator(s) and decision-maker(s) may not require, allow, rely upon or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege in writing.

As part of the investigation, the parties have the right to:

- A. present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence; and
- B. have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. FLVS may not limit the choice or presence of an advisor for either the Complainant or Respondent in any meeting or grievance proceeding.

FLVS establishes the following restrictions, which apply equally to both parties, regarding the extent to which an advisor may participate in the proceedings: listen and take notes.

Neither party shall be restricted in their ability to discuss the allegations under investigation or to gather and present relevant evidence.

FLVS will provide to a party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all post-secondary student hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. The investigator(s) and decision-maker(s) must provide a minimum of one (1) day notice with respect to investigative interviews and other meetings and three (3) days' notice with respect to post-secondary student hearings.

Both parties shall have an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including the evidence upon which FLVS does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

Prior to completion of the investigative report, the Title IX Coordinator will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least ten (10) calendar days to submit a written response, which the investigator will consider prior to completion of the investigative report. FLVS will make all such evidence subject to the parties' inspection and review available at any post-secondary student hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

At the conclusion of the investigation, the investigator shall create a draft investigative report that fairly summarizes relevant evidence and send the report to each party and the party's advisor, if any, for their

review and written response. The investigator will send the investigative report in an electronic format or a hard copy, at least ten (10) calendar days prior to a post-secondary student hearing or the decision-maker(s) issuing a determination regarding responsibility.

### **Determination of Responsibility**

The Title IX Coordinator shall appoint a decision-maker(s) to issue a determination of responsibility. The decision-maker(s) cannot be the same person as the Title IX Coordinator or the investigator(s).

After the investigator sends the investigative report to the parties and the decision-maker(s), and before the decision-maker(s) reaches a determination regarding responsibility, the decision-maker(s) will afford each party the opportunity to submit written, relevant questions that a party wants asked of any party or witness, provide each party with the answers, and allow for additional, limited follow-up questions from each party. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. The decision-maker(s) must explain to the party proposing the questions any decision to exclude a question as not relevant.

For the post-secondary student complaints, after the investigator sends the investigative report to the parties and the decision-maker(s), and prior to the decision-maker(s) issuing a determination of responsibility, the decision-maker(s) will conduct a post-secondary student hearing.

The hearing will proceed as follows:

- A. Prior to commencing the post-secondary student hearing, the decision-maker(s) will decide whether to allow each party's advisor to ask questions directly of the other party and any witnesses, or instead to have the questions submitted to the decision-maker(s) who will ask the other party and any witnesses the questions.
- B. If the decision-maker(s) permits each party's advisor to ask the other party and any witnesses relevant questions and follow-up questions, including questions challenging credibility, such cross-examination at the post-secondary student hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If the decision-maker(s) permit each party's advisor to ask questions directly to the other party and any witnesses, the decision-maker(s) shall not restrict the extent to which advisors may participate in the hearing.
- C. If, on the other hand, the decision-maker(s) decides to have each party's advisor (or the party, if the party does not have an advisor) submit relevant questions to the decision-maker(s), the decision-maker will ask the questions to the other party and any witnesses. Such cross-examination at the post-secondary student hearing will be conducted orally and in real time by the decision-maker(s) based upon questions submitted by a party's advisor or the party.
- D. Only relevant cross-examination and other questions may be asked of a party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- E. If the decision-maker(s) permits the parties' advisors to ask the questions directly, and a party does not have an advisor present at the post-secondary student hearing, FLVS will provide,

without fee or charge to that party, an advisor of FLVS's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

- F. If the decision-maker(s) decides not to have the parties' advisors ask the questions directly, and a party does not have an advisor present at the post-secondary student hearing, FLVS will provide, without fee or charge to that party, an advisor of FLVS's choice, who may be, but is not required to be, an attorney, to submit questions on behalf of that party.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

Post-secondary student hearings may be conducted with all parties physically present in the same geographic location or, at the discretion of the decision-maker(s), any or all parties, witnesses, and other participants may appear at the hearing virtually, with technology enabling participants simultaneously to see and hear each other. At the request of either party, the decision-maker shall provide for the hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and parties to simultaneously see and hear the party or witness answering questions. FLVS will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review.

**Determination regarding responsibility:** The decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the decision-maker(s) must apply the preponderance of the evidence standard.

The written determination will include the following content:

- A. Identification of the allegations potentially constituting Sexual Harassment pursuant to this policy;
- B. A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and post-secondary student hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of the applicable code of conduct to the facts;
- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the decision-maker(s) is recommending that FLVS impose on the Respondent(s), and whether remedies designed to restore or preserve equal access to FLVS's education program or activity should be provided by FLVS to the Complainant(s); and
- F. The procedures and permissible bases for the Complainant(s) and Respondent(s) to appeal.

## **Discipline**

The following disciplinary sanctions/consequences may be imposed on a student Respondent who is

determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. writing assignments;
- B. changing of location;
- C. removal from co-curricular and/or extra-curricular activity(ies), including athletics;
- D. emergency removal;
- E. suspension for up to ten (10) school days;
- F. expulsion not to exceed the remainder of the term or school year and one (1) additional year of attendance;
- G. any other sanction authorized by the student Code of Conduct.

If the decision-maker(s) determines the student Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the CEO of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with Policy 5600 – Student Discipline, Policy 5605 – Suspension/Expulsion of Disabled Students, Policy 5610 – Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students, and Policy 5611 – Due Process Rights. Discipline of a student Respondent must comply with the applicable provisions of the Individuals with Disabilities Education Improvement Act (IDEA) and/or Section 504 of the Rehabilitation Act of 1972, and their respective implementing regulations.

The following disciplinary sanctions/consequences may be imposed on an employee Respondent who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. written reprimands;
- C. performance improvement plan;
- D. required counseling;
- E. required training or education;
- F. demotion;
- G. suspension with pay;
- H. suspension without pay;
- I. termination, and any other sanction authorized by any applicable Board policies.

If the decision-maker(s) determines the employee Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including disciplinary sanctions/consequences. The Title IX Coordinator will notify the CEO of the recommended remedies, so an authorized administrator can consider the recommendation(s) and implement an appropriate remedy(ies) in compliance with applicable due process procedures, whether statutory or contractual. If the CEO is the Respondent, then the Title IX Coordinator will notify the FLVS General Counsel who will recommend remedies for consideration and, if necessary and appropriate,

implementation in compliance with applicable due process procedures, whether statutory or contractual.

Discipline of an employee will be implemented in accordance with Federal and State law, and Board policy.

The following disciplinary sanctions/consequences may be imposed on a non-student/non-employee member of the FLVS community or Third Party who is determined responsible for violating this policy (i.e., engaging in Sexual Harassment):

- A. oral or written warning;
- B. suspension or termination/cancellation of the FLVS contract with the third-party vendor or contractor;
- C. restriction/prohibition on the third-party's ability to be on FLVS property; and
- D. any combination of the same.

If the decision-maker(s) determines the third-party Respondent is responsible for violating this policy (i.e., engaging in Sexual Harassment), the decision-maker(s) will recommend appropriate remedies, including imposition of sanctions. The Title IX Coordinator will notify the CEO of the recommended remedies, so appropriate action can be taken.

The decision-maker(s) will provide the written determination to the Title IX Coordinator who will provide the written determination to the parties simultaneously.

In ultimately, imposing a disciplinary sanction/consequence, the CEO (or the FLVS General Counsel when the appointed CEO is the Respondent) will consider the severity of the incident, previous disciplinary violations (if any), and any mitigating circumstances.

FLVS's resolution of a Formal Complaint ordinarily will not be impacted by the fact that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

At any point in the grievance process, the CEO (or the FLVS General Counsel if the CEO is the Respondent) may involve local law enforcement and/or file criminal charges related to allegations of Sexual Harassment that involve a sexual assault.

The Title IX Coordinator is responsible for effective implementation of any remedies.

## **Appeal**

Both parties have the right to file an appeal from a determination regarding responsibility, or from the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the matter (e.g., material deviation from established procedures);
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant(s) or Respondent(s) that affected the outcome of the matter.

The Complainant(s) may not challenge the ultimate disciplinary sanction/consequence that is imposed.

Any party wishing to appeal the decision-maker(s)'s determination of responsibility, or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein, must submit a written appeal to the Title IX Coordinator within three (3) days after receipt of the decision-maker(s)'s determination of responsibility or the Title IX Coordinator's dismissal of a Formal Complaint or any allegations therein.

Nothing herein shall prevent the CEO (or the FLVS General Counsel when the appointed CEO is the Respondent) from implementing appropriate remedies; however, excluding disciplinary sanction, while the appeal is pending.

As to all appeals, the Title IX Coordinator will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties.

The decision-maker(s) for the appeal shall not be the same person(s) as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The decision-maker(s) for the appeal shall not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant(s) or Respondent(s) and shall receive the same training as required of other decision-makers.

Both parties shall have a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The parties' written statements in support of, or challenging, the determination of responsibility must be submitted within five (5) days after the Title IX Coordinator provides notice to the non-appealing party of the appeal.

The decision-maker(s) for the appeal shall issue a written decision describing the result of the appeal and the rationale for the result. The original decision-maker(s)' determination of responsibility will stand if the appeal request is not filed in a timely manner or the appealing party fails to show clear error and/or a compelling rationale for overturning or modifying the original determination. The written decision will be provided to the Title IX Coordinator who will provide it simultaneously to both parties. The written decision will be issued within five (5) days of when the parties' written statements were submitted.

The determination of responsibility associated with a Formal Complaint, including any recommendations for remedies/disciplinary sanctions, becomes final when the time for filing an appeal has passed or, if an appeal is filed, at the point when the decision-maker(s) for the appeal's decision is delivered to the Complainant and the Respondent. No further review beyond the appeal is permitted.

## **Retaliation**

Neither the Board, FLVS, nor any other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, or because the individual made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or Sexual Harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or Formal Complaint of Sexual Harassment, for the purpose of interfering with any right or privilege secured by Title IX, its implementing regulations, or this policy, constitutes retaliation. Retaliation against a person for making a report of Sexual Harassment, filing a Formal Complaint, or participating in an investigation and/or post-secondary student hearing, is a serious violation of this policy that can result in imposition of disciplinary sanctions/consequences and/or other appropriate remedies.

Complaints alleging retaliation may be filed according to the grievance process set forth above.

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

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this policy shall not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Confidentiality**

FLVS will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, F.S. 1002.22-1002.222, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder (i.e., FLVS's obligation to maintain confidentiality shall not impair or otherwise affect the Complainant's and Respondent's receipt of the information to which they are entitled related to the investigative record and determination of responsibility).

### **Application of the First Amendment**

FLVS will construe and apply this policy consistent with the First Amendment to the U.S. Constitution.

### **Training**

FLVS's Title IX Coordinator, along with any investigator(s), decision-maker(s), or person(s) designated to facilitate an informal resolution process, must receive training on:

- A. the definition of Sexual Harassment (as that term is used in this policy);
- B. the scope of FLVS's education program or activity;
- C. how to conduct an investigation and implement the grievance process that includes post-secondary student hearings, and appeals, as applicable; and informal resolution processes, as applicable; and
- D. how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interests, and bias.

All FLVS employees will be trained concerning their legal obligation to report Sexual Harassment to the Title IX Coordinator. This training will include practical information about how to identify and report Sexual Harassment.

### **Recordkeeping**

As part of its response to alleged violations of this policy, FLVS shall create, and maintain for a period of seven (7) calendar years, records of any actions, including any supportive measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, FLVS shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to FLVS's education program or activity. If FLVS does not provide a Complainant with supportive measures, then FLVS will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit FLVS in the future from providing additional explanations or detailing additional measures taken.

FLVS shall maintain for a period of seven (7) calendar years the following records:

- A. each Sexual Harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript that is made of any post-secondary student hearing, any disciplinary sanctions recommended and/or imposed on the Respondent(s), and any remedies provided to the Complainant(s) designed to restore or preserve equal access to FLVS's education program or activity
- B. any appeal and the result therefrom
- C. any informal resolution and the result therefrom, and
- D. all materials used to train Title IX Coordinators, investigators, and decisionmakers, and any person who facilitates an informal resolution process.

FLVS will make its training materials publicly available on its website.

### **Outside Appointments, Dual Appointments, and Delegations**

FLVS retains discretion to appoint suitably qualified persons who are not FLVS employees to fulfill any function of FLVS and its Board under this policy, including, but not limited to, Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

FLVS also retains discretion to appoint two or more persons to jointly fulfill the role of Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor.

The CEO may delegate functions assigned to a specific FLVS employee under this policy, including but not limited to the functions assigned to the Title IX Coordinator, investigator, decision-maker, decision-maker for appeals, facilitator of informal resolution processes, and advisor, to any suitably qualified individual and such delegation may be rescinded by the CEO at any time.

© Neola 2021

Legal	20 U.S.C. 1681 et seq., Title IX of the Education Amendments of 1972 (Title IX) 20 U.S.C. 1400 et seq., The Individuals with Disabilities Education Improvement Act of 2004 (IDEIA) 42 U.S.C. 2000c et seq., Title IV of the Civil Rights Act of 1964 42 U.S.C. 2000d et seq. 42 U.S.C. 2000e et seq. 42 U.S.C. 1983 34 C.F.R. Part 106 Dear Colleague Letter on Sexual Violence (Office for Civil Rights, 2011) F.S. 1000.05 F.S. 1002.37 OCR's Revised Sexual Harassment Guidance (2001)
-------	--

**5111.01**

**Homeless Students**



Book	Neola Templates for Processing
Section	5000 Students
Title	HOMELESS STUDENTS
Code	po5111.01
Status	From Neola

## 5111.01 - HOMELESS STUDENTS

### Definitions

Children who are identified as meeting the Federal definition of "homeless" will be provided a free appropriate public education (FAPE) in the same manner as all other students of FLVS. To that end, homeless students will not be stigmatized or segregated on the basis of their status as homeless. FLVS shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness. FLVS shall regularly review and revise its policies, including school discipline policies that impact homeless students, including those who may be a member of any of the protected classes (Policy 2260).

Homeless children and youth, including "certified homeless youth" under State law, are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include children and youth who meet any of the following criteria:

- A. share the housing of other persons due to loss of housing, economic hardship, or similar reason
- B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations
- C. live in emergency or transitional shelters
- D. are abandoned in hospitals
- E. have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings, or
- F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

**NOTE:** According to nonregulatory guidance from the U.S. Department of Education (ED), standards for adequate housing may vary by locality. Please see *Education for Homeless Children and Youth*

*Programs, Non-Regulatory Guidance*, U.S. Department of Education (ED), for factors to consider when determining whether a child or youth is living in "substandard housing".

Pursuant to the McKinney-Vento Act, an unaccompanied youth includes a homeless child or youth not in the physical custody of a parent or guardian. Under State law an unaccompanied homeless youth who is sixteen (16) years of age or older and found to be an unaccompanied homeless youth eligible for services under Federal law shall be issued a certificate by FLVS's Liaison for Homeless Children on FLVS letterhead documenting his/her status which is to be accepted by medical providers and the courts.

The term eligible school is the school of origin, the school zoned for the address where the student is temporarily residing, or another school, which student's residing in that attendance zone are eligible to attend.

The terms enroll and enrollment include attending classes and participating fully in school activities.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-F above.

### **Identification**

The liaison, in collaboration with the FLVS Full Time enrollment team, school advocates, and school personnel, will identify homeless children who seek enrollment in our schools. The liaison will train the school advocates and school personnel on possible indicators of homelessness, sensitivity in identifying families and youth in transition, and procedures for forwarding information indicating homelessness to the liaison. FLVS Full Time will utilize the enrollment document on Student Residency Declaration form to identify homeless students to ensure barriers to identifying, enrolling, and retaining homeless children and youth in school are removed [s.722(g)(1)(J)]

The liaison will maintain data on the number of homeless children and youth in school, where they are living, their academic achievement (including performance on statewide and district-wide assessments), and the reasons for any enrollment delays, interruptions in their education, or school transfers. The liaison will collaborate with the school counselors to ensure no barriers exist for receiving credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school [s.722(g)(1)(F)(ii)].

### **Services to Homeless Children and Youth**

FLVS will provide services to homeless students that are comparable to other students at FLVS, including other educational programs and services, if any for which the homeless student meets eligibility criteria including:

- A. Title I, Part A
- B. public preschool programs and other educational programs and services for which the homeless student meets eligibility criteria
- C. programs for children with disabilities
- D. programs for English learners (ELs) (i.e., students with Limited English Proficiency (LEP))
- E. programs in career and technical education
- F. programs for gifted and talented students
- G. before - and after-school programs (if any)

In addition, unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education [s. 722(g)(1)(K)].

The President and Chief Executive Officer (CEO) will appoint a Liaison for Homeless Children who will perform the duties as assigned by the CEO. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youths.

FLVS coordinates district programs and collaborates with other school districts, community service providers and organizations, including: local social services and other community agencies to provide support to homeless students and their families, [s.722(g)(5)(A)(i)]; other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed, [s.722(g)(5)(A)(ii)]; housing authorities, and [s.722(g)(5)(B)]; and ESE [s.722(g)(5)(D)].

### **School Stability**

Maintaining a stable school environment is crucial to a homeless student's success in school. To ensure stability, FLVS must make school placement determinations based on the "best interest" of the homeless child or youth based on student-centered factors. FLVS must:

- A. continue the student's education in the school of origin for the duration of homelessness when a family becomes homeless between academic years or during an academic year; and for the remainder of the academic year even if the child or youth becomes permanently housed during an academic year; or
- B. enroll the student in any public school that non-homeless students who live in the attendance area in which the child or youth, or the family of the child or youth, is actually living are eligible to attend.

When determining a child or youth's best interest, FLVS must assume that keeping the homeless student in the school of origin is in that student's best interest, except when doing so is contrary to the request of the student's parent or guardian, or the student if he or she is an unaccompanied youth. The school of origin is the school the student attended or enrolled in when permanently housed, including a public preschool. The school of origin also includes the designated receiving school at the next level for feeder school patterns, when the student completes the final grade level at the school of origin.

When determining the student's best interest, FLVS must also consider student-centered factors, including the impact of mobility on achievement, education, health, and safety of homeless students and give priority to the request of the student's parent or guardian, or youth (if an unaccompanied youth). FLVS also considers the school placement of siblings when making this determination.

If FLVS finds that it is not in the student's best interest to attend the school of origin or the school requested by the parent or guardian, or unaccompanied youth, FLVS must provide the individual with a written explanation and reason for the determination in a manner and form understandable to the parent, guardian or unaccompanied youth. This written explanation will include appeal rights and be provided in a timely manner.

### **Immediate Enrollment**

FLVS has an obligation to remove barriers to the identification, enrollment, and retention of homeless students. If a school other than the student's school of origin is chosen on the basis of a best interest determination, the homeless student must be immediately enrolled, even if the student does not have the documentation typically necessary for enrollment, such as immunization and other required health records, proof of residency, proof of guardianship, birth certificate, or previous academic records. The

homeless student must also be enrolled immediately regardless of whether the student missed application or enrollment deadlines during the period of homelessness, fails to meet uniform or dress code requirements, has outstanding fines or fees, or absences, or other required documentation.

The enrolling school must immediately contact the school last attended by the homeless student to obtain relevant academic or other records. If the student needs immunization or other health records, the enrolling school must immediately refer the parent, guardian or unaccompanied youth to the Liaison, who will help obtain the immunizations, screenings or other required health records. Records usually maintained by the school must be kept so that they are available in a timely fashion if the child enters a new school or district. These records include immunization or other required health records, academic records, birth certificates, guardianship records, and evaluations for special services or programs. Procedures for inter-State records transfer between schools should be taken into account in order to facilitate immediate enrollment.

In addition, it shall be FLVS's responsibility to make sure that, once identified for services, the homeless student is attending classes and not facing barriers to accessing academic and extracurricular activities, including summer school, career and technical education, and advanced placement (if available).

### **Dispute Resolution**

Homeless families and youths have the right to challenge placement and enrollment decisions. If a dispute arises between a school and a parent, guardian or unaccompanied youth regarding eligibility, school selection, or enrollment of a homeless student, FLVS must follow its dispute resolution procedures, consistent with the State's procedures. If such a dispute occurs, FLVS will immediately enroll the homeless student in the school in which enrollment is sought pending final resolution of the dispute, including all appeals. The student will receive all services for which they are eligible until all disputes and appeals are resolved. In the case of an unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute. [s. 722(g)(3)(E)(iv)]

Pursuant to Federal and State law, State Board rule, and this policy, FLVS will provide the parent, guardian, or unaccompanied youth with a written explanation of all decisions regarding school selection and enrollment made by FLVS, along with a written explanation of appeal rights.

FLVS's notice and written explanation about the reason for its decision will include, at a minimum, an explanation of how the school reached its decision regarding eligibility, school selection, or enrollment, including the following:

- A. a description of the proposed or refused action by the school;
- B. an explanation of why the action is proposed or refused;
- C. a description of other options the school considered and why those options were rejected;
- D. a description of any other relevant factors to the school's decision and information related to the eligibility or best interest determination such as the facts, witnesses, and evidence relied upon and their sources; and
- E. an appropriate timeline to ensure deadlines are not missed.

FLVS's notice and written explanation shall include contact information for the Liaison and the State Coordinator, and a brief description of the roles of each. FLVS's notice and written explanation shall also inform the parent, guardian, or unaccompanied youth that the Liaison is responsible for providing information describing the State-level dispute resolution process and distributing the appropriate forms to all parties wanting to file an appeal.

To initiate the State-level appeals process, within ten (10) working days after receiving written notification of FLVS-level or inter-district decision, the parent, guardian, or unaccompanied youth may file an appeal with the Liaison, who must provide it to FLDOE. Upon receipt of an appeal, the Liaison is required to notify FLDOE of the State-level appeal and provide that appeal to the FLDOE. The local liaison also must log incidents of State-level appeals in the FLDOE Online Dispute Resolution Tracking System.

The FLDOE and the Commissioner of Education will render a decision on any appeal and provide a copy of such decision to the parties.

All decisions and notices shall be drafted in a language and format appropriate for low-literacy, limited vision readers, and individuals with disabilities.

For children and youth and/or parents or guardians who are English learners or whose dominant language is not English, FLVS will provide translation and interpretation services in connection with all phases of the dispute resolution process pursuant to federal laws.

FLVS will also provide electronic notices via email if the parent, guardian or unaccompanied youth has access to email followed by a written notice provided in person or sent by mail.

### **Homeless Children in Preschool**

Homeless preschool-aged children and their families shall be provided equal access to the educational services for which they are eligible, including preschool programs, including Head Start programs, administered by FLVS. Additionally, the homeless child must remain in the public preschool of origin, unless a determination is made that it is not in the child's best interest. When making such a decision on the student's best interest, FLVS takes into account the same factors as it does for any student, regardless of age. It also considers pre-school age specific factors, such as 1) the child's attachment to preschool teachers and staff; 2) the impact of school climate on the child, including school safety; the quality and availability of services to meet the child's needs, including health, developmental, and social-emotional needs; and 3) travel time to and from school.

### **Public Notice**

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described above, FLVS shall post public notice on the FLVS website of educational rights of children and youth experiencing homelessness in a manner and form understandable to the parents and guardians and unaccompanied youths.

### **Records**

The local liaison will assist the homeless students and their parent(s) or guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school.

All records for homeless students shall be maintained, subject to the protections of the Family Educational Rights and Privacy Act (FERPA), and in such a manner so that they are available in a timely fashion and can be transferred promptly to the appropriate parties, as required. Pursuant to the McKinney-Vento Act, information regarding a homeless student's living situation is not considered directory information (under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) and must be provided the same protections as other non-directory personally identifiable information (PII) contained in student education records under FERPA. FLVS shall incorporate practices to protect student privacy as described in any of its administrative procedures and in accordance with the provisions of the Violence Against Women Act (VAWA) and the Family Violence Prevention and Services Act (FVPSA). Records are also held confidential in a manner consistent with section 444 of the General Education Provision Act (20 U.S.C. 1232g)

No FLVS Board of Trustees policy, or FLVS administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

© Neola 2017

Legal            F.S. 743.067  
                     F.S. 1002.37  
                     F.S. 1003.01  
                     F.S. 1003.21  
                     F.S. 1003.22  
                     F.S. 1009.21  
                     F.S. 1009.25  
                     42 U.S.C. 11431 et seq.

# 5200 Attendance



Book	Clean
Section	5000 Students
Title	ATTENDANCE
Code	po5200
Status	From Neola

#### **5200 - ATTENDANCE**

The educational program offered by FLVS is predicated upon the presence of the student and requires continuity of instruction and participation in the FLVS learning management system (LMS). Attendance shall be required of all enrolled students during the days and hours that the school is in session. School attendance is the responsibility of parents and students. Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable.

In accordance with statute, the President and Chief Executive Officer (CEO) shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. FLVS reserves the right to verify such statements and to investigate the cause of each single absence.

In addition, educators have the responsibility to encourage regular attendance of students, maintain accurate attendance records, and follow reporting procedures prescribed by the CEO. Schools will record absent and tardy students in the automated student attendance recordkeeping system.

Provision shall be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation.

All children who have attained the age of six (6) or who will have attained the age of six by February 1 of any year are required to attend school regularly during the entire school term. Children who will have attained the age of five (5) years on or before September 1 of the school year are eligible for admission to Kindergarten during that school year under rules adopted by the FLVS Board of Trustees (Board).

Any child who has attained the age of six years on or before September 1 of the school year and who has been enrolled in a public school or who has attained the age of six years on or before September 1 and has satisfactorily completed the requirements for Kindergarten shall progress according to FLVS's student progression plan.

A student who attains the age of sixteen (16) years during the school year is not subject to compulsory school attendance beyond the date upon which s/he attains that age if the student files a formal declaration of intent to terminate school enrollment with the district school board. The school district must

notify the student's parent of receipt of the student's declaration of intent to terminate school enrollment.

Minors between the ages of fourteen (14) and eighteen (18) years of age who do not attend school regularly will not be issued a learner's permit or will have their driving privilege suspended by the Florida Department of Highway Safety and Motor Vehicles.

## **Truancy**

Florida law defines "habitual truant" as a student who has fifteen (15) or more unexcused absences within ninety (90) calendar days with or without the knowledge or consent of the student's parent or guardian, and who is subject to compulsory school attendance.

Due to the unique online educational environment at FLVS Full Time, fifteen (15) unexcused absences may be equivalent to fifteen (15) or more school days in which the student has not completed any work or has not responded to communication attempts made by a designated teacher, designated school administrator, and/or school social worker, and/or the student is not making adequate academic progress. When a truancy concern arises, the FLVS Student Support team will convene to determine interventions that may need to be implemented to support student/family needs. If students/families are nonresponsive to these attempts, then local law enforcement may be contacted to perform a well-being check.

FLVS will work with students' schedules to ensure that they have access to lessons missed due to the following:

- A. Personal illness of the student (medical evidence may be required by the principal/instructional leader (or designee) for absences exceeding five (5) consecutive days).
- B. Court appearance of the student.
- C. Medical appointment of the student.
- D. Pregnancy related issues.
- E. Approved school activity.
- F. Insurmountable conditions. Insurmountable conditions are extreme weather conditions, communicable disease outbreaks, and local conditions determined by the FLVS which, after taking into account the material circumstances, would render impracticable a student's attendance.
- G. Other absences with prior approval of the principal/instructional leader (or designee).
- H. Attendance at a center under Children and Families Services supervision.
- I. Significant community events with prior permission of the principal/instructional leader.
- J. Religious instruction or religious holiday.
- K. Death in the immediate family.
- L. Appointments for a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

It is the policy of FLVS that student absences from school for the observance of a religious holiday, religious instruction or because of the tenets of a student's religion forbid secular activity during a school day or portion thereof are excused absences in compliance with this policy.

## Discipline

No student will be suspended for unexcused tardiness, lateness, absence, or truancy but the student may be assigned to detention or placed in existing alternative programs.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians.

A student's grade in any course is based on his/her performance in the instructional setting and shall not be reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

The CEO shall develop administrative procedures that:

- A. provide the student and his/her parents the opportunity to challenge the attendance record prior to notification and that such notification complies with applicable Board rules;
- B. require a school session that is in conformity with the rules of the State Board;
- C. govern the keeping of attendance records in accordance with the rules of the State Board;
- D. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;
- E. require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work if completed;
- F. require that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed FLVS's limit on excused absence is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

© Neola 2018

© FLVS 2021

Legal

F.S. 332.091  
F.S. 984.151  
F.S. 1002.20  
F.S. 1002.37  
F.S. 1003.02  
F.S. 1003.21  
F.S. 1003.23  
F.S. 1003.24  
F.S. 1003.26  
F.S. 1003.27  
F.A.C. 6A-1.044, Pupil Attendance Records  
F.A.C. 6A-1.09512, Equivalent Minimum School Term for Compulsory Attendance Purposes  
F.A.C. 6A-1.09513, Parents' Responsibility for School Attendance  
F.A.C. 6A-1.09514, Excused Absences for Religious Instruction or Holiday

F.A.C. 6A-1.09515, Excused Absences for Treatment of Autism Spectrum Disorder

**5215**

**Missing and Absent Children**



Book	Clean
Section	5000 Students
Title	MISSING AND ABSENT CHILDREN
Code	po5215
Status	From Neola

#### **5215 - MISSING AND ABSENT CHILDREN**

It is the interest of FLVS to cooperate with local, State, and National efforts to decrease the number of missing children.

The President and Chief Executive Officer is instructed to establish administrative procedures to provide for admittance of a student lacking records into an FLVS school followed by notification of the police rather than refusing entrance and notification of authorities. Such a procedure may reduce the risk of removal of the student.

© Neola 2002

Legal	F.S. 937.025 F.S. 1002.37
-------	------------------------------

5320

Immunization and Health  
Examination



Book	Clean
Section	5000 Students
Title	IMMUNIZATION AND HEALTH EXAMINATION
Code	po5320
Status	From Neola

#### **5320 - IMMUNIZATION AND HEALTH EXAMINATION**

In order to safeguard the school community from the spread of certain communicable diseases, students are required to undergo a health examination and to be immunized against such diseases, as follows.

#### **Immunization**

Prior to admittance to or attendance at an FLVS Full Time school for grades kindergarten through 12, or any other initial entrance into a Florida public school, each child shall present or have on file with the immunization registry a certification of immunization for the prevention of those communicable diseases for which immunization is required by the Department of Health. Any child who is excluded from participation in the immunization registry pursuant to F.S. 381.003(1)(e)2 must present or have on file with the school such certification of immunization. Certification of immunization shall be made on forms approved and provided by the Department of Health or be on file with the immunization registry and shall become a part of each student's permanent record, to be transferred when the student transfers, is promoted or changes schools. The transfer of such immunization certification shall be accomplished using the Florida Automated System for Transferring Education Records and shall be deemed to satisfy the requirements of this paragraph.

Immunizations shall be required for poliomyelitis, diphtheria, rubeola, rubella, pertussis, mumps, varicella (chicken pox), tetanus, and other communicable diseases as determined by rules of the Department of Health.

The manner and frequency of administration of the immunization or testing shall conform to recognized standards of medical practice. Immunizations required by this policy are available at no cost from the county health department.

The provisions of this policy shall not apply if:

- A. the parent of the child objects in writing that the administration of immunizing agents conflicts with his/her religious tenets or practices;
- B. a physician licensed under the provisions of F.S. Chapter 458 or Chapter 459 certifies in writing, on a form approved and provided by the Department of Health, that the child should be

permanently exempt from the required immunization for medical reasons stated in writing, based upon valid clinical reasoning or evidence, demonstrating the need for the permanent exemption;

- C. a physician licensed under the provisions of F.S. Chapter 458, Chapter 459, or Chapter 460 certifies in writing, on a form approved and provided by the Department of Health, that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations;
- D. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or
- E. the authorized school official issues a temporary exemption, for up to thirty (30) school days, to permit a student who transfers from another district or school system to attend class until his/her records can be obtained. Children and youths who are experiencing homelessness and children who are known to the department, as defined in F.S. 39.0016, shall be given a temporary exemption for thirty (30) school days.

The registrar is responsible for follow-up of each such student until proper documentation or immunizations are obtained.

No person licensed by this State as a physician or nurse shall be liable for any injury caused by his/her action or failure to act in the administration of a vaccine or other immunizing agent pursuant to the provisions of this policy if the person acts as a reasonably prudent person with similar professional training would have acted under the same or similar circumstances.

No member of the FLVS Board of Trustees (Board) or any of its employees shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized or for a failure to diagnose scoliosis pursuant to the provisions of this policy.

The parents of any child admitted to or in attendance at a public school, grades prekindergarten through 12, are responsible for assuring that the child is in compliance with the provisions of this policy.

Each public school, including public kindergarten, shall provide to the county health department director or administrator annual reports of compliance with the provisions of this policy. Reports shall be completed on forms provided by the Department of Health for each kindergarten and other grade as specified, and the reports shall include the status of children who were admitted at the beginning of the school year.

The presence of any of the communicable diseases for which immunization is required by the Department of Health in a public school shall permit the county health department director or administrator or the State Health Officer to declare a communicable disease emergency. The declaration of such emergency shall mandate that all students in attendance in the school who are not in compliance with the provisions of this policy be identified by FLVS, and the school health and immunization records of such children shall be made available to the county health department director or administrator. Those children identified as not being immunized against the disease for which the emergency has been declared shall be temporarily excluded from any in-person school until such time as is specified by the county health department director or administrator.

Any child otherwise entitled to admittance to kindergarten or any other initial entrance into a Florida public or private school who is not in compliance with the requirements of this policy shall be denied admittance until such requirements are satisfied.

The provisions of this policy do not apply to those persons admitted to or attending adult education classes unless the adult students are under twenty-one (21) years of age.

Any immunization program conducted by FLVS requires prior approval of the Board and can only extend to those immunizations provided for by statute and Board policy.

© Neola 2020

Legal

F.S. 1002.37

F.S. 1003.22

F.A.C. 64D-3.046, Immunization Requirements: Public and Nonpublic Schools,  
Grades Preschool, Kindergarten Through 12, and Adult Education Classes

**5410**  
**Student Progression**



Book	Clean
Section	5000 Students
Title	STUDENT PROGRESSION
Code	po5410
Status	From Neola

#### **5410 - STUDENT PROGRESSION**

Pursuant to F.S. 1008.25, the FLVS Board of Trustees (Board) shall adopt a student progression plan which will provide for a student's progression from one (1) grade to another based on the student's mastery of the standards in F.S. 1003.41, specifically English language arts, mathematics, science, and social studies. The plan must, at a minimum:

- A. include criteria that emphasizes student reading proficiency in kindergarten through grade 3 and provide targeted instructional support for students with identified deficiencies in English language arts, mathematics, science, and social studies;

High schools shall use all available assessment results, including the results of Statewide, standardized English language arts assessments and end-of-course assessments for Algebra I and Geometry to advise students of any identified deficiencies and to provide appropriate postsecondary preparatory instruction before high school graduation. The results of evaluations used to monitor a student's progress in grades K-12 must be provided to the student's teacher in a timely manner and as otherwise required by Florida law. Thereafter, evaluation results must be provided to the student's parent in a timely manner. When available, instructional personnel must be provided with information on student achievement of standards and benchmarks in order to improve instruction.

- B. list the student eligibility and procedural requirements established by FLVS for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school;

notify parents and students of FLVS's process by which a parent may request student participation in whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school;

- C. advise parents and students that additional Academically Challenging Curriculum to Enhance Learning (ACCEL) options that may be available at the student's school;
  - 1. advise parents and students to contact the principal/instructional leader at the student's school for information related to student eligibility requirements for whole-grade

promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal/instructional leader's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;

2. advise parents and students to contact the principal/instructional leader at the student's school for information related to the school's process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal/instructional leader's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered at the school;
- D. advise parents and students of the early graduation options pursuant to State law and Policy 5464 - Accelerated Graduation Options;
  - E. list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement(s) established pursuant to State law;
  - F. provide instructional sequences by which students in kindergarten through high school may attain progressively higher levels of skill in the use of digital tools and applications. The instructional sequences must include participation in curricular and instructional options and the demonstration of competence of standards required pursuant to State law through attainment of industry certifications and other means of demonstrating credit requirements identified under State law.

© Neola 2017

Legal

F.S. 1002.3105  
F.S. 1002.37  
F.S. 1003.41  
F.S. 1003.4156  
F.S. 1003.4203  
F.S. 1003.4281  
F.S. 1003.4282  
F.S. 1007.271  
F.S. 1008.25  
Student Performance Standards, F.A.C. 6A-1.09401  
Statewide, Standardized Assessment Program Requirements, F.A.C. 6A-1.09422  
Alternative Standardized Reading Assessment and Use of Student Portfolio for Good Cause Promotion, F.A.C. 6A-1.094221  
Standards for Mid-Year Promotion of Retained Third Graders, F.A.C. 6A-1.094222

**5410.01**

**Promotion, Acceleration,  
Placement, and Retention**



Book	Clean
Section	5000 Students
Title	PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION
Code	po5410.01
Status	From Neola

#### **5410.01 - PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION**

FLVS recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

FLVS shall provide for the placement, acceleration, and progression of students through adopted student progression plans. The FLVS student progression plan includes the standards for evaluating each student's performance, including how well s/he masters the performance standards approved by the State Board of Education. A student will be promoted to the succeeding grade level when s/he has demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade.

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole grade promotion, midyear promotion or subject matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. (F.S. 1008.25(6)(a))

#### **Progress Monitoring Plans and Remediation**

Each student must participate in the Statewide standardized assessment program that is required by F.S. 1008.22. Each student who does not achieve a Level 3 or above on Statewide standardized English language arts assessment; the Statewide standardized mathematics assessment; or the Algebra I end-of-course (EOC) assessment must be evaluated to determine the nature of the student's difficulty, the areas of academic need, and strategies for providing academic supports to improve the student's performance.

A student who is not meeting the FLVS or State requirements for satisfactory performance in English language arts and mathematics must be covered by one (1) of the following plans:

- A. a Federally required student plan such as an individual education plan;

- B. a schoolwide system of progress monitoring for all students, except a student who scores Level 4 or above on the English language arts and mathematics assessments may be exempted from participation by the principal/instructional leader; or
- C. an individualized progress monitoring plan.

Any student who exhibits a substantial deficiency in reading, based upon locally determined or statewide assessments conducted in kindergarten or grade 1, grade 2, or grade 3, or through teacher observations, must be given intensive reading instruction immediately following the identification of the reading deficiency. The student's reading proficiency must be monitored and the intensive instruction must continue until the student demonstrates grade level proficiency in a manner determined by FLVS, which may include achieving a Level 3 on the Statewide standardized English language arts assessment.

The parent of any student who exhibits a substantial deficiency in reading, as described in the above paragraph, must be notified in writing of the following:

- A. that their child has been identified as having a substantial deficiency in reading, including a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading;
- B. a description of the current services that are provided to the child;
- C. a description of the proposed intensive interventions and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency;
- D. that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless s/he is exempt from mandatory retention for good cause;
- E. strategies, including multisensory strategies, through a read-at-home plan the parent can use in helping their child succeed in reading;
- F. that the Statewide, standardized English Language Arts assessment is not the sole determiner of promotion and that additional evaluations, portfolio reviews, and assessments are available to the child to assist parents and FLVS in knowing when a child is reading at or above grade level and ready for grade promotion;
- G. FLVS's specific criteria and policies for a portfolio and the evidence required for a student to demonstrate mastery of Florida's academic standards for English Language Arts;  

A school must immediately begin collecting evidence for a portfolio when a student in grade 3 is identified as being at risk of retention or upon the request of the parent, whichever occurs first.
- H. FLVS's specific criteria and policies for midyear promotion. Midyear promotion means promotion of a retained student at any time during the year of retention once the student has demonstrated ability to read at grade level;
- I. information about the student's eligibility for the New Worlds Reading Initiative under F.S. 1003.485 and information on parent training modules and other reading engagement resources available through the initiative.

To be promoted to grade 4, a student must score a Level 2 or higher on the Statewide standardized English language arts assessment required under F.S. 1008.22 for grade 3. If a student's reading deficiency is not remedied by the end of grade 3, as demonstrated by scoring Level 2 or higher on the Statewide standardized assessment required under F.S. 1008.22 for grade 3, the student must be retained.

A student who has been retained in third grade due to a reading deficiency shall be promoted mid-year if the student has demonstrated mastery of the State-mandated requirements in reading.

A student may be eligible for a waiver of retention criteria for acceptable good cause as outlined in the student progression plan. A student may be retained at the same grade level/course(s) when s/he has not demonstrated satisfactory mastery of the State-mandated requirements in the required subject areas. Parents must be informed in advance of the possibility of retention of a student at a grade level.

### **Middle Grades Promotion**

In order for a student to be promoted to high school from a school that includes middle grades 6, 7, and 8, the student must successfully complete the following courses:

- A. Three (3) middle grades or higher courses in English Language Arts (ELA).
- B. Three (3) middle grades or higher courses in mathematics.
  - 1. Each school that includes middle grades must offer at least one (1) high school level mathematics course for which students may earn high school credit. Successful completion of a high school level Algebra I or Geometry course is not contingent upon the student's performance on the Statewide standardized end-of-course (EOC) assessment.
  - 2. To earn high school credit for Algebra I, a middle grades student must take the Statewide standardized Algebra I EOC assessment and pass the course, and in addition, a student's performance on the Algebra I EOC assessment constitutes thirty percent (30%) of the student's final course grade.
  - 3. To earn high school credit for a Geometry course, a middle grades student must take the Statewide standardized Geometry EOC assessment, which constitutes thirty percent (30%) of the student's final course grade, and earn a passing grade in the course.
- C. Three (3) middle grades or higher courses in social studies.
  - 1. One (1) of these courses must be at least a one (1) semester civics education course that includes the roles and responsibilities of Federal, State, and local governments; the structures and functions of the legislative, executive, and judicial branches of government; and the meaning and significance of historic documents, such as the Articles of Confederation, the Declaration of Independence, and the Constitution of the United States.
  - 2. Each student's performance on the Statewide standardized EOC assessment in civics education required under F.S. 1008.22 constitutes thirty percent (30%) of the student's final course grade.
- D. Three (3) middle grades or higher courses in science. Successful completion of a high school level Biology I course is not contingent upon the student's performance on the statewide, standardized EOC assessment required under F.S. 1008.22. To earn high school credit for a Biology I course, however, a middle grade student must take the statewide, standardized Biology I EOC assessment, which constitutes 30 percent of the student's final course grade, and earn a passing grade in the course.
- E. One course in career and education planning to be completed in grades 6, 7, or 8, which may be taught by any member of the instructional staff. The course must be Internet-based, customizable to each student, and include research-based assessments to assist students in determining educational and career options and goals. In addition, the course must result in a completed

personalized academic and career plan for the student that may be revised as the student progresses through middle school and high school; must emphasize the importance of entrepreneurship and employability skills; and must include information from the Department of Economic Opportunity's economic security report under F.S. 445.07 and other State career planning resources. The required personalized academic and career plan must inform students of:

1. high school graduation requirements, including a detailed explanation of the requirements for earning a high school diploma designation under F.S. 1003.4285;
2. the requirements for each scholarship in the Florida Bright Futures Scholarship Program;
3. State university and Florida College System institution admission requirements;
4. available opportunities to earn college credit in high school, including Advanced Placement courses, the International Baccalaureate Program, and the Advanced International Certificate of Education Program;
5. dual enrollment, including career dual enrollment; and
6. career education courses, including career-themed courses, pre-apprenticeship and apprenticeship programs, and course sequences that lead to industry certification pursuant to F.S. 1003.492 or F.S. 1008.44.

The course may be implemented as a stand-alone course or integrated into another course or courses.

### **Retention of Students with Disabilities**

Retention and assignment of a student with disability will be determined by the student's Individual Education Plan (IEP) Team and follow the requirements of Florida law. The assignment of and services to be provided to a student with a disability will be documented on the student's IEP. Extended school year services may be provided for any student who would severely regress in their skills and overall functioning as demonstrated by supporting documentation and determined necessary by the student's IEP team.

© Neola 2021

Legal	F.S. 1002.3105
	F.S. 1002.37
	F.S. 1003.4156
	F.S. 1008.22
	F.S. 1008.25
	F.A.C. 6A-1.09422
	F.A.C. 6A-1.094221
	F.A.C. 6A-1.094222

# 5420

## Reporting Student Progress



Book	Clean
Section	5000 Students
Title	REPORTING STUDENT PROGRESS
Code	po5420
Status	From Neola

#### **5420 - REPORTING STUDENT PROGRESS**

FLVS believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The FLVS Board of Trustees directs the establishment of a system of reporting student progress which shall include written reports, parent communication with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The President and Chief Executive Officer, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents which:

- A. ensure that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;
- B. enable the scheduling of parent-teacher communication at such times and in such places as will ensure the greatest degree of participation by parents;
- C. specify the communication of report cards (also called progress reports) at intervals of not less than once per month;
- D. ensure a continual review and improvement of methods of reporting student progress to parents.

#### **Annual Report to Parents Regarding Student Progress**

FLVS will annually provide a report to the parent of each student identifying the progress of the student toward achieving State and FLVS expectations for proficiency in English language arts, science, social studies, and mathematics. Parents will also be provided a report identifying student results on each Statewide, standardized assessment. Progress reporting will be provided to parents in an understandable format and in a language that parents can understand. Parents will also be notified of reading deficiency issues as required by F.S. 1008.25, if applicable.

This report to parents may be included with the student report cards at the end of the year if all students receive report cards.

### **Report Cards**

Report cards issued by FLVS will contain, in addition to other information, the following:

- A. The student's academic performance in each class or course, which in grades 1 through 12 must be based upon examinations as well as written papers, class participation, and other academic performance criteria, and must include the student's performance or nonperformance at his/her grade level.
- B. The student's conduct and behavior.
- C. The student's attendance, including absences and tardiness.

A student's final report card for a school year shall contain a statement indicating end-of-the-year status regarding performance or nonperformance at grade level, acceptable or unacceptable behavior and attendance, and promotion or non-promotion.

**© Neola 2015**

Legal                      F.S. 1002.37  
                                  F.S. 1003.33  
                                  F.S. 1008.25

# 5421 Grading



FLORIDA VIRTUAL  
SCHOOL

Book	Clean
Section	5000 Students
Title	GRADING
Code	po5421
Status	From Neola

#### 5421 - **GRADING**

FLVS requires that its grading scale be consistent with State Statute. Furthermore, FLVS believes that each student's grades should accurately reflect his/her degree of accomplishment of those expected learning outcomes which are stated for each program at every grade level, kindergarten through twelve.

The President and Chief Executive Officer shall develop and update administrative procedures necessary to implement this policy.

© **Neola 2002**

Legal	F.S. 1002.37 F.S. 1003.437
-------	-------------------------------

**5421.01**  
**Grade Forgiveness**



Book	Clean
Section	5000 Students
Title	GRADE FORGIVENESS
Code	po5421.01
Status	From Neola

#### 5421.01 - **GRADE FORGIVENESS**

To assist in meeting graduation requirements, students may take the following actions to improve their grades and their grade point average (GPA):

- A. High school students may replace a grade of D or F, or the equivalent of a grade of D or F:
  - 1. for required courses, with a grade of C or higher, or the equivalent of a grade of C or higher, earned subsequently in the same or comparable course; and
  - 2. for elective courses, with a grade of C or higher, or the equivalent of a grade of C or higher, earned subsequently in another course.
  
- B. Students in the middle grades (6-8) who take any high school course for high school credit may replace a grade of C, D, or F, or the equivalent of a grade of C, D, or F, with a grade of C or higher, or the equivalent of a grade of C or higher, earned subsequently in the same or comparable course.

Only the new grade shall be used in the calculation of the student's GPA. Any course grade not replaced according to this policy shall be included in the calculation of the cumulative GPA required for graduation.

© Neola 2016

Legal	F.S. 1002.37 F.S. 1003.4282(5)
-------	-----------------------------------

5440

Student Progress Through  
Mastery Learning



Book	Clean
Section	5000 Students
Title	STUDENT PROGRESS THROUGH MASTERY LEARNING
Code	po5440
Status	From Neola

#### **5440 - STUDENT PROGRESS THROUGH MASTERY LEARNING**

FLVS recognizes that circumstances beyond the control of individuals and/or FLVS could prevent students in any grade from meeting the State requirement of 180 days of instruction, and/or students in grades 9-12 from meeting the State requirement of 135 clock hours of instruction.

To the extent permitted by the Emergency Management Act and pursuant to an executive order issued by the Governor's office under the authority provided by said act, the President and Chief Executive Officer (CEO) shall determine whether or not such circumstances pertain to FLVS. In such matters the CEO's decision shall be final.

FLVS further recognizes, however, that, despite such circumstances, it is the responsibility of FLVS to provide an instructional program that enables the students to acquire the knowledge and skills presented in FLVS's curriculum.

If the CEO determines that such circumstances pertain to FLVS, then K through 8 students shall be provided the opportunity to earn promotion to the next grade by demonstrating mastery of established performance standards for their grade level, and students enrolled in high school credit courses shall be provided the opportunity to earn credit for each course in which they are enrolled by demonstrating mastery of established performance standards on end-of-course examinations or similar evaluations.

© Neola 2004

Legal F.S. 1002.37  
F.S. 252.921 et seq.

**5460**  
**Graduation Requirements**



Book	Clean
Section	5000 Students
Title	GRADUATION REQUIREMENTS
Code	po5460
Status	From Neola

#### 5460 - GRADUATION REQUIREMENTS

It shall be the policy of FLVS to acknowledge each full-time student's successful completion of the instructional program appropriate to the achievement of FLVS goals and objectives as well as personal proficiency by the awarding of a diploma at a fitting graduation ceremony.

#### Standards for Graduation

Receipt of a standard high school diploma requires successful completion of twenty-four (24) credits, an International Baccalaureate curriculum, an Advanced International Certificate of Education completion, or the Career and Technical Education (CTE) pathway.

The twenty-four (24) credits shall be distributed as follows:

<b>Subject</b>	<b>Credits</b>
<b>English Language Arts</b> • ELA 1, 2, 3, 4 • ELA honors, Advanced Placement (AP), AICE, IB and dual enrollment courses may satisfy this requirement	<b>4</b>
<b>Social Studies</b> • 1 credit in World History • 1 credit in U.S. History • 0.5 credit in U.S. Government • 0.5 credit in Economics	<b>3</b>
<b>Mathematics</b> • One of which must be Algebra 1 and one of which must be Geometry • Industry Certifications that lead to college credit may substitute for up to two mathematics credits (except for Algebra 1 and Geometry) • An identified computer science credit may substitute for up to one mathematics credit (except for Algebra 1 and Geometry)	<b>4</b>

<b>Science</b>	<b>3</b>
<ul style="list-style-type: none"> <li>• One of which must be Biology 1, two of which must be equally rigorous science courses</li> <li>• Two of the three required course credits must have a laboratory component</li> <li>• Industry Certifications that lead to college credit may substitute for up to one science credit (except for Biology 1)</li> <li>• An identified computer science credit may substitute for up to one science credit (except for Biology 1)</li> </ul>	
<b>Fine or performing arts, speech and debate or practical arts</b>	<b>1</b>
<b>Electives</b>	<b>8</b>
<b>Physical Education – To Include Health Integration or Physical Education 0.5 credit + Health 0.5 credit</b>	<b>1</b>

A financial literacy course consisting of at least one-half (1/2) credit as an elective shall be offered.

Basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction, shall be provided for students in grades 9 and 11.

High school students will be provided opportunities to take computer science courses and earn technology-related industry certifications to satisfy high school graduation requirements. Computer science courses and technology-related industry certifications that are identified as eligible for meeting mathematics or science requirements for high school graduation will be included in the Course Code Directory.

The required credits may be earned through equivalent, applied, or integrated courses or career education courses as defined in F.S. 1003.01(4), including work-related internships approved by the State Board of Education and identified in the course code directory. However, any must-pass assessment requirements must be met.

An equivalent course is one (1) or more courses identified by content-area experts as being a match to the core curricular content of another course, based upon a review of the Next Generation Sunshine State Standards and includes real-world applications of a career and technical education standard used in business or industry. An integrated course includes content from several courses within a content area or across content areas.

The earning and awarding of high school credits will be in accordance with Florida law including, but not necessarily limited to, the provisions of F.S. 1003.4282 and those identified in FLVS's Student Progression Plan.

### **High School Diploma**

FLVS shall award a standard high school diploma to every student enrolled in the FLVS Full Time program who meets the requirements of graduation or who properly completes the goals and objectives specified in his/her IEP (including either the exemption from or the requirement to complete the State-mandated tests and the recommendation of the IEP Team).

In order to graduate, students must earn passing scores on the Florida State Assessment (State mandated testing) or scores on a standardized test that are concordant with passing scores on the State mandated testing. Additionally, a student must earn a cumulative unweighted GPA of 2.0 on a 4.0 scale.

Each student's standard high school diploma will include, as applicable, the following designations, if the student meets the criteria:

#### A. Scholar Designation

In order to earn the Scholar Designation, the student must satisfy the following requirements (in addition to the requirements of F.S. 1003.4282) for earning a standard diploma:

1. earn one (1) credit in Algebra 2 or an equally rigorous course
2. pass the Geometry EOC
3. earn one (1) credit in Statistics or an equally rigorous mathematics course
4. pass the Biology 1 EOC\*
5. earn one (1) credit in Chemistry or Physics
6. earn one (1) credit in a course equally rigorous as Chemistry or Physics
7. pass the U.S. History EOC\*
8. earn two (2) credits in the same World Language
9. earn at least one (1) credit in an AP, IB, AICE or dual enrollment course

\*A student is exempt from the Biology 1 or U.S. History EOC assessment if the student is enrolled in an AP, IB or AICE Biology 1 or U.S. History course; takes the respective AP, IB or AICE assessment; and earns the minimum score to earn college credit.

#### B. Merit Designation

In order to earn the Merit Designation, a student must, in addition to the requirements for a standard high school diploma, attain one (1) or more industry certifications on the Florida Department of Education's current Industry Certification Funding List.

Students and parents shall be provided information about diploma designations through an online education and career planning tool, which allows students to monitor their progress toward the attainment of each designation.

#### **Honorary Diploma**

An honorary diploma may be awarded in the case of such unfortunate circumstances as the severe disability or death of a student prior to graduation. The student must have been a senior in good standing to meet the requirements of graduation at the time of the disability/death.

#### **Early Admission Program**

High school graduation by means of the Early Admission to College Program is an alternative for the college-bound student during the normal senior year in high school. When the prescribed conditions as set forth in the student handbook have been met, the student shall be awarded a high school diploma with the regular high school graduating class. The official college transcript shall be made a part of the student's high school permanent record file.

When students leave high school as Early Admission to College Program students, they may participate in graduation exercises with their graduation class.

#### **Academically Challenging Curriculum to Enhance Learning (ACCEL)**

The FLVS Full Time high school offers the following ACCEL options: whole-grade and midyear promotion; subject-matter acceleration; virtual instruction in higher grade level subjects; and the Credit Acceleration Program under F.S. 1003.4295. Additional options may include, but are not limited to, enriched science, technology, engineering, and mathematics coursework; enrichment programs; flexible grouping; advanced academic courses; combined classes; self-paced instruction; rigorous industry certifications that are articulated to college credit and approved pursuant to F.S. 1003.492 and F.S.

1008.44; work-related internships or apprenticeships; curriculum compacting; advanced-content instruction; and telescoping curriculum.

### **Credit Acceleration Program (CAP)**

High school credit in courses required for high school graduation may be earned through the passage of an end-of-course assessment administered under F.S. 1008.22, an advanced placement examination, or a College Level Examination Program (CLEP). Course credit shall be awarded to a student who is not enrolled in the course, or who has not completed the course if the student attains a passing score on the end-of-course assessment, advanced placement examination, or CLEP. Public school or home education students shall take the assessment or examination during the regular administration of the assessment or examination.

FLVS shall notify the parent of a student who is eligible to graduate early.

A student who graduates early may continue to participate in school activities and social events and to attend and participate in graduation events with the student's cohort. The student will be included in the class honors and award determinations for the student's cohort. The student must comply with FLVS Board of Trustees (Board) rules and policies regarding access to the FLVS facilities during normal operating hours.

### **Career and Technical Education Graduation Pathway Option**

A student is eligible to complete an alternative pathway to earning a standard high school diploma through the CTE pathway option. Receipt of a standard high school diploma awarded through the CTE pathway option requires the student's successful completion of at least eighteen (18) credits. A student completing the CTE pathway option must earn at least a cumulative grade point average (GPA) of 2.0 on a 4.0 scale. In order for a student to satisfy the requirements of the CTE pathway option, s/he must meet the GPA requirement and:

- A. meet the requirements as set forth in F.S. 1003.4282;
- B. complete two (2) credits in career and technical education; and

The courses must result in a program completion and an industry certification.

- C. complete two (2) credits in work-based learning programs. A student may substitute up to two (2) credits of electives, including one-half (1/2) credit in financial literacy, for work-based learning program courses to fulfill this requirement.

The CTE pathway option to graduation will be incorporated into FLVS's Student Progression Plan.

### **Certificate of Completion**

A student who completes the minimum number of credits and other requirements for graduation but cannot earn a passing score on the State mandated testing, achieve a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent, or complete all other applicable requirements prescribed by the Board pursuant to Florida statutes shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

A student who is entitled to a certificate may elect to remain as a full-time student or a part-time student for up to one (1) additional year and receive special instruction designed to remedy the student's identified deficiencies.

### **Notice to Students and Parents**

FLVS will notify full-time students and parents, in writing, of the requirements for a standard high school diploma, available designations, and the eligibility requirements for State scholarship programs and postsecondary admissions.

### **Commencement Exercises**

Commencement exercises will include only those students who have successfully completed requirements for a standard high school diploma, Early Admission to College Program, a special diploma, or a certificate of completion for graduation as certified by the high school principal/instructional leader. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

Students are permitted to lawfully wear dress uniforms of any of the Armed Forces of the United States or of the State at their graduation ceremony.

### **© Neola 2021**

Legal	F.S. 1002.3105
	F.S. 1002.37
	F.S. 1003.4281
	F.S. 1003.4282
	F.S. 1003.4285
	F.S. 1003.4286
	F.S. 1003.4295
	F.S. 1003.433
	F.S. 1003.435
	F.S. 1003.436
	F.S. 1003.437
	F.S. 1003.453
	F.A.C. 6A-1.0995
	F.A.C. 6A-1.09963
	F.A.C. 6A-6.0573

5460.01

Graduation Requirements for  
Out-of-State or Out-of-  
Country Transfer Students



Book	Clean
Section	5000 Students
Title	GRADUATION REQUIREMENTS FOR OUT-OF-STATE OR OUT-OF-COUNTRY TRANSFER STUDENTS
Code	po5460.01
Status	From Neola

**5460.01 - GRADUATION REQUIREMENTS FOR OUT-OF-STATE OR OUT-OF-COUNTRY TRANSFER STUDENTS**

An eleventh or twelfth grade student transferring to FLVS from out-of-state or from another country shall be permitted to graduate on schedule and receive a standard high school diploma with fewer than the prescribed number of units provided the following conditions are met. The student shall:

- A. have successfully completed the normal requirements of the school district, state, or country from which s/he is transferring;
- B. have taken and successfully completed a full schedule of courses, including as many required courses as possible, during the period of attendance at the graduating school;
- C. have earned a 2.0 grade point average; and
- D. have demonstrated proficiency in Reading and Mathematics by either earning passing scores on the State mandated tests or through a standardized test score that is concordant with the passing score on the State mandated testing as set forth in State law.

© Neola 2016

Legal	F.S. 1002.37 F.S. 1003.4282 F.S. 1003.433
-------	---

**5463**

**Credits from Other Schools**



Book	Clean
Section	5000 Students
Title	CREDITS FROM OTHER SCHOOLS
Code	po5463
Status	From Neola

#### **5463 - CREDITS FROM OTHER SCHOOLS**

Recognizing its responsibility to uphold the minimum educational standards of the State of Florida, the following shall be FLVS's policy regarding the transfer of credits from other schools.

If a student transfers from out of state, out of country, private school or home school, the student's transcript will be reviewed to determine if the student is required to take the Florida End-of-Course Assessment for Algebra 1 in accordance with the State Uniform Transfer of High School Credit policy.

Acceptance of transfer grades or credits for students in grades 9-12 shall be in accordance with State Board rule and shall be based in all cases on official transcripts. Transfer grades and/or credits from schools by another state or by one (1) of the five (5) regional accrediting agencies shall be accepted at face value. FLVS shall also accept high school grades and credits from postsecondary dual enrollment programs.

Credits from out of country or out-of-state schools, non-accredited schools, a private school, or home school shall be validated according to the transfer credit procedures outlined in State Board rule.

Students who enter FLVS's Full Time high school at the 11th or 12th grade from out-of-state or out-of-country shall not be required to spend additional time in a Florida public school in order to meet the high school course requirements if the student has met all requirements of the school district, state, or country from which s/he is transferring. Such students who are not proficient in English should receive immediate and intensive instruction in English language acquisition. However, to receive a standard high school diploma, a transfer student must earn a 2.0 grade point average and pass the required assessments under F.S. 1008.22.

© Neola 2013

Legal	F.S. 1002.37
	F.S. 1003.25
	F.S. 1003.433
	F.S. 1003.436
	F.S. 1007.24

**5464**  
**Accelerated Graduation**  
**Options**



Book	Clean
Section	5000 Students
Title	ACCELERATED GRADUATION OPTIONS
Code	po5464
Status	From Neola

#### 5464 - ACCELERATED GRADUATION OPTIONS

FLVS acknowledges that some students are pursuing educational goals which include graduation from high school at an earlier date than their designated class.

Annually, students in grades 6-12 will be provided with information describing the three (3) year and four (4) year graduation options as set forth in State law, including the respective curriculum requirements for each option. A student and parent may select one of the graduation options set forth in State law at any time during grades 9-12. If the student and parent fail to select one of the accelerated high school graduation options, the student shall be considered to have selected the general requirements for high school graduation and the four (4) year graduation option.

However, before selecting a three (3) year graduation option, the student and his/her parent(s) must meet with the designated school personnel so that the requirements set forth in law for, as well as the advantages and disadvantages of, each option can be reviewed. Written consent of the student's parent is required for participation in a three (3) year accelerated high school graduation option. If an effort to meet with the student's parent(s) fails and is documented by the designated school personnel, then the student may select a three (3) year accelerated high school graduation option with the written consent of the student's parent. If the student is eighteen (18) years of age or older, the student may select a three (3) year accelerated high school graduation option with or without the written consent of his/her parent.

If, at the end of any grade, a student is not on track to meet the credit, assessment, and/or grade-point-average requirements set forth in State law, then the principal/instructional leader shall notify the student and parent of the requirements currently not being met, the specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements, and of the student's right to change to the four (4) year graduation option as set forth in State law.

A student, who does not exercise his/her option to change to a four (4) year graduation option, will be automatically moved to a four (4) year graduation program under the following circumstances:

- A. Inadequate progress upon entry of transcripts or throughout first semester/into October during 11<sup>th</sup> grade year.
- B. Inadequate progress prior to both fall and spring graduation during the 12<sup>th</sup> grade year.

A student who meets all requirements of the Accelerated High School Graduation Options set forth in Florida statute shall be awarded a standard diploma in a form prescribed by the State Board of Education.

The student may participate in the graduation ceremonies with his/her designated class.

© Neola 2016

Legal

F.S. 1002.37  
F.S. 1003.4281  
F.S. 1003.4282  
F.S. 1003.4295

**5500**  
**Student Conduct**



Book	Clean
Section	5000 Students
Title	STUDENT CONDUCT
Code	po5500
Status	From Neola

#### 5500 - **STUDENT CONDUCT**

Respect for law and all FLVS faculty and staff shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the FLVS community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained at FLVS.

The Board of Trustees (Board) and FLVS have zero tolerance for conduct that poses a threat to school safety. Zero tolerance policies must apply equally to all students and are not intended to be rigorously applied to petty acts of misconduct.

Florida law requires that students found to have committed one of the following offenses:

- A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or
- B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel's property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and shall be referred to mental health services identified by FLVS and to the criminal justice or juvenile justice system.

The President and Chief Executive Officer (CEO) may consider the one (1) year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school. The CEO's request for modification must be in writing and may only be presented to the Board for consideration if the student and/or the student's parent(s) agree in writing to accept the CEO's recommendation. The Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for the discipline of such students.

FLVS shall enter into agreements with local law enforcement specifying procedures so that acts that pose a threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction.

Those acts that pose a threat to school safety include, but are not limited to:

- A. possession of firearms or other weapons
- B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so
- C. arson
- D. felony assault
- E. threats of unsafe and potentially harmful, dangerous, violent, or criminal activities

Petty acts of misconduct that are not a threat to school safety do not require consultation with law enforcement.

The following are typically considered petty acts of misconduct, although each act must be examined on a case-by-case basis to determine whether or not the act constitutes a threat to school safety requiring consultation with law enforcement:

- A. disorderly conduct
- B. disrupting a school function
- C. simple assault or battery
- D. verbal abuse or use of profanity
- E. cheating
- F. theft of less than \$300, trespassing, and vandalism of less than \$1,000
- G. possession or use of tobacco

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any appointed official of FLVS, teacher, administrator, or other FLVS personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate.

Further, upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

The student Code of Conduct that is adopted shall provide for review of a decision to suspend or expel a student pursuant to this policy and the student Code of Conduct, consistent with F.S. 1006.07. The Code shall also include the following:

- A. criteria for recommending to law enforcement that a student who commits a criminal offense to be allowed to participate in a civil citation or similar prearrest diversion program as an alternative to expulsion or arrest (all civil citation or similar prearrest diversion programs must comply with F.S. 985.12);

- B. criteria for assigning a student who commits a petty act of misconduct to a school-based intervention program. If a student's assignment is based on a noncriminal offense, the student's participation in a school-based intervention program may not be entered into the Juvenile Justice Information System Prevention Web.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in FLVS has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense or a sibling of the victim.

Students may be subject to discipline for violation of the student Code of Conduct even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

The principal/instructional leader shall notify all school personnel as to their responsibilities regarding incident reporting, that acts which pose a threat to school safety and crimes are properly reported to the principal/instructional leader, and that the disposition of the incident is properly documented.

Student conduct shall be governed by the rules and provisions set forth in the student Code of Conduct, which is reviewed and adopted whenever revisions are proposed in accordance with F.S. Chapter 120, and is incorporated in the policy by reference.

The student Code of Conduct shall contain provisions for the assignment of violent or disruptive students to an alternative educational program and/or referral of such students to mental health services identified by FLVS.

© Neola 2019

Legal	F.S. 1002.37
	F.S. 1006.07
	F.S. 1006.13

**5517**  
**Anti-Harassment**



Book	Clean
Section	5000 Students
Title	ANTI-HARASSMENT
Code	po5517
Status	From Neola

## 5517 - ANTI-HARASSMENT

### I. General Policy Statement

It is the policy of FLVS to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all FLVS operations, programs, and activities. All students, administrators, teachers, staff, and all other FLVS personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on FLVS property, or at another location if such conduct occurs during an activity sponsored by FLVS.

FLVS will vigorously enforce its prohibition against discriminatory harassment on the basis of race (including anti-Semitism, ethnicity, color, national origin, sex (including sexual orientation, gender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law (collectively, protected classes) (hereinafter referred to as unlawful harassment), and encourages those within the FLVS community as well as Third Parties (defined below), who feel aggrieved to seek assistance to rectify such problems. FLVS will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, FLVS will take immediate steps to end the harassment, prevent its reoccurrence, and remedy its effects. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

Further, nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

### II. Other Violations of the Anti-Harassment Policy

FLVS will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

- A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

- B. Filing a malicious or knowingly false report or complaint of unlawful harassment.
- C. Disregarding, failing to investigate adequately, or delaying the investigation of allegations of unlawful harassment, when such responsibility for reporting and/or investigating unlawful harassment complaints falls within the scope of one's official duties.

### III. **Definitions**

Words used in this policy shall have those meanings defined herein; words not defined herein shall be construed according to their plain and ordinary meanings.

**Complainant** is the individual who alleges, or is alleged, to have been subjected to unlawful harassment, regardless of whether the person files a formal complaint or is pursuing an informal resolution to the alleged harassment.

**Respondent** is the individual who has been alleged to have engaged in unlawful harassment, regardless of whether the reporting party files a formal complaint or is seeking an informal resolution to the alleged harassment.

**FLVS community** means students and FLVS employees (i.e., administrators, and professional and classified staff), as well as Board of Trustees (the Board) members, agents, volunteers, contractors, or other persons subject to the control and supervision of FLVS.

**Third Parties** include, but are not limited to, guests and/or visitors on FLVS property and/or appearing through the FLVS learning management system (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with FLVS, and other individuals who come in contact with members of the FLVS community at school-related events/activities (whether on or off FLVS property).

**Day(s):** Unless expressly stated otherwise, the term "day" or "days" as used in this policy means business day(s) (i.e., a day(s) that FLVS main administrative office is open for normal operating hours, Monday – Friday, excluding federal and State-recognized holidays and excluding those days designated in the FLVS annual calendar as non-working days).

#### A. Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or psychological distress on one (1) or more students or employees and that bullying is based upon sex, race (including anti-Semitism), color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by an adult or student, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve:

1. teasing;
2. threats;
3. intimidation;
4. stalking;

5. cyberstalking;
6. cyberbullying;
7. physical violence;
8. theft;
9. sexual, religious, or racial harassment;
10. public humiliation; or
11. destruction of property.

B. Harassment

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

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

C. Sexual Harassment

For purposes of this policy and consistent with Title VII of the Civil Rights Act of 1964, sexual harassment is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.
3. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of any gender against a person of the same or another gender.

Sexual Harassment covered by Policy 2266 - Nondiscrimination on the Basis of Sex in Education Programs or Activities is not included in this policy. Allegations of such conduct shall be addressed solely by Policy 2266.

Prohibited acts that constitute sexual harassment under this policy may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Physical and/or sexual assault.
3. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs, activities, or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.
4. Unwelcome verbal expressions, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, profanity, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.
5. Sexually suggestive objects, pictures, graffiti, videos, posters, audio recordings, or literature, placed in the work or educational environment, that may reasonably embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities.
8. Speculations about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. Giving unwelcome personal gifts such as lingerie that suggest the desire for a romantic relationship.
10. Leering or staring at someone in a sexual way, such as staring at a person's breasts, buttocks, or groin.
11. Pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.
12. Verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping that does not involve conduct of a sexual nature.
13. Inappropriate boundary invasions by a FLVS employee or other adult member of the FLVS community into a student's personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Sex-based or gender-based conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects, limits, or denies an individual's education, or such that it creates a hostile or abusive educational environment, or such that it is intended to, or has the effect of, denying or limiting a student's ability to participate in or benefit from the educational program or activities.

D. Sexual Cyberharassment

Pursuant to Florida law, sexual cyberharassment means to publish to an Internet website or disseminate through electronic means to another person a sexually explicit image of a person that contains or conveys the personal identification information of the depicted person without the depicted person's consent, contrary to the depicted person's reasonable expectation that the image would remain private, for no legitimate purpose, with the intent of causing substantial emotional distress to the depicted person. Evidence that the depicted person sent a sexually explicit image to another person does not, on its own, remove his/her reasonable expectation of privacy for that image. Sexual cyberharassment may be a form of sexual harassment.

E. Race/Color Harassment (Including Anti-Semitism)

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Prohibited anti-Semitism harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's Jewish heritage and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is based upon a certain perception of the Jewish people, which may be expressed as hatred toward Jewish people, rhetorical and physical manifestations of anti-Semitism directed toward a person, his/her property, or toward Jewish community institutions or religious facilities.

F. Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

G. National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

H. Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disability, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

#### I. Pregnancy Harassment

Prohibited pregnancy harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's pregnancy and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's pregnancy and condition of pregnancy.

### IV. **Reports and Complaints of Harassing Conduct**

FLVS employees are required to promptly report incidents of unlawful harassing conduct to an administrator, supervisor, or other FLVS official so that FLVS may address the conduct before it becomes severe, pervasive, or persistent. Students and all other members of the FLVS community, as well as Third Parties, are encouraged to promptly report incidents of unlawful harassing conduct to a teacher, administrator, supervisor, or other FLVS employee or official so that FLVS may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other FLVS employee or official who receives such a report shall file it with the FLVS's Anti-Harassment Compliance Officer (defined below) within two (2) business days of receiving the report of harassment.

Members of the FLVS community, which includes students, or Third Parties who believe they have been unlawfully harassed are entitled to utilize FLVS's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the Complainant's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with the knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy 5517.01 – Bullying and Harassment, the principal/instructional leader or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race (including anti-Semitism), color, national origin, religion, or disability, the principal/instructional leader or his/her designee will report the act of bullying and/or harassment to the Compliance Officer who shall investigate the allegation in accordance with this policy. If the alleged harassment involves Sexual Harassment as defined by Policy 2266, the matter will be handled in accordance with the grievance process and procedures outlined in Policy 2266. While the Compliance Officer investigates the allegation, or while the matter is being address pursuant to Policy 2266, the principal/instructional leader shall suspend the Policy 5517.01 investigation to await the Compliance Officer's written report or the determination of responsibility pursuant to Policy 2266. The Compliance Officer shall keep the principal/instructional leader informed of the status of the Policy 5517 investigation and provide the principal/instructional leader with a copy of the resulting

written report. Likewise, the Title IX Coordinator will provide the principal/instructional leader with the determination of responsibility that results from the Policy 2266 grievance process

A. Compliance Officers

FLVS designates the following individuals to serve as the FLVS Compliance Officers, Section 504 Compliance Officer/ADA Coordinator, and Title IX Coordinator (referred to collectively herein as the Compliance Officer or CO):

Title IX: FLVS Senior Manager of Professional Standards or authorized designee  
Contact Information: [hrprofessionalstandards@flvs.net](mailto:hrprofessionalstandards@flvs.net); 407-513-3550

Section 504, IDEA, and ADA: FLVS Senior Director of Instruction or authorized designee. Contact information: [equaleducationopportunity@flvs.net](mailto:equaleducationopportunity@flvs.net); 407-513-3517

B. Publication Required

The names, titles, and contact information for these individuals will be published annually in the parent and staff handbooks and on the FLVS website.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the FLVS community, and third parties who seek support or advice when informing another individual about unwelcome conduct or to intercede informally on behalf of the student.

C. Duties and Responsibilities

Any FLVS employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to the Compliance Officer within two (2) business days. Thereafter, the Compliance Officer or designee must contact the Complainant, if age eighteen (18) or older, or the Complainant's parents/guardians if under the age of eighteen (18), within two (2) business days to advise them of FLVS's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

The Compliance Officer is assigned to accept complaints of unlawful harassment directly from any member of the FLVS community or a visitor to FLVS or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, a Compliance Officer will begin either an informal or formal process (depending on the request of the member of the FLVS community alleging harassment or the nature of the alleged harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the President and Chief Executive Officer (CEO) or will oversee the preparation of such recommendations by a designee. All members of the FLVS community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) business days of learning of the incident.

V. **Investigation and Complaint Procedure**

Except for Sexual Harassment that is covered by Policy 2266 – Nondiscrimination on the Basis of Sex in Education Program or Activities, any student who believes that they have been subjected to unlawful harassment may seek resolution of the complaint through the procedures described below. The formal complaint process involves an investigation of the Complainant's claims of

harassment or retaliation and a process for rendering a decision regarding whether the charges are substantiated.

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

The procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, and/or the Equal Employment Opportunity Commission.

A. Informal Complaint Procedure

The goal of the informal complaint procedure is to promptly stop inappropriate behavior and to facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who alleges unlawful harassment or retaliation. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the FLVS community or Third Parties who believe that they have been unlawfully harassed or retaliated against, may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the Complainant and the Respondent mutually agree to participate in it.

The Complainant may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a FLVS employee or any other adult member of the FLVS community against a student will be formally investigated.

As an initial course of action, if a Complainant feels comfortable and safe in doing so, the individual should tell or otherwise inform the Respondent that the alleged harassing conduct is unwelcome and must stop. The Complainant should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer is available to support and counsel individuals when taking this initial step or to intervene on behalf of the Complainant if requested to do so. A Complainant who is uncomfortable or unwilling to directly approach the Respondent about the allegedly inappropriate conduct may file an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A Complainant may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or administrator in the school the student attends; (2) to the CEO or other FLVS administrator; and/or (3) directly to the Compliance Officer.

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

FLVS's informal complaint procedure is designed to provide students, other members of

the FLVS community and Third Parties who believe they are being unlawfully harassed by a student with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the Complainant, informal resolution may involve, but not be limited to, one or more of the following:

1. Advising the Complainant about how to communicate the unwelcome nature of the behavior to the Respondent.
2. Distributing a copy of this policy as a reminder to the individuals in the school or office where the Respondent works or attends.
3. If both parties agree, the Compliance Officer may arrange and facilitate a meeting or a mediation between the Complainant and the Respondent to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or designee is directed to attempt to resolve all informal complaints within fifteen (15) business days of receiving the informal complaint. If the Complainant is dissatisfied with the results of the informal complaint process, the Complainant may proceed to file a formal complaint. And, as stated above, either party may request that the informal process be terminated at any time to move to the formal complaint process.

#### B. Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, if one of the parties has requested that the informal complaint process be terminated to move to the formal complaint process, or the Complainant, from the outset, elects to file a formal complaint, or the Compliance Officer determines the allegations are not appropriate for resolution through the informal process, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of a student, other member of the FLVS community, or third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Complainant may file a formal complaint, either orally or in writing with a teacher, principal/instructional leader, or other FLVS official at the student's school, the Compliance Officer, CEO, or other FLVS official who works in the FLVS administration. Due to the sensitivity surrounding complaints of unlawful harassment, timelines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) calendar days after the conduct occurs while the facts are known and potential witnesses are available. If a Complainant informs a teacher, principal/instructional leader, or other FLVS official at the student's school, the Compliance Officer, CEO, or other FLVS employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the parties reasonably informed of the status of the investigation and the decision-making process.

All formal complaints must include the following information to the extent known: the identity of the Respondent; a detailed description of the facts upon which the complaint is

based (i.e., when, where, and what occurred); and a list of potential witnesses and the resolution sought by the Complainant.

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

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the Complainant from further harassment or retaliation including but not limited to a change of class schedule for the Complainant and/or the Respondent, or possibly a change of school for either or both of the parties. In making such a determination, the Compliance Officer should consult the Complainant to assess whether the individual agrees to any action deemed appropriate. If the Complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions deemed appropriate in consultation with the CEO and/or the FLVS General Counsel.

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the Respondent that a formal complaint has been received. The Respondent will be informed about the nature of the allegations and a copy of any relevant policies and/or administrative procedures and FLVS's anti-harassment policy shall be provided to the Respondent at that time. The Respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within two (2) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the Complainant has been subject to offensive conduct/harassment. The principal/instructional leader will not conduct an investigation unless directed to do so by the Compliance Officer.

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

1. interviews with the Complainant;
2. interviews with the Respondent;
3. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
4. consideration of any documentation or other evidence presented by the Complainant, Respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the CEO which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether Respondent engaged in unlawful harassment/retaliation of the Complainant. In determining if discriminatory harassment or retaliation occurred, a preponderance of evidence standard will be used. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the General Counsel (or designee) before finalizing the report to the CEO.

Absent extenuating circumstances, within five (5) business days of receiving the report of the Compliance Officer or the designee, the CEO must either issue a written decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the CEO's final decision will be delivered to both the Complainant and the Respondent.

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

The decision of the CEO shall be final.

FLVS reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the FLVS or Third Party alleging the unlawful harassment pursues the complaint. FLVS also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by CEO or his/her designee (or the Board or its designee, if applicable).

The parties may be represented, at their own cost, at any of the above-described meetings/hearings.

The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, the filing of charges with local law enforcement, or the filing of a civil action in court. Use of this internal complaint process is not a prerequisite to the pursuit of other remedies.

## VI. **Privacy/Confidentiality**

FLVS will employ all reasonable efforts to protect the rights of the Complainant, the Respondent, and the witnesses as much as possible, consistent with FLVS's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under the terms of this policy and related administrative procedures shall be maintained as confidential to the extent permitted by law. Confidentiality cannot be guaranteed, however. Additionally, the Respondent must be provided the Complainant's identity.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the FLVS community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that is learned or provided during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with FLVS's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

## VII. **Sanctions and Monitoring**

FLVS shall vigorously enforce its prohibitions against unlawful harassment/retaliation by taking appropriate action reasonably calculated to stop the harassment and prevent further such harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion

of a student. All disciplinary action will be taken in accordance with applicable State law. When imposing discipline, the CEO shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, FLVS may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies.

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

#### **VIII. Retaliation**

Retaliation against a person who makes a report or files a complaint alleging unlawful harassment/retaliation or participates as a witness in an investigation is prohibited. Neither FLVS nor any other person may intimidate, threaten, coerce or interfere with any individual because the person opposed any act or practice made unlawful by any Federal or State civil rights law, or because that individual made a report, formal complaint, testified, assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under those laws and/or this policy, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by those laws and/or this policy.

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

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

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

#### **IX. Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct**

State law requires any teacher or school employee who knows or suspects that a child with a disability under the age of twenty-one (21) or that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the Complainant, a report of such knowledge must be made in accordance with State law and Board policy.

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

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

#### **X. Mandatory Reporting of Misconduct by Certificated Employees**

The CEO is required by State law to report alleged misconduct by certificated employees of

FLVS that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the CEO shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct.

**XI. Education and Training**

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

**XII. Retention of Investigatory Records and Materials**

The Compliance Officer(s) is responsible for overseeing retention of all records that must be maintained pursuant to this policy. All individuals charged with conducting investigations under this policy shall retain all information, documents, electronically stored information (ESI), and electronic media created and received as part of an investigation, including, but not limited to:

- A. all written reports/allegations/complaints/statements;
- B. narratives of all verbal reports/allegations/complaints/statements;
- C. a narrative of all actions taken by FLVS personnel or individuals contracted or appointed by FLVS to fulfill its responsibilities;
- D. any written documentation of actions taken by FLVS personnel;
- E. written witness statements;
- F. narratives of, notes from, or audio, video, or digital recordings of witness statements;
- G. all documentary evidence;
- H. e-mails, texts, or social media posts pertaining to the investigation;
- I. contemporaneous notes in whatever form made (e.g., handwritten, keyed into a computer or tablet, etc.) pertaining to the investigation;
- J. written disciplinary sanctions issued to students or employees and a narrative of verbal disciplinary sanctions issued to students or employees for violations of the policies and procedures prohibiting discrimination or harassment;
- K. dated written determinations to the parties;
- L. dated written descriptions of verbal notifications to the parties;
- M. written documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates issued, and the dates the parties acknowledged receipt;
- N. documentation of all actions taken, both individual and systemic, to stop the discrimination or harassment, prevent its recurrence, eliminate any hostile environment, and remedy its discriminatory effects;

- O. documentation of any supportive measures offered and/or provided to the Complainant and/or the Respondent, including no contact orders issued to both parties, the dates the no contact orders were issued, and the dates the parties acknowledged receipt of the no contact orders;
- P. copies of the Board policy and/or procedures/guidelines used by FLVS to conduct the investigation, and any documents used by FLVS at the time of the alleged violation to communicate FLVS's expectations to students and staff with respect to the subject of this policy (e.g., Student Code of Conduct and/or Employee Handbooks);
- Q. copies of any documentation that memorializes any formal or informal resolutions to the alleged discrimination or harassment; and
- R. documentation of any training provided to FLVS personnel related to this policy, including but not limited to, notification of the prohibitions and expectations of staff set forth in this policy and the role and responsibility of all FLVS personnel involved in enforcing this policy, including their duty to report alleged violations of this policy and/or conducting an investigation of an alleged violation of this policy.

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

The information, documents, ESI, and electronic media created or received as part of an investigation shall be retained for not less than three (3) years, but longer if required by FLVS's records retention schedule.

© Neola 2021

Legal            F.S. 110.1221  
                      F.S. 784.049  
                      F.S. 1000.05  
                      F.S. 1002.37  
                      F.S. 1006.07  
                      20 U.S.C. 1400 et seq., The Individuals with Disabilities Improvement Act of 2004, as amended (commonly known as The Individuals with Disabilities Act)  
                      42 U.S.C. 2000d et seq.  
                      42 U.S.C. 2000e et seq.  
                      29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967  
                      29 U.S.C. 794, Rehabilitation Act of 1973  
                      29 U.S.C. 6101, The Age Discrimination Act of 1975  
                      42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended  
                      20 U.S.C. 1681 et seq.  
                      42 U.S.C. 1983

5540

The Schools and  
Investigations Involving  
Students



Book	Clean
Section	5000 Students
Title	THE SCHOOLS AND INVESTIGATIONS INVOLVING STUDENTS
Code	po5540
Status	From Neola

#### **5540 - THE SCHOOLS AND INVESTIGATIONS INVOLVING STUDENTS**

When State and Federal law enforcement authorities, or officials from the Department of Children and Families (DCF) wish to interview a student or investigate an alleged violation of law, they must contact FLVS Professional Standards prior to initiating such investigation. The contact information for FLVS Professional Standards is [HRProfessionalStandards@FLVS.net](mailto:HRProfessionalStandards@FLVS.net) or 407-513-3692.

#### **Investigation of Child Abuse/Neglect by DCF**

Every employee and agent of FLVS who, in connection with his/her position, knows or has reasonable cause to suspect child abuse, abandonment, or neglect must immediately report that knowledge or suspicion online at <https://www.dcf.state.fl.us/service-programs/abuse-hotline/report-online.shtml> or by calling the abuse hotline at 1-800-962-2873, or TDD (Telephone Device for the Deaf): 1-800-453-5145. If the situation constitutes an emergency, the employee should call 911 first and then call the abuse hotline number.

An official of DCF or law enforcement agency on its behalf may interview a student on FLVS property in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family.

#### **Investigations of Child Abuse/Neglect by Law Enforcement Agencies**

A law enforcement agency may interview a student on FLVS property in order to investigate a claim of child abuse/neglect involving such student.

#### **Investigations of Violations of Law by Law Enforcement Agencies**

If a student is to be questioned as a witness or victim in an alleged violation of law, FLVS Professional Standards shall see to it that appropriate FLVS personnel remain in the room during the questioning, unless compelling reasons for exclusion are provided by the law enforcement agency. In such circumstances, the parent/guardian of the student shall be informed.

FLVS personnel shall attempt to contact the parent/guardian prior to questioning and shall remain in the room during the questioning unless directed by law enforcement or the parent/guardian. In the event prior

contact was not successful, the parent/guardian shall be notified subsequent to the questioning unless otherwise directed by law enforcement.

© Neola 2021

Legal

Fla. Const. Art. I, Sect. 9  
F.S. 1002.37  
F.S. 1006.061

**5610.05**  
**Participation in Extra  
Curricular Activities**



Book	Clean
Section	5000 Students
Title	PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES
Code	po5610.05
Status	From Neola

#### **5610.05 - PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES**

Participation in interscholastic and intrascholastic extra-curricular activities is a privilege and not a right. Therefore, the President and Chief Executive Officer, and principal/instructional leaders, are authorized to prohibit a student from participating in extra-curricular activities of FLVS if the student fails to meet eligibility standards or for offenses or violations of the student Code of Conduct for a period not to exceed the remainder of the school year in which the offense or violation of the student Code of Conduct took place.

A student not currently suspended from interscholastic or intrascholastic extra-curricular activities, or suspended or expelled from school, pursuant to FLVS Board of Trustees policy and Florida law, is eligible to participate in interscholastic and intrascholastic extra-curricular activities (and subject, however, to any applicable criteria of the Florida High School Athletic Association).

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

**© Neola 2016**

Legal	F.S. 1002.37
	F.S. 1006.07
	F.S. 1006.08
	F.S. 1006.09
	F.S. 1006.15
	F.S. 1006.18
	F.S. 1006.195
	F.S. 1006.20

**5780**  
**Student/Parent Rights**



Book	Clean
Section	5000 Students
Title	STUDENT/PARENT RIGHTS
Code	po5780
Status	From Neola

#### **5780 - STUDENT/PARENT RIGHTS**

FLVS recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and State law prohibits the FLVS Board of Trustees (Board) from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, FLVS shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. FLVS shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of FLVS.

Because a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

All K-12 students in Florida are entitled to a uniform, safe, secure, efficient, and high-quality system of education, one that allows students the opportunity to obtain a high-quality education. Parents are responsible to ready their children for school; however, neither the State of Florida nor FLVS can be a guarantor of any individual student's success.

#### **Parental Access at School**

Each parent has the right to pick-up, visit, and meet with his/her student at an in-person FLVS event, without interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. FLVS will abide by enforceable no contact orders which have been provided to the school.

## **Educational Decisions**

Both parents have an equal right to make decisions about the education and welfare of their student unless the school has received a certified copy of an enforceable court order that specifies that one of the parents, or someone else, has the sole right to make educational and/or general welfare decisions for the student.

If the parents cannot agree on a significant decision about the student's education or on matters affecting the health, safety, or welfare of the student, the school will take action based on what it considers to be in the best interests of the child.

## **Attendance**

### A. Termination of Enrollment

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by FLVS of its receipt of the student's declaration of intent to terminate school enrollment.

### B. Married or Pregnant

Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students.

### C. Compulsory Attendance

Parents of students who have attained the age of six (6) years by February 1st of any school year but who have not attained the age of sixteen (16) years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program.

### D. Absence for Religious Purposes

A parent of a student may request and be granted permission for absence of the student from school for religious instruction or religious holidays.

### E. Dropout Prevention and Academic Intervention Programs

The parent of a student has the right to receive written notice by certified mail prior to placement of the student in a dropout prevention and academic intervention program. The parent will be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement.

### F. Absence for Treatment of Autism Spectrum Disorder

A parent of a student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

## **Health Issues**

A. School-Entry Health Examinations

The parent of any student shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds.

B. Immunizations

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions.

C. Biological Experiments

Parents may request that their child be excused from performing surgery or dissection in biological science classes.

D. Reproductive Health and Disease Education

A public school student whose parent makes written request to the principal/instructional leader shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS.

E. Contraceptive Services to Students

Students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

F. Career Education Courses Involving Hazardous Substances

High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

G. Substance Abuse Reports

The parent of a student must be timely notified of any verified report of a substance abuse violation by the student.

H. Inhaler Use

Asthmatic students whose parent and physician provide their approval to the principal/instructional leader may carry a metered dose inhaler on their person while attending an in-person FLVS event.

I. Epinephrine Use and Supply

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while attending an in-person FLVS event, if the school has been provided with written parental and physician authorization.

FLVS shall be indemnified by the parent of a student who is authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this policy.

FLVS and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted

protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. unless the trained school personnel's action is willful and wanton;
2. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that FLVS is not liable; and
3. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.

J. Diabetes Management

FLVS may not assign a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

Diabetic students whose parent and physician provide their written authorization to the principal/instructional leader may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while attending an in-person FLVS event, 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.

FLVS and its employees and volunteers shall be indemnified by the parent of a student who is authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this policy.

K. Use of Prescribed Pancreatic Enzyme Supplements

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 prescribed pancreatic enzyme supplement while attending an in-person FLVS event if the school has been provided with written authorization from the student's parent and prescribing practitioner.

FLVS and its employees and volunteers shall be indemnified by the parent of a student who is authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this policy.

L. Involuntary Examinations of Students

The principal/instructional leader shall make a reasonable attempt to notify a parent of a student before the student is removed from an FLVS in-person event to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. Reasonable attempt to notify means the exercise of reasonable diligence and care by the principal/instructional leader to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the principal/instructional leader must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text

messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student;

2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.

The principal/instructional leader who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with federal and state law.

The principal/instructional leader may delay the required notification for no more than twenty-four (24) hours after a student is removed if:

1. the principal/instructional leader deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect; or
2. the principal/instructional leader reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

Before a principal/instructional leader contacts a law enforcement officer for possible removal of a student an in-person FLVS event for involuntary examination, the principal/instructional leader must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the principal/instructional leader reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The principal/instructional leader shall immediately notify a parent of a student who is removed from an in-person FLVS event and taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. The principal/instructional leader or the principal/instructional leader's designee may delay notification for no more than twenty-four (24) hours after a student is removed if the principal/instructional leader or principal/instructional leader's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect.

#### M. Sun-protective Measures in School

A student may possess and use a topical sunscreen product while attending an in-person FLVS event without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage.

### **Discipline**

#### A. Suspension

A student may be suspended only as provided by Board policy. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension. (see also Policy 5610 - Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students)

A student with a disability may only be recommended for suspension or expulsion in accordance

with State Board of Education rules.

B. Expulsion

Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process. (see also Policy 5610 – Removal, Out-of-School Suspension, Disciplinary Placement, and Expulsion of Students)

## **Safety**

Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender, both at school and during school transportation (if any).

## **Educational Choice**

A. Public School Choices

Parents may seek whatever public school options are applicable and available to students in accordance with State law.

B. Private School Choices

Parents may seek private educational choice options under certain programs established under F.S. Chapter 1002.

C. Home Education

The parent may choose to place the student in a home education program, in accordance with State law.

D. Private Tutoring

The parent of a student may choose to place the student in a private tutoring program in accordance with State law.

E. Reading Scholarships

The parent of a student in grades 3 through 5 who scored below a Level 3 on the third or fourth grade Statewide, standardized English Language Arts (ELA) assessment in the prior school year may seek a reading scholarship in accordance with State law.

By September 30th of each year, FLVS will notify the parent of each student in grades 3 through 5 who scored below a Level 3 on the Statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

F. Request to Transfer to Different Classroom Teacher

Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred to a different classroom teacher. As part of the request, the parent must state with specificity the grounds supporting the request. Requests must be in writing utilizing FLVS forms, and any completed, signed form must be provided to the principal/instructional leader.

All requests for a student to be transferred to another classroom teacher shall be considered by the principal/instructional leader or his/her designee. Within two (2) weeks of receiving the completed written request, the principal/instructional leader or his/her designee shall notify the parent in writing as to whether the request is approved or denied. If denied, the principal/instructional leader or his/her designee shall specify the reasons for the denial.

**G. Request to Transfer to In-Field Classroom Teacher**

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred. As part of the request, the parent must complete the FLVS form, and a completed, signed form must be provided to the principal/instructional leader.

All requests for a student to be transferred to another classroom teacher shall be considered by the principal/instructional leader. Within two (2) weeks of receiving the completed written request, the principal/instructional leader shall notify the parent in writing as to whether the request is approved or denied.

If an in-field teacher for the student's course and grade level is employed by the school and the transfer would not violate maximum class size requirements, the request shall be approved. The student shall be transferred no later than two (2) weeks from the date written request is received.

If denied, the principal/instructional leader shall specify the reasons for the denial.

**ACCEL Options**

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, include whole grade promotion, midyear promotion or subject matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

**Nondiscrimination**

All education programs, activities, and opportunities offered by FLVS are available without discrimination on the basis of race (including anti-Semitism), color, ethnicity, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, "protected classes"). (see also Policy 2260 - Nondiscrimination and Access to Equal Educational Opportunity and Policy 2260.01 - Section 504/ADA Prohibition Against Discrimination Based on Disability)

**Students with Disabilities**

**A. Notice and Due Process**

Parents of students with disabilities and parents of students in residential care facilities are entitled to notice and due process.

**B. Graduation**

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. Certain students with disabilities may be awarded a special

diploma upon high school graduation.

C. Meetings with FLVS Personnel

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at any meeting with FLVS personnel.

FLVS personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means, parents or an eligible student, from inviting another person of their choice to attend any meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents or eligible students on school grounds shall sign-in at the front office of such school as a guest.

Parents, or eligible students, and FLVS personnel shall sign the FLVS form at the meeting's conclusion which states whether or not any FLVS personnel have prohibited, discouraged, or attempted to discourage the parents, or eligible student from inviting a person of their choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

**Blind Students**

Students who are blind have the right to an individualized written education program and appropriate instructional materials to attain literacy.

**Limited English Proficient Students**

Limited English proficient students have the right to receive English for Speakers of Other Languages (ESOL) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible. The students' parents have the right of parental involvement in the ESOL program.

**Students with Reading Deficiencies**

Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring plan; and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected.

**Pledge of Allegiance**

A student will be excused from reciting the Pledge of Allegiance or the Declaration of Independence, upon written request by the student's parent, in accordance with State law.

**Student Records**

- A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of his or her student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary.
- B. A student is not required to provide his/her social security number as a condition for enrollment or graduation.

- C. FLVS will not collect, obtain or retain information on the political affiliation, voting history, religious affiliation or biometric information of a student, parent or siblings.

### **Student Report Cards**

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.

### **Student Progress Reports**

Parents shall be informed at regular intervals of the academic progress and other needed information regarding their child, including ways they can help their child to succeed in school. (see also Policy 5420 - Reporting Student Progress)

### **Student Accountability and School Improvement Rating Reports**

Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable, school's improvement rating, and the school's accountability report, including the school financial report.

### **High School Athletics**

#### A. Eligibility

A student is eligible in the school in which s/he first enrolls each school year, the school in which the student makes himself/ herself a candidate for an athletic team by engaging in practice before enrolling, or the school to which the student has transferred with approval of FLVS, in accordance with State law.

#### B. Medical Evaluation

Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with State law.

### **Extra-Curricular Activities**

#### A. Eligibility

Students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities.

#### B. Home Education Students

Home education students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to State law and the applicable public school board's policies, or may develop an agreement to participate at a private school.

#### C. Charter School Students

Charter school students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the school to which the student would be assigned or could choose to attend according to State law and the applicable public school board's policies

unless such activity is provided by the student's charter school.

D. Florida Virtual School Full-Time Students

Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to State law and the applicable public school board's policies.

### **Instructional Materials**

A. Core Courses

Each student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature.

B. Curricular Objectives

The parent of each student has the right to receive effective communication from the principal/instructional leader as to the manner in which instructional materials are used to implement the school's curricular objectives.

C. Dual Enrollment Students

Instructional materials purchased by FLVS or a Florida College System institution board of trustees on behalf of dual enrollment students is available to the dual enrollment students free of charge.

D. Parent Access to Instructional Materials

Parents have the ability to access their child's instructional materials and may object to the use of a specific instructional material.

### **Juvenile Justice Programs**

Students who are in juvenile justice programs have the right to receive educational programs and services, in accordance with State law.

### **Parental Input and Meetings**

A. Meetings with FLVS Personnel

Parents may be accompanied by another adult of their choice at a meeting with FLVS personnel.

B. Parent-Teacher Associations and Organizations

Parents have the right to participate in the parent-teacher associations and organizations that are sanctioned by FLVS or by the Florida Department of Education.

### **Orderly, Disciplined Classrooms**

Students will be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. (see also Policy 5600 - Student Discipline)

## **Economic Security Report**

Prior to registration, each middle school and high school student or the student's parent will be provided a two (2) page summary of the Department of Economic Opportunity's economic security report of employment and earning outcomes and electronic access to the report.

## **Safe Schools**

Parents of FLVS students will be timely notified pursuant to procedures adopted by the President and Chief Executive Officer (CEO) of threats and the following unlawful acts or significant emergencies that occur during any FLVS in-person event:

- A. Weapons possession or use when there is intended harm toward another person;
- B. Murder, homicide, or manslaughter;
- C. Sex offense, including rape, sexual assault or sexual misconduct with a student by FLVS personnel;
- D. Natural emergencies, including hurricanes, tornadoes, and severe storms;
- E. Exposure as a result of a manmade emergency.

Parents of FLVS students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07(9).

© Neola 2021

Legal	F.S. 39.201
	F.S. 381.0056
	F.S. 394.463
	F.S. 1000.05
	F.S. 1002.20
	F.S. 1002.22
	F.S. 1002.37
	F.S. 1002.385
	F.S. 1002.39
	F.S. 1002.395
	F.S. 1002.40
	F.S. 1002.41
	F.S. 1002.411
	F.S. 1002.43
	F.S. 1003.01(13)
	F.S. 1003.02
	F.S. 1003.21
	F.S. 1003.22
	F.S. 1003.3101
	F.S. 1003.32
	F.S. 1003.42
	F.S. 1003.44
	F.S. 1003.4505
	F.S. 1003.47
	F.S. 1003.52
	F.S. 1003.53
	F.S. 1003.55

F.S. 1003.56  
F.S. 1003.57  
F.S. 1003.58  
F.S. 1006.062(7)  
F.S. 1006.07  
F.S. 1006.09  
F.S. 1006.13  
F.S. 1006.15  
F.S. 1006.20  
F.S. 1006.21  
F.S. 1006.22  
F.S. 1006.23  
F.S. 1006.28  
F.S. 1006.40  
F.S. 1007.271  
F.S. 1008.22  
F.S. 1008.25  
F.S. 1008.386  
F.S. 1012.42

**5780.01**  
**Parents' Bill of Rights**



Book	Clean
Section	5000 Students
Title	PARENTS' BILL OF RIGHTS
Code	po5780.01
Status	From Neola

#### **5780.01 - PARENTS' BILL OF RIGHTS**

The FLVS Board of Trustees (Board) adopts this policy as required by F.S. 1014.01 through 1014.06.

For purposes of this policy, parent means a person who has legal custody of a minor child, as a natural or adoptive parent, or a legal guardian.

Pursuant to F.S. 1014.01 through 1014.06, parental rights include, but are not limited to, the following:

A. Educational Choice

To apply to enroll their minor child in public school, private school, religious school, home education or other options that are available.

B. School Records

To access and review all school records pertaining to their minor child.

C. Health Care Decisions

To make health care decisions for their minor child, unless otherwise prohibited by law.

D. Medical Records

To access and review all medical records of their minor child, unless prohibited by law or if the parent is the subject of an investigation of a crime committed against the minor child and a law enforcement agency or official requests that the information not be released.

E. Biometric Scans

To give their prior written consent before an FLVS employee makes, stores or shares any biometric scan of their minor child.

F. Record of blood or DNA

To give their consent in writing before an FLVS employee creates, stores or shares any record of their minor child's blood or deoxyribonucleic acid (DNA), except as required by general law or authorized pursuant to a court order.

G. Video/Voice Recordings

To give their consent in writing before an FLVS employee makes a video or voice recording of their minor child, unless the recording is used solely for the following:

1. A safety demonstration, including the maintenance of order and discipline on any FLVS property;
2. A purpose related to a legitimate academic or extra-curricular activity;
3. A purpose related to regular classroom instruction;
4. Security or surveillance of any FLVS property; or
5. A photo identification card.

H. Criminal Offenses

To be notified promptly if an FLVS employee suspects that a criminal offense has been committed against their minor child, unless the incident has first been reported to law enforcement or the Department of Children and Families and notifying the parent would impede the investigation.

The parental rights listed above do not prohibit or impede child welfare activities when performed by a court of competent jurisdiction, law enforcement officer or employees of a government agency.

This policy does not authorize a parent of a minor child to engage in conduct that is unlawful or to abuse or neglect their minor child in violation of general law.

Any FLVS employee may be subject to disciplinary action if the FLVS employee encourages, coerces, or attempts to encourage or coerce, a minor child to withhold information from the minor child's parent.

© Neola 2021

Legal            F.S. 1002.20  
                      F.S. 1002.37  
                      F.S. 1014.02  
                      F.S. 1014.04

**8405**

**School Safety and Security**



Book	Clean
Section	8000 Operations
Title	SCHOOL SAFETY AND SECURITY
Code	po8405
Status	From Neola

#### **8405 - SCHOOL SAFETY AND SECURITY**

FLVS is committed to maintaining a safe and drug-free environment. School crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of FLVS personnel, law enforcement agencies, and families. FLVS further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at an FLVS sponsored event. FLVS also believes that the first step in addressing school crime and violence is to assess the extent and nature of the problem(s), and then plan and implement strategies that promote school safety and minimize the likelihood of school crime and violence.

#### **School Safety Specialist**

The School Safety Specialist must be employed by FLVS. By August 1 of each year, FLVS will submit the School Safety Specialist's name, phone number, and email address to the Office of Safe Schools at [SafeSchools@fldoe.org](mailto:SafeSchools@fldoe.org). FLVS will notify the Office of Safe Schools within one (1) business day whenever there is a change related to the contact information for FLVS's School Safety Specialist. FLVS's School Safety Specialist shall earn, or designate one (1) or more individuals to earn, certification as a youth mental health awareness and assistance trainer as set forth in F.S. 1012.584.

#### **A. Responsibilities**

The School Safety Specialist is responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures at FLVS. The School Safety Specialist's responsibilities include, but are not limited to, the following:

1. reviewing at least annually FLVS policies and procedures for compliance with Florida law and applicable rules, as provided by F.S. 1006.07(6)(a)1., including FLVS's timely and accurate submission of school environmental safety incident reports to the Florida Department of Education (Department) pursuant to F.S. 1001.212;
2. providing necessary training and resources to students and staff in matters relating to youth mental health awareness and assistance; emergency procedures, including active shooter training; and school safety and security;

3. serving as the FLVS liaison with local public safety agencies and national, State, and community agencies and organizations in matters of school safety and security;
4. conduct threat assessment team meetings in accordance with legislative guidelines and State rules;
5. conduct re-entry meetings for all Full Time Schools;
6. providing, or arranging for the provision of, youth mental health awareness and assistance training to all school personnel as set forth in F.S. 1012.584.

The training program shall include, but is not limited to, the following:

- a. an overview of mental illnesses and substance abuse disorders and the need to reduce the stigma of mental illness;
- b. information on the potential risk factors and warning signs of emotional disturbance, mental illness, or substance use disorders, including, but not limited to, depression, anxiety, psychosis, eating disorders, and self-injury, as well as common treatments for those conditions and how to assess those risks; and
- c. information on how to engage at-risk students with skills, resources, and knowledge required to assess the situation, and how to identify and encourage the student to use appropriate professional help and other support strategies, including, but not limited to, peer, social, or self-help care.
- d. investigating and responding to notices from the Office of Safe Schools regarding suspected deficiencies.

B. Identification of and Corrections to Instances of Noncompliance with Florida Laws and Rules Relating to Safety

The School Safety Specialist is responsible for identifying and correcting instances of noncompliance with F.A.C. 6A-1.0018 or any other Florida laws or rules relating to school safety. Such actions may include, but are not limited to, the following:

1. notifying the Office of Safe Schools within twenty-four (24) hours at [SafeSchools@fldoe.org](mailto:SafeSchools@fldoe.org) of any instance of noncompliance that is determined to be an imminent threat to the health, safety, or welfare of students or staff. The notification must contain particularized facts beyond noncompliance with rules or Florida Statutes that explain the imminent threat;
2. notifying the Office of Safe Schools within three (3) days at [SafeSchools@fldoe.org](mailto:SafeSchools@fldoe.org) of any instance of noncompliance not corrected within sixty (60) days.

C. Response to Notice of Suspected Deficiency from the Office of Safe Schools

The School Safety Specialist is responsible for notifying the CEO no later than the same day of receipt of any notice of suspected deficiency the School Safety Specialist receives from the Office of Safe Schools. The School Safety Specialist must respond in writing to the Office of Safe Schools within five (5) business days and verify that FLVS has corrected the suspected deficiency, or within that same period, submit a written plan describing how FLVS will be in compliance. The plan must include an estimated date of completion and an explanation of alternate security measures designed to maintain a safe learning environment.

## **Recommendations of the School Safety Specialist**

The School Safety Specialist shall submit a best-practices assessment in the Florida Safe Schools Assessment Tool, which includes the security risk assessment findings and recommendations.

### **Safety and Security Best Practices**

The CEO shall develop administrative procedures for the prevention of violence at FLVS-sponsored events, including the assessment and intervention with individuals whose behavior poses a threat to the safety of the school community.

### **Threat Assessment Teams**

The purpose of the threat assessment team is to establish a process focusing on behaviors that pose a threat to school safety while serving as a preventative measure to identify needs and provide support to students. This process is also known as a care assessment. Threat assessment teams are responsible for the coordination of resources and assessment and intervention with individuals whose behavior may pose a threat to the safety of school staff or students consistent with the model policies and procedures developed by the Office of Safe Schools which addresses early identification, evaluation, early intervention, and student support.

Each school-based threat assessment team must meet as often as needed to fulfill its duties of assessing and intervening with persons whose behavior may pose a threat to school staff or students, but no less than monthly. Threat assessment teams shall maintain documentation of their meetings, including meeting dates and times, team members in attendance, cases discussed, and actions taken.

#### **A. Location and Membership**

1. Threat assessment teams are located at each FLVS Full Time School, as well as one specifically for FLEX students and composed of individuals with expertise in counseling, instruction, school administration, and law enforcement.
  - a. The counseling team member must be a school-based mental health services provider who is able to access student mental health records.
  - b. The law enforcement team member must be a sworn law enforcement officer, as defined by F.S. 943.10, including a school resource officer or other active law enforcement officer. At a minimum, a law enforcement officer serving on a threat assessment team must have access to local Records Management System information, the Criminal Justice Information System, and the Florida Crime Information Center and National Crime Information Center databases. Officers serving on school-based threat assessment teams must also have clearance to review Criminal Justice Information and Criminal History Record Information.
2. The Board authorizes the CEO to create procedures for the purpose of:
  - a. identifying team participants by position and role;
  - b. designating the individuals (by position) who are responsible for gathering and investigating information; and
  - c. identifying the steps and procedures to be followed from initiation to conclusion of the threat assessment inquiry or investigation.

#### **B. Responsibilities and Activities of Threat Assessment Teams**

The responsibilities and activities of threat assessment teams include, but are not limited to, the following:

1. identification of individuals in the school community to whom threatening behavior should be reported and provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self;
2. utilizing the Department's behavior threat assessment instrument developed pursuant to F.S. 1001.212;
3. consult with law enforcement when a student exhibits a pattern of behavior, based upon previous acts or the severity of an act, that would pose a threat to school safety;
4. consult with law enforcement when a student commits more than one (1) misdemeanor to determine if the act should be reported to law enforcement;
5. if a preliminary determination is made by the threat assessment team that a student poses a threat of violence or physical harm to himself/herself or others, the threat assessment team will report its determination to the CEO;

The CEO shall immediately attempt to notify the student's parent or legal guardian. However, nothing in this paragraph shall preclude FLVS personnel from acting immediately to address an imminent threat.

6. if a preliminary determination is made by the threat assessment team that a student poses a threat of violence to himself/herself or others or exhibits significantly disruptive behavior or need for assistance, authorized members of the threat assessment team may obtain criminal history record information pursuant to F.S. 985.04(1);

Members of the threat assessment team may not disclose any criminal history record information obtained pursuant to this paragraph or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

7. create procedures related to engaging behavioral health crisis resources.

C. Sharing of Information

FLVS and other agencies and individuals that provide services to students experiencing, or at risk of, an emotional disturbance or a mental illness and any service or support provider contracting with such agencies may share with each other records or information that are confidential or exempt from disclosure under F.S. Chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the student or to ensure the safety of the student or others.

D. Immediate Mental Health or Substance Abuse Crisis

If an immediate mental health or substance abuse crisis is suspected, school personnel shall follow policies established by the threat assessment team to engage behavioral health crisis resources. Behavioral health crisis resources, including, but not limited to, mobile crisis teams and school resource officers trained in crisis intervention shall provide emergency intervention and assessment, make recommendations, and refer the student for appropriate services. Onsite school personnel shall report all such situations and actions taken to the threat assessment team, which shall contact the other agencies involved with the student and any known service providers to share information and coordinate any necessary follow-up actions. Upon the student's transfer

to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services

E. Behavior Threat Assessment Instrument Training

All threat assessment team members must be timely trained on the Department's behavior threat assessment instrument in accordance with Florida law.

F. Office of Safe Schools Reporting

Each threat assessment team shall report quantitative data on its activities to the Office of Safe Schools, including all activities during the previous school year, and shall utilize the threat assessment database developed pursuant to F.S. 1001.212. The School Safety Specialist will report this information to the Office of Safe Schools. Additionally, the School Safety Specialist must report the following information utilizing the Florida Safe Schools Assessment Tool by October 1 of each year:

1. For the 2021-2022 school year, the total number of threat assessments conducted, the number of transient threats, and the number of substantive threats; and
2. Beginning with the 2022-2023 school year, the number of threat assessments conducted, the number of transient threats, and the number of substantive threats as well as the gender, race, and grade level of all students assessed by the threat assessment team.

**Referral to Mental Health Services**

All school personnel who receive training pursuant to F.S. 1012.584 shall be notified of the mental health services that are available at FLVS.

**School Environmental Safety Incident Reporting**

The CEO is responsible for ensuring the accurate and timely reporting of incidents related to school safety and discipline in accordance with Florida law and rules promulgated by FLDOE. Parents of FLVS students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07(9) and will be timely notified of threats, unlawful acts, and significant emergencies pursuant to F.S. 1006.07(4) and (7) and F.A.C. 6A-1.0018.

**Promotion of School Safety Awareness**

The Board shall promote the use of the Department's mobile suspicious reporting tool ("FortifyFL") on FLVS's website, in newsletters, at any FLVS facility, and in school publications. FortifyFL shall also be installed on all mobile devices issued to students and bookmarked on all computer devices issued to students.

**Records Related to Compliance with F.A.C. 6A-1.0018**

FLVS will retain records demonstrating that the requirements of F.A.C. 6A-1.0018 are met and provide such records to the Office of Safe Schools upon request.

© Neola 2021

Legal            F.S. 1002.37  
                      F.S. 1006.07

F.S. 1006.13

F.S. 1006.1493

Florida Safe Schools Assessment Tool

Threat Assessment in Schools: A Guide to Managing Threatening Situations and to  
Creating Safe School Climates (U.S. Secret Service and U.S. Department of Education)

F.A.C. 6A-1.0018

# 8700 Anti-Fraud



Book	Clean
Section	8000 Operations
Title	ANTI-FRAUD
Code	po8700
Status	From Neola

### 8700 - ANTI-FRAUD

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

#### Scope

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

#### Policy

Fraud and fraudulent activity are strictly prohibited. The obligation to report fraud includes instances when the employee knew or should have reasonably known that an incident of fraud had occurred. All administrators shall be vigilant for any conduct that appears to constitute fraud or fraudulent activity within the scope of their responsibility.

Each employee or agent of FLVS shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the President and Chief Executive Officer (CEO) who shall serve as agency chief inspector. If the observed or suspected fraud or fraudulent activity involves an FLVS Board of Trustees (Board) member or the CEO, the report should be made to the FLVS General Counsel or the State of Florida's Chief Inspector General. Reports to the State of Florida's Chief Inspector General may be filed by connecting to the State's Chief Inspector General's fraud hotline (<http://www.floridaoig.com/reportfraud.htm>), by calling the fraud hotline maintained by the Chief Inspector General (1-800- 543-5353), or by faxing the complaint to the Chief Inspector General (1-850-921-0817).

Tips about alleged fraud or fraudulent activity can be made anonymously. However, an investigation of misconduct will not be conducted solely on the basis of an anonymous allegation. If corroborating evidence can be found, then disciplinary action will be taken.

Whistleblower protection provided by State law will not apply to individuals who utilize the State's Chief Inspector General's fraud hotline as well as those who use any link on FLVS's website. Whistleblower protection may apply to individuals who comply with the requirements for whistleblower protection under

State law and who report alleged fraud or fraudulent activity directly to the CEO who serves as the agency chief inspector.

When the information provided meets the criteria for fraud or fraudulent activity that is set forth in State law, this policy, and Policy 1211, a staff member, former staff member, applicant, or any other person who files the complaint can keep their identity confidential unless:

- A. disclosure is necessary to protect the public's health, safety, and welfare;
- B. absolutely necessary or unavoidable during the investigation; or
- C. if disclosure is required by State law.

An allegation of fraud or fraudulent activity and all information obtained pursuant to an investigation by the CEO of the allegation of fraud or fraudulent conduct will be confidential and exempt from inspection or copying until the investigation ceases to be active or until the CEO provides written notice to the employee who is the subject of the investigation.

An anonymous complaint for which no corroboration can be found will be retained by FLVS but, pursuant to State law, shall not be placed in any employee's personnel file.

### **Fraud – Definitions**

Fraud is defined as the intentional, false representation or concealment of a material fact in order to personally benefit or induce another to act to his/her detriment.

Actions constituting fraud include, but are not limited to the following:

- A. falsifying, unauthorized altering, or forgoing FLVS documents, including but not limited to the following:
  - 1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime
  - 2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence
  - 3. files, either in electronic or printed format, photographic records or audio records that are maintained by FLVS or accounts belonging to FLVS
  - 4. a check, bank draft, wire transfer, or any other FLVS financial document
  - 5. student records that are maintained in either electronic or printed formats
  - 6. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats
- B. misappropriating funds, supplies, or other assets of FLVS
- C. handling or reporting money or financial transactions in an improper or illegal manner
- D. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain
- E. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by FLVS so that any entity, person, or business has an unfair advantage in the purchasing/bid process

- F. causing FLVS to pay excessive prices or fees where justification is not documented
- G. accepting or offering a bribe, gifts or other favors under circumstances that indicate that the bribe, gift or favor was intended to influence a decision that was, or needed to be, made
- H. removing, destroying, or using for personal gain records, furniture, fixtures and/or equipment
- I. using State or Federal funds for other than their designated and approved purposes, or
- J. using FLVS equipment or work time for any outside private business activity.

This list is meant to illustrate the types of activities that are prohibited and is not intended to be all inclusive. Other misconduct of a similar nature is prohibited.

### **Investigation**

Investigations of alleged fraud or fraudulent activity shall be conducted in accordance with this policy and FLVS's whistleblower policy and any administrative procedures (Policy 1211).

If the allegations of fraudulent misconduct involve an FLVS employee, former employee, applicants, or independent contractor, the CEO shall conduct a thorough investigation. If the CEO determines that the allegations appear to involve criminal misconduct, the matter shall be referred to law enforcement.

If the allegation involves the CEO or a Board member, the allegation shall be referred to the FLVS General Counsel. If the FLVS General Counsel determines that the allegations appear to involve criminal misconduct, the matter shall be referred to law enforcement. If the FLVS General Counsel determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the FLVS General Counsel to a third party, who is not an employee of FLVS, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the FLVS General Counsel. The FLVS General Counsel shall forward the report to the Board so that such action as is appropriate can be taken.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

### **Confidentiality**

FLVS will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and FLVS's obligations under the Whistleblower's Act, the Freedom of Information Act, and F.S. Chapter 119. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the CEO or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other FLVS employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

### **Non-Retaliation**

Those who, in good faith, report suspected fraud or fraudulent activity will not be subject to any retaliation as a result of bringing the suspected misconduct to the attention of FLVS. Employees, former employees, applicants for employment, or independent contractors will be subject to the protection of FLVS's Whistleblower's policy and any administrative procedure. (Policy 1211)

Additionally, employees who knowingly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action pursuant to FLVS's Whistleblower's policy and administrative procedure. (Policy 1211)

© Neola 2014

Legal	F.S. 112.3187
	F.S. 112.3188
	F.S. 112.3189
	F.S. 112.31895
	F.S. 1002.37

1211

Whistleblower Protection



Book	Clean
Section	1000 Administration
Title	WHISTLEBLOWER PROTECTION
Code	po1211
Status	From Neola

#### 1211 - WHISTLEBLOWER PROTECTION

Florida Virtual School (“FLVS”) expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, FLVS Board of Trustees (“Board”) policies and administrative procedures. Pursuant to State law, the Board expects administrative staff members to report any violation or suspected violation of any Federal, State or local law, Board policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with FLVS, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, administrative staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with FLVS.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the President and Chief Executive Officer (“CEO”) or his/her designee.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the CEO, the report is to be filed directly with the FLVS General Counsel who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an administrative staff member pursuant to this policy, an investigation shall be conducted by the CEO or FLVS General Counsel consistent with the procedures described in F.S. 112.3189.

© Neola 2011

Legal

F.S. 112.3187

F.S. 112.3189

F.S. 1002.37

**1430.07**  
**Military Leave**



FLORIDA VIRTUAL  
SCHOOL

Book	Clean
Section	1000 Administration
Title	MILITARY LEAVE
Code	po1430.07
Status	From Neola

#### 1430.07 - **MILITARY LEAVE**

The Board supports individuals willing to serve in the armed forces of the United States or the State of Florida to protect our country and State. In accordance with State and Federal laws, employees who must be absent from work for active military service are entitled to take a military leave of absence in accordance with this policy.

Employees called to duty are required to notify the Payroll Department and the employee's supervisor immediately unless notice is impossible or prevented by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable.

An employee who is ordered to appear for an examination for entrance into the military service shall be granted leave with pay on day one of the examination. Appropriate documentation shall be given to the employee's immediate supervisor and to the Payroll Department.

If an employee has accrued and unused annual leave, it may be granted prior to the leave of absence as FLVS service requirements permit, or the employee may choose to work until the leave begins. An employee may elect to defer annual leave until his/her return from active duty, and then schedule leave as FLVS service requirements permit.

Employees on inactive duty training are not eligible for military leave and may use unpaid time or paid time off if available at their choice. If employee chooses paid time off they may enter directly into the FLVS Workday system. If employee chooses to use unpaid time employee should present to the Payroll Department a copy of training schedule and appropriate documentation confirming "inactive duty pay," so the Payroll Department may make the entry.

#### **Reserve or Guard Training**

Employees who are commissioned reserve officers or reserve enlisted personnel in the United States military or naval service or members of the National Guard are entitled to leaves of absence from their respective duties, without loss of vacation leave, pay, time, or efficiency rating, on all days during which they are engaged in training ordered under the provisions of the United States military or naval training regulations for such personnel when assigned to active or inactive duty.

Compensation allowed for military leave to participate in required training exercises shall not exceed 240 hours in any one (1) annual period as provided in section 115.07, Florida Statutes. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the

employee but a military necessity if it falls within the school year. Upon the recommendation of the President and Chief Executive Officer (CEO), leaves of absence for additional or longer periods of time for assignment to duty functions of a military character shall be without pay and may be granted by the Board and when so granted shall be without loss of time or efficiency rating. FLVS will pay employee's regular base pay less their military service base pay for the training period.

When an employee's assigned employment duty conflicts with ordered active or inactive duty training, it is the responsibility of the Board to provide a substitute employee, if necessary, for the assumption of such employment duty while the employee is on assignment for the training.

### **Active Military Service**

Employees who are service members on active military duty, or service members of the National Guard or a reserve component of the Armed Forces of the United States shall be granted leave to perform active military service. The first thirty (30) days for any such leave ~~shall be with full pay an employee will be paid the rate that is the difference between the employee's base pay rate and their documented base rate for military service.~~

Leave of absence for longer periods of time for assignment to duty functions of a military character shall be without pay. Employees on military leave may substitute accrued annual leave for unpaid leave.

### **Re-Employment**

Re-employment of all employees granted military leave shall be governed in accordance with 38 U.S.C. 4312. An employee who is granted military leave for active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that the employee gives notice and files an application for re-employment within the time limitations contained in 38 U.S.C. 4312. The employee will be returned to duty in the same or a similar position as previously held in accordance with 38 U.S.C. 4312.

Upon return, the employee must provide proof of service and military base pay to the FLVS Payroll Department.

### **Benefits During Military Leave**

The Board shall continue to provide all health insurance and other existing benefits to employees as required by the Uniformed Services Employment and Reemployment Rights Act, Chapter 43 of Title 38 U.S.C.

### **Voluntary Service**

When an employee enters voluntarily into any branch of the armed forces for temporary or an extended period of service, military leave shall be granted at the Board's discretion. An employee whose absence will interfere with the orderly operation of the FLVS program shall be denied military leave, except in unusual cases. However, in all instances, the employee shall be entitled to all rights provided by state and federal law.

### **© Neola 2014**

Legal  
F.S. 115.07  
F.S. 115.09  
F.S. 115.14  
F.S. 121.111  
F.S. 250.341  
F.S. 1002.37  
F.S. 1012.23  
F.S. 1012.66

38 U.S.C. 2021 et seq.  
38 U.S.C. 4312  
38 U.S.C. 4323

# PS016

## Fraud Reporting

## PS016 – FRAUD REPORTING

~~Policy Issue Date: 7/1/2018~~

### ~~POLICY:~~

~~The Fraud Reporting policy is established to facilitate the development of controls that will aid in the detection and prevention of fraud at FLVS. It is the intent of FLVS to promote consistent organizational behavior by providing guidelines.~~

~~This policy applies to all employees, consultants, vendors, contractors, members of the FLVS Board of Trustees, outside agencies doing business with employees of such agencies, and/or any other parties with a business relationship with FLVS.~~

~~Any investigative activity required will be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship to FLVS.~~

~~Management is responsible for the detection and prevention of fraud, misappropriations, and other irregularities. Fraud is defined as the intentional, false representation or concealment of a material fact for the purpose of inducing another to act upon it to his/her injury. Each member of management is expected to be familiar with the types of improprieties that might occur within his/her area of responsibility, and be alert for any indication of irregularity.~~

~~**Actions constituting fraud:** The terms defalcation, misappropriation, and other fiscal irregularities refer to, but not limited to:~~

- ~~• Any dishonest or fraudulent act~~
- ~~• Misappropriation of funds, securities, supplies, or other assets~~
- ~~• Impropriety in the handling or reporting of money or financial transactions~~
- ~~• Accepting or seeking anything of material value from contractors, vendors, or persons providing services/materials to FLVS~~
- ~~• Destruction, removal, or inappropriate use of records, furniture, fixtures, and equipment~~
- ~~• Diversion to an employee or outsider of a potentially profitable transaction that would normally generate profits for the organization.~~
- ~~• Claims submitted for services or goods not actually provided to the organization.~~

~~Any irregularities, fraud, or actions concerning an employee's moral, ethical, or behavioral conduct should either be reported immediately to the Professional Standards Executive Director, Alfred Lopez or the Senior Human Resources Manager, Julie Johnson or enlisted independent third party to receive reports of fraud.~~

### ~~PROCEDURE:~~

~~The procedure guarantees that no action will be taken against any employee who makes a good faith complaint. Complaints may be filed anonymously and will be treated as confidential. To file a complaint, you may contact either Professional Standards, Alfred Lopez at 407-513-3692 or Senior~~

~~Human Resources Manager, Julie Johnson at 407-513-3665 or the independent third party at 866-773-3022.~~

~~A. When a complaint is made, the FLVS official receiving the information has 20 days in which to determine:~~

~~1. Whether it is the type of information described in the act:~~

~~a. Does it contain allegations conforming to section 112.3187(5)(a) and (b), Florida Statutes, alleging:~~

~~i. "Any violation or suspected violation of any federal, state, or local law, rule, or regulation committed by an employee or agent of an agency or independent contractor which creates and presents a substantial and specific danger to the public's health, safety, or welfare." See section 112.3187(5)(a), Florida Statutes.~~

~~ii. "Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, or gross neglect of duty committed by an employee or agent of an agency or independent contractor." See section 112.3187(5)(b), Florida Statutes.~~

~~2. Whether the source of the information is a person within the scope of the act:~~

~~a. Is the person within the scope and protection of the act? Is the person~~

~~i. an employee of the agency, or~~

~~ii. an agent of the agency, or~~

~~iii. an independent contractor who has entered into a contract with FLVS.~~

~~3. Whether the information demonstrates reasonable cause to suspect a violation of the law.~~

~~B. If the answer to all three questions is yes, then, the FLVS official making the determination shall then conduct an investigation. The requirement to investigate is phrased in mandatory terms and nothing in the Whistle-blower's Act would terminate this duty in response to a request from the complainant.~~

~~C. Section 112.3188(2)(b), Florida Statutes, provides confidentiality for those records relating to the agency's active investigation of a whistle-blower complaint and is not limited to those records received as part of an active investigation of a complaint of retaliation. However, while the name or identity of the individual disclosing this information is confidential, the initial report of wrongdoing received by the agency is a public record, since that information was received before an investigation was begun.~~

**STU001**  
**Homeless Student Education**

## STU001 – HOMELESS STUDENT EDUCATION

The purpose of this policy is to clarify statutory rights of children and youth experiencing homelessness as provided by federal and state law. Together with other public education agencies in our community, FLVS Full Time will ensure that all homeless children and youth receive a free appropriate public education and are given meaningful opportunities to succeed in our schools. FLVS Full Time will also follow the requirements of the McKinney-Vento Act for students and families who wish to enroll in their public school of choice. Under federal law, homeless children and youth must have access to appropriate public education and be given a full opportunity to meet state and local academic achievement standards. They must be included in statewide and district-wide assessments and accountability systems and be free from discrimination, segregation, and harassment.

In addition to notifying the parent or guardian of the homeless student or the unaccompanied youth of the applicable rights described in this policy, public notice of the educational rights of homeless children and youths is made available on the FLVS website.

### Definitions

The McKinney-Vento Act defines *homeless children and youth* as individuals who lack a fixed, regular, and adequate nighttime residence, including:

- Sharing the housing of other persons due to loss of housing, economic hardship, or similar reason.
- Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations.
- Living in emergency or transitional shelters.
- Are abandoned in hospitals.
- Having a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.
- Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings.
- Migratory children who are living in circumstances described above.

The McKinney-Vento Act defines the term *unaccompanied youth* to include a homeless child or youth under the age of 21, who is not in the physical custody of a parent or guardian.

The McKinney-Vento Act defines the term *school of origin* to mean the school that the student attended when permanently housed or the school where the child or youth was last enrolled.

The McKinney-Vento Act defines the term *enroll and enrollment* to include attending classes and participating fully in school activities.

The term *immediate* means without delay.

The term *parent* means either or both natural or adoptive parent or legal guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in the place of the parent.

~~The term *liaison* is the staff person designated by the school leadership as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Act.~~

## ~~LIAISON~~

~~The FLVS Full Time school liaisons shall be the school principals or their designee.~~

~~The liaison shall make a final determination of homeless status on a case-by-case basis.~~

## ~~SCHOOL ADVOCATE(S)~~

~~The school advocates shall be the school counselor(s).~~

## ~~IDENTIFICATION~~

~~The liaison, in collaboration with the FLVS Full Time enrollment team, school advocates, and school personnel, will identify homeless children who seek enrollment in our schools. The liaison will train the school advocates and school personnel on possible indicators of homelessness, sensitivity in identifying families and youth in transition, and procedures for forwarding information indicating homelessness to the liaison. FLVS Full Time will utilize the enrollment document on Student Residency Declaration form to identify homeless students to ensure barriers to identifying, enrolling, and retaining homeless children and youth in school are removed [s.722(g)(1)(J)].~~

~~The liaison will maintain data on the number of homeless children and youth in school, where they are living, their academic achievement (including performance on statewide and district-wide assessments), and the reasons for any enrollment delays, interruptions in their education, or school transfers. The liaison will collaborate with the school advocates to ensure no barriers exist for receiving credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school [s.722(g)(1)(F)(ii)].~~

## ~~SCHOOL SELECTION~~

~~Each homeless child and youth has the right to remain at his/her school of origin or to attend any school in the attendance area in which the child or youth is actually living. FLVS Full-time ensures that any homeless child or youth may continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year [s.722(g)(3)(A)(i)(1)]. Feasibility of enrollment in FLVS shall be a child-centered determination, based on the needs and best interests of the particular student, and give priority to the wishes of the parent or youth. Potential feasibility considerations include, but are not limited to:~~

- ~~• Safety of the student~~
- ~~• Continuity of instruction~~
- ~~• Likely area of family or youth's future housing~~
- ~~• Time remaining in the academic year~~
- ~~• Anticipated length of stay in temporary living situation~~
- ~~• School placement of siblings~~

~~Services that are required to be provided, including services under federal and other programs, shall not be considered in determining feasibility of enrollment. If enrollment of a homeless child in FLVS Full Time is determined not to be feasible, FLVS Full Time will communicate this decision to parents and other relevant parties, in writing.~~

## ~~ENROLLMENT~~

Homeless students may not have school enrollment documents readily available. Nonetheless, FLVS Full Time, if selected for enrollment and determined feasible for a homeless child, must immediately enroll the homeless child. Enrollment may not be denied or delayed due to the lack of any document normally required for enrollment, including:

- ~~Proof of residency [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(ii)]~~
- ~~Transcripts/school records (The enrolling school must contact the student's previous school to obtain school records. Initial placement of students whose records are not immediately available can be made based on the student's age and information gathered from the student, parent, and previous schools or teachers.) [s.722(g)(3)(C)(i) and s.722(g)(1)(H)(i)]~~
- ~~Immunizations or immunization/health/medical/physical records (If necessary, the school must refer students to the Homeless Liaison to assist with obtaining immunizations and/or immunization and other medical records. Health records may often be obtained from previous schools or state registries, and school or community-based clinics can initiate immunizations when needed.) [s.722(g)(3)(C)(i) and s.722(g)(3)(H)(i)]~~
- ~~Proof of guardianship [s.722(g)(1)(H)(iv)]~~
- ~~Birth certificate [s.722(g)(3)(D) and s.722(g)(1)(H)(iii)]~~
- ~~Outstanding fees, fines, or absences [s.722(g)(1)(I)]~~
- ~~Any other document requirements [s.722(g)(1)(H)(iii) and s.722(g)(3)(C)(i)(I)]~~
- ~~Any factor related to the student's living situation~~

#### FULL PARTICIPATION AND COMPARABLE SERVICES

Homeless children shall not be stigmatized or segregated on the basis of their status as homeless [s.722(g)(1)(J)(i)] and shall be provided services comparable to services offered to other students in our school, including:

- ~~Title I (as described below) [s.722(g)(4)(B)]~~
- ~~Educational services for which the student meets eligibility criteria, including special education [s.722(g)(4)(B)] and related services and programs for English language learners [s.722(g)(4)(B)]~~
- ~~programs in career and technical education [s.722(g)(4)(C)]~~
- ~~programs for gifted and talented students [s.722(g)(4)(D)]~~

FLVS Full Time recognizes that homeless children may suffer from disabilities, but may not have been evaluated for such or may lack documentation regarding prior evaluation, including a copy of their Individualized Education Program (IEP). To address this problem, evaluations of homeless children suspected of having a disability shall be given priority and coordinated with a student's prior and subsequent schools as necessary to ensure timely completion of a full evaluation. If a student has an IEP, the school shall immediately implement it. Any necessary IEP meetings or re-evaluations shall then be conducted expeditiously. If complete records are not available, IEP teams must use good judgment in choosing the best course of action, balancing procedural requirements and the provision of services. In all cases, the goal will be to avoid any disruption in appropriate services.

Any homeless student who becomes permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits [s.722(g)(3)(A)(i)(II)]

If a homeless child or youth's living arrangements change such that they move out of state, arrangements will be made to allow them to continue for the remainder of the school year.

Any children and youths experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria [s.722(g)(1)(F)(iii)]

~~Any unaccompanied homeless high school youth will receive counseling to prepare and improve their readiness for postsecondary education [s.722(g)(1)(K)]~~

## RECORDS

~~FLVS ensures that all records will be maintained for each homeless child or youth including:~~

- ~~• information related to the homeless child or youth's living situation;~~
- ~~• immunization or other required health records;~~
- ~~• academic records;~~
- ~~• guardianship records; and~~
- ~~• evaluations for special services [s.722(g)(3)(D)].~~

~~FLVS ensures that all records are:~~

- ~~• made available, in a timely fashion, when a child or youth enters a new school [s.722(g)(3)(D)(i)]~~
- ~~• held confidential in a manner consistent with section 444 of the General Education Provision Act (20 U.S.C. 1232g) [s.722(g)(3)(D)(ii)]; and~~
- ~~• treated as a student education record, and shall not be deemed to be directory information, under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) [s.722(g)(3)(G)].~~

## DISPUTES

~~A parent, guardian, or unaccompanied homeless youth may dispute a school determination regarding eligibility for McKinney-Vento services, school selection, or enrollment.~~

~~During such a dispute, the child or youth will either remain enrolled in the student's school of origin or shall be immediately enrolled in the eligible school in which enrollment was requested, pending resolution of the dispute including all available appeals [s.722(g)(3)(E)(i)]~~

- ~~• A parent or guardian or unaccompanied youth will be provided with a written explanation of the FLVS decision regarding the school selection or enrollment in a manner and form understandable to the parent, guardian, or unaccompanied youth [s.722(g)(3)(B)(iii)], including the rights of the parent, guardian or student to appeal the decision [s.722(g)(3)(B)(iii)] through FLVS' enrollment dispute procedure and the Florida Department of Education's appeal process [s.722(g)(3)(e)(ii)];~~
- ~~• The student, parent or guardian shall be referred to the FLVS Homeless Liaison, who shall ensure the resolution process is carried out as expeditiously as possible after receiving notice of the dispute [s.722(g)(3)(e)(iii)].~~

~~FLVS Enrollment Dispute Procedure:~~

~~(a) The Principal shall complete the electronic "School Selection Committee Request" which provides the Liaison a written explanation of the school's position regarding school selection of a student and the nature of the dispute.~~

~~(b) The Homeless Liaison shall refer the matter to the "School Selection Committee", who shall, within 15 business days after receipt, schedule a meeting with school administration, and the family in an effort to resolve the dispute. The primary objective in reaching a resolution is to determine whether maintaining the student's current enrollment is in the student's best interest.~~

~~(c) In the event the matter is not resolved, the School Selection Committee shall provide the parent~~

~~or guardian of the student or the unaccompanied youth with a written explanation of the its decision regarding school selection, including the rights of the parent, guardian or student to appeal the decision through the Florida Department of Education's appeal process.~~

~~(d) The Homeless Liaison will provide the parent, guardian or student the FLDOE School Dispute Resolution Appeal Process form. The form must be completed and returned to the Homeless Liaison within 10 business day, who shall send it, along with any additional written documentation provided by the school, to FLDOE.~~

The State of Florida Dispute Resolution Process can be found and referred to at:  
<http://www.fl DOE.org/core/fileparse.php/7482/urlt/0084796-disputeresolutionprocess.pdf>

## TITLE I

~~Children and youth in transition are automatically eligible for Title I services. The trauma and instability of homelessness put students at sufficient risk of academic regression to warrant additional support. The amount reserved shall be determined by a formula based upon the per pupil Title I expenditure and developed jointly by the liaison, senior manager of Federal Programs, and the Title I administrator. Homeless children shall be assessed, reported on, and included in accountability systems, as required by federal law and U.S. Department of Education regulations and guidance.~~

## TRAINING

~~On behalf of FLVS Full Time the Liaison will conduct training and sensitivity awareness activities for school staff including the school advocates and other staff that would be in a position to identify homeless students, at least once each year. The trainings and activities will be designed to increase staff awareness of homelessness, facilitate immediate enrollment, and ensure compliance with this policy.~~

## REFERENCES

- ~~McKinney Vento Homeless Assistance Act, Subtitle VII-B Reauthorized December 10, 2015 by Title IX, Part A of the Every Student Succeeds Act (Effective October 1, 2016)~~
- ~~Title I, Part A of the Elementary and Secondary Education Act, 20 U.S.C. §§6311—6315~~
- ~~The Individuals with Disabilities Education Act, 20 U.S.C. §§1400 et seq~~
- ~~June 5, 1992, Policy of the Administration for Children and Families of the U.S. Department of Health and Human Services~~

~~Ref.: 42 U.S.C. §§11431, 11432, Ch. 119, Sub. VI, Part B: Education for Homeless Children and Youths 20 U.S.C. §§6311—6315, Title I, Part A of the Elementary and Secondary Education Act §§120.50—82, 1001.41, 1001.42, 1001.43, and 1002.37, Fla. Stat. (2020)~~

~~Adopted: 03/02/2021~~

~~Amended: 03/02/2021~~