

One of the rights guaranteed by the Fourteenth Amendment of the United States Constitution to all citizens, including students enrolled in public schools, is that the State shall not deprive any person of life, liberty or property without due process of law. There is no definition of due process which can simply be referred to when the need arises to ascertain whether or not a particular rule or application comports with due process. It is a rather vague notion which can only be generally defined as meaning reasonable and fair.

In the area of due process rights of students, it usually is applied in a procedural sense to ensure that a student is not deprived of some right or subjected to punishment without some sort of procedure being followed to provide notice and a hearing to challenge the action. *See* policy JDE concerning expulsion.

ADOPTED: June 20, 2001

Board of Education of Seminole County

The Board of Education prohibits discrimination against students on the basis of race, color, national origin, sex, religion, or handicap.

Students/parents are entitled to express concerns or dissatisfaction regarding discrimination because of race, color, national origin, sex, religion, or handicap.

The purpose of this procedure is to describe a process that can be used to resolve such concerns or dissatisfaction.

Students are encouraged to discuss matters informally with local school personnel such as teacher, counselors and administrators. Additional assistance can be provided through the Department of Pupil Personnel Service. These central office staff members include social workers, psychologists and guidance personnel.

Teachers and administrators in the Department of Special Education are also available to provide assistance to students and/or parents who feel that the school or school system does not provide adequate services to handicapped students. They can help to ensure that curricular and extracurricular services and activities are available to handicapped students who are entitled to equal opportunity to participate in these activities. These resources are not intended to obstruct the filing of formal grievances but to clarify the nature of grievances and determine whether matters can be resolved informally.

If a student/parent feels that a formal complaint should be made, the student/parent should use the following complaint process:

Step 1 – Principal of the school

Step 2 – Assistant Superintendent of Administrative Services

Step 3 – Superintendent of Schools

Step 4 – Board of Education

The following provisions apply to formal complaints:

1. At each step, the complaint is to be presented orally and in writing describing how the school or system is in non-compliance and should include the date the alleged discrimination took place. Assistance will be provided as necessary to complete written complaints.
2. If the complaint alleges an act of discrimination against the principal, the complaint process should begin at Step 2.
3. The presentation of the complaint at each step can include evidence, witnesses and documentation. A response to the complaint shall be made as soon as practicable after the complaint has been submitted.

4. A student and/or parent may appeal a decision to the next step in the process. Appeals must be written giving specific reasons for reconsideration. Such written appeals should be made within ten (10) working days of receipt of the decision at the previous level.
5. The student and/or parent shall be given an opportunity to explain orally their written appeal within five (5) working days after the written appeal is received.
6. Appeals must be answered within five (5) working days of the meeting.
7. Time limits may be extended upon mutual consent of both parties.
8. Persons are protected from harassment, reprisal or retaliation as a result of having filed a complaint or participating in the process.
9. The confidentiality of any information related to complaints or proceedings which would identify directly or indirectly any parties to the complaint, including the person filing the complaint and any persons named in the allegations, should be strictly protected and such information shall not be disseminated except to those who have a discernible need to know.
10. Notwithstanding any other provisions herein to the contrary, school employees to whom oral or written complaints of sexual harassment or handicap discrimination are made shall make a report to the school principal where the alleged harassment or handicap discrimination occurred as soon as practicable following the complaint. The principal shall report the complaint to the school system's Title IX or Section 504 coordinator no later than on the business day immediately following knowledge of the complaint. All such complaints shall be investigated expeditiously to the extent necessary to determine the merits of the charges. Investigations shall include written or recorded statements where complainants and witnesses will agree to give them.
11. In all cases of alleged discrimination, an investigation shall occur to the extent necessary to determine the validity and scope of the allegations. In all cases where some evidence exists of discrimination or harassment based on sex, race, color, national origin, religion, or handicap, the Superintendent shall be notified and a written report of the investigative findings shall be filed with the Superintendent.
12. Nothing contained herein shall prevent the school system from investigating suspected cases of discrimination based on sex, race, color, national origin, religion or handicap.

ISSUED: June 20, 2001

Board of Education of Seminole County