



# The School Board of Miami-Dade County, Florida

## **School Board Members**

Ms. Perla Tabares Hantman, Chair  
Dr. Martin Karp, Vice Chair  
Dr. Dorothy Bendross-Mindingall  
Ms. Susie V. Castillo  
Dr. Lawrence S. Feldman  
Dr. Steve Gallon, III  
Ms. Lubby Navarro  
Dr. Marta Pérez  
Ms. Mari Tere Rojas

Mr. Christopher Badillo  
**Student Advisor**



Mr. Alberto M. Carvalho  
**Superintendent of Schools**

Mr. Jose L. Dotres  
**Chief Human Capital Officer**  
**Office of Human Capital Management**

Ms. Joyce M. Castro  
**Assistant Superintendent**  
**Office of Human Capital Management**



# INTRODUCTION

The Miami-Dade County Public Schools (M-DCPS) Office of Human Capital Management, the Office of Civil Rights Compliance, and the Division of Facilities ADA Compliance, have designed this publication, *Americans with Disabilities Act: A Guide for Administrators*, to provide technical information to M-DCPS administrators in order to facilitate the orderly and uniform implementation of the employment-related provisions of the Americans with Disabilities Act (ADA) of 1990, as amended by the Americans with Disabilities Act Amendments Act (ADAAA) of 2008.

This publication, as well as related training activities for administrative staff, has been designed to ensure the District's compliance with federal laws and state statutes, as well as School Board Policies regarding the employment of qualified individuals with disabilities.



# TABLE OF CONTENTS

<b>Introduction</b> .....	i
<b>Policy Regarding the Employment of Persons with Disabilities</b>	
Statement of Policy .....	1
Legal Authorization .....	1
Implementation Responsibility .....	1
<b>The Americans with Disabilities Act</b>	
What is the ADA? .....	2
What Does ADA Require? .....	2
Who is a Disabled Individual Under the ADA? .....	3
Who is "Qualified" Under ADA? .....	3
What is a Reasonable Accommodation? .....	3
M-DCPS Procedures for ADA Eligibility	
Determination and Accommodations .....	4
Job Application and Interview Do's and Don'ts .....	5
Interviewing Applicants with Specific Disabilities.....	6
Accessibility Requirements .....	7
Compliance Provisions .....	9
<b>Appendix A</b>	
Anti-Discrimination/Harassment Complaint Procedure.....	A-1
Service Animals Policy .....	A-2
<b>Appendix B</b>	
Posters	
<b>Appendix C</b>	
Procedures for Requesting Sign Language Interpreters for Parents and/or Employees	

# **Policy Regarding the Employment of Persons with Disabilities**

## **Statement of Policy**

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational activities/programs and strives affirmatively to provide an equal opportunity for all, as required by federal laws and state statutes, based on disability, as well as gender, race, color, religion, ethnic or national origin, political beliefs, marital status, age, sexual orientation, social and family background, linguistic preference, and pregnancy.

The School Board strives to take positive steps to identify and overcome real or potential artificial barriers to employment, training, or promotional opportunities for qualified staff and applicants with disabilities.

## **Legal Authorization**

Americans with Disabilities Act of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2008, Section 504 of the Rehabilitation Act of 1973, Florida Educational Equity Act, F.S. 228.200, and Florida Educational Equity Act, F.S. 228.2001.

## **Implementation Responsibility**

All school site and District administrators are responsible for the compliance of their school, department, division, or bureau with the requirements of the Americans with Disabilities Act. It is required that the technical information be conveyed to administrative staff under your supervision.

Three separate District offices are charged with providing the necessary technical and implementation support to all District and school site administrators. The Office of Human Capital Management is responsible for ensuring the efficient and expeditious processing of employees' requests for services/accommodations. The Division of Facilities ADA Compliance monitors and implements ADA accessibility requirements. Finally, the Office of Civil Rights Compliance investigates complaints from employees alleging that they have been harassed or discriminated against based on their disability.

Two separate posters (see Appendix B) contain information for all staff regarding the District's functions and responsibilities under the ADA. Copies of these posters have been provided to all work locations. For additional copies of the ADA poster, call 305-995-7116; and to obtain a Discrimination/Harassment poster, call the Office of Civil Rights Compliance at 305-995-1580.

# The Americans with Disabilities Act

## What is the Americans with Disabilities Act?

The Americans with Disabilities Act (ADA) is a civil rights law protecting qualified individuals with disabilities from employment discrimination and giving them access to public services, public accommodations, public transportation, commercial facilities, and telecommunications. In general, it covers all employers who have 15 or more employees (including certain part-time employees) working for them for 20 or more calendar weeks in the current or preceding calendar year.

## What Does the ADA Require?

The **public accommodations provisions of the law** require the removal of architectural and structural barriers that limit access to disabled individuals from places of public access where doing so is readily achievable, meaning easily accomplished and able to be carried out without much difficulty or expense. Factors to be considered in determining whether barrier removal is readily achievable include the nature and cost of the barrier removal, the overall financial resources of the institution, and the number of people employed.

The United States Department of Justice suggests that the institutions rank priorities for achieving accessibility in the following order:

- entrances, including providing signage for designated parking, passenger loading zones, curb cuts, and widening entrances and ramping steps;
- location of services, including, for example, moving services to ground floors when lacking elevators;
- public restroom accessibility/features; and
- other accessibility measures.

The ADA's employment provisions prohibit discriminating against qualified individuals with disabilities in the recruiting, application, and hiring processes, as well as in the terms and conditions of employment, including promotion and training opportunities. Discrimination includes, but is not limited to, limiting, segregating, classifying, or treating a job applicant or employee in a way that adversely affects job opportunities or status because of the individual's disability.

The ADA requires covered entities to provide "reasonable accommodations" to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee unless the entity can demonstrate that the accommodations would impose an undue hardship.

Employers are not only prohibited from outright, blatant discrimination against employees with disabilities but also from using practices that have the effect of discriminating; for example, qualification standards, employment tests, or selection criteria that tend to screen out individuals with disabilities, unless the standard is "job related".

The law requires employers to engage in an interactive process, in good faith, with an employee to consider and make reasonable accommodations to the known physical or mental limitations of a qualified individual with a disability, unless doing so would impose an undue hardship on the employer. Additionally, under certain circumstances, applicants for jobs may also require reasonable accommodations in the application process.

### **Who is a Disabled Individual Under the ADA?**

#### **Definition**

A **disabled** individual, under the ADA, is a person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment. “Major life activities include, but are not limited to, caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working. A major life activity also includes the operation of a major bodily function, including but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.”

Additionally, an individual meets the requirement of "being regarded as having such an impairment" if the individual establishes that (s)he has been subjected to an action prohibited under the ADA because of an actual or perceived physical or mental impairment if the impairment limits or is perceived to limit a major life activity. However, transitory and minor impairments are excluded from this coverage. An impairment with an actual or expected duration of six (6) months or less is considered to be a transitory impairment.

### **Who is "Qualified" Under the ADA?**

#### **Definition**

A **qualified individual with a disability** is one who has a disability, within the meaning of the ADA, who satisfies the requisite skills, experience, education, and licensing requirements, and who, with **or** without a reasonable accommodation, can perform the essential functions of the job.

### **What is a Reasonable Accommodation?**

#### **Definition**

A **reasonable accommodation** is any change in the work environment or the manner in which a job is usually performed that enables an individual with a disability to enjoy equal employment opportunities. It includes modifications or adjustments to processes, job positions, worksite accessibility, work schedules, or equipment which allow an applicant to apply for a job or an employee to perform the essential functions of the job.

## **M-DCPS Procedures for ADA Eligibility Determination and Accommodations**

All worksite administrators are required to:

- Post in visible areas the Discrimination/Harassment and ADA School District Functions and Responsibilities posters (see Appendix B);
- Refer employees seeking assistance or appearing to need assistance under the ADA to Ms. Carmen Molina, Chairperson of the ADA District Consultative Committee, at 305 995-7116;
- Provide appropriate information to facilitate the Committee's assessment of the merits of the request. This may entail, but is not limited to, providing technical assistance to determine essential functions of a job; attending Committee meeting(s); providing job performance information, and other relevant information;
- Maintain confidentiality of medical records submitted to the site administrator; and
- Refer any complaints from employees alleging that the school district is not meeting its obligations under the employment and/or accessibility requirement provisions of the ADA to the Office of Civil Rights Compliance at 305 995-1580.

The determination of eligibility under the ADA, as well as the review of requests for accommodation from employees and job applicants has been delegated to the ADA District Consultative Committee. Please **refrain** from granting accommodations to employees at your site before they are deemed eligible by the Committee. This Committee meets monthly. It is comprised of a core group of District personnel representing the School Board Attorney's Office, Division of Facilities ADA Compliance, Office of Human Capital Management, Office of Civil Rights Compliance, Office of Retirement, Leave, and Reemployment Assistance, Office of Risk and Benefits Management, Region Offices, Office of Professional Standards, Employee Assistance Program, and a Board-approved medical consultant. Additionally, other individuals from the District or outside agencies are requested to provide assistance or expertise as necessary, based upon the need for information required by the particular case(s) under review.

The Committee's process involves the following steps:

- Identification of the employee seeking accommodation through the following types of referrals to the Chairperson of the Committee:
  - Employee self-referral;
  - Referral by a collective bargaining unit representative; and
  - Referral by a District level support office (e.g., Workers' Compensation, Civil Rights Compliance, Employee Assistance Program, worksite administrator, etc.).
- Employee completes the Employee Self-Referral Form and provides a Release of Medical Information Form and requested medical documentation.
- If necessary, a conference will be scheduled, to include the Chairperson of the Committee, the employee, and the site administrator or designee.

- The Committee meets to accomplish the following possible actions:
  - Review of the employee's request for accommodation(s);
  - Review of the findings of the on-site consultative conference;
  - Review of the medical and other appropriate support documentation;
  - Determination of the employee's eligibility as a "qualified individual with a disability";
  - Determination regarding the requested accommodation; and
  - Recommendation for closing the case or further follow-up by the Chairperson of the Committee.

### **Job Application and Interview Do's and Don'ts**

According to the United States Equal Employment Opportunity Commission (EEOC), the following are examples of questions that **CANNOT** be asked on a job application or during a job interview:

- Have you ever had or been treated for a medical condition or disease?
- Please list any conditions or diseases for which you have been treated in the past three years.
- Have you ever been hospitalized? If so, for what condition?
- Have you ever been treated by a psychiatrist or psychologist? If so, for what condition?
- Have you ever been treated for any mental condition?
- Is there a health-related reason why you may not be able to perform the job for which you are applying?
- Have you had a major illness in the last five years?
- How many days were you absent from work because of illness last year?
- Do you have any physical defects which preclude you from performing certain kinds of work? If yes, describe such defects and specific work limitations.
- Do you have any disabilities or impairments which may affect your performance in the position for which you are applying?
- Are you married?
- Are you planning to have children?

- Are you taking prescribed drugs?
- Have you ever been treated for drug addiction or alcoholism?
- Have you ever **filed** for worker's compensation?

Pre-employment questions that **CAN** be asked are the following:

- Can you meet the requirements of our attendance policy?
- Can you perform the tasks of this position with or without accommodations?
- Describe or demonstrate how you would perform this function, with or without an accommodation. (Such a question can be asked of an applicant who has a known disability that might prevent her/him from performing a job function. However, if the disability would not interfere with a job function, the person could only be asked to demonstrate job performance if all other candidates are also asked to do so).

### **Interviewing Applicants with Specific Disabilities**

Interviewing people with disabilities is generally the same as interviewing people without disabilities. The focus of the interview should be on the applicant's qualifications and competencies, including experience and skills for doing the job. At times, employers may be at a loss when interviewing someone with a disability. The following are some basic guidelines for keeping a job interview focused on the applicant's qualifications.

When interviewing an applicant, who uses a wheelchair:

- Keep accessibility in mind. If a chair poses a barrier to the wheelchair user, move it aside.
- Don't hold or lean on the wheelchair.
- Don't assume that the individual wants to be pushed; always ask first.
- Maintain eye contact and eye level with the applicant.
- Don't be embarrassed to use such phrases as, "Let's walk over to the other office."

When interviewing applicants, who are blind or have vision impairments:

- Immediately identify yourself and others in the room or have the individuals introduce themselves. This will assist the applicant with orientation to the room and its occupants.
- Tell the applicant when someone is leaving the room.
- Use verbal cues; be descriptive in giving directions.
- Verbalize chair location or place the person's hand on the back of the chair, but **do not** place the person in the chair.

- Speak directly to the applicant using a normal tone of voice.
- Don't be embarrassed to use such phrases as, "Do you see what I mean?"
- Keep doors either open or closed, a half-open door is a serious hazard.
- Never touch or distract a service guide dog.
- Be prepared to read aloud information that is written or ask the person if (s)he could use the services of a trained reader.

When interviewing an applicant, who is deaf or hard of hearing:

- You may need to use a physical signal to attract the applicant's attention before starting a conversation.
- If the applicant is lip reading, enunciate clearly and keep your mouth clear of obstructions.
- Don't shout. Speak directly to the applicant using a normal tone of voice.
- If you cannot understand what the applicant is telling you, ask the applicant to repeat the sentence.
- Not all people who are deaf or hard of hearing know or use sign language. Do not assume they need interpreters.
- If using a sign language or oral interpreter, always face and speak directly to the applicant, not the interpreter. Speak clearly and keep your hands away from your face.

### **Accessibility Requirements**

The thrust of the ADA regarding facilities is to provide a working environment that is readily accessible and "user friendly" to people with disabilities. New facilities being designed and constructed today can readily incorporate such features. However, it is a more complicated proposition to retrofit existing buildings.

A survey of a facility can be made as part of an overall assessment, or as an independent assessment that focuses solely on ADA compliance. Elements that are routinely considered in such a survey include, but are not limited to:

- |                              |                             |
|------------------------------|-----------------------------|
| √ <i>Means</i> of egress     | √ Counters                  |
| √ Parking                    | √ Drinking fountains        |
| √ <i>Alarms</i> /life safety | √ Signage                   |
| √ <i>Curb</i> ramps          | √ <i>Public</i> telephones  |
| √ Entrances                  | √ <i>Tables</i> and seating |

√ *Ramps* and stairs

√ *Elevators* and platform lifts

√ *Restrooms*, including toilet stalls, toilets, urinals, sinks, and mirrors

√ Assembly/Work areas

√ Doors and door hardware

√ *Bathrooms*, including bathtubs, shower stall, tub/shower seats and grab bars

Modifying the work environment is a traditional form of making a reasonable modification. It entails examining the worksite to meet the needs of a qualified individual with a disability. Alterations of the site can include the following:

- removing architectural barriers, for example, installing a ramp or modifying a bathroom;
- rearranging files or shelves for accessibility to people in wheelchairs;
- placing tactile labels on shelves and controls so that visually-impaired individuals can identify them;
- relocating meetings to an accessible site; or
- rearranging parking to allow a disabled person to park at the entrance closest to her or his worksite.

The above list is far from exclusive. Additionally, the employer should approach proposed modifications from the perspective of allowing disabled employees to function independently, affording them dignity and respect in their worksite.

In many cases, modifications to the worksite do not require costly purchases or alterations; a common-sense approach being the best method.

**For Example:** If an employee in a wheelchair cannot use the standard desk given to staff at a worksite, it might be possible to elevate the desk (e.g., using blocks) to a height that allows access to the wheelchair, rather than purchasing a specially constructed desk.

Disabled employees themselves are often the best sources of ideas for cost-effective modifications, and their requests are always fully considered by the members of the Committee.

The M-DCPS Division of Facilities ADA Compliance was established by Board action on January 19, 1994. The purpose of the Division is to support the District by surveying all Board-owned/leased facilities for ADA compliance and to identify necessary changes to make **programs accessible** to disabled individuals, with minimal physical changes to existing facilities. The Division supports the Office of School Facilities in its remodeling and renovation projects to achieve the incorporation of ADA requirements into projects during the planning/design phase or through change orders, as appropriate.

All questions, concerns, and complaints covering accessibility under the ADA, including scope of work, interpretation, and implementation, must be addressed to Mr. Auguste Nicoleau, Executive Director, Division of Facilities ADA Compliance, at 305-995-4650.

## **Compliance Provisions**

All District and school site administrators are responsible for the compliance of their school, department, division, or bureau with the requirements of the ADA. It is recognized that discrimination or harassment complaints based on a disability may arise from actual or perceived situations.

For complaints to be resolved in an expeditious, orderly, and equitable manner, School Board Policy 1362.02 (Administrators), 3362.02 (Instructional Staff), and 4362.02 (Non-Instructional Staff), Anti-Discrimination/Harassment Complaint Procedure (Appendix A), establishes appropriate procedures to ensure nondiscrimination in employment. Any individual, who after discussing the allegations with the worksite administrators, as appropriate, feels that her/his complaint is not satisfactorily resolved, may file a complaint with the Office of Civil Rights Compliance at 305 995-1580.

# **APPENDIX A**

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

## **1362.02 - ANTI-DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

The individual listed below is the head of the Civil Rights Compliance (CRC) Office, (Compliance Officer).

Civil Rights Compliance Executive Director  
155 N.E. 15th Street, Suite P-104E  
Miami, Florida 33132  
305-995-1580

The School Board has established procedures to fulfill the letter and intent of anti-discrimination laws. The CRC is responsible for investigating complaints and/or charges of discrimination and illegal harassment, including sexual harassment and retaliation filed by employees, students and their parents, or applicants. The CRC office accepts complaints of prohibited discrimination/harassment directly from any member of the District community. Upon receipt of a written complaint, the Compliance Officer will designate a specific individual within the CRC office to conduct an investigation.

All members of the District community must report incidents of prohibited discrimination/harassment to which they, in good faith, believe they have been subjected or which are reported to them, to the CRC office without delay.

### **Investigation and Complaint Procedure**

Any member of the District community or third party who has a good faith belief that s/he has been subjected to prohibited discrimination/harassment may seek resolution of his/her complaint through the procedures described below.

While there is a 300-calendar day time limit for initiating a complaint of discrimination/harassment, individuals should make every effort to submit a complaint as soon as possible after the prohibited conduct occurred while the facts are known and potential witnesses are available, and to ensure the prompt elimination of the conduct in question. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. The procedures below are established to provide a prompt and equitable process for resolving complaints of prohibited discrimination/harassment.

These procedures 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 discrimination/harassment with any State or Federal enforcement agency.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis of any adverse employment action on an employee.

Supervising administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules, and guidelines. If the issues of discrimination/harassment cannot be resolved, it should be referred to the Compliance Officer without delay.

## Complaint Procedure

A member of the District community or third party who believes they have been subjected to prohibited discrimination/harassment, must report the conduct immediately to his/her supervisor or the CRC. If the complainant makes the report to CRC, the complainant shall present it in writing. If a complainant informs any other employee of the District, either orally or in writing, about any complaint of prohibited discrimination/harassment, that employee must immediately refer the individual or report such information to the Compliance Officer. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge.

If it is determined that the complaint alleges prohibited discrimination/harassment, the complaint will be investigated.

Throughout the course of the investigative process, the Compliance Officer should keep the complainant informed of the status of the investigation.

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, prohibited 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.

The Compliance Officer or designee will conduct an oral interview and prepare a written summary of the oral interview which will be presented to the complainant for verification by signature.

Upon receiving a written complaint, the Compliance Officer will consider, in conjunction with the head of the division or department, 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.

Within three (3) work days of receiving the written complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct that a complaint has been received.

Within five (5) work 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 prohibited discrimination/harassment.

The Compliance Officer or designee will complete an investigation into the allegations of discrimination/harassment within thirty (30) work days of receiving the written 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 respondent and the complainant will be provided a written report of the findings summarizing the evidence gathered during the investigation and the final determination of the case. If a finding of Probable Cause occurs, CRC will forward the completed investigative report, including the determination of Probable Cause to the Office of Professional Standards for review, a recommendation for disciplinary action, and final disposition of the case. All disciplinary action will be taken per State law and the terms of the applicable collective bargaining agreement(s). The Board will act upon the recommended disciplinary determination at its regular meeting.

The complainant may request review of the CRC determination by the Superintendent. The request must be submitted in writing within fifteen (15) work days and state with particularity the reasons for the request, which may include additional witnesses, evidence, or information that if obtained, would likely change the outcome of the investigation.

## Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The 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 District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All parties proceeding through the investigation process should be advised that at the conclusion of the investigation, their identities and the investigation become subject to disclosure under F.S. 119.

During the course of the investigation, the Compliance Officer or his/her designee will instruct all members of the 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 prohibited discrimination/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 part of an investigation of prohibited discrimination/harassment will be maintained by the Compliance Officer per State law and the Board's records retention policy. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to F.S. Chapter 119, until a final determination is made on the case. Any records which are considered education records under the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of Federal and State law.

## Child Abuse/Sexual Misconduct

All employees aware of suspected child abuse or neglect must immediately report the abuse to the Department of Children and Family Services abuse hotline, the School Police, and the school site administrator. If, during the course of an investigation of prohibited discrimination/harassment, the Compliance Officers or designee has reason to believe or suspect that the alleged conduct indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Policy [8462](#).

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct, 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 designee's obligation and responsibility to continue to investigate a complaint of prohibited discrimination/harassment.

## Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Policy [8141](#) to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq.

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

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

National School Boards Association Inquiry and Analysis - May 2008

Technical Change 7/13/15

Revised 4/13/16

## The School Board of Miami-Dade County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

### **3362.02 - ANTI-DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

The individual listed below is the head of the Civil Rights Compliance (CRC) Office, (Compliance Officer).

Civil Rights Compliance Executive Director  
155 N.E. 15th Street, Suite P-104E  
Miami Florida 33132  
305-995-1580

The School Board has established procedures to fulfill the letter and intent of anti-discrimination laws. The CRC is responsible for investigating complaints and/or charges of discrimination and illegal harassment, including sexual harassment and retaliation filed by employees, students and their parents, or applicants. The CRC office accepts complaints of prohibited discrimination/harassment directly from any member of the District community. Upon receipt of a written complaint, the Compliance Officer will designate a specific individual within the CRC office to conduct an investigation.

All members of the District community must report incidents of prohibited discrimination/harassment to which they, in good faith, believe they have been subjected or which are reported to them, to the CRC office without delay.

#### **Investigation and Complaint Procedure**

Any member of the District community or third party who has a good faith belief that s/he has been subjected to prohibited discrimination/harassment may seek resolution of his/her complaint through the procedures described below.

While there is a 300-calendar day time limit for initiating a complaint of discrimination/harassment, individuals should make every effort to submit a complaint as soon as possible after the prohibited conduct occurred while the facts are known and potential witnesses are available, and to ensure the prompt elimination of the conduct in question. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. The procedures below are established to provide a prompt and equitable process for resolving complaints of prohibited discrimination/harassment.

These procedures 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 discrimination/harassment with any State or Federal enforcement agency.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis of any adverse employment action on an employee.

Supervising administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules, and guidelines. If the issues of discrimination/harassment cannot be resolved, it should be referred to the Compliance Officer without delay.

## Complaint Procedure

A member of the District community or third party who believes they have been subjected to prohibited discrimination/harassment, must report the conduct immediately to his/her supervisor or the CRC. If the complainant makes the report to CRC, the complainant shall present it in writing. If a complainant informs any other employee of the District, either orally or in writing, about any complaint of prohibited discrimination/harassment, that employee must immediately refer the individual or report such information to the Compliance Officer. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge.

If it is determined that the complaint alleges prohibited discrimination/harassment, the complaint will be investigated.

Throughout the course of the investigative process, the Compliance Officer should keep the complainant informed of the status of the investigation.

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, prohibited 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.

The Compliance Officer or designee will conduct an oral interview and prepare a written summary of the oral interview which will be presented to the complainant for verification by signature.

Upon receiving a written complaint, the Compliance Officer will consider, in conjunction with the head of the division or department, 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.

Within three (3) work days of receiving the written complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct that a complaint has been received.

Within five (5) work 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 prohibited discrimination/harassment.

The Compliance Officer or designee will complete an investigation into the allegations of discrimination/harassment within thirty (30) work days of receiving the written 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 respondent and the complainant will be provided a written report of the findings summarizing the evidence gathered during the investigation and the final determination of the case. If a finding of Probable Cause occurs, CRC will forward the completed investigative report, including the determination of Probable Cause to the Office of Professional Standards for review, a recommendation for disciplinary action, and final disposition of the case. All disciplinary action will be taken per State law and the terms of the applicable collective bargaining agreement(s). The Board will act upon the recommended disciplinary determination at its regular meeting.

The complainant may request a review of the CRC determination by the Superintendent. The request must be submitted in writing within fifteen (15) workdays and state with particularity the reasons for the request, which may include additional witnesses, evidence or information that if obtained, would likely change the outcome of the investigation.

## Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The 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 District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All parties proceeding through the investigation process should be advised that at the conclusion of the investigation, their identities and the investigation become subject to disclosure under F.S. 119.

During the course of the investigation, the Compliance Officer or his/her designee will instruct all members of the 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 prohibited discrimination/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 part of an investigation of prohibited discrimination/harassment will be maintained by the Compliance Officer per State law and the Board's records retention policy. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to F.S. Chapter 119 until a final determination is made on the case. Any records which are considered education records under the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of Federal and State law.

## Child Abuse/Sexual Misconduct

All employees aware of suspected child abuse or neglect must immediately report the abuse to the Department of Children and Family Services abuse hotline, the School Police, and the school site administrator. If, during the course of an investigation of prohibited discrimination/harassment, the Compliance Officers or designee has reason to believe or suspect that the alleged conduct indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Policy [8462](#).

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct, 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 prohibited discrimination/harassment.

## Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Policy [8141](#) to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07  
20 U.S.C. 1681 et seq.  
29 U.S.C. 621 et seq.  
29 U.S.C. 794  
29 C.F.R. Part 1635  
42 U.S.C. 12101 et seq.  
42 U.S.C. 2000d et seq.  
42 U.S.C. 2000e et seq.  
42 U.S.C. 1983  
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act  
National School Boards Association Inquiry and Analysis - May 2008

Technical Change 7/13/15  
Revised 4/13/16

## The School Board of Miami-Dade County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

### **4362.02 - ANTI-DISCRIMINATION/HARASSMENT COMPLAINT PROCEDURE**

The individual listed below is the head of the Civil Rights Compliance (CRC) Office, ("Compliance Officer").

Civil Rights Compliance Executive Director  
155 N.E. 15th Street, Suite P-104E  
Miami Florida 33132  
305-995-1580

The School Board has established procedures to fulfill the letter and intent of anti-discrimination laws. The Office of Civil Rights Compliance (CRC) is responsible for investigating complaints and/or charges of discrimination and illegal harassment, including sexual harassment and retaliation filed by employees, students and their parents, or applicants. The CRC office accepts complaints of prohibited discrimination/harassment directly from any member of the District community. Upon receipt of a written complaint, the Compliance Officer will designate a specific individual within the CRC office to conduct an investigation.

All members of the District community must report incidents of prohibited discrimination/harassment to which they, in good faith, believe they have been subjected or which are reported to them, to the CRC office without delay.

#### **Investigation and Complaint Procedure**

Any member of the District community or third party who has a good faith belief that s/he has been subjected to prohibited discrimination/harassment may seek resolution of his/her complaint through the procedures described below.

While there is a 300-calendar day time limit for initiating a complaint of discrimination/harassment, individuals should make every effort to submit a complaint as soon as possible after the prohibited conduct occurred while the facts are known and potential witnesses are available, and to ensure the prompt elimination of the conduct in question. Failure on the part of the employee to initiate and/or follow-up on a complaint in a timely manner may result in the complaint being considered abandoned. The procedures below are established to provide a prompt and equitable process for resolving complaints of prohibited discrimination/harassment.

These procedures are not intended to interfere with the rights of a member of the District community or a third party to pursue a complaint of legally prohibited discrimination/harassment with any State or Federal enforcement agency.

The initiation of a discrimination or harassment complaint by an employee will not be used as a basis for actions that adversely affect the complainant's standing in his/her work location. Additionally, participation in or assistance in the investigation of a complaint shall not be used as the basis of any adverse employment action on an employee.

Supervising administrators throughout the District are expected to address issues and/or conflicts at the worksite. Issues should be resolved by encouraging communication with adherence to laws, rules, and guidelines. If the issues of discrimination/harassment cannot be resolved, it should be referred to the Compliance Officer without delay.

## Complaint Procedure

A member of the District community or third party who believes they have been subjected to prohibited discrimination/harassment must report the conduct immediately to his/her supervisor or the CRC. If the complainant makes the report to CRC, the complainant shall present it in writing. If a complainant informs any other employee of the District, either orally or in writing, about any complaint of prohibited discrimination/harassment, that employee must immediately refer the individual or report such information to the Compliance Officer. No anonymous complaints shall be accepted or processed. The complaint must be signed attesting that it is true to the best of the complainant's knowledge.

If it is determined that the complaint alleges prohibited discrimination/harassment, the complaint will be investigated.

Throughout the course of the investigative process, the Compliance Officer should keep the complainant informed of the status of the investigation.

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, prohibited 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.

The Compliance Officer or designee will conduct an oral interview and prepare a written summary of the oral interview which will be presented to the complainant for verification by signature.

Upon receiving a written complaint, the Compliance Officer will consider, in conjunction with the head of the division or department, 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.

Within three (3) work days of receiving the written complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct that a complaint has been received.

Within five (5) work 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 prohibited discrimination/harassment.

The Compliance Officer or designee will complete an investigation into the allegations of discrimination/harassment within thirty (30) work days of receiving the written 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 respondent and the complainant will be provided a written report of the findings summarizing the evidence gathered during the investigation and the final determination of the case. If a finding of Probable Cause occurs, CRC will forward the completed investigative report, including the determination of Probable Cause to the Office of Professional Standards for review, a recommendation for disciplinary action, and final disposition of the case. All disciplinary action will be taken per State law and the terms of the applicable collective bargaining agreement(s). The Board will act upon the recommended disciplinary determination at its regular meeting.

The complainant may request review of the CRC determination by the Superintendent. The request must be submitted in writing within fifteen (15) workdays and state with particularity the reasons for the request, which may include additional witnesses, evidence or information to be sought that if obtained, would likely change the outcome of the investigation.

## Confidentiality

The District will make all reasonable efforts to protect the rights of the complainant and the respondent. The 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 District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All parties proceeding through the investigation process should be advised that at the conclusion of the investigation, their identities and the investigation become subject to disclosure under F.S. 119.

During the course of the investigation, the Compliance Officer or his/her designee will instruct all members of the 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 prohibited discrimination/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 part of an investigation of prohibited discrimination/harassment will be maintained by the Compliance Officer per State law and the Board's records retention policy. Records of an ongoing investigation shall remain confidential and not subject to disclosure pursuant to F.S. Chapter 119 until a final determination is made on the case. Any records which are considered education records under the Family Educational Rights and Privacy Act will be maintained in a manner consistent with the provisions of Federal and State law.

## Child Abuse/Sexual Misconduct

All employees aware of suspected child abuse or neglect must immediately report the abuse to the Department of Children and Family Services abuse hotline, the School Police, and the school site administrator. If, during the course of an investigation of prohibited discrimination/harassment, the Compliance Officers or designee has reason to believe or suspect that the alleged conduct indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Policy [8462](#).

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct, 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 designee's obligation and responsibility to continue to investigate a complaint of prohibited discrimination/harassment.

## Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Policy [8141](#) to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student.

F.S. 110.1221, 760.01, 760.10, 1000.05, 1006.07

20 U.S.C. 1681 et seq.

29 U.S.C. 621 et seq.

29 U.S.C. 794

29 C.F.R. Part 1635

42 U.S.C. 12101 et seq.

42 U.S.C. 2000d et seq.

42 U.S.C. 2000e et seq.

42 U.S.C. 1983

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

National School Boards Association Inquiry and Analysis - May 2008

Technical Change 7/13/15

Revised 4/13/16

# The School Board of Miami-Dade County Bylaws & Policies

Unless a specific policy has been amended and the date the policy was revised is noted at the bottom of that policy, the Bylaws and Policies of the Miami-Dade County Public Schools were adopted on May 11, 2011 and were in effect beginning July 1, 2011.

---

## 8390 - ANIMALS ON DISTRICT PROPERTY

Animals are personal property and permitted in schools, on other District property, District transportation, and at District-sponsored events only with prior approval and where necessary to support specific curriculum-related projects and activities, school security programs, or to serve as service animals as required by law.

### Definition of Service Animal

- A. **Canine:** "Service animal" pursuant to 28 C.F.R. 35.104, means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.
- B. **Equine:** The Americans with Disabilities Act (ADA) defines a miniature horse as a service animal if it has been individually trained to do work or perform tasks for the benefit of the individual with a disability. In addition to training, health and safety considerations, the following additional considerations must be given before approval:
  - 1. the type, size and weight of the horse and whether the facility can accommodate those features;
  - 2. whether the handler has sufficient control of the horse;
  - 3. whether the horse is housebroken; and
  - 4. whether the horse's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation.

### Vaccination, Licensing and/or Veterinary Requirements

All animals, including service animals, housed on District property or brought on District property on a regular basis must meet every State and county veterinary requirement, including but not limited to, rabies vaccination or other inoculations required to be properly licensed.

The school shall not, however, require documentation that the animal has been certified, trained or licensed as a service animal. No inquiry can be made about a service animal when it is readily apparent that an animal is trained to do work or perform tasks for an individual with a disability (e.g., the dog is observed guiding an individual who is blind or has low vision, pulling a person's wheelchair, or providing assistance with stability or balance to an individual with an observable mobility disability.)

## **Animals in Schools and Elsewhere on District Property**

The Principal may permit animals to be present in classrooms to support curriculum-related projects and activities pursuant to Policy [8400](#) under the following conditions:

- A. The staff member seeking approval to have an animal in the classroom shall:
  1. provide a current satisfactory health certificate or report of examination from a veterinarian for the animal;
  2. take necessary precautions to protect the health and safety of students and other staff;
  3. ensure that the animal is treated humanely in appropriate and clean housing;
  4. keep the surrounding areas clean and sanitary at all times; and
- B. ensure that other staff members and parents of students in areas potentially affected by animals have been notified in writing and adjustments made to accommodate verified health-related or other concerns.

Except for service animals approved under this policy, the presence of an animal shall be disallowed if documented health concerns of a student or staff member cannot be accommodated.

## **Service Animals for Students**

The student's need for and use of the service animal must be documented in writing in the student's individual educational plan (IEP), Section 504 Plan, or cumulative file.

## **Required Documentation**

The following documentation is required prior to a service animal being allowed to accompany a student:

- A. written determination that the student will be allowed a service animal in school by IEP/504 team in current IEP or Section 504 Plan, or in student's cumulative file by a school staff team designated by the Principal if the student does not have a current IEP or 504 plan;
- B. current satisfactory health certificate or report of examination from a veterinarian for the service animal; and
- C. Level II criminal background check for the handler pursuant to Policy [8475](#) if the handler is not the student.

The IEP, 504, or other designated staff team, must convene as soon as a parent/student with disabilities requests a service animal for a student. The team, no matter how it is designated, shall determine only whether the student is a student with a disability and whether the animal is a service animal under the law and this policy. The Principal or designee shall make the final determination whether required documentation has been provided for the student's service animal and approving the use of a service animal in a school setting. When the required documentation has been provided, the service animal will be permitted to accompany the disabled student anywhere on the school campus where students are permitted to be.

## **Removing and/or Excluding a Student's Service Animal**

When a service animal has demonstrated that (1) it is not under the control of the handler or student, (2) sufficiently housebroken, (3) the animal is a direct threat to the health or safety of others, or (4), the animal's presence would fundamentally alter the nature of the service, program or activity, the Principal shall document the behavior and determine if and when the service animal is to be removed and/or excluded from school property. When determining whether there is a "direct threat" to the health or safety of others, or a "fundamental alteration" of the service, program or activity, reasonable modifications or adjustments may be made, including keeping those students or staff who are afraid or allergic away from the animal and perhaps to another class or environment.

The Principal's decision to remove and/or exclude a service animal from school property may be appealed in accordance with the complaint procedure in Policy [5517.02](#). These procedures are not intended to interfere with the rights of a student, parents or an eligible student to pursue a complaint of legally prohibited discrimination with the United States Department of Education's Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

## **Eligibility of a Student's Service Animal for Transportation**

A service animal is permitted to ride on a school bus owned or leased upon approval pursuant to this policy and notification by the Principal or designee to the school bus routing administrator of the Transportation Department.

The student, parents, and/or handler is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.

The service animal shall board the bus by the steps with the student, not a lift, unless the student uses the lift to enter and exit the bus. While the bus is in motion, the service animal shall remain positioned on the floor at the student's feet. A representative of the Transportation Department will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

Situations that would cause cessation of transportation privileges for the service animal include:

- A. the student, or handler, is unable to control the service animal's behavior, which poses a threat to the health or safety of others;
- B. the service animal urinates or defecates on the bus; or
- C. the service animal does not remain in the designated area.

The student and his/her parents shall be informed of behaviors that could result in cessation of transportation privileges for the service animal, in writing, prior to the first day of transportation.

If it is necessary to suspend transportation privileges for the service animal for any of the above reasons, the decision may be appealed to the Administrative Director of Transportation.

Although transportation may be suspended for the service animal, the District shall continue to transport the student. Furthermore, unless the behavior that resulted in the service animal's removal from the bus is also documented during the school day, the service animal may still accompany the student in school.

## **Service Animals for Employees**

The District shall provide a reasonable accommodation for a qualified individual with a disability. An employee with a disability may request authorization to use a service animal while on duty as such an accommodation. As required of all animals under this policy, an employee with a disability who will have a service animal as an accommodation will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal. The Principal or designee will determine if all requirements have been met and may remove or exclude a service animal under this section for the same reasons as listed above for students. An employee may appeal the school's decision regarding a service animal under this section according to the complaint procedures in Policy [1362.02](#), Policy 3362.02 and Policy [4362.02](#).

## **Service Animals for Parents, Vendors, Visitors, and Others**

Pursuant to Policy [9160](#), individuals with disabilities who are accompanied by their service animals shall be allowed access to all areas of the District's facilities where members of the public, as participants in services, programs or activities, as vendors, or as invitees, are permitted to go. Individuals who will access any area of the District's facilities with their service animals should notify the Principal that their service animal will accompany them during their visit.

As required of all animals under this policy, an individual with a disability who has a service animal shall provide a current satisfactory health certificate or report of examination from a veterinarian for the animal if they will visit an area of the District's facilities on a regular basis.

An individual with a disability who attends a school event shall be allowed to be accompanied by his/her service animal in accordance with Policy [9160](#), if the individual with a disability will attend a regularly scheduled series of events with his/her service animal, the individual with disabilities will be required to provide a current satisfactory health certificate or report of examination from a veterinarian for the animal, which is required for all animals by this policy. The Principal or designee may remove or exclude a service animal under this section for the same reasons listed above for students and employees.

## **Restriction of District Responsibility for Service Animals**

A service animal is the personal property of the individual with a disability. The School Board is not responsible for training, daily care, handling, or healthcare of service animals or for personal injury or property damage arising out of or relating to the presence or use of service animals on Board property, at District-sponsored events, or on District-sponsored transportation.

A service animal shall be under the control of its handler at all times. A service animal shall have a harness, leash, or other tether, unless either the handler is unable because of a disability to use a harness, leash, or other tether, or the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks, in which case the service animal must be otherwise under the handler's control (e.g., voice control, signals, or other effective means), or under the control of a handler other than the student.

## **School Preparation for Service Animals**

Upon approval, the Principal or designee shall arrange to:

- A. familiarize the service animal with the campus prior to the actual start date;
- B. orient the service animal to school faculty and students;
- C. implement a school-wide educational program to educate others on how to behave appropriately around the service animal;
- D. establish a place for the service animal to urinate/defecate (individual plan);
- E. establish an evacuation plan to include the service animal and practice this plan;
- F. establish a resting place for the animal;
- G. establish a rest time for the animal (during P.E., lunch and recess if possible since these are especially difficult times for a service animal to successfully endure); and
- H. identify an alternate accommodation in the event the primary handler (if not the student) or the animal is not able to accompany the student, and provide the parents with this policy and any other written procedures for including service animals in the school.

## **Administrative Procedures**

The Superintendent is authorized to develop District and school site procedures to implement this policy.

28 C.F.R. 35.104, 28 C.F.R. 35.136  
F.S. 381.0056, 413.08, 1001.41, 1006.22  
Section 504 of the Rehabilitation Act of 1973 (Section 504)  
The Americans with Disabilities Act (ADA)  
The Individuals with Disabilities Education Act (IDEA)

Adopted 6/18/14



## **APPENDIX B**



# MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS) THE AMERICANS WITH DISABILITIES ACT (ADA) OF 1990 (as amended)

## AMERICANS WITH DISABILITIES ACT (ADA) OFFICE

Process and respond to requests for accommodations from M-DCPS employees with medical disabilities.

Convene and facilitate the ADA District Consultative Committee which is responsible for determining whether an employee is a qualified individual with a disability and is entitled to reasonable accommodations.

Facilitate the provision of accommodations to qualified individuals with a disability, as directed by the ADA District Consultative Committee.

Provide system wide training to employees regarding the guidelines, rules and regulations concerning the ADA and related issues.

For more information, please contact the following office:



Americans with Disabilities Act (ADA) Office  
305-995-7116 ♦ TDD: 305-995-2400  
[adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net)

## DIVISION OF FACILITIES ADA COMPLIANCE

Survey M-DCPS' facilities and make recommendations to ensure compliance with ADA guidelines, rules and regulations.

Serve as a resource to M-DCPS staff with respect to ADA accessibility requirements.

Receive, process, investigate and respond to complaints from employees and members of the public regarding ADA accessibility compliance.

Serve as M-DCPS' ADA Accessibility Coordinator and as a member of the ADA District Consultative Committee.

Communicate with local, state, federal, and educational agencies regarding the implementation of ADA accessibility requirements.

For more information, please contact the following office:



Division of Facilities ADA Compliance  
305-995-4650 ♦ TDD: 305-995-2400  
[Ada-facilities@dadeschools.net](mailto:Ada-facilities@dadeschools.net)

## OFFICE OF CIVIL RIGHTS COMPLIANCE (CRC)

Receive, process, and investigate internal complaints from employees alleging discrimination and/or harassment on the basis of disability.

Receive, process, and investigate complaints from employees, students, and applicants alleging that the M-DCPS is not meeting its obligations under the provisions of ADA.

Serve as a resource to M-DCPS staff on the requirements of the ADA and as a member of the ADA District Consultative Committee.

Provide system wide training regarding local, state and federal compliance issues.

Respond to state and federal agencies regarding complaints of discrimination filed against M-DCPS on the basis of disability.

For more information, please contact the following office:



Office of Civil Rights Compliance  
305-995-1580 ♦ TDD: 305-995-2400  
[crc@dadeschools.net](mailto:crc@dadeschools.net)

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA  
ADHERES TO A POLICY OF NONDISCRIMINATION IN THE EDUCATIONAL AND WORK ENVIRONMENT

## DISCRIMINATION / HARASSMENT

It is the policy of the School Board that all students and employees be treated with respect. The School Board affirmatively strives to provide a workplace and educational environment free from discrimination and harassment (including sexual harassment), as required by law. Through this policy, the School Board establishes its intent to provide equal access, opportunity, and treatment to students in the provision of educational programs and activities and to applicants and employees in all aspects of employment. Slurs, innuendos, hostile treatment, violence, or verbal or physical conduct against a student or employee reflecting on his/her race, ethnic or national origin, gender or any other of the categories described below, will NOT be tolerated by the School Board.

### The School Board Policy Covers the Following Protected Categories:

**AGE** - This category prevents denial of employment and/or educational opportunities because of a person's age.

**COLOR** - This category prevents denial and/or educational opportunities because of a person's skin tone. Color discrimination can occur within the same race; for example someone who has a darker complexion may discriminate against someone that has a lighter complexion.

**DISABILITY** - This category prevents denial of employment and/or educational opportunities because of a person has, or is perceived to have a permanent impairment that substantially limits or prevents a major life activity; for example: walking, seeing, hearing, talking, sitting, or standing.

**ETHNIC / NATIONAL ORIGIN** - This category prevents denial of employment and/or educational opportunities because of a person's ancestors' place of origin; or because an individual has the physical, cultural or linguistic characteristics of a particular group.

**GENDER** - This category prevents denial of employment and/or educational opportunities because of a person's gender or sex.

**GENDER IDENTITY** - This category prevents denial of employment and/or educational opportunities because of a person's gender-related identity, appearance, expression or behavior, regardless of the individual's assigned sex at birth.

**GENETIC INFORMATION (GINA)** - This category prevents denial of equal employment and/or harassment because of a person's genetic information; it ensures that individuals are not treated differently because of genetic information.

**LINGUISTIC PREFERENCE** - This category prevents denial of employment and/or educational opportunities because of the language a person speaks.

**MARITAL STATUS** - This category prevents denial of employment and/or educational opportunities because of a person's marital status; i.e. single, married, widowed, or divorced.

**POLITICAL BELIEFS** - This category prevents denial of employment and/or educational opportunities because of a person's support and/or affiliation or lack thereof with a particular political party.

**PREGNANCY** - This category prevents denial of employment and/or educational opportunities for women who are pregnant.

**RACE** - This category prevents denial of employment and/or educational opportunities because of a person's race. The five federally recognized racial categories are American Indian or Alaskan Native, Asian, Black or African American, Hawaiian or Other Pacific Islander, and White. Persons from a mixed racial backgrounds do not need to prove their exact heritage in order to assert that they have been discriminated against based on race. Likewise, this category covers persons being discriminated against because they are married to persons of a different race other than their own.

**RELIGION** - This category prevents denial of employment and/or educational opportunities because of a person's sincerely held religious beliefs.

**SEX** - This category prevents denial of equal employment and/or educational opportunities because of a person's male or female gender.

**SEXUAL ORIENTATION** - This category prevents denial of equal employment and/or educational opportunities because a person is, or is perceived to be, lesbian, gay, bisexual, or heterosexual.

**SOCIAL AND FAMILY BACKGROUND** - This category prevents denial of employment and/or educational opportunities because of a person's socio-economic, family and/or educational background.

### Sexual Harassment will NOT be tolerated.

#### TITLE IX OF THE EDUCATION AMENDMENTS OF 1972 PROHIBITS SEXUAL HARASSMENT WHICH INCLUDES: UNWELCOME SEXUAL ADVANCES; REQUESTS FOR SEXUAL FAVORS; AND OTHER VERBAL OR PHYSICAL CONDUCT OF A SEXUAL NATURE, WHEN:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of employment or participation in an educational program;
- Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or educational environment. Unwelcome verbal or physical sexual conduct must be either severe or pervasive.

#### RETALIATION AGAINST A STUDENT OR EMPLOYEE WHO FILES A COMPLAINT IS PROHIBITED BY LAW

Retaliation occurs when an employer takes an adverse action against an employee because he or she engaged in a protected activity, such as complaining about discrimination or threatening to file a charge of discrimination. An employee cannot file a complaint of retaliation unless he/she has filed a charge of discrimination, participated in an investigation or opposed an unlawful employment practice.

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

**Office of Civil Rights Compliance (CRC)**  
Executive Director/Title IX Coordinator  
155 N.E. 15th Street, Suite P104E  
Miami, Florida 33132  
Phone: (305) 995-1580 TDD: (305) 995-2400  
Email: [crc@dadeschools.net](mailto:crc@dadeschools.net)  
Website: <http://crc.dadeschools.net>

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

**Division of Exceptional Student Education**  
504 Coordinator  
1501 N.E. 2nd Avenue, Suite 409  
Miami, Florida 33132  
Phone: (305) 995-2037 TDD: (305) 995-2400  
Email: [ese@dadeschools.net](mailto:ese@dadeschools.net)  
Website: <http://ese.dadeschools.net>

## **APPENDIX C**



## Miami-Dade County Public Schools

### Americans with Disabilities Act (ADA) Office

#### PROCEDURES FOR REQUESTING SIGN LANGUAGE INTERPRETERS FOR PARENTS AND/OR EMPLOYEES

1. A school or department requesting the services of a sign language interpreter for a **parent or employee** must complete the **SIGN LANGUAGE INTERPRETER SERVICES REQUEST FOR PARENTS AND/OR EMPLOYEES** Form (FM-7248) and submit it to the principal of the school or department supervisor. The principal or department supervisor will indicate approval with a signature and fax or e-mail the form to:

Office of Human Capital Management / ADA Office

Fax: 305-995-7402

E-mail: [adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net)

2. Form - 7248 **must** be filled out and submitted to the Office of Human Capital Management/ADA Office at least ten (10) business days prior to the event/function.
3. The ADA Office will make arrangements with the Board-approved vendor(s) and will confirm the arrangements with the school/department by e-mail.
4. It is the responsibility of the school or department to inform the ADA Office of any cancellation **forty-eight (48) hours before the event. Failure to do so may result in payment to the vendor by the school or department.**

Office of Human Capital Management / ADA Office

Phone: 305-995-7116

Fax: 305-995-7402

E-mail: [adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net)



# Miami-Dade County Public Schools Americans with Disabilities Act (ADA) Office

## SIGN LANGUAGE INTERPRETER SERVICES REQUEST FOR PARENTS AND/OR EMPLOYEES

Assignment Date: \_\_\_\_\_ Start Time: \_\_\_\_\_ End Time: \_\_\_\_\_

School/Department Requesting Services: \_\_\_\_\_

Location & Address: \_\_\_\_\_

Function or Event: \_\_\_\_\_

Name of Individual Needing Services: \_\_\_\_\_  
Employee's ID #: \_\_\_\_\_ If parent, Student's ID #: \_\_\_\_\_

Requestor's Name/Title: \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

Contact Person (on-site), if different \_\_\_\_\_

Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

A notice of ten **(10) business days** prior to the event is required for the interpreter request. Confirmation of a request filled will be provided to the requestor and/or on-site contact person by e-mail.

**\*\*Please contact the ADA Office at 305-995-7116 or e-mail at [adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net) for any request requiring less than ten (10) business days.**

\_\_\_\_\_  
Principal or Supervisor Signature Date

-----  
**Return Completed Form To:**  
Office of Human Capital Management / ADA  
Fax: 305-995-7402  
Via E-mail: [adaoffice@dadeschools.net](mailto:adaoffice@dadeschools.net)  
-----

*(Please do not write below this line)*

Request #: \_\_\_\_\_ Request Date: \_\_\_\_\_ Cancellation Date: \_\_\_\_\_

Agencies contacted: \_\_\_\_\_

Agency providing services: \_\_\_\_\_

Name of assigned 1st Interpreter: \_\_\_\_\_ Name of assigned 2nd Interpreter: \_\_\_\_\_

Comments: \_\_\_\_\_



## Miami-Dade County Public Schools Anti-Discrimination Policy

### Federal and State Laws

The School Board of Miami-Dade County, Florida adheres to a policy of nondiscrimination in employment and educational programs/activities and strives affirmatively to provide equal opportunity for all as required by:

Title VI of the Civil Rights Act of 1964 - prohibits discrimination on the basis of race, color, religion, or national origin.

Title VII of the Civil Rights Act of 1964 as amended - prohibits discrimination in employment on the basis of race, color, religion, gender, or national origin.

Title IX of the Education Amendments of 1972 - prohibits discrimination on the basis of gender.

Age Discrimination in Employment Act of 1967 (ADEA) as amended - prohibits discrimination on the basis of age with respect to individuals who are at least 40.

The Equal Pay Act of 1963 as amended - prohibits gender discrimination in payment of wages to women and men performing substantially equal work in the same establishment.

Section 504 of the Rehabilitation Act of 1973 - prohibits discrimination against the disabled.

Americans with Disabilities Act of 1990 (ADA) - prohibits discrimination against individuals with disabilities in employment, public service, public accommodations and telecommunications.

The Family and Medical Leave Act of 1993 (FMLA) - requires covered employers to provide up to 12 weeks of unpaid, job-protected leave to "eligible" employees for certain family and medical reasons.

The Pregnancy Discrimination Act of 1978 - prohibits discrimination in employment on the basis of pregnancy, childbirth, or related medical conditions.

Florida Educational Equity Act (FEEA) - prohibits discrimination on the basis of race, gender, national origin, marital status, or handicap against a student or employee.

Florida Civil Rights Act of 1992 - secures for all individuals within the state freedom from discrimination because of race, color, religion, sex, national origin, age, handicap, or marital status.

Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA) - prohibits discrimination against employees or applicants because of genetic information.

Boy Scouts of America Equal Access Act of 2002 - no public school shall deny equal access to, a fair opportunity for groups to meet on school premises or in school facilities before or after school hours, or discriminate against, any group officially affiliated with Boy Scouts of America or any other youth or community group listed in Title 36 (as a patriotic society).

*Veterans are provided re-employment rights in accordance with P.L. 93-508 (Federal Law) and Section 295.07 (Florida Statutes), which stipulate categorical preferences for employment.*

#### In Addition:

School Board Policies 1362, 3362, 4362, and 5517 - Prohibit harassment and/or discrimination against students, employees, or applicants on the basis of sex, race, color, ethnic or national origin, religion, marital status, disability, genetic information, age, political beliefs, sexual orientation, gender, gender identification, social and family background, linguistic preference, pregnancy, and any other legally prohibited basis. Retaliation for engaging in a protected activity is also prohibited.

Revised: (07.14)