



**CHARLOTTE
COUNTY Public Schools**
POLICIES FOR STAFF AND STUDENTS

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

Department of Human Resources

*Chuck Breiner, Assistant Superintendent
& Equity Officer*

Chuck.breiner@yourcharlotteschools.net
(941)-255-0808

*Patrick Keegan, Director
& Equity Officer*

Patrick.Keegan@yourcharlotteschools.net
(941)-255-0808

**1445 Education Way
Port Charlotte, FL 33948-1053**

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Intent of This Pamphlet

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

The purpose of this pamphlet, too, is to provide direction to school students (and their families) as well as to staff should they encounter violations of these laws and policies. The persons whose names appear on the front of this pamphlet (see cover) are sources to students and employees who wish to make complaints about the District’s (or its employee-representatives’) adherence to these laws. These District officials hear complaints and monitor compliance; they are readily available for those students or staff who have a need to be heard in advancing a complaint:

For ready reference, this pamphlet includes a Table of Contents (front) and an Index (back).

EDUCATIONAL EQUITY ACT

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

*Section 1000.05, Florida Statutes
State Board of Education, Rules 6A-19.01 through 6A-19.10.*

Americans with Disabilities Act (ADA)

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

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

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

- h. Activities sponsored by a covered entity, including social and recreational programs; and,
- i. Any other term, condition, or privilege of employment.

FMLA: Family Medical Leave Act of 1993 **Complaint Process**

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

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

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

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

Your employer is prohibited from interfering with, restraining, or denying the exercise of FMLA rights, retaliating against you for filing a complaint and cooperating with the Wage and Hour Division, or bringing a private action to court. You should contact the Wage and Hour Division immediately if your employer

retaliates against you for engaging in any of these legally protected activities.

**To contact the WHD office nearest you, visit:
www.dol.gov/whd/america2.htm.**

HIPAA
***Health Insurance Portability and Accountability Act
Administration***

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

Employment Records

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

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

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

Requests from your employer

The Privacy Rule does not prevent your supervisor, human resources worker or others from asking you for a doctor's note or other information about your health if your employer needs the

information to administer sick leave, workers' compensation, wellness programs, or health insurance.

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

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

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

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

HIPAA: Charlotte County School Board: Related Policy

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

- A. Adhering to the standards set forth in the Notice of Privacy Practices;

- B. Collecting, using, and disclosing PHI only in conformance with state and federal laws and current procedures;
- C. Honoring employees'/applicants' covenants and/or authorizations, as appropriate;
District staff will not use or disclose PHI for uses outside of District's treatment, payment, and health care operations (TSO), such as marketing, employment, life insurance applications, etc., without an authorization from employee/applicant.
- D. Using and disclosing PHI to remind employees/applicants of their appointments only within their consent;
- E. Recognizing that PHI collected about employees/applicants must be accurate, timely, complete, and available when needed;
Privacy practices shall be implemented to protect the integrity of all PHI maintained.
- F. Respecting employees'/applicants' privacy to the extent allowable by law;
- G. Acting as responsible information stewards by:
 - 1. Treating all PHI data as confidential in accordance with professional ethics, accreditation standards, and legal requirements;
 - 2. Not disclosing PHI data unless the employee/applicant (or his/her authorized representative) has properly consented to or authorized the release, or the release is otherwise authorized by law;
- H. Recognizing that, although our District "owns" the medical information, the employee/applicant has a right to inspect and obtain a copy of his/her PHI;

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

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

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

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

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

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

Revised 8/24/10 S.B. Policy **1430.05**

DRUG-FREE WORKPLACE

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

The Board shall not permit the manufacture, possession, use, distribution or dispensing of any controlled substance, alcohol, or any drug paraphernalia, as the term is defined by law, by any member of the District's staff at any time while on District property or while involved in any District-related student activity or event. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District procedures and the terms of collective bargaining agreements.

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

F.S. 440.101, 440.102

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

S.B.P. 1124, 3124, 4124

TOBACCO-FREE ENVIRONMENT

The School Board believes that the right of persons to use tobacco must be balanced against the right of those who do not use tobacco to breathe air untainted by tobacco by-products.

The District prohibits the use of any and all tobacco products at all facilities, owned and operated by the School Board. The District

also prohibits the use of tobacco products in all vehicles, owned and operated by the Charlotte County School Board.

- a. The term "tobacco," as used herein, shall include all tobacco products, including but not limited to cigarettes, chewing tobacco, snuff, pipes, cigars, or any other matter or substances that contain tobacco. Also included are electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.
- b. The term "tobacco-free facility" shall mean the entire campus including all buildings and all outside areas, including but not limited to practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, open areas, etc.
- c. The term "vehicle" shall include, but not be limited to school buses, vans, trucks, station wagons, cars, etc.

S.B.P. 1215, 3215 \$ 4215

COMMUNICABLE DISEASES:

HIV, AIDS, AND OTHER DISEASES

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

- a. HIV (human immunodeficiency virus);
- b. AIDS (acquired immune deficiency syndrome);

- c. AIDS-related complex (condition);
- d. HAV, HBV, HCV, (hepatitis A, B, C); and
- e. Other diseases that may be specified by the State

Department of Health as contact-communicable diseases.

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

With this in mind, the Board directs the Superintendent to develop programs for students and staff for the purpose of their understanding the manner in which these diseases may be prevented and how they are transmitted. These programs should specify the risk factors involved: how to deal with those risks, emphasizing the fact that these diseases are preventable if basic precautions are taken.

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

F.S. 1001.41, 1006.07; **S.B.P. 8453**

EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. The policy of the Board is that no staff member or candidate for such a position in this District shall, on the basis of race, color, religion, national origin, age, gender, marital status, disability, or legally-protected characteristic, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

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

S.B.P. 4122,1122 & 3122

EMPLOYEE ASSISTANCE PROGRAM (EAP)

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

DISCRIMINATION (Defined)

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

2. Denying educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

3. Providing unequal educational or employment opportunities to individuals because of their race, sex, national origin, marital status or handicap;

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

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

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

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

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

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

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

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

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

HARASSMENT, Prohibition of

The School Board prohibits harassment against any employee, applicant for employment, student, or student applicant based upon race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disabling condition if otherwise qualified, or social and family background. Persons alleging such harassment shall use grievance- or complaint-procedures provided elsewhere in these policies to remedy such harassment. This policy also applies to non-employee volunteers who work subject to the control of school authorities.

The District will protect any employee or student from retaliation when he / she make a complaint of harassment.

The District will provide confidentiality to the extent possible, to any employee or student who alleges harassment.

The District will take appropriate action when it determines that harassment has occurred.

The Board desires to maintain an academic environment in which all students are treated with respect and dignity. A vital element of this atmosphere is the Board's commitment to equal opportunities and the eradication of discriminatory practices including sexual harassment. Sexual harassment is specifically prohibited by state and federal law and instances of harassment may result in both civil and criminal liability on the part of the individual harasser as well as the Board. Sexual harassment's destructive impact wastes human potential, demoralizes students, and perpetuates the tendency to further unacceptable behavior. For these reasons, the School Board forbids harassment against any student on the basis of sex. The Board will not tolerate sexual harassment activity by any of its students.

SEXUAL HARASSMENT, DEFINITION OF

Sexual harassment consists of unwelcome sexual advances, requests for sexual favors, and other inappropriate verbal or physical conduct of a sexual nature, wherever such harassment occurs on school property or at a school-sponsored event, that is aimed at coercing an unwilling person into a sexual relationship whether or not it involves physical contact, or that substantially interferes with a student's academic performance, or creates an intimidating, hostile, or offensive school environment.

Examples of sexual harassment may include but are not limited to the following:

- a. Verbal Harassment or abuse of a sexual nature;
- b. Subtle pressure for sexual activity;

- c. Repeated remarks to a person with sexual or demeaning implications (e.g., a person's body clothes or sexual activity);
- d. Unwelcome or inappropriate physical contact such as patting, pinching, or unnecessary touching;
- e. Suggestion of or demand for sexual involvement, accompanied by implied or explicit threats; or
- f. Display of sexually suggestive objects, pictures, or written materials.

Sexual harassment does not refer to occasional compliments or welcomed interactions of a socially acceptable nature.

SEXUAL HARASSMENT (STUDENT): Specific Prohibition

Sexual harassment occurs when a student subjects another **student** or a school employee to any unwelcome conduct of a sexual nature on school property or at a school-sponsored event. Students who engage in such conduct shall be subject to penalties as described herein.

SEXUAL HARASSMENT, STUDENT COMPLAINT PROCEDURES (S.B.P. 5517)

Any student who alleges sexual harassment by another student should complain to the building principal, assistant principal(s), guidance counselors, or school-based equity coordinator. Filing a complaint or otherwise reporting sexual harassment will not affect the student's status, extra-curricular activities, grade, or any other assignments. The complaint should be in writing, state the act or acts, state the date(s) and time(s), state the names of witnesses, and be signed by the complainant.

District personnel respect the right to confidentiality, both for the complainant and for the accused, consistent with the Board's legal obligations and with the necessity to investigate allegations of misconduct and take corrective action when this conduct has occurred.

To determine whether alleged conduct constitutes sexual harassment, school personnel will investigate the totality of the circumstances, nature of the conduct, and the context in which the alleged conduct occurred. The Superintendent or designee has the responsibility to investigate and resolve complaints of sexual harassment.

BULLYING AND HARASSMENT: COMPLAINT PROCEDURES: S.B.P 5517.01

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

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

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

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

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

Definitions

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

- A. unwanted teasing or taunting;
- B. threats;
- C. intimidation;
- D. stalking;

- E. cyberstalking;
- F. cyberbullying;
- G. physical violence;
- H. theft;
- I. sexual, religious, or racial harassment;
- J. public humiliation;
- K. destruction of property; or
- L. social exclusion.

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

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

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

- A. Retaliation against a student or school employee by another student or school employee for asserting or alleging an act of bullying and/or harassment. Reporting an act of bullying and/or harassment that is not made in good faith is considered retaliation.
- B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:
 - 1. incitement or coercion;
 - 2. accessing or knowingly and willingly causing or providing access to data or computer software through all communication devices including but not limited to a computer, computer system, or computer network within the scope of the District school system; or
 - 3. acting in a manner that has an effect substantially similar to the effect of bullying and/or harassment.

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

Expected Behavior: (Students)

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

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

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

Student Consequences for Bullying / Harassment

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

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying and/or harassment or found to have falsely accused another as a means of bullying and/or harassment shall include discipline in accordance with District policies, administrative procedures, and the collective bargaining agreement. Egregious acts of harassment by certified

educators may result in a sanction against an educator's State-issued certificate. (See the Principles of Professional Conduct of the Education Profession in Florida --F.A.C. 6B-1006). Consequences to visitors and volunteers found to have committed acts of bullying and/or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

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

Procedure for Reporting Bullying / Harassment:

Parent / Student Complaints

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

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

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

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

Procedure for Investigating Bullying Harassment:

ALL School Community Members

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

- A. the nature of the behavior;
- B. how often the conduct occurred;
- C. whether there were past incidents or past continuing patterns of behavior;
- D. the relationship between the parties involved;
- E. the characteristics of the parties involved;
- F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying and/or harassment;
- G. the number of alleged bullies/harassers;

- H. the age of the alleged bully/harasser;
- I. where the bullying and/or harassment occurred;
- J. whether there have been other incidents in the school involving the same or other students;
- K. whether the conduct adversely affected the student's education or educational environment; and
- L. the context in which the alleged incidents occurred.

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

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

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

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

Scope of Investigations

The investigator will provide a report on the results of the investigation with recommendations for the principal or designee to

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

Parent Notification of Involved Parties

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

If the bullying incident results in the perpetrator's being charged with a crime, the principal or designee shall inform the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 932) and School Board Policy 5500 and F.S. 1002.20(5).

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law

enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral: Students

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

- A. a process by which the teacher or parent may request informal consultation with school staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;
- B. a referral process to provide professional assistance or services that may include school intervention with a problem-solving focus to consider appropriate services, such as the development of a safety plan, (parent/guardian involvement required) or, if an official discipline report or official complaint is issued, a student referral for school intervention as counseling support or other action (parent/guardian involvement required); or
- C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:
 1. counseling and support to address the needs of the victim(s) of bullying and/or harassment;
 2. interventions to address the behavior of students who bully and/or harass others (e.g., empathy training, anger management, etc.);
 3. intervention which includes assistance and support for parents, as may be deemed necessary or appropriate.

Data Report: Students

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

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

Training and Instruction: Prevention of Student Bullying / Harassment

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

Policy Publication: Student Bullying / Harassment

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

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

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

Immunity for Reporting: ALL School Community Members

A school employee, school volunteer, students, parent/guardian, or other persons who promptly report(s) in good faith an act of suspected bullying and/or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

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

Privacy/Confidentiality

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

F.S. 110.1221, 1002.20, 1006.13, 1006.147
Florida Department of Education Model Policy (June 2008)

Adopted 11/18/08

2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY for STUDENTS

The School Board declares it to be the policy of this District to provide an **equal opportunity for all students**, regardless of race, color, creed, disability, religion, gender, ancestry, age, national origin, genetic information, place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District.

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

- A. **Curriculum Content** - review current and proposed courses of study and textbooks to detect any bias based upon race, color, gender, disability, religion, national origin, ancestry, or culture; 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 color/racial, gender, religious, national, cultural, or other bias in all aspects of the program;
- C. **Student Access** - review current and proposed programs, activities, facilities, and practices to ensure that **all students have equal access** thereto and are not segregated on the basis of race, color, creed, gender, disability, or national origin, in any duty, work, play, classroom, or school practice, except as permitted under state regulations;
- D. **District Support** - ensure that like aspects of the District's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters; and
- E. **Student Evaluation** - ensure 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 race, color, creed, gender, or national origin.

The Superintendent shall appoint a Compliance Officer whose responsibility it will be to ensure that federal and state regulations are complied with and that any complaints are dealt with promptly in accordance with the law. S/He shall also ensure that proper notice of nondiscrimination for Title II, 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, and the Age Act is provided to students, their parents, staff members, and the general public.

These Compliance Officers are:

Chuck Breiner

Assistant Superintendent:

*Human Resources and
Employee Relationships*

1445 Education Way

Port Charlotte, FL 33948

(941)-255-0808

Chuck.breiner@

yourcharlotteschools.net

Patrick Keegan

Director, Human Resources

(same as Mr. Breiner)

Patrick.keegan@

yourcharlotteschools.net

Student Complaint Procedure

A student may request an investigation of any procedure or practice in educational programs, admissions, services, activities and disciplinary actions if there is a question of discrimination.

The District shall adhere to the following steps if a student feels that he/she has experienced discrimination at school:

- A. **Level I** - If the student believes that s/he has been discriminated against or harassed, s/he may file a complaint in writing or via a message which can be transcribed into writing within sixty (60) days of the alleged occurrence with his/her principal or school counselor. If the complaint is against the principal or counselor, the complaint may be filed with the next highest level supervisor or with the Compliance Officer. The principal, school counselor, or Compliance Officer will schedule a conference. The conference must be held within ten (10) school days of the date of filing. The results of the meeting shall be sent to all concerned parties within ten (10) working/school days of the conference;

- B. **Level II** - If a student is not satisfied with the resolution made at Level I, s/he may appeal in writing to the appropriate building level administrator, or with the next highest level supervisor, with copies to the Superintendent, for an informal conference and discussion of the grievance within ten (10) working/school days of receiving the Level I findings. The building administrator, supervisor, or the Compliance Officer will investigate and file a written report within ten (10) days after receiving Level I documents. These findings or recommendations shall be sent to the complainant, the Superintendent, and building administrator;
- C. **Level III** - If a student is not satisfied with the resolution made at Level II, within ten (10) days of receiving the recommendations and findings, s/he may appeal to the building administrator, supervisor, or the Compliance Officer in writing, for an informal conference and discussion of the grievance. No new facts shall be entered that were not addressed in Levels I and II. The complainant shall be given an opportunity to present evidence relevant to the facts;
- D. **Level IV** - If a student is not satisfied with the resolution made at Level III and the grievance was filed due to alleged discrimination, s/he may appeal, within fifteen (15) working/school days, to the Superintendent or his/her designee for an informal conference and discussion of the grievance. The decision at this level is binding, but does not preclude the complainant from pursuing other legal methods of redress.

F.S. 760.08, 760.021, 1000.05

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
29 U.S.C. Section 794, Rehabilitation Act of 1973
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
42 U.S.C. 6101 et seq.
34 C.F.R. Part 110 (7/27/93)
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

Revised 10/21/08
Revised 12/13/11

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(Discrimination): COMPLAINT PROCEDURES for STAFF

Anti-Harassment Compliance Officers

The individuals who have the following positions serve as "Anti-Harassment Compliance Officers" for the School District. They are hereinafter referred to as the "Compliance Officer" or "Compliance Officers".

Chuck Breiner

*Assistant Superintendent:
Human Resources and
Employee Relationships*
1445 Education Way
Port Charlotte, FL 33948
(941)-255-0808
Chuck.breiner@
yourcharlotteschools.net

Patrick Keegan

Director, Human Resources

(same as Mr. Breiner)

Patrick.keegan@
31 yourcharlotteschools.net

The Compliance Officers will be available during regular school/work hours to discuss concerns related to legally prohibited harassment.

Compliance Officers are assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints which are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging 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, after consultation with the School Board Attorney, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of unlawful harassment which are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below.

While there is a sixty (60) day time limit for initiating a complaint of harassment, individuals should make every effort to file an informal or a formal complaint as soon as possible after the harassing conduct occurs. Both the informal and formal procedures set forth below are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

The informal and formal procedures set forth below are not intended to interfere with the rights of a member of the School District

community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a **member of the School District community or third party who believes s/he has been unlawfully harassed**. This informal procedure is not required as a precursor to the filing of a formal complaint.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person s/he feels is harassing him/her that the conduct is unwelcome and must stop. The complaining individual 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 individual if requested to do so. An individual who is uncomfortable or unwilling to inform the alleged harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A **member of the School District community or third party who believes s/he has been unlawfully harassed** may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Compliance Officer. All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below

on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide **members of the School District community and third parties who believe they are being unlawfully harassed** 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 member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

- A. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.
- B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.
- C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy. (see Policy [8310](#) and Policy 8320)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the **member of the School District community or third party** elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

A member of the School District community or third party who believes they have been subjected to legally prohibited harassment hereinafter referred to as the “complainant,” may file a formal complaint, either orally or in writing with the Compliance Officers. If a complainant informs any other employee of the School District, either orally or in writing, about any complaint of unlawful harassment, that employee must immediately report such information to the Compliance Officer.

The Compliance Officer shall determine whether or not the complaint alleges legally prohibited harassment. If it is determined that the complaint does not allege legally prohibited harassment, the complainant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint alleges legally prohibited harassment, the complaint will be investigated in accordance with the process described herein.

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

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based;

a list of potential witnesses; and, identification of the resolution which the complainant seeks.

If the complainant is unwilling 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 which will be presented to the complainant for verification by signature.

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 legally prohibited harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Compliance Officers should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change which is deemed appropriate by the Compliance Officers, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within three (3) business days of receiving a formal complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the “respondent,” that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board'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 five (5) 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 unlawful harassment.

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 twenty-one (21) calendar days of receiving the formal complaint. The investigation will include:

- A. interviews with the complainant;
- B. interviews with the respondent;
- C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;
- D. 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 consult with the Board Attorney. A written report shall then be prepared and delivered to the Superintendent 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 the complainant has been subject to unlawful harassment. 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 Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officers or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of legally prohibited harassment has been

substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the complainant and the respondent. The School District will respect the privacy of the complainant (unless the complainant made the complaint with malice or with knowledge that it was false), the respondent, and all witnesses in a manner consistent with the School District's legal obligations under state and federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct **all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality**. Any individual who is interviewed as part of an investigation of legally prohibited harassment is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of legally prohibited harassment will be maintained by the Compliance Officer in accordance with state law and the Board's records retention policy. Any records which are considered

education 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 and F.S. 1002.22 and 1002.221.

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

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

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

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

- Institutional Worker
- Law Enforcement
- Judge

BE PREPARED TO DESCRIBE:

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

THREE WAYS TO MAKE A REPORT:

1. TELEPHONE: 1-800-96-ABUSE (1-800-962-2873)

2. TDD: (Telephone Device for the Deaf): 1-800-453-5145

3. FAX: A written report with your name and contact telephone and all information requested above, to 1-800-914-0004

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

must be made in accordance with state law and Board Policy [8462](#) - Student Abuse and Neglect.

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

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

In accordance with F.S. 1012.98 and Board Policy [8462](#), all district employees are required to participate yearly in the online child abuse training provided by the Department of Children and Families.

GRIEVANCE PROCEDURES FOR NONDISCRIMINATION AND EQUAL OPPORTUNITY/ACCESS S.B.P. 1122B -

Employee and Job Applicant Procedure

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

Informal Discussion

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

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

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

Board Appeal

If the complainant is not satisfied with the resolution by the Superintendent, he/she shall have the right to appeal the Superintendent's decision to the School Board, provided the request for placement on Board agenda is filed within ten (10) days.

Charlotte County Public Schools shall conspicuously post its Notice of Nondiscrimination and the name and telephone number of district employees responsible for compliance with nondiscrimination provisions.

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

REPORTING ABUSE, NEGLECT, THREATENED HARM AND EXPLOITATION

BE PREPARED TO DESCRIBE:

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

THREE WAYS TO MAKE A REPORT:

TELEPHONE: 1-800-96-ABUSE (1-800-962-2873)

TDD: (Telephone Device for the Deaf): 1-800-453-5145

FAX: A written report with your name and contact telephone and all information requested above, to 1-800-914-0004

INTERPRETER SERVICE

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

NOTIFICATION OF REPORT:

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

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

October 1, 2007

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

- The Department of Homeland Security requires SSN's as identifier in Section 1 of I-9 form.
- The Internal Revenue Service and Social Security Administration require a Social Security number on a Form W-4, that is used to determine how much federal withholding tax is to be collected and Federal Insurance Contribution Act (FICA) tax on wages paid and later reported in a W-2 Wage and Tax Statement.
- The SearchSoft applicant tracking system requires a SSN as primary personal ID for applicant tracking.
- The Internal Revenue Service requires a Taxpayer Identification Number on a Form W-9 which could be a Social Security or an Employer Identification number that could be used to generate a 1099 Miscellaneous Income Statement based on expenditures processed through accounts payable. Vendors with Social Security numbers are captured in the Vendor Application process and are used on purchase orders issued by the District. Employee Social Security numbers are used as the vendor number for processing travel or other reimbursements.
- The BiTech Human Resource/Finance software program requires the use of Social Security numbers as the primary

personal identification of employees for wages, leaves, payroll deductions, etc.

- The Florida Department of Law Enforcement digital Fingerprint system requires a SSN for primary personal ID background identification use and digital fingerprinting.
- National School Lunch Act requests Social Security numbers from parents on the free or the reduced price meal application and through household verification process as part of determining a family's eligibility for its child (-ren) for free or reduced price meals.
- Enrollment in health insurance, life insurance, and other miscellaneous insurances requires Social Security numbers.
- Florida Division of Retirement requires Social Security numbers to report earnings used to document creditable years of service in the Florida Retirement System.
- First Report of Injury on the Workers Compensation forms require Social Security numbers.
- The Florida Department of Education uses Social Security numbers as a standardized identification number to track students from year to year and when they move from one school or county to another. Social Security numbers are used for students in grades 10 through 12 as identifiers for colleges and scholarship programs such as Bright Futures. For students in grades 3 through 12 Social Security numbers are used as identifiers for standardized testing such as FCAT.

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

8730 - ANTI-FRAUD

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

Scope

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

Policy

Fraud and fraudulent activity is strictly prohibited.

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

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

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

All reporting and investigation shall be done in accordance with the District's Whistleblower's procedure. (AP [1211](#), AP 3211, and AP [4211](#))

8141 - MANDATORY REPORTING OF

MISCONDUCT BY EMPLOYEES

Reporting Professional Misconduct

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

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

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, and shall report the alleged misconduct of a certificated employee to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b).

Pending the outcome of a misconduct investigation the District shall reassign staff alleged to have committed such misconduct.

Filing a Complaint with the Department of Education

If an allegation surfaces that an instructional staff member or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the

Superintendent. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the District's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796(1)(e)).

Report of Resignation or Termination

If the Superintendent determines that misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated, and the Superintendent must report the misconduct to the Department of Education in the format prescribed by the Department. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(1)(d)).

Transmittal of False or Incorrect Report

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

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

Requirement of Disclosure of Employee Misconduct

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

Posting Requirements

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

F.S. 1001.42(6), 1001.42(7)(b), 1001.51(12)(b), 1006.061(2), 1012.795

F.S. 1012.796, 1012.796(d), 1012.796(e)

Adopted 1/27/09

**PART 108--EQUAL ACCESS TO PUBLIC SCHOOL
FACILITIES FOR THE BOY SCOUTS OF AMERICA AND
OTHER DESIGNATED YOUTH GROUPS**

20 USC § 7905

UNITED STATES CODE OF CIVIL REGULATIONS 108.9

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

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

Sec.

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Sec. 108.1 Purpose.

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

Sec. 108.2 Applicability.

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

Sec. 108.3 Definitions.

The following definitions apply to this part:

(a) Act means the Boy Scouts of America Equal Access Act, section 9525 of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1981-82 (20 U.S.C. 7905).

(b) Boy Scouts means the organization named "Boy Scouts of America," which has a Federal charter and which is listed as an organization in title 36 of the United States Code (Patriotic and National Observances, Ceremonies, and Organizations) in Subtitle II (Patriotic and National Organizations), Part B (Organizations), Chapter 309 (Boy Scouts of America).

(c) Covered entity means any public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or limited public forum and that receives funds made available through the Department.

(d) Department means the Department of Education.

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

(f) Elementary school means an elementary school as defined by section 9101(18) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1958 (20 U.S.C. 7801).

(g) Group officially affiliated with any other Title 36 youth group means a youth group resulting from the chartering process or other process used by that Title 36 youth group to establish official affiliation with youth groups.

(h) Group officially affiliated with the Boy Scouts means a youth group formed as a result of a community organization charter issued by the Boy Scouts.

(i) Limited public forum means that an elementary school or secondary school grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

(j) Local educational agency means a local educational agency as defined by section 9101(26) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1961 (20 U.S.C. 7801).

(k) Outside youth or community group means a youth or community group that is not affiliated with the school.

(l) Premises or facilities means all or any portion of buildings, structures, equipment, roads, walks, parking lots, or other real or personal property or interest in that property.

(m) Secondary school means a secondary school as defined by section 9101(38) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1965 (20 U.S.C. 7801).

(n) State educational agency means a State educational agency as defined by section 9101(41) of the Elementary and Secondary Education Act of 1965, as amended by section 901 of the No Child Left Behind Act of 2001, Pub. L. 107-110, 115 Stat. 1425, 1965 (20 U.S.C. 7801).

(o) Title 36 of the United States Code (as a patriotic society) means title 36 (Patriotic and National Observances, Ceremonies, and Organizations), Subtitle II (Patriotic and National Organizations) of the United States Code.

(p) Title 36 youth group means a group or organization listed in title 36 of the United States Code (as a patriotic society) that is intended to serve young people under the age of 21.

(q) To sponsor any group officially affiliated with the Boy Scouts or with any other Title 36 youth group means to obtain a community organization charter issued by the Boy Scouts or to take actions

required by any other Title 36 youth group to become a sponsor of that group.

(r) Youth group means any group or organization intended to serve young people under the age of 21.

Sec. 108.4 Effect of State or local law.

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

Sec. 108.5 Compliance obligations.

(a) The obligation of covered entities to comply with the Act and this part is not limited by the nature or extent of their authority to make decisions about the use of school premises or facilities.

(b) Consistent with the requirements of Sec. 108.6, a covered entity must provide equal access to any group that is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity may require that any group seeking equal access inform the covered entity whether the group is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group. A covered entity's failure to request this information is not a defense to a covered entity's noncompliance with the Act or this part.

Sec. 108.6 Equal access.

(a) General. Consistent with the requirements of paragraph (b) of this section, no covered entity shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting within that covered entity's designated open forum or limited public forum. No covered entity shall deny that access or opportunity or discriminate for reasons including the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts or of the Title 36 youth group.

(b) Specific requirements. (1) Meetings. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting in the covered

entity's designated open forum or limited public forum must be given equal access to school premises or facilities to conduct meetings.

(2) Benefits and services. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting as described in paragraph (b)(1) of this section must be given equal access to any other benefits and services provided to one or more outside youth or community groups that are allowed to meet in that same forum. These benefits and services may include, but are not necessarily limited to, school-related means of communication, such as bulletin board notices and literature distribution, and recruitment.

(3) Fees. Fees may be charged in connection with the access provided under the Act and this part.

(4) Terms. Any access provided under the Act and this part to any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group, as well as any fees charged for this access, must be on terms that are no less favorable than the most favorable terms provided to one or more outside youth or community groups.

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

Sec. 108.7 Voluntary sponsorship

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

Sec. 108.8 Assurances.

An applicant for funds made available through the Department to which this part applies must submit an assurance that the applicant will comply with the Act and this part. The assurance shall be in effect for the period during which funds made available through the Department are extended. The Department specifies the form of the assurance,

including the extent to which assurances will be required concerning the compliance obligations of subgrantees, contractors and subcontractors, and other participants, and provisions that give the United States a right to seek its judicial enforcement. An applicant may incorporate this assurance by reference in subsequent applications to the Department.

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

Sec. 108.9 Procedures.

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

Authority: 20 U.S.C. 7905.

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DISTRICT LEADERS 2016 - 2017

CHUCK BREINER

Assistant Superintendent for Human Resources, Employee Relations and Equity Coordinator

CHRIS BRESS

Chief Technology Officer

JENNIFER COX-McKIMMY

Supervisor of District Health Services

MIKE DESJARDINS

Director of Student Services

STEVE DIONISIO

Superintendent of Charlotte County Public Schools

RICHARD DUCKWORTH

Director of Transportation

CHERYL EDWARDS

Director of Secondary Learning

GREG GRINER

Chief Financial Officer

GREGORY HERLEAN

Director of Purchasing

STEVE JONES

Coordinator of Psychological Services

PATRICK KEEGAN

Director of Human Resources

CARMEL KISIDAY

Director of Pre-K & Elementary Learning

MARY LEONARD

Director of Professional Development Academy

DARRELL MILSTEAD

Director of Information & Communications Systems

JERRY OLIVO

Assistant Superintendent for District Support Services

KAREN OWENS

Director of Exceptional Student Learning

CHANTAL PHILLIPS

Director of Student Intervention & Dropout Prevention

APRIL PRESTIPINO

Assistant Superintendent for School Support

MIKE ROBISHAW

Wellness Manager

JONI SANDLES

Director of Finance

EUGENE SPURR

Director of Maintenance, Operations & Special Projects

TERRI WHITACRE

Director of Food Services

SCHOOL & PRINCIPAL PHONE NO.

Baker Pre-K Center 575-5470

Nicole Hansen

Charlotte Harbor School 255-7440

Herbert Bennett

Charlotte High School 575-5450

Cathy Corsaletti

Charlotte Tech. Center 255-7500

Director – DeeLynn Bennett

Deep Creek Elementary School 255-7535

Adrienne McElroy

East Elementary School 575-5475

Lori Carr

Kingsway Elementary School 255-7590

Ronald Rogala

L. A. Ainger Middle School 625-9600

Jeff Harvey

Lemon Bay High School 629-4552

Bob Bedford

Liberty Elementary School 255-7515

Sheila Brown

Meadow Park Elementary School 255-7470

Asena Mott

Murdock Middle School 255-7525

Demetrius Revelas

Myakka River Elementary School 697-7111

Grace Shepard

Neil Armstrong Elementary School 255-7450

Angela Taillon

Peace River Elementary School 255-7622

Jodi Poulakis

Port Charlotte High School 255-7485

Lou Long

Port Charlotte Middle School 255-7460

John LeClair

Punta Gorda Middle School 575-5485

Justina Dionisio

Sallie Jones Elementary School 575-5440

Jennie Hoke

The Academy @ CTC 255-7545

Jack Ham

Vineland Elementary School 743-0188

Laura Blunier

Adult & Community Ed. 255-7430

Mike Riley, School Communications & Relations Officer

**Charlotte County Public Schools
District Administrative Offices
1445 Education Way
Port Charlotte, FL 33948-1053
(941) 255-0808**

Web Site – www.yourcharlotteschools.net

Board Members

**Lee Swift, Chairman
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**Superintendent of Charlotte County Public Schools
Douglas Whittaker, Ed.D.**