

October 2006

TO: All Holders of the Policy Manual of the Pinellas County School Board

FROM: Allen Mortimer
Director of Planning and Policy

SUBJECT: SUPPLEMENT NO. 37 TO THE POLICY MANUAL OF JUNE 30, 1998

Please update your Policy Manual as follows:

REMOVE PAGE(S)

2-43 – 2-44

8 -24a – 8-24d

INSERT PAGE(S)

2-43 – 2-44

8-24a – 8-24d

2.23 DISTRICT SAFETY AND SECURITY

This policy change meets federal guidelines requiring local entities to formally recognize the National Incident Management System (NIMS).

**8.242 EMPLOYEE COMPLAINTS BASED UPON ALLEGED
DISCRIMINATION/HARASSMENT**

This policy change assures confidentiality regarding employee complaints and defines a 90 day time limit in reporting an informal complaint.

establishes such rule as the policy of the Pinellas County School Board creating the Committee, shall take precedence over any of these bylaws.

Section 3. As to interpretation of bylaws and court orders, the committee may consult with the attorneys for the Plaintiff and the Defendant in the case of *Bradley v. Pinellas County School Board* provided such advice will not result in additional cost to the School Board.

Section 4. With regard to procedural matters, Roberts Rules of Order newly revised shall govern in all cases in which they are applicable and in which they are not in conflict with these bylaws, nor the rule of the Pinellas County School Board nor the Order of the United States District Court for the Middle District of Florida in the case of *Bradley v. Pinellas County School Board*.

ARTICLE IX – Amendments

Section 1. No amendment to these bylaws may conflict with any Order of the United States District Court for the Middle District of Florida as entered in the case of *Bradley v. Pinellas County School Board*, and with the rule adopted by the Pinellas County School Board.

Section 2. Any amendment to these bylaws based upon the rule of the Pinellas County School Board established as policy the Committee, may not pursuant to Order of the United States District Court for the Middle District of Florida in the case of *Bradley v. Pinellas County School Board*, be changed in any way except as provided within such Order of the Court.

Section 3. Any provision of these bylaws that is not based upon Order of the Court or rule of Pinellas County School Board may be amended.

- A. Amendments to these bylaws shall be presented in writing to all members at least 30 days prior to a vote.
- B. Amendments to these bylaws may be adopted at a regular meeting of the Committee or a special meeting of the Committee as needed, by a majority vote of the quorum present.
- C. The amendment shall become effective upon approval of the majority of the quorum present and subsequent approval of the Pinellas County School Board.

Statutory Authority: 1001.32(2), 1001.41, 1001.42, 1001.43 F.S.

Laws Implemented: Amended Order Granting Unitary Status in *Bradley, et al. vs. Pinellas County School Board*, case no. 64-98-CIV-T-23B, 08/30/99

History: New 6/13/00; Amended 6/26/01, 12/10/02

2.23 DISTRICT SAFETY AND SECURITY

(1) The Pinellas County School District is committed to providing a safe and healthy environment in which to learn and work. The Superintendent shall establish a District Safety and Security Council to align and coordinate district efforts to ensure a safe and healthy environment for students, employees and visitors.

(2) The District Safety and Security Council will be responsible for developing and maintaining the district's Safety and Security program including the Incident Command System (ICS), the Critical Incident Management Plan (CIMP), the Critical Incident Response Team and the Emergency Management Procedures. Administrators at the cabinet, school and department level shall be responsible for implementing these plans and procedures. All employees are required to comply with these plans and procedures.

(3) The Pinellas County School District shall comply with the Department of Homeland Security's National Incident Management System, or NIMS, which was developed to enable emergency responders from different jurisdictions and disciplines to work together better to respond to natural disasters and emergencies, including acts of terrorism. The District's compliance obligations are defined in the Statewide Policy for Strengthening Domestic Security in Florida's Public Schools approved October 10, 2003, and modified February 28, 2006, as produced by the Florida Department of Education and the Florida Regional Domestic Security Task Force Education Sub-Committees, which is incorporated herein by reference. A copy of the "Statewide Policy for Strengthening Domestic Security in Florida's Public Schools" may be viewed at http://www.firn.edu/doe/besss/em_plan/pdf/terrorism_policy.pdf

(4) The Pinellas County School District shall participate in local emergency management as designated in the agreement with the Pinellas County Board of County Commissioners.

(5) The Superintendent (or designee) shall serve as the district's Emergency Management Coordinator. When an emergency or incident occurs, the district's Incident Command System may be implemented. A directive from the Incident Command Center or the district's Emergency Management Coordinator must be treated as a directive from the Superintendent.

(6) In accordance with Florida statutes all employees called in to work during an emergency are required to comply and will be compensated. Employees who fail to comply will be subject to disciplinary action in accordance with board policy.

(7) Employees have a right and responsibility to identify and report unsafe or unhealthy conditions and are required to work safely and follow the procedures established for them. Compliance with safety policies and procedures is a requirement of all employees and employees will be evaluated on adherence to this policy.

Statutory Authority: 1001.32(2), 1001.41, 1001.42, 1001.43 F.S.

Laws Implemented: 252.38 F.S.

History: New 1/11/05; Amended 9/12/06

2.24 INDEPENDENT CITIZENS REFERENDUM OVERSIGHT COMMITTEE (ICROC)

(1) Voter Approval of Referendum

(a) In the general election of November 2, 2004, voters approved an additional one-half mill ad valorem tax for school district operating expenses for four years beginning July 1, 2005.

(b) **BALLOT QUESTION:** Shall the Pinellas County school district ad valorem millage be increased by a total of one-half mill for necessary operating expenses including funds to recruit and retain quality teachers; preserve reading programs and music and art classes; and provide up-to-date textbooks and technology beginning July 1, 2005, and ending four fiscal years later on June 30, 2009, with oversight of these expenditures by an independent citizens financial oversight committee?

2) Creation, Membership and Date of Establishment

(a) The School Board establishes the Independent Citizens Referendum Oversight Committee (ICROC) consisting of seven members each appointed by one of the following organizations as hereinafter provided.

1. League of Women Voters
2. Pinellas County Council of PTAs (PCCPTA)
3. Pinellas County Education Foundation

6. Same sex harassment
7. Male to female harassment
8. Female to male harassment

(3) Reporting:

(a) Adult victims of harassment should follow the procedure in policy 8.242 EMPLOYEE COMPLAINTS BASED UPON ALLEGED DISCRIMINATION/HARASSMENT.

(b) Students who are victims of harassment by other students should report the situation to the teacher, assistant principal or principal. Students who are victims of harassment by employees or volunteers should immediately report the situation to the assistant principal, principal, area superintendent, Office of Professional Standards, or the Office of Equal Opportunity. (See also the Grievance Procedure in policy 4.01 Code of Student Conduct.)

(c) Any staff member who becomes aware of the harassment of a student shall immediately report it to the school administration or to the Office of Professional Standards, or the Office of Equal Opportunity.

(d) Complaints will be investigated in a fair and adequate manner.

(e) No retaliation against individuals who file complaints in good faith will be tolerated.

(f) Confidentiality will be protected to the extent possible.

(g) A substantiated charge against a staff member in the district shall subject such staff member to appropriate disciplinary action.

(h) A substantiated charge against a student in Pinellas County Schools shall subject that student to appropriate disciplinary action.

(4) Dissemination

(a) Copies of this policy will be disseminated to every work site and posted in a location accessible to all students and staff.

(b) Employees will be given a copy of this policy and will sign that they received a copy as part of the hiring process.

(c) A copy of this policy will be included in the Code of Student Conduct.

(5) Training

(a) New employee orientation training shall include a component on the harassment policy.

(b) All administrators and supervisors are responsible for assuring that their staff members are familiar with the policy on harassment and that new employees are oriented as necessary throughout each school year.

(c) As part of the review of the Code of Student Conduct at the beginning of the school year, this policy will be discussed in student classes, school advisory councils, and parent and teacher associations. Students enrolled after the beginning of the school year will be provided a copy of the Code of Student Conduct and advised of this policy.

Statutory Authority: 1001.32(2), 1001.41, 1001.42, 1001.43 F.S.

Laws Implemented: Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights act of 1964, Age Discrimination in Employment Act of 1967, the Rehabilitation Act of 1973, and the Americans with Disabilities Act of 1990, 6B-1.006(3)(g) SBE Rules.

History: New 4/27/99; Amended 5/27/03, 7/27/04

8.242 EMPLOYEE COMPLAINTS BASED UPON ALLEGED DISCRIMINATION/HARASSMENT

(1) The normal procedure to be followed by each employee regarding a complaint or problem related to allegations of discrimination/harassment, in personnel practices is to discuss the matter in a personal conference with his/her principal or supervisor. Applicants for employment, who have alleged discrimination/harassment complaints, shall be directed to the Office of Equal Opportunity (OEO).

(2) In the event an employee intends to register a complaint based upon alleged discrimination/harassment, remedies should be sought through administrative channels before resorting to other means of resolving disputes. The Board expects both employees and their supervisors to make every reasonable effort to resolve such conflicts. Confidentiality will be protected to the extent possible. The following procedures are intended to facilitate these administrative remedies.

(a) Employees should first express their complaints to their immediate supervisors within 90 days. However, as an alternative, employees may wish to involve the OEO to assist them at this informal level. If a resolution to the complaint can be reached at this level, no further action is to be taken.

(b) If no resolution is reached between the employee and the immediate supervisor (with or without the involvement of the OEO), the employee should file with the OEO a formal written complaint within 180 days of the incident requesting an investigation concerning the alleged discrimination/harassment. The OEO shall notify the supervisor of the accused party or parties in writing when a formal written complaint has been filed. The complainant may contact the Office of Professional Standards (OPS) as an alternate first point of contact instead of the OEO. The alternate first point of contact will follow the same procedures as required by the OEO administrator.

(c) The OEO administrator shall conduct a fair and impartial investigation into the alleged discriminatory practice and shall keep all parties involved fully apprised of the status during the investigation.

(d) Upon receipt of the formal written complaint of discrimination/harassment by the OEO, written acknowledgement of receipt of the complaint shall be forwarded to the complainant within 5 working days. This acknowledgement shall identify the OEO administrator responsible for the investigation of the complaint.

(e) The OEO administrator will, within 5 working days after acknowledging receipt of the formal written complaint, interview the complainant to obtain any additional information needed to clarify the complaint. If circumstances prevent the interview from occurring within 5 working days, the interview will occur in a timely manner.

(f) The OEO administrator, at this point, may inquire of the complainant as to a possible resolution of the complaint. If the complainant is amenable to a resolution of the complaint, the OEO administrator shall begin discussion regarding a resolution. If an acceptable resolution cannot be reached, within 30 working days after the receipt of the initial formal written complaint, the complaint shall be further investigated.

(g) Before concluding the investigation of the complaint, the accused shall be advised of the existence of the receipt of the complaint and advised that any interference in the investigation or any retaliation against the complainant will subject the accused to disciplinary action. The accused shall be given an opportunity to respond to the complaint. Such response shall be made to the OEO administrator either orally or in writing.

(h) If the investigation proceeds further, the investigation shall include but not be limited to investigating all allegations by the complainant and the accused, interviewing any witnesses, including coworkers and supervisors, and taking statements from witnesses and other persons who may be able to

provide valid and relevant information. Upon completion of the investigation, the OEO administrator shall issue a determination and communicate the determination to the complainant and to the accused party or parties. The determination may also be provided to other persons such as the appropriate supervisor.

(i) The complainant may request a review of the determination by notifying the OEO administrator within 5 working days after receiving the determination. The OEO administrator will submit the request to the Associate Superintendent of Human Resources & Public Affairs for review. The Associate Superintendent of Human Resources & Public Affairs will review the facts of the case but will not reinvestigate the complaint.

(j) Within 30 working days following receipt of the complainant's request for review, the Associate Superintendent of Human Resources & Public Affairs shall render a written decision.

(k) A substantiated charge against a Board employee may subject such employee to disciplinary action subject to applicable procedural requirements.

(l) Retaliation against an individual for filing a complaint, or against an individual providing information regarding such a complaint is prohibited and may be grounds for disciplinary action.

(m) The use of these complaint procedures shall not prohibit the complainant from seeking subsequent redress from other available state or federal sources.

(n) The OEO administrator may consult with the Board's Staff Attorney at any step of the procedures to seek legal counsel and clarification of any legal issues.

(o) In each and every case involving matters of alleged discrimination, all steps shall be followed in a timely manner.

Statutory Authority: 1001.32(2), 1001.41, 1001.42, 1001.43 F.S.

Laws Implemented: Title VII of the Civil Rights Act of 1964, as amended in 1972; Title IX of the 1972 Education Amendments; The Florida Human Rights Act of 1977, 760.01, et seq. F.S.; The Florida Educational Equity Act of 1984, 1000.05, F.S., Americans With Disabilities Act

History: New 11/17/71; Revised 12/18/74; Amended 5/10/78, 4/9/86, 2/25/87, 8/8/90, 6/30/98, 5/27/03, 8/24/04, 6/20/06

Note: Former 6Gx52-5.13 (changed 6/30/98); 8.12 (changed 5/27/03)

8.25 DISCIPLINARY GUIDELINES FOR EMPLOYEES

(1) The school district generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, verbal or written counseling or caution, written reprimand, suspension without pay and dismissal. The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. Support Services probationary employees sign an "At Will" statement that says: During the probationary period the employee will not be eligible for certain benefits as defined by the applicable collective bargaining agreement and may be terminated at the will and discretion of the Pinellas County School Board without advance notice or a right to a hearing. The following offenses, when constituting grounds for discipline under Section 1012.33, Florida Statutes shall have the following penalties:

OFFENSE

PENALTY RANGE

(a) Inappropriate Sexual Conduct Including, but Not Limited To Lewd and Lascivious Behavior, Indecent Exposure, Solicitation of Prostitution, Sexual Battery, Possession or Sale of Pornography Involving Minors, Sexual Relations With a Student	Dismissal
(b) Possession, Sale, Use or Being Under the Influence of Controlled Substances	Dismissal
(c) Committing or Conviction* of a Criminal Act – Felony	Suspension-Dismissal
(d) Committing or Conviction* of a Criminal Act Misdemeanor	Reprimand-Dismissal
(e) Possession of Guns or Weapons on School Board Property	Suspension-Dismissal
(f) Alcohol Related Offenses	Reprimand-Dismissal
(g) Driving Under the Influence of Alcohol	Reprimand-Dismissal
(h) Misuse of Corporal Punishment or Inappropriate Method of Discipline	Caution-Dismissal
(i) Falsification or Alteration of Employment Paperwork, District Forms or Documents or Certification	Reprimand-Dismissal
(j) Incompetence	Reprimand-Dismissal
(k) Using Position for Personal Gain	Caution-Dismissal
(l) Harassment or Discrimination of a Student on the Basis of Race, Color, Religion, Sex, Age, National or Ethnic Origin, Political Beliefs, Marital Status, Disability, Sexual Orientation or Social and Family Background	Reprimand-Dismissal
(m) Harassment or Discrimination Which Interferes With an Individual’s Performance of Professional or Work Responsibilities or With the Orderly Processes of Education or Which Creates a Hostile, Intimidating, Abusive, Offensive, or Oppressive Environment	Caution -Dismissal
(n) Inappropriate or Disparaging Remarks To or About Students or Exposing a Student to Unnecessary Embarrassment or Disparagement	Caution-Dismissal
(o) Inappropriate Relationship With a Student	Reprimand-Dismissal
(p) Inappropriate Interactions with Colleagues Including, But Not Limited To, Physical or Verbal Altercation	Caution-Dismissal