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Background of the Florida Educational Equity Act (FEEA)

The responsibilities of the Office of Equal Educational Opportunity (OEEO) include compliance oversight of the Florida Educational Equity Act, Section 1000.05, Florida Statutes, and other federal and state legislation relating to equity in education.

The Florida Educational Equity Act (FEEA) and other federal and state legislation, such as Title IX, Title VI, Title II (ADAA), Section 504, and the Vocational Guidelines, prohibit discrimination on the basis of race, ethnicity, national origin, gender, disability or marital status against students and employees. The annual Educational Equity Update is a reporting tool that enables the OEEO to monitor and ensure adherence to provisions of the laws, and that educational resources are equitably distributed.

The Florida Educational Equity Act became law in June 1984, and the Implementing Rules 6A-19.001 – 19.010 were adopted by the State Board of Education in February 1985. The Equity Act was amended in 1993 to mandate stronger monitoring and enforcement for gender equity in athletics, and again in 2002 to clarify the K-20 responsibilities. Rule 6A-19.004, Interscholastic, Intercollegiate, Club and Intramural Athletics, was amended in September 1994 to reflect the new monitoring and enforcement requirements.
Reporting Requirements for 2013-2014 Update

- **Part I:** Any changes to civil rights policies and procedures, including the school board-adopted policy of nondiscrimination, identification of the equity coordinator(s), grievance or complaint procedures, harassment policy, and AIDS/HIV policy or procedures used for placement of students with AIDS/HIV. The district should submit samples of both the annual and continuous notifications of nondiscrimination.

- **Part II:** Districts should submit responses to any items from the 2012-13 Annual Update that were identified as incomplete. A description of what actions have been taken by the district, as well as projected timelines for completion of the items, should be included if the items remain incomplete at the time the district submits the 2013-14 Annual Update. Items identified as a result of a district’s on-site compliance review are included in the Monitoring Work Plan, for which corrective actions should be submitted promptly.

- **Part III:** Enrollment data and methods and strategies for increasing minority enrollment in Advanced Placement (including AP, IB and AICE), Dual Enrollment (DE), and other advanced high school courses. Districts should evaluate progress over the period from 2009-10 to 2013-14. For AP/IB/AICE, DE and overall advanced (level3) courses, data will be analyzed by race overall and specifically for black and Hispanic male students. Districts should examine all of their methods and strategies used for the past five years to ensure that they are effective.

- **Part IV:** The Compliance Verification Form, monitoring forms and corrective action plans for compliance with Title IX regarding gender equity in athletics.

- **Part V:** Districts that offer postsecondary vocational programs should identify the methods used to notify students and prospective students of the availability of substitutions, and report the number of requests for substitutions, courses substituted, and the number of students who were granted substitutions.
Part VI: Employment data disaggregated by race/ethnicity and targeted methods and strategies to address any underrepresentation to diversify the administrative, instructional and guidance workforce.

Part VII: Districts will continue to report the number and type of single-sex schools operating in the district, and the number and type of single-sex classes offered at co-educational schools. Districts that offer single-sex programs should respond to the questions; submit sample notifications sent to parents explaining that single-sex program options are completely voluntary; and submit the Single-Sex Evaluation Verification Form (page 20) signed by the superintendent certifying that the required evaluations have been completed for single-sex schools and classes.

Part VIII: To ensure that pregnant and parenting students are treated in compliance with the requirements of Title IX and section 1003.54, F.S., districts are asked to provide information regarding programs for pregnant and parenting students.
Procedural Requirements

(Part 1)

Civil Rights Policies and Procedures

2.124 PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

(1) Policy Against Discrimination:

(a) No person shall, on the basis of race, color, religion, gender, age, marital status, sexual orientation, disability, political or religious beliefs, national or ethnic origin, or genetic information be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law;

(b) The School Board shall comply with all state and federal laws which prohibit discrimination and are designed to protect the civil rights of applicants, employees, and/or students, or other persons protected by applicable law;

(c) The School Board shall admit students to District schools, programs, and classes without regard to race, color, religion, gender, age, marital status, sexual orientation, disability, political or religious beliefs, national or ethnic origin, marital status, or disability;

(d) The School Board shall grant access to District facilities to the Boy Scouts of America and other identified patriotic groups as required by 34 C.F.R. 108.9 (Boy Scouts Act).

(e) The School Board will designate a coordinator for all Equity discrimination issues including those listed in ADA, and Section 504. The designee will be referred to as the District EEO Officer.

(2) Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law:

(a) The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the Board’s commitment to equal opportunities and the prohibition of discriminatory practices. The board’s prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person’s membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer or visitor. The Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents;

(b) The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.
(3) Definition of Sexual Harassment:

(a) Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:

1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual’s employment, academic status, or progress;

2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual;

3. The conduct has the purpose or effect of having a negative impact on the individual’s academic performance or employment, unreasonably interfering with the individual’s education or employment, or creating an intimidating, hostile, or offensive educational or employment environment;

4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.

(b) Types of conduct which are prohibited in the district and which may constitute sexual harassment include, but are not limited to:

1. Graphic verbal comments about an individual’s body or appearance;

2. Sexual jokes, notes, stories, drawings, pictures or gestures;

3. Sexual slurs, leering, threats, abusive words, derogatory comments or sexually degrading descriptions;

4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates;

5. Spreading sexual rumors;

6. Touching an individual’s body or clothes (including one’s own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling;

7. Cornering or blocking normal movements;

8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

(4) Definition of Other Forms of Prohibited Harassment:

(a) Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, national origin, age, disability, marital status, sexual orientation, citizenship, genetic information, or any other characteristic protected by law and that:
1. Has the purpose or effect of creating an intimidating hostile or offensive work or academic environment;

2. Has the purpose or effect of interfering with an individual’s work or academic performance, or;

3. Otherwise, adversely affects an individual’s employment or academic performance.

(b) Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:

1. Epithets, slurs or negative stereotyping;

2. Threatening, intimidating or hostile acts, such as stalking, or;

3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or district office premises or circulated in the workplace or academic environment.

(5) Retaliation Prohibited:

(a) Any act of retaliation against an individual who files a complaint alleging a violation of the District’s anti-discrimination policy and/or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited;

(b) Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation if, or filing a complaint of, discrimination.

(6) Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment:

(a) Procedures for filing:

1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on gender, marital status, sexual orientation, race, national origin, religion, age or disability by an employee, volunteer, agent or student of the School District should within 60 days of alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint;

2. The complaint should be filed with the School Principal, Site Administrator or supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the District’s EEO Officer within five (5) days of the filing of the complaint. If the complaint is against the principal or site administrator, the complaint may be filed directly with the EEO officer;

3. If the complaint is against the District’s EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.
(b) Procedure for Processing Complaints:

1. Complaints filed against persons other than the Superintendent or member of the School Board:

a. Upon receipt of the written complaint by the District EEO Officer, the District EEO Officer shall appoint an investigator to conduct an investigation of the allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the District EEO Officer as to whether there is reasonable cause to believe a violation of the District’s anti-discrimination policy has occurred. Copies of documents, evidence and witness statements, which were considered in the investigation, must be sent to the EEO officer along with the summary and recommendation;

b. If the complaint is against the EEO officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth above;

c. The investigation, summary, relevant documents, witnesses’ statements and recommendation should be completed and forwarded to the EEO Officer within 30 days, or to the School board Attorney within 30 days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred;

d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent;

e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) day notice of the finding of no reasonable cause to the complainant and accused;

f. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of this notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of receipt of the notice make a final determination as to whether there is reasonable cause to believe;

g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney’s determination of no reasonable cause shall be final;
h. The accused may request, within ten (10) days of receipt of a notice of a finding of reasonable cause, that the determination be reviewed by the Superintendent. The request must include a written statement expressing the accused position on the complaint and findings, and address any facts, statements or evidence which he or she submits are inaccurate. The accused will be given an opportunity to meet with the Superintendent and the EEO Officer/School Board Attorney to present his or her position. The Superintendent and EEO Officer/School Board Attorney must within ten (10) days of receipt of the notice prepare a memorandum summarizing the content of the meeting to be included in the complaint file;

i. After providing the opportunity for an informal hearing as referenced in section (viii) above, the Superintendent shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant’s allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall within ten (10) days of the informal hearing be forwarded to the accused and the complainant, and a copy of the notice will be filed with and maintained in the office of the District EEO Officer and the Personnel Director.

2. Complaints against School Board Members or against the Superintendent:

a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status;

b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred;

c. If reasonable cause is recommended by the investigator against a School Board Member or an elected Superintendent, the recommendation shall within twenty (20) days be forwarded to the Governor’s office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor’s Office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official. The school Board shall receive and make the final determination if the Superintendent is appointed by the Board;

d. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board Attorney shall be final. In compliance with Florida Statute, the investigation
file shall become public record and the Superintendent or School Board Member shall answer to their constituency.

(c) Penalties for confirmed Discrimination or Harassment:

1. Student. A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the Code of Student conduct.

2. Employee or Volunteer. A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.

(d) Limited Exemption from Public Records Act and Notification of Parents’ of Minors:

1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The district’s obligation to investigation and take corrective action may supersede an individual’s right to privacy;

2. The parents of a person under the age of 18 who has filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

2.132 GUIDELINES AND PROCEDURES CONCERNING HIV, AIDS, OR OTHER COMMUNICABLE DISEASES (STUDENTS AND EMPLOYEES)

(1) Introduction - It is the policy of this School Board to seek to provide, in the least restrictive environment, for the educational needs of each student to the maximum extent consistent with the needs of other students and the health, safety and welfare of all. One factor necessary in implementing this policy is that of providing AIDS-related education and awareness for students. Another such factor is that of adopting and implementing procedures to be followed in instances where the administration is notified by the parent, as defined by Florida Statutes, student or another employee that a student is known to have the Human Immunodeficiency Virus (HIV) or Acquired Immunodeficiency Syndrome (AIDS). This rule delineates also the policy of this School Board in utilizing the services of employees who have HIV, or AIDS. The purpose of the policy is the protection of the right of these employees to continued employment, while also recognizing the School Board’s obligation, as an employer and educational agency, to provide an environment that is not only objectively safe for all employees, students and the public at large, but that is also one where, insofar as practicable and reasonable, employees and students do not have fears for their health or safety. In providing communicable disease education to include Hepatitis B and awareness for students, an important goal will be to make it clearly and convincingly understood that, as to the present and the foreseeable future, there is no known or definitely expected cure for AIDS and that most cases of AIDS resulted from behavior that can be avoided.
(2) In all matters related to this rule, directly or indirectly, all employees shall strictly observe and protect the rights of all students and their parents as to privileged or confidential information.

(3) **Student Guidelines and Procedures** - Epidemiological studies show that HIV is transmitted via contact with the body fluids of the infected person. Since there is no evidence of casual transmission by sitting near, living in the same household, or playing together with an individual who has HIV infection, the following guidelines have been developed:

(a) Circumstances Warranting Special Action - No student shall be excluded from attending regular classes solely because the student has been diagnosed as having HIV or AIDS including clinical evidence of infection with HIV. However, if a child so diagnosed evidences any one of the following conditions, the Superintendent of Schools with consent of the parent, will convene an Advisory Panel for the purpose of making recommendations on the most appropriate educational placement of the student:

1. Manifestation of clinical signs and/or symptoms that indicate progression of the illness;
2. Demonstration of behavior risky or harmful to self or others;
3. Demonstration of unstable or decompensated neuropsychological behavior;
4. Presence of open wounds, cuts, lacerations, abrasions, or sores, on exposed body surfaces where occlusion cannot be maintained, and;
5. Impairment of gastrointestinal and/or genitourinary function such that control of internal body fluids cannot be maintained.

(b) In the event the parent refuses to authorize release of information regarding the student, the Superintendent shall request a review by the County Health Officer. If the County Health Officer determines that students or school personnel are likely to be significantly exposed to body fluids of the student, the Superintendent may proceed with establishment of the panel, notwithstanding the refusal of the parent;

(c) Composition of Advisory Panel:

1. Superintendent of Schools;
2. Director and Health Officer of the County Health Department or designee;
3. Attending physician of the student with HIV infection;
4. Director of Exceptional Student Education;
5. Student’s principal or principal’s designee;
6. Infectious disease specialty physician, when determined appropriate by the Superintendent.
7. Other professional staff to include Health Services Staff when and as determined by the Superintendent as appropriate;
8. Case Manager (optional), and;

9. Students parent(s), when and as appropriate or requested, who shall not be official member(s) of the panel.

(d) Panel Responsibilities:

1. Review students medical history and current status; student identity will be dependent upon parent written release;

2. Review available educational and social data, progress reports as available, test results, prior school placements, and other relevant information;

3. Discuss educational options, considering risks and benefits;

4. Reduce to writing findings, options, and recommendations and review draft report before submission to the Superintendent, focusing on key issues, unresolved problems, if any, and summary recommendations;

5. Submit written report to the Superintendent within 24 days

6. Re-evaluate each Panel case on a continuing basis at least once every six (6) months and more often when circumstances change in the categories listed in III.A. The general intent is that the Advisory Panel is to serve as an expert professional resource to advise the Superintendent in special situations where information about appropriate environment may not be available, complete, clear, or readily amenable to lay interpretation. It is expected that recommendations of the Advisory Panel shall be based solely upon current medical and educational information consistent with established ethical guidelines and considerations in accordance with extant guidelines of the Centers for Disease Control and Prevention and other scientific and relevant professional bodies.

(e) Panel Protocol:

1. If the Superintendent determines that any one of the conditions in III.A. exists, the student in question will be placed on homebound instruction status for no longer than five (5) school days;

2. Within the five (5) school-day period (equivalent to one calendar week), consent for release of medical information will be obtained, and past medical history, laboratory tests, and other relevant records will be provided to and reviewed by the Director of the Health Department and by other physicians as appropriate. Critical medical tests and other procedures will be conducted during this period by the Director of the Health Department or by other medical practitioners as warranted;

3. Based on results and medical interpretation of the student’s current status, the Director of the Health Department (and other consultants as appropriate) will advise the Superintendent within five (5) days as to whether continued homebound instruction is, or is not, warranted;

4. If medical review indicates that continuation of special status is not indicated, the student will return to regular status at the end of the five-school-day initial review period or upon the advice of the director of the Health Department, whichever is sooner;
5. If medical review indicates that continuation of special status is indicated, the student will remain on homebound instruction, for a period not to exceed fifteen (15) additional school days (equivalent to three more calendar weeks);

6. During the twenty (20) school-day review period, the Superintendent will arrange the following steps in preparation for Advisory Panel review:

a. Alert Advisory Panel of forthcoming meeting to be scheduled;

b. Obtain written authorization from parent(s) of the student to contact attending physician for medical information;

c. Obtain signed consent from parent(s) of student to permit release of information from attending physician and others to the Superintendent;

d. Receive relevant medical and social information about the student with HIV infection and maintain same in strict confidence. Any written form to be reviewed will be shared in meetings with panel and kept on file in Superintendent’s or Health Department Director’s confidential files [see h. below];

e. Circulate confidential information about the HIV infected student to the Advisory Panel members only;

f. Schedule and notify the Advisory Panel members of initial review meeting, at date, time and location suitable to all; meeting will be scheduled only when complete medical information has been obtained and circulated in advance to all Advisory Panel members;

g. Siblings - Siblings of children diagnosed as having HIV, AIDS, or with clinical evidence of infection with HIV are able to attend school without any restrictions

h. Privacy and Disclosure - Any report or information received by the Superintendent from the Department of Health and Family Services, or from any other source, regarding AIDS or HIV relating to a student shall be released only in an emergency situation which results in a significant exposure by students or school personnel to the blood or body fluids of the person. Such release may only be made directly to those persons having a significant exposure, and such persons shall be required to retain such information in strict confidence. All records regarding the condition of the student shall be maintained by the Superintendent in a confidential file separate and apart from the student’s cumulative record and accessible only by lock and key by appropriate personnel;

i. Exclusion from School - Since the student diagnosed as showing clinical evidence of infection with the AIDS-Associated Virus (HIV or AIDS) has an increased risk of acquiring infections in the school setting, the student will be excluded from school if there is an outbreak of a threatening communicable disease, upon the advice of the County Health doctor or the child’s private physician such as, chicken pox or measles, until he/she is properly treated and/or the outbreak is no longer a threat to the child.

(4) Employee Guidelines and Procedures:
(a) Statement of Purpose and Scope - This section establishes the policy of the School Board for working with employees who have a communicable disease such as Hepatitis B, HIV, or AIDS, etc. and is applicable to all employees of the School Board;

(b) Employee Policy - The School Board recognizes that employees with life-threatening illnesses including, but not limited to, cancer, heart disease, and AIDS-related illnesses may wish to continue to work. As long as employees are able to meet acceptable performance standards and medical evidence indicates that their condition is not a threat to themselves or others, employees shall be assured of continued employment;

(c) Training and Education - Medical studies show that HIV infection is transmitted via contact with body fluids (especially semen, pre-seminal fluid, blood, and menstrual flow) of an infected person. To date, there is no record of transmission of the AIDS-associated virus (HIV) to co-workers, clients or consumers in offices, schools, factories, construction sites, or other work places. There is no evidence of casual transmission by sitting near or working in the same office or sharing the same water fountain, telephones, toilets, eating facilities or office equipment with a person infected with HIV;

(d) Many of the problems that arise in the workplace when employees are confronted with a fellow employee who has become HIV infected are caused by lack of knowledge about the disease and misunderstanding of the way in which it is transmitted. The only means of combating this fear is education. Supervisors should make a concerted effort to educate themselves as to the facts regarding HIV infection and how it is and is not transmitted and, further, should make the same effort to educate their employees. Any information needed will be furnished by the School Board office. Supervisors should be sensitive and responsive to co-workers’ concerns, and emphasize employee education;

(e) Confidentiality - The School Board realizes that an employee’s health condition is personal and confidential. Personnel and medical files or information about employees are exempt from public disclosure. In addition, information relating to a specifically named individual, the disclosure of which would constitute an unwarranted invasion of personal privacy, is prohibited. Thus, special precautions should be taken to protect such information regarding an employee’s health condition in order to prevent instances of disclosure that may invade the personal privacy of employees. Unless specifically authorized by the employee, release of such information shall only be made in emergency situations to personnel who have a significant exposure to the blood or body fluids of the person. Written authorization of such release should be kept in a confidential file under lock and key in the Superintendent’s or Health Department Directors office;

(f) Circumstances Warranting Special Action- No employee is prohibited from reporting for duty solely because the employee has been diagnosed as having HIV or AIDS, including clinical evidence of infection with the AIDS-associated virus (HIV). However, medical reports and information relative to the employee’s condition shall be regularly examined and monitored by school authorities (health officials designated by the Superintendent and County Health Department Director). If an employee so diagnosed evidences any of the following conditions, the Superintendent of Schools may, with consent of the employee, convene an Advisory Panel
for the purpose of making recommendations on the most appropriate work assignment for the employee:

1. Manifestation of clinical signs and/or symptoms which indicate progression of the illness;
2. Demonstration of behavior risky or harmful to self or others;
3. Demonstration of unstable or decompensated neuropsychological behavior;
4. Presence of open wounds, cuts, lacerations, abrasions, or sores on exposed body surfaces where occlusion cannot be maintained, and;
5. Impairment of gastrointestinal and/or genitourinary function such that control of internal body fluids cannot be maintained.

(g) Composition of the Advisory Panel:

1. Superintendent of Schools;
2. Director and Health Officer of the Health Department or designee;
3. Attending physician of the employee with HIV infection;
4. Infectious disease specialty physician, when and as determined by the Superintendent as appropriate;
5. Other School District Health Services staff, when and as determined by the Superintendent as appropriate;
6. The employee when and as appropriate or requested, who should not be an official member of the Panel, and;
7. Case Manager (optional).

(h) Panel Responsibilities:

1. Review employee’s medical history and current status (note: employee identity dependent upon written release);
2. Review available social data, prior school assignments, employment history, and other relevant information;
3. Discuss with employee the employment options, as applicable, considering risks and benefits;
4. Reduce findings, options, and recommendations to writing and review draft report before submission to Superintendent, focusing on key issues, unresolved problems, if any, and summary recommendations;
5. Submit written report to the Superintendent within fourteen (14) days and remain available as needed, and;
6. Re-evaluate each Panel case on a continuing basis at least once every six (6) months and more often when circumstances change in the categories listed in IV.F. The general intent is that the Advisory Panel is to serve as an expert professional resource to advise the Superintendent in special situations where information about appropriate environment may not be available, complete, clear or readily amendable to lay interpretation. It is expected that recommendations of the Advisory Panel shall be based solely upon current medical and employment information consistent with established ethical guidelines and considerations in accordance with extant guidelines of the Center for Disease Control and Prevention and other scientific and relevant professional bodies.

(i) In the event the employee refuses to authorize release of information to the Panel, the Superintendent shall request a review by the County Health Officer. If the County Health Officer determines that students or school personnel are likely to be significantly exposed to blood or body fluids of the employee, the Superintendent may proceed with establishment of the panel, notwithstanding the refusal of the employee.

(j) Panel Protocol:

1. If the Superintendent determines that any one of the conditions in IV.F. exists, the employee in question will be placed on special assignment for no longer than five (5) work days;

2. Within the five-work-day period (equivalent to one calendar week), consent for release of medical information will be obtained and past medical history, laboratory tests, and other relevant records will be provided to and reviewed by the Director of the Health Department and other physicians as appropriate. Critical medical tests and other procedures will be conducted during this period by the Director of the Health Department or other medical practitioners as warranted;

3. Based on results and medical interpretation of the employee’s current status, the Director of the Health Department (and other consultants as appropriate) will advise the Superintendent within five (5) days whether a continuation of special assignment is, or is not, warranted;

4. If medical review indicates that continuation of special assignment is not indicated, the employee will remain on special assignment for a period not to exceed fifteen (15) additional work days (equivalent to three more calendar weeks);

5. If medical review indicates that continuation of special assignment is warranted, the employee will remain on special assignment for a period not to exceed fifteen (15) additional work days (equivalent to three more calendar weeks);

6. During the twenty (20) work-day review period, the Superintendent will arrange the following steps in preparation for Advisory Panel review:

a. Alert Advisory Panel for forthcoming meeting to be scheduled;

b. Obtain written authorization from employee to contact attending physician for medical information;
c. Obtain signed consent from employee to permit release of information from attending physician and others to Superintendent of Schools;

d. Receive relevant medical and social information about the employee with HIV infection and maintain same in strict confidence;

e. Circulate confidential information about the HIV-infected employee to the Advisory Panel members only;

f. Schedule and notify the Advisory Panel members of initial review meeting, at date, time and location suitable to all; meeting will be scheduled only when complete medical information has been obtained and circulated in advance to all Advisory Panel members;

g. Any report of information received by the Superintendent from the Department of Health and Family Services, or from any other source, regarding AIDS or HIV relating to an employee shall be maintained in a confidential fashion and shall be released only in an emergency situation which results in significant exposure of students or school personnel to the blood or body fluids of the person. Such release may only be made directly to those persons having a significant exposure, and such persons shall be required to retain such information in strict confidence. All records regarding the condition of the employee shall be maintained in a confidential fashion in the Superintendent’s office and accessible only by lock and key by appropriate personnel and shall not be available to those persons normally having access to personnel records.

(5) **Sanitation/Waste Disposal** - Blood or any other body fluids including vomitus, fecal, or urinary products of any student or employee should be treated cautiously. It is required that gloves be worn when cleaning up any body fluids from any student:

(a) These spills should be cleaned up with a fresh solution of bleach (no older than 24 hours; one part bleach to ten parts water) or another EPA and District approved disinfectant, by pouring the solution around the perimeter of the spill;

(b) All disposable materials, including gloves, should be discarded in a manner prescribed by the County Health officer for disposal of bio-hazardous waste, in order to eliminate exposure of employees and students. Mops should also be disinfected with the bleach solution described in V.A.
Annual Notification of Nondiscrimination for Vocational Education Program

(8.401 DISTRICT PLAN FOR VOCATIONAL EDUCATION)

The Jefferson County School Board affirms its intent to provide appropriate programs for all students who have a need for vocational training. The procedures for conducting such programs shall be in accordance with the "District Plan for Vocational Education," adopted by the Board and hereby incorporated by reference as a part of the Rules of the Jefferson County School Board.

(8.402 Student Follow-up Requirement)

The Superintendent shall determine the status of students who complete a vocational program based on procedures described in Section 229.5585, Florida Statutes, and Florida State Board of Education Rule 6A-10.0341.

(1) The procedure(s) used to collect data shall be selected by the Superintendent after consultation with the Director of Vocational Education;

(2) Data aggregated by the Superintendent shall not contain personally identifiable information unless prior written approval is secured from the individual.

(8.403 POSTSECONDARY VOCATIONAL PROGRAMS)

(1) The Superintendent or designee shall develop written procedures to implement Florida Statutes and State Board of Education rules which pertain to students with learning disabilities or other impairments that enter postsecondary programs in vocational-technical education centers. The procedures shall include, but not be limited to:

(a) A method for identifying students who meet the definition of hearing impaired, visually impaired, or learning disabled pursuant to State Board of Education rules;

(b) Development of reasonable substitutions for admission and graduation requirements for postsecondary programs offered at a vocational-technical center;

(c) A plan for advising students about eligibility criteria and substitution requirements;

(d) Individualized counseling for students who may qualify for substitution requirements;

(e) An appeal process for students who do not qualify for substitution requirements.

(2) A high school or adult student who has a documented disability and is completing a postsecondary vocational program may be exempted from meeting the career basic skills levels required for completion of the program. The District shall establish exit criteria for disabled students who have not achieved the basic skills levels on the posttest.

(3) A student who attends the area vocational-technical center shall be classified as either a high school student or an adult student:
(a) A high school student is a student who is age sixteen (16) or older and is concurrently enrolled in a regular high school and the vocational-technical center for one (1) to six (6) hours daily;

(b) An adult student is a person who is sixteen (16) years or older and has withdrawn from a regular school program.

(4) The Superintendent or designee shall maintain records on students who apply for and who are permitted to enter postsecondary programs on the basis of Florida Statutes and State Board of Education rules. Data collected shall be in accordance with State Board of Education rules.

(5) Upon the recommendation of the Superintendent, the Board may approve plans and agreements with institutions of higher education for dual enrollment and/or early admissions programs.

Notice of Nondiscrimination

The Jefferson County School District does not discriminate on the basis of race, color, religion, gender, age, marital status, sexual orientation, disability, political or religious beliefs, national or ethnic origin, or genetic information from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District. Jefferson County School District also does not discriminate in its hiring or employment practices.

This notice is provided as required by Title IV of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age of Discrimination Act of 1975, and the Americans with Disabilities Act of 1990, the Boys Scouts of America Equal Access Act and the Florida Educational Equity Act. Questions, complaints, or requests for additional information regarding these laws may be forwarded to Nancy Whitty, Equity Coordinator, (850) 342-0525 ext: 225, or nancy.whitty@jeffersonschooldistrict.org.

Incomplete Items Or Pending Actions

(Part II/NA)
Evaluation of Methods and Strategies

(Part III)

School districts will evaluate the success of methods and strategies to reduce gaps in student performance or to increase participation of underrepresented groups by race/ethnicity and gender. The evaluation of success will be data-driven based on 2009-10 benchmark data and progress toward meeting accountability measures identified by each district through 2013-14. The purpose of the evaluation is to eliminate performance gaps and increase the participation of minority students. For each program area identified under this section, the district will evaluate the success of its methods and strategies. Based upon the evaluation, districts should continue implementation, modify methods and strategies, or develop new targeted methods and strategies with specific action steps.

STUDENT PARTICIPATION / EVALUATION OF METHODS AND STRATEGIES:

Grades 9-12, Advanced Placement (AP), IB and AICE

The following percentages reflect within race/ethnicity calculations for students enrolled in AP/IB/AICE courses. In 2009-10, 0% of Whites, 0% of Blacks, 0% of Hispanics 0% of White Males, 0% of Black Males, and 0% of Hispanic Males were enrolled. In 2013-14, 0% of Whites (an increase/decrease of x percentage points), 2% of Blacks (an increase/decrease of x percentage points), 0% of Hispanics (an increase/decrease of x percentage points), 0% of White Males (no increase/decrease of x percentage points), 4% of Black Males (an increase of 4% percentage points), and 0% of Hispanic Males (no increase/decrease of percentage points) were enrolled.

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Methods/Strategies from the 2012-13 Update
There is no record of methods and strategies for the 2012-2013 or 2011-2012 school year, however, the 2010-2011 strategies were the following:

2010-11 Methods and Strategies
• Since the removal of Advanced Placement from the curriculum, the district vigorously encouraged students to attend Dual Enrollment courses. However, transportation is still an issue.
• Teacher staff development training will begin during the summer before the start of school in the fall and continue through the year in order to provide the rigor and relevance to instructional practices.
• The district will strengthen the curriculum in the aforementioned areas in 2010-2011.
• Jefferson County Middle/High School is still in intervene status under the differentiated accountability. The focus is on intensive remediation to master the next generation sunshine state standards in reading, mathematics and science.
• Those students identified to perform at the AP level will be directed and vigorously encouraged to participate in the Dual Enrollment and Virtual School process for acceleration this year.

2010-11 Accountability Measures and Timelines
• Increase the numbers of Black and Hispanic students in grades 9-12 enrolling in AP courses by 5 percentage points for each group by the 2011-12 School Year.
• Increase the numbers of Black and Hispanic Male students in grades 9-12 enrolling in AP courses by 5 percentage points for each group by the 2011-12 School Year.

Evidence of Success
The following are suggested statements to describe evidence of success:

Evaluation must include 2009-10 to 2013-14.

The evaluation reveals progress in increasing enrollment in AP/IB/AICE courses for Black students in grades 9-12. Black students increased by 2% percentage points, from 0% in 2009-10 to 2% in 2013-14; Hispanic students remained the same by 0% percentage points, from 0% to 0% for the same time period.

The evaluation reveals that the enrollment for Black male students enrolled in AP courses in grades 9-12 has increased 4% percentage points, from 0% in 2009-2010 to 4% in 2013-2014.
However, the enrollment for Hispanic male students in Advanced Placement courses in grades 9-12 has stayed the same by 0% percentage points for the same period.

*Insert the appropriate statements to describe evidence of success for Black and Hispanic Males.*

**Description of any Modifications or Changes to Methods and Strategies:** If the evaluation reveals that the accountability measures have not been met or if expected progress is not evident, describe any modifications, additions, deletions or changes in methods and strategies.

The focus of Jefferson/Middle High is to increase college and career readiness. The AVID program will be extended in middle school to advocate for more minority students to take college and career readiness courses and provide support to insure their success.

**2013-14 New or Modified Methods and Strategies**

*Enter the methods and strategies to be used for the next period.*

- Require at least one AP or Dual Enrollment class for all AVID students.
- Host at least four (4) AVID Parent Nights to inform parents of expectations
- Host at least two AP community and parent nights to inform parents of student progress
- Increase course offerings in Computer Science
- Gear Up grant will provide minority students opportunities to visit College and Career fairs
- Student Mentoring sponsored by the “Check and Connect” Grant
- Edgenuity program designed to help students with Credit Recovery.
- Saturday classes preparing students to take the ACT/SAT

**2013-14 New Accountability Measure and Timelines**

Increase the number of Black students in grades 9-12 enrolling in AP/IB/AICE courses by 1% (#4) percentage points by the 2013-14 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in AP/IB/AICE courses by 3% (#1) percentage points by the 2013-14 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in AP/IB/AICE courses by 1% (#4) percentage points by the 2013-14 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in AP/IB/AICE courses by 7% (#1) percentage points by the 2013-14 School Year.

**Grades 9-12, Dual Enrollment (DE)**

The following percentages reflect within race/ethnicity calculations for students enrolled in Dual Enrollment courses. In 2009-10, 0% of Whites, 0% of Blacks, 0% of Hispanics, 0% of White Males, 0% of Black Males, and 0% of Hispanic Males were enrolled. In 2013-14, 1% of White (an increase of 1% percentage point), 0% of Blacks (no increase/decrease of percentage points), 0% of Hispanics (no increase/decrease of percentage points), 2% of White Males (an increase of
2% percentage points), 0% of Black Males (no increase/decrease of percentage points), and 0% of Hispanic Males (no increase/decrease of percentage points) were enrolled.

**Grades 9-12 Total Enrollment 2013-14 (241)**

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## Methods/Strategies from the 2011-12 Update

*Enter the methods and strategies from the previous Equity Update.*

There is no record of methods and strategies for the 2012-2013 or 2011-2012 school year, however, the 2010-2011 strategies were the following:

- Continue to identify and target underrepresented groups.
- Plan college outreach visits for juniors and seniors with guidance and AVID program.
- Continue to implement ACT, SAT and CPT success interventions into the curriculum to help students prepare and be successful on the assessments.
- Encourage all eligible students to take the CPT.
- Continue to collaborate with the local universities and community colleges for Dual Enrollment students.

### 2010-11 Accountability Measures and Timelines

- Increase the numbers of Black and Hispanic students in grades 9-12 enrolling in DE courses by 5 percentage points or each group by the 2011-12 School Year.
- Increase the numbers of Black and Hispanic Male students in grades 9-12 enrolling in DE courses by 5 percentage points for each group by the 2011-12 School Year.

### Evidence of Success

The district had no students enrolled in Dual Enrollment courses in 2010-11.

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The following are suggested statements to describe evidence of success: **Evaluation must include 2009-10 to 2013-14.**

The evaluation reveals no progress in increasing enrollment in Dual Enrollment courses for Black and Hispanic students in grades 9-12. Black students stayed the same by 0% in 2009-10 to 0% in 2013-14; Hispanic students also stayed the same by 0% percentage points for the same time period.

The evaluation does not reveal progress in increasing enrollment in Dual Enrollment courses for Black and Hispanic male students in grades 9-12. Black male students stayed the same by 0 percentage points, from 0% in 2009-10 to 0% in 2013-14; Hispanic students stayed the same by 0% percentage points for the same time period.

**Insert the appropriate statements to describe evidence of success for Black and Hispanic Males.**

**Description of any Modifications or Changes to Methods and Strategies:** If the evaluation reveals that the accountability measures have not been met or if expected progress is not evident, describe any modifications, additions, deletions or changes in methods and strategies. Also, explain any barriers that may have prohibited progress.

The focus of Jefferson/Middle High is to increase college and career readiness. The AVID program will be extended in middle school to advocate for more minority students to take college and career readiness courses and provide support to insure their success. More focus will be spent on Hispanic because they are under-represented in AP and Honors classes. The barriers have been lack of cultural literacy, high concentration of deficit thinking, and low levels of competence in culturally responsive teaching. Modifications for improvements include:

**2013-14 New or Modified Methods and Strategies**

**Enter the methods and strategies to be used for the next period.**

- Recruitment of highly qualified teachers and teacher retention
- Use of available resources to accommodate the need of students (especially in language)
- Rigorous instruction and development of measurable goals
- Professional Development for teachers that enhance learning for Hispanic students
- Dual Enrollment Parent Nights with Interpreters
- CPT, PERT, ACT, and SAT offered on campus to allow students opportunity to obtain qualifying scores
- NFCC Counselor on campus to help answer student/parent questions
- College and career fairs
- Newsletters mailed home explaining college Scholarships and programs

**2013-14 New Accountability Measure and Timelines**

Increase the number of Black students in grades 9-12 enrolling in DE courses by 4% (5) percentage points by the 2013-14 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in DE courses by 3% (1) percentage points by the 2013-14 School Year.
Increase the number of Black Male students in grades 9-12 enrolling in DE courses by 1% (1) percentage points by the 2013-14 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in DE courses by 7% (1) percentage points by the 2013-14 School Year.

**Grades 9-12, All Level 3 courses (including AP, IB, AICE, DE and honors)**
The following percentages reflect within race/ethnicity calculations for students enrolled in all Level 3 courses. In 2013-14, 43% of Whites, 52% of Blacks, 45% of Hispanics, 46% of White Males, 44% of Black Males, and 43% of Hispanic Males were enrolled.

**Grades 9-12 Total Enrollment 2013-14 (241)**

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<td>#30 &amp; 43 %</td>
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Whites
All Level 3
2013-14
43% (#30)

White Males
All Level 3
2013-14
46% (#21)

Blacks
All Level 3
2013-14
Baseline Data

43% of White students were enrolled in Level 3 courses in 2013-14.

52% of Black students were enrolled in Level 3 courses in 2013-14.

45% of Hispanic students were enrolled in Level 3 courses in 2013-14.

46% of White male students were enrolled in Level 3 courses in 2013-14.

44% of Black male students were enrolled in Level 3 courses in 2013-14.

43% of Hispanic male students were enrolled in Level 3 courses in 2013-14.

The Black/White enrollment gap was 9% percentage points in 2013-14.
The Hispanic/White enrollment gap was 2% percentage points in 2013-14.

**2013-14 New or Modified Methods and Strategies**

*Enter the methods and strategies to be used for the next period.*

**2013-14 New Accountability Measure and Timelines**

Increase the number of Black students in grades 9-12 enrolling in all Level 3 courses by 4% (#5) percentage points by the 2013-14 School Year.

Increase the number of Hispanic students in grades 9-12 enrolling in all Level 3 courses by 10% (#3) percentage points by the 2013-14 School Year.

Increase the number of Black Male students in grades 9-12 enrolling in all Level 3 courses by 7% (#5) percentage points by the 2013-14 School Year.

Increase the number of Hispanic Male students in grades 9-12 enrolling in all Level 3 courses by 7% (#1) percentage points by 2013-14 School Year.

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**Gender Equity in Athletics**

*(Part IV)*

District: Jefferson

**Athletic Compliance Verification Form**

1. Sports and levels of competition effectively accommodate the interests and abilities of members of both sexes. [Section 1000.05(3)(d)(1), F.S.; Rule 6A-19.004(2), FAC; Title IX: 106.41(c)(1)]

[ ] IN COMPLIANCE    [ ] NOT IN COMPLIANCE
2. Equipment and supplies are provided equitably to female and male teams. [Section 1000.05(3)(d)(2), F.S.; Rule 6A-19.004(4), FAC; Title IX: 106.41(c)(2)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE

3. Scheduling of games and practice times provide equal opportunities. [Section 1000.05(3)(d)(3), F.S.; Rule 6A-19.004(5), FAC; Title IX: 106.41(c)(3)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE

4. Travel and Per Diem allowances are provided for athletes in an equitable manner. [Section 1000.05(3)(d)(4), F.S.; Rule 6A-19.004(6), FAC; Title IX: 106(c)(4)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE

5. Opportunities to receive coaching are provided in an equitable manner. [Section 1000.05(3)(d)(5), F.S.; Rule 6A-19.004(7), FAC; Title IX: 106.41(c)(5)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE

6. Locker rooms, practice facilities and competitive facilities are of comparable quality for male and female teams. [Section 1000.05(3)(d)(7), F.S.; Rule 6A-19.004(8), FAC; Title IX: 106.41(c)(7)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE

7. Medical and training facilities and services, including insurance, are provided in an equitable manner. [Section 1000.05(3)(d)(8), F.S.; Rule 6A-19.004(9), FAC; Title IX: 106.41(c)(8)]

   □ IN COMPLIANCE   □ NOT IN COMPLIANCE
8. Publicity and promotion of male and female teams support equal opportunity. [Section 1000.05(3)(d)(10), F.S.; Rule 6A-19.004(10), FAC; Title IX: 106.41(c)(10)]

IN COMPLIANCE  NOT IN COMPLIANCE

9. Support services are equitable for male and female teams. [Rule 6A-19.004(11), FAC; Title IX: 106.41(a)]

IN COMPLIANCE  NOT IN COMPLIANCE

I hereby verify that the district is in compliance with the identified components of our athletics program, as required by Title IX and the Florida Educational Equity Act.

_____________________________________                      ___________________
Signature, Superintendent                      Date

2013-14 MONITORING FORMS

Component 1: NOTE: OCR defines a participant as anyone who (1) participated in competition or (2) participated with the team and was eligible for competition but did not play. Participation is determined as of the date of the first competitive event for the sport.

<table>
<thead>
<tr>
<th>School:</th>
<th>Number of Participants</th>
<th>Number of Participants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Varsity Teams</td>
<td>Male</td>
<td>Female</td>
</tr>
<tr>
<td>Sport</td>
<td>Column 1</td>
<td>Column 2</td>
</tr>
<tr>
<td>------------------------</td>
<td>----------</td>
<td>----------</td>
</tr>
<tr>
<td>Baseball</td>
<td>25</td>
<td>25</td>
</tr>
<tr>
<td>Basketball</td>
<td>13</td>
<td>9</td>
</tr>
<tr>
<td>Cross Country</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Flag Football/Football</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Golf</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Soccer</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Softball</td>
<td>18</td>
<td>18</td>
</tr>
<tr>
<td>Swimming/Diving</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tennis</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Track and Field</td>
<td>3</td>
<td>25</td>
</tr>
<tr>
<td>Volleyball</td>
<td>12</td>
<td>12</td>
</tr>
<tr>
<td>Wrestling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Weightlifting</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Total Varsity Participants</td>
<td>% of Varsity Participants</td>
</tr>
<tr>
<td>--------------------------------</td>
<td>-----------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td>Total Varsity Participants</td>
<td>41</td>
<td>100%</td>
</tr>
<tr>
<td>% of Varsity Participants</td>
<td>64</td>
<td>100%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Student Enrollment by Gender 2013-14</th>
<th>Total Student Enrollment by Gender 2013-14</th>
</tr>
</thead>
<tbody>
<tr>
<td>29</td>
<td>64</td>
</tr>
<tr>
<td>28%</td>
<td>61%</td>
</tr>
<tr>
<td>100%</td>
<td>100%</td>
</tr>
</tbody>
</table>

This form must be submitted for each school. Be sure to fill-in the enrollment data. The total percentage of male and female student enrollment should equal 100%.

**Course Substitutions**

*(Part V)*

Not Applicable

**Employment Equity**

*(Part VI)*

The school districts should report disaggregated data for district-level administrators, principals, assistant principals, teachers, guidance counselors, and new hires in these positions. The district should update and submit methods and strategies to address areas in the employment section that reflect underrepresentation. Does the data reflect the district’s student and community ethnicity? If not, what strategies does the district plan to institute so that the employment data would be more reflective of the students and community it serves?
The employee data does reflect that student population within the district except for the Hispanic population. The student representation reports 67% Black, 9% Hispanic, and 26% White. The hiring of employees data reports 64% Black, 0% Hispanic, and 31% White. The school administrator reports 75% Black and 25% White. Because the male population is over half (51%), two male Deans were placed at both school as role models and mentors for the male population. Two female Guidance Counselors were mentors and role models for the female population.

The District has partnered with PAEC to implement a State approved Leadership Development Program aligned with the Florida Principal Leadership Standards. This implementation will increase efforts to recruit the best and the brightest teachers for Jefferson County Schools. The District has also formed partnerships with Flagler, FAMU, and FSU to recruit student teachers to come into the district to do their internship in the hopes of hiring them after they graduate. District Leadership teams also attend Career Fairs to promote Jefferson County Schools.

A. Complete the following charts for administrative and instructional positions in the school district. Enter the number and percent for each race/ethnicity and gender. Count each person only once under one category. Use Survey 2 (October, 2013) EEO-5 data.

<table>
<thead>
<tr>
<th>District: Jefferson</th>
<th>2013-14 School District Instructional Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Teachers</td>
<td></td>
</tr>
<tr>
<td>Fall 2013</td>
<td>Total</td>
</tr>
<tr>
<td></td>
<td># &amp; % Black</td>
</tr>
<tr>
<td></td>
<td># &amp; % Hispanic</td>
</tr>
<tr>
<td></td>
<td># &amp; % White</td>
</tr>
<tr>
<td></td>
<td># &amp; % Other</td>
</tr>
<tr>
<td></td>
<td># &amp; % Female</td>
</tr>
<tr>
<td></td>
<td># &amp; % Male</td>
</tr>
<tr>
<td>Student</td>
<td></td>
</tr>
<tr>
<td>Demographics</td>
<td>#957</td>
</tr>
<tr>
<td></td>
<td>#644 (67%)</td>
</tr>
<tr>
<td></td>
<td>#90 (9%)</td>
</tr>
<tr>
<td></td>
<td>#253 (26%)</td>
</tr>
<tr>
<td></td>
<td>#0 (0%)</td>
</tr>
<tr>
<td></td>
<td>#444 (46%)</td>
</tr>
<tr>
<td></td>
<td>#485 (51%)</td>
</tr>
</tbody>
</table>
Single Sex Schools and Classes

(Part VII)

Pregnant and Parenting Students

(Part VIII)

7.105 MARRIED AND PREGNANT STUDENTS; UNWED MOTHERS

Married students, pregnant students, and unwed mothers shall be permitted to remain in school with full rights and responsibilities, in accordance with law. Pregnant students have full access to school counselors and may remain on campus until their last trimester. When and if students are
no longer able to attend class, they are offered homebound services until they are able to return to school. The School Board partners with Martha’s Bouncing Babies, and Little Angel Preschool in order to provide childcare for the parent.

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**GENERAL RANGE OF KNOWLEDGE, SKILLS AND DUTIES OF THE EQUITY OFFICER**

*Please note that this list gives a general idea, but it is not all-inclusive*

- Knowledge of current trends and issues in educational equity, access and civil rights and anti-discrimination laws.
- Ability to research, develop, and apply/implement educational equity policies and procedures.
- Ability to design, develop and present effective training and educational programs to a variety of audiences on the full range of equal educational opportunity and diversity topics.
Ability to design, market and evaluate the effectiveness of programs, methods and strategies geared towards narrowing minority/non-minority educational achievement gaps.

Ability to appropriately handle and resolve discrimination and related complaints through formal and informal processes through counseling, fact finding, investigation, or mediation.

Knowledge of equitable recruiting, hiring and retention policies, procedures and practices.

Ability to facilitate a variety of group discussions, including focus group and brainstorming sessions.

Ability to provide leadership and education to promote a climate conducive to the expansion of diversity.

Ability to generate technical reports, including reports to senior management on equity and diversity projects.

Knowledge of, and ability to work with, a variety of office units, federal and state agencies and other organizations.

Knowledge of how to organize and edit material and reports for publication and dissemination.

Knowledge and skills to reach out to various community members, associations and businesses using a variety of approaches.

Knowledge of, and insight into, the issues involved in fostering an environment that promotes equal access and opportunity for achievement among all members of the campus or school district community.

Ability to make public presentations and customize them to a wide variety of audiences: school boards, PTO, and various members of the community.

Excellent oral, written, interpersonal and customer service skills.

Analytical, problem-solving and decision-making skills.

The Florida Educational Equity Act Section 1000.05, F.S.

Discrimination against students and employees in the Florida K-20 public education system prohibited; equality of access required.

(1) This section may be cited as the "Florida Educational Equity Act."

(2)(a) Discrimination on the basis of race, ethnicity, national origin, gender, disability, or marital status against a student or an employee in the state system of public K-20 education is prohibited. No person in this state shall, on the basis of race, ethnicity, national origin, gender, disability, or marital status, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any public K-20 education program or activity, or in any employment conditions or practices, conducted by a public educational institution that receives or benefits from federal or state financial assistance.
(b) The criteria for admission to a program or course shall not have the effect of restricting access by persons of a particular race, ethnicity, national origin, gender, disability, or marital status.

(c) All public K-20 education classes shall be available to all students without regard to race, ethnicity, national origin, gender, disability, or marital status; however, this is not intended to eliminate the provision of programs designed to meet the needs of students with limited proficiency in English, gifted students, or students with disabilities or programs tailored to students with specialized talents or skills.

(d) Students may be separated by gender for any portion of a class that deals with human reproduction or during participation in bodily contact sports. For the purpose of this section, bodily contact sports include wrestling, boxing, rugby, ice hockey, football, basketball, and other sports in which the purpose or major activity involves bodily contact.

(e) Guidance services, counseling services, and financial assistance services in the state public K-20 education system shall be available to students equally. Guidance and counseling services, materials, and promotional events shall stress access to academic, career and technical opportunities for students without regard to race, ethnicity, national origin, gender, disability, or marital status.

(3)(a) No person shall, on the basis of gender, be excluded from participating in, be denied the benefits of, or be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club, or intramural athletics offered by a public K-20 educational institution; and no public K-20 educational institution shall provide athletics separately on such basis.

(b) Notwithstanding the requirements of paragraph (a), a public K-20 educational institution may operate or sponsor separate teams for members of each gender if the selection for such teams is based upon competitive skill or the activity involved is a bodily contact sport. However, when a public K-20 educational institution operates or sponsors a team in a particular sport for members of one gender but does not operate or sponsor such a team for members of the other gender, and athletic opportunities for that gender have previously been limited, members of the excluded gender must be allowed to try out for the team offered.

(c) This subsection does not prohibit the grouping of students in physical education classes and activities by ability as assessed by objective standards of individual performance developed and applied without regard to gender. However, when use of a single standard of measuring skill or progress in a physical education class has an adverse effect on members of one gender, the educational institution shall use appropriate standards which do not have such effect.

(d) A public K-20 educational institution which operates or sponsors interscholastic, intercollegiate, club, or intramural athletics shall provide equal athletic opportunity for members of both genders. In determining whether equal opportunities are available, the Commissioner of Education shall consider, among other factors:

1. Whether the selection of sports and levels of competition effectively accommodate the interests and abilities of members of both genders.
2. The provision of equipment and supplies.

3. Scheduling of games and practice times.

4. Travel and per diem allowances.

5. Opportunities to receive coaching and academic tutoring.

6. Assignment and compensation of coaches and tutors.

7. Provision of locker room, practice, and competitive facilities.

8. Provision of medical and training facilities and services.

9. Provision of housing and dining facilities and services.

10. Publicity.

Unequal aggregate expenditures for members of each gender or unequal expenditures for male and female teams if a public K-20 educational institution operates or sponsors separate teams do not constitute non-implementation of this subsection, but the Commissioner of Education shall consider the failure to provide necessary funds for teams for one gender in assessing equality of opportunity for members of each gender.

(e) A public K-20 educational institution may provide separate toilet, locker room, and shower facilities on the basis of gender, but such facilities shall be comparable to such facilities provided for students of the other gender.

(4) Educational institutions within the state public K-20 education system shall develop and implement methods and strategies to increase the participation of students of a particular race, ethnicity, national origin, gender, disability, or marital status in programs and courses in which students of that particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented, including, but not limited to, mathematics, science, computer technology, electronics, communications technology, engineering, and career and technical education.

(5) The State Board of Education shall adopt rules to implement this section.

(6) The functions of the Office of Equal Educational Opportunity of the Department of Education shall include, but are not limited to:

(a) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to develop and submit plans for the implementation of this section to the Department of Education.

(b) Conducting periodic reviews of public K-20 educational agencies to determine compliance with this section and, after a finding that an educational agency is not in compliance with this section, notifying the agency of the steps that it must take to attain compliance and performing follow-up monitoring.
(c) Providing technical assistance, including assisting public K-20 educational agencies in identifying unlawful discrimination and instructing them in remedies for correction and prevention of such discrimination and performing follow-up monitoring.

(d) Conducting studies of the effectiveness of methods and strategies designed to increase the participation of students in programs and courses in which students of a particular race, ethnicity, national origin, gender, disability, or marital status have been traditionally underrepresented and monitoring the success of students in such programs or courses, including performing follow-up monitoring.

(e) Requiring all district school boards, community college boards of trustees, and state university boards of trustees to submit data and information necessary to determine compliance with this section. The Commissioner of Education shall prescribe the format and the date for submission of such data and any other educational equity data. If any board does not submit the required compliance data or other required educational equity data by the prescribed date, the commissioner shall notify the board of this fact and, if the board does not take appropriate action to immediately submit the required report, the State Board of Education shall impose monetary sanctions.

(f) Based upon rules of the State Board of Education, developing and implementing enforcement mechanisms with appropriate penalties to ensure that public K-12 schools, and—community colleges, and state universities comply with Title IX of the Education Amendments of 1972 and subsection (3) of this section. However, the State Board of Education may not force an educational agency to conduct, nor penalize an educational agency for not conducting, a program of athletic activity or athletic scholarship for female athletes unless it is an athletic activity approved for women by a recognized association whose purpose is to promote athletics and a conference or league exists to promote interscholastic or intercollegiate competition for women in that athletic activity.

(g) Reporting to the Commissioner of Education any district school board, community college board of trustees, or state university board of trustees found to be out of compliance with rules of the State Board of Education adopted as required by paragraph(f) or paragraph (3)(d). To penalize the board, the State Board of Education shall:

1. Declare the educational agency ineligible for competitive state grants.

2. Notwithstanding the provisions of s. 216.192, direct the Comptroller to withhold general revenue funds sufficient to obtain compliance from the educational agency. The educational agency shall remain ineligible and the funds shall not be paid until the agency comes into compliance or the State Board of Education approves a plan for compliance.

(7) A person aggrieved by a violation of this section or a violation of a rule adopted under this section has a right of action for such equitable relief as the court may determine. The court may also award reasonable attorney’s fees and court costs to a prevailing party.
Effective 01-07-2003

RULES OF DEPARTMENT OF EDUCATION
STATE BOARD OF EDUCATION

CHAPTER 6A-19

EDUCATIONAL EQUITY

6A-19.001 Scope, Coverage and Definitions
6A-19.002 Treatment of Students
6A-19.003 Health Services
6A-19.004 Interscholastic, Intercollegiate, Club and Intramural Athletics
6A-19.005 Student Financial Assistance
6A-19.006 Housing
6A-19.007 Student Employment
6A-19.008 Educational and Work Environment
6A-19.009 Personnel
6A-19.010 Strategies to Overcome Underrepresentation

6A-19.001 Scope, Coverage and Definitions.

Chapter 6A-19, F.A.C., implements Section 1000.05, Florida Statutes, which prohibits discrimination on the basis of race, sex, national origin, marital status or handicap against a student or employee in the state system of public education, as defined in Section 1000.05(1), Florida Statutes. The following definitions shall apply:

(1) Activity. Any organized academic, vocational, athletic, co-curricular or extracurricular pursuit, undertaking or assignment conducted under the authority or direction of an institution within the state system of public education.

(2) Admission. Selection for part-time, full-time, special, associate, transfer, exchange or any other enrollment, participation or matriculation, in or at, an education program or activity.
conducted under the authority or direction of an institution within the state system of public education.

(3) Department. Florida Department of Education.

(4) Discrimination.

(a) Discrimination shall include:

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

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

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

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

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

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

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

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

9. The application of any policy or procedure, or taking of an admission action, that adversely affects a student, or applicant for admission, belonging to a national origin minority group, unnecessarily based on limited-English-language skills;
10. The application of any policy or procedure, or taking of any admission or employment action, that adversely affects a student, employee, applicant for admission, applicant for employment, a group of students, or a group of employees based on their race/ethnic category;

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

(b) Any policy or procedure, or any admission or employment action, which can be shown to be predictive of, or significantly correlated with, essential elements of work behavior or program participation shall not constitute discrimination. See subsections 6A-19.002(2) and 6A-19.009(8), F.A.C.

(c) Efforts or measures developed by institutions to correct patterns of segregation, patterns of nonparticipation or underrepresentation among a race, sex, marital status, national origin or handicap group shall not constitute discrimination. Quotas, however, shall not be used.

(5) Disproportionate Enrollment. The actual enrollment of students of a particular race, sex, national origin or handicap differs from the appropriate pool of potential students, as determined by the governing board, by race, sex, national origin or handicap by more than two standard deviations.

(6) Handicapped Person. Any person who has a physical or mental impairment which substantially limits one or more major life activities; has a record of such an impairment; or is regarded as having such an impairment.

(a) Physical or mental impairment.

1. Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genito-urinary; hemic and lymphatic; skin; and endocrine; or

2. Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(b) Major life activities. Functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

(c) Has a record of such an impairment. Has a history of, or has been incorrectly classified as having, a mental or physical impairment that substantially limits one or more major life activities.

(d) Is regarded as having an impairment.

1. Has a physical or mental impairment that does not substantially limit major life activities but that is treated by an institution as constituting such a limitation;
2. Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others and, therefore, is treated by an institution as having such an impairment.

(7) Institution. An individual school, as defined in Section 1000.05(4), Florida Statutes, or the school district, as the context may require; a community college; a university or any other state-supported entity primarily of an educational nature, e.g., the Florida School for the Deaf and the Blind.

(8) Minority. Any individual belonging to one of the following race/ethnic categories: Black, Not of Hispanic Origin; Hispanic; Asian or Pacific Islander; American Indian or Alaska Native.

(9) Office of Equity and Access. The Department of Education work unit, otherwise known as the Office of Equity and Access, specifically designated to administer the Department’s implementation activities as defined in Section 1000.05(6), Florida Statutes, except to the extent those duties may be delegated by the Commissioner of Education to the Chancellor of the State University System pursuant to Section 1000.05, Florida Statutes.

(10) Qualified Handicapped Person.

(a) With respect to employment, a handicapped person who, with reasonable accommodation, can perform the essential functions of the job in question;

(b) With respect to public preschool, elementary, secondary or adult programs, services and activities, a handicapped person of an age during which nonhandicapped persons are provided services, or of any age during which it is mandatory under federal or Florida law to provide services to handicapped persons;

(c) With respect to postsecondary programs, services and activities, a handicapped person who meets the academic and nonacademic admissions criteria requisite to participation.

(11) Race/Ethnic Categories. A person may be included in the race/ethnic group to which he or she appears to belong, identifies with, or is regarded in the community as belonging. No person shall be included in more than one race/ethnic group. The race/ethnic categories to be used are:

(a) White, Not of Hispanic Origin – All persons having origins in any of the original peoples of Europe, North Africa or the Middle East.

(b) Black, Not of Hispanic Origin – All persons having origins in any of the Black racial groups of Africa.

(c) Hispanic – All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

(d) Asian or Pacific Islander – All persons having origins in any of the original people of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands.
(e) American Indian or Alaska Native – All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

(12) Reasonable Accommodation. Changes in the work environment which allow a qualified handicapped employee to perform the essential tasks of the job if making those changes does not impose an undue hardship on the operation of the institution. Reasonable accommodation may include: making facilities used by employees readily accessible to and usable by handicapped persons, job structuring, part-time or modified work schedules, acquisition or modification of equipment or devices, the provision of readers or interpreters, and other similar actions. In determining whether an accommodation would impose an undue hardship on the operation of an institution’s program, factors to be considered include: the overall size of the institution with respect to number of employees, number and type of facilities, and size of budget; the type of operation, including the composition and structure of the workforce; and the nature and cost of the accommodation needed.

(13) Selection Criteria. Any measure, combination of measures, or procedure used as a basis for any decision on eligibility for admission, for participation in programs, services or activities, or for employment and promotion. Selection criteria include the full range of assessment techniques including course grades; performance tests; paper and pencil tests; training programs; probationary periods; physical, education and work experience requirements; formal or informal interviews; evaluation by prior teachers or employers; and scored or unscored applications.

(14) Student. Any person who is enrolled in any instructional program or activity conducted under the authority or direction of an institution which is a part of the state system of public education.

Specific Authority 1000.05(5), 1001.02 FS. Law Implemented 1000.05, 1001.02(1) FS. History–New 4-17-85, Formerly 6A-19.01.


All guidance, counseling, financial assistance, academic, career and vocational programs, services and activities offered by each institution shall be offered without regard to race, sex, national origin, marital status or handicap. There shall be no discrimination in recreational, athletic, co-curricular or extracurricular activities.

(1) Guidance and Counseling. Each institution shall assure that, in guidance and counseling practices, there is no discrimination on the basis of race, sex, national origin, marital status or handicap. Factors of race, sex, national origin, marital status or handicap shall not be used to encourage or discourage a student’s enrollment in a particular program or participation in a particular activity or to measure or predict a student’s prospects for success in any career, occupation, program, course or activity.

(a) If particular programs or disciplines have disproportionate enrollments of male or female students, minority or nonminority students, or handicapped students, the institution shall examine its policies, procedures and practices to determine whether the disproportion is the result of discriminatory counseling activities.
(b) Qualified handicapped students shall not be counseled toward more restrictive career or academic objectives than nonhandicapped students with similar abilities and interest. This requirement does not preclude the providing of factual information, at the postsecondary level, about licensing or certification requirements that may present obstacles to handicapped persons in their pursuit of particular careers.

(c) Counselors shall communicate with national origin minority students having limited-English-language skills and with students having hearing impairments. This requirement may be satisfied by having interpreters available.

(d) Counseling materials and other publications used by the institution shall not state or imply through text or illustration, that applicants, students or employees are treated differently on the basis of race, sex, national origin, marital status or handicap. This does not prohibit the inclusion of information designed to meet the needs of national origin minority students with limited-English-language skills, handicapped students needing special services or as may be appropriate for affirmative action purposes.

(e) Appraisal instruments selected by the institution shall not discriminate based on race, sex, national origin, marital status or handicap. Counseling tests and instruments, which result in disproportionate enrollment in any course or program, shall be examined by the institution for discrimination in the instrument or in its application. Institutions are not required to conduct additional examination of state-required instruments.

(f) Institutions which use testing or other materials for appraising or counseling students shall not use different materials for students on the basis of sex or use materials which permit or require different treatment of students on this basis unless these different materials cover the same occupations and interest areas and the use of these different materials is shown to be essential to eliminate sex bias.

(g) Promotional efforts, including activities of school officials, counselors, instructional staff, school-related parent groups, school-related community or business groups, shall not be conducted in a manner that states or implies that the institution restricts access to its programs, activities or services on the basis of race, sex, national origin, marital status or handicap. Promotional efforts include, but are not limited to, career awareness activities, open houses, parent programs, shop and laboratory demonstrations, student visitations and summer camps.

(h) Promotional or counseling materials and activities shall not state or imply, through text or illustration, that access to those programs, services or activities is restricted on the basis of race, sex, national origin, marital status or handicap.

(i) Student recruitment activities shall be conducted so as not to exclude or limit opportunities on the basis of race, sex, national origin, marital status or handicap.

(2) Admission to Courses, Programs and Activities. Institutions shall not base admission decisions on race, sex, national origin, marital status or handicap. Special selection criteria for admission within the institution for participation in programs or courses shall be related to program standards or requirements. If it has been empirically demonstrated that a selection criterion which has an adverse impact is predictive of success during the program, course or activity, and that there has been a reasonable search for equally valid criteria which do not have a
disproportionate adverse impact, or if the criterion is required by law, then the criterion shall not be considered discriminatory. Selection criteria for admission, which are in use on the effective date of this rule, shall not be considered discriminatory if demonstrated to be predictive of success within one year from the effective date of this rule.

(a) Race or National Origin. No person, on the basis of race or national origin, shall be excluded from participation in, denied benefits of, or subjected to discrimination in any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Institutions shall not unnecessarily restrict admission to vocational, career or academic programs solely because the applicant, as a member of a national origin minority with limited-English-language skills, cannot participate in and benefit from instruction to the same extent as a student whose primary language is English, except as provided in subsection 6A-19.002(2), F.A.C.

2. If there is a concentration of national origin minority students with limited-English-language skills, as determined by the institution, in particular programs, services or activities, then the institution shall examine its policies, procedures and practices to determine whether the concentration is the result of discrimination at the institution.

(b) Sex or Marital Status. No person, on the basis of sex or marital status, shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity operated under the authority or direction of an institution within the state system of public education.

1. Preference shall not be given to one person over another on the basis of sex by establishing numerical limitations of the number or proportion of persons of either sex. Exempt from this provision are membership practices of YMCA, YWCA, YMHA, YWHA, Girl Scouts, Boy Scouts, Camp Fire Girls, social fraternities and social sororities at institutions of higher education, and the membership practices of voluntary youth service organizations whose membership has traditionally been limited to persons of one sex and principally to persons of less than 19 years of age.

2. Students shall not receive different treatment based on their parental, family or marital status. Students shall not be excluded from any course, program, service or activity because of pregnancy, parental, family or marital status.

3. Participation in any separate program of instruction for pregnant students shall be voluntary on the part of the student. Any such separate program of instruction provided to pregnant students shall be comparable to the regular program of instruction and in no way limit the student’s academic, career, vocational or extracurricular options.

4. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to, but not limited to, requirements for a physician’s certificate to return to the institution, medical and hospital benefits, or policies and procedures of the institution.

5. In determining whether a person satisfies any policy or criterion for admission, or in making any offer of admission, no preadmission inquiry as to the marital or family status of an
applicant for admission, including number of dependents and whether such applicant is “Miss” or “Mrs.”, shall be made.

6. In determining whether a person satisfies any policy or criterion for admission, no rules shall be applied concerning the actual or potential parental, family or marital status of a student or applicant.

(c) Handicap. No qualified handicapped person shall be excluded from participation in, denied benefits of, or subjected to discrimination under any course, program, service or activity, operated under the authority or direction of an institution within the state system of public education solely on the basis of handicap. Each program, service and activity shall be operated so that the program, service or activity, when viewed in its entirety, is readily accessible to handicapped persons.

1. Qualified handicapped persons shall not be denied access to vocational, career or academic programs, courses, services or activities because of architectural or equipment barriers, or because of the need for auxiliary aids or related aids and services. Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. Institutions need not provide attendants, individually prescribed devices, readers for personal use or study, or other devices or services of a personal nature.

2. Access to vocational and academic programs or courses shall not be denied to qualified handicapped students on the basis that employment opportunities in any occupation or profession may be more limited for handicapped persons than for nonhandicapped persons.

3. In administering admissions policies, each institution shall assure that admissions tests are selected and administered so as best to ensure that, when a test is administered to an applicant who has a handicap that impairs sensory, manual or speaking skills, the test results accurately reflect the applicant’s aptitude or achievement level or whatever other factor the test purports to measure, rather than reflecting the applicant’s impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure. Admissions tests that are designed for persons with impaired sensory, manual or speaking skills shall be offered as often, and in as timely a manner, as are other admissions tests. Admissions tests shall be administered in facilities that, on the whole, are accessible to handicapped persons.

4. Institutions shall make such modifications to its academic requirements as are necessary to ensure that they do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by the student, or to any directly related licensing requirement, will not be regarded as discriminatory. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted.

5. Institutions shall not impose upon handicapped students other rules, such as the prohibition of tape recorders in classrooms or of dog guides in campus buildings, that have the effect of
limiting the participation of handicapped students in the institution’s education program or activity.

6. In course or program examinations, or other procedures for evaluating students’ academic achievement in its program, the institution shall provide methods for evaluating the achievement of students who have a handicap that impairs sensory, manual or speaking skills which will ensure that the results of the evaluation represents the student’s achievement in the course or program, rather than reflecting the student’s impaired sensory, manual or speaking skills, except where those skills are the factors that the test purports to measure.

7. A postsecondary institution shall not make preadmission inquiry as to whether an applicant is a handicapped person except when the institution is taking remedial steps to increase the participation of handicapped persons in programs and courses in which handicapped students have been traditionally underrepresented as specified in Section 1000.05(4), Florida Statutes, and under those conditions all written and oral inquiries must make clear that the information requested is intended for use solely in connection with remedial steps; the information is being requested on a voluntary basis; the information will be kept confidential as required by federal law; and that refusal to provide such information will not subject the applicant to any adverse treatment. However, after admission, an institution may make inquiries on a confidential basis as to handicaps that may require accommodation.

8. Nonacademic, co-curricular, extracurricular and physical education services and activities shall be provided in such a manner as is necessary to afford handicapped students an equal opportunity for participation in such services and activities.

9. An institution that offers physical education or that operates or sponsors interscholastic activities, clubs, intercollegiate or intramural athletics shall provide an equal opportunity for participation to qualified handicapped students.

10. Physical education and athletic activities that are separate or different from those offered to nonhandicapped students may be offered only if the institution can show that this is necessary to meet the needs of the handicapped students. Qualified handicapped students shall be provided the opportunity to compete for teams or to participate in physical education courses or activities that are not separate or different.

11. In choosing among available methods to ensure that programs, services and activities are accessible, priority shall be given to those methods that offer programs, services and activities to handicapped persons in the most integrated setting appropriate.

12. Any facilities, services or activities that are identifiable as being for handicapped persons shall be comparable to other facilities, services and activities.

13. Access to information regarding admission to programs, courses and activities shall be provided to handicapped persons.

14. Any activity or program which is not operated by the institution but which is considered a part of, or equivalent to, an institution’s program, shall be operated in a manner which provides equal opportunities to qualified handicapped persons.
6A-19.003 Health Services.

When health services or other related services are provided for students, the services shall be provided in a manner which does not discriminate on the basis of race, sex, national origin, marital status or handicap. Institutions are not required to provide specialized services and aids to handicapped persons in health programs. If, for example, an infirmary treats only simple disorders such as cuts, bruises and colds, its obligation to handicapped persons is to treat such disorders for them.

(1) If health services are provided for students, handicapped students shall be provided the opportunity to participate in the services at no greater cost than to nonhandicapped.

(2) If comprehensive health care services are provided, said services shall be available for maternity or pregnancy related reasons and for handicapped students in the same manner and at the same cost as for other students.

(3) Handicapped students who receive health or other related services need not receive those general health screenings which would be duplicative or less intensive than screenings or evaluations they have already received in the development of their educational plans.

6A-19.004 Interscholastic, Intercollegiate, Club and Intramural Athletics.

The Commissioner shall require that governing boards include all factors identified in Section 1000.05(3), Florida Statutes, in the plans for implementation required of governing boards under subsection 6A-19.010(1), F.A.C., and shall require that those factors be included in the periodic reviews conducted under subsection 6A-19.010(2), F.A.C.

(1) Gender equity in athletics at all levels of public education shall be defined as: Gender equity in athletics is the fair distribution of overall athletic opportunity and resources, substantially proportionate to the enrollment of males and females, so that no student athlete, coach or athletic administrator is discriminated against in an athletic program on the basis of gender.

(2) Accommodation of interest and abilities. The level of participation for male and female students shall be provided in numbers substantially proportionate to their enrollment in the institution.

(a) The level of intercollegiate participation for male and female students shall be provided in numbers substantially proportionate to their undergraduate enrollments. Participation shall include all varsity roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.
(b) Each level of interscholastic participation for male and female students shall be provided in numbers substantially proportionate to their respective enrollments. Participation opportunities shall include all varsity, junior varsity, or freshman roster positions available, but shall not include club or intramural opportunities. When participation is not substantially proportionate, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(c) Where the members of one sex are not, and have not been, substantially proportionate among intercollegiate or interscholastic athletes, the institution may defend the participation rates by showing a history and continuing practice of athletic program expansion which can be demonstrated to be responsive to the developing interests and abilities of that sex. Any defense on this basis shall be included in a correction action plan in compliance with subsection (17) of this rule.

(d) Where the members of one sex are not substantially proportionate among intercollegiate or interscholastic athletes, and the institution cannot show a history and continuing practice of athletic program expansion, the institution may show its commitment to gender equity in athletics if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated. Any demonstration on this basis shall be included in a corrective action plan in compliance with subsection (17) of this rule.

(3) Athletic financial assistance and scholarship. The amount of scholarship money and grants-in-aid made available in intercollegiate varsity sports shall be in substantial proportion to the number of students of each sex participating in athletic programs. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(4) Equipment and supplies. Educational institutions shall ensure equality in the provision of and funding for the equipment and supplies for athletic programs to include: the quality, suitability, amount, maintenance and replacement and availability of equipment and supplies. Disparities in equipment and supplies that cannot be justified by a nondiscriminatory explanation shall be included in a corrective action plan developed in compliance with subsection (17) of this rule.

(5) Scheduling of games and practice times. Educational institutions shall ensure equality in scheduling of games and practice times for athletic programs to include: the number of competitive events per sport, number and length of practice opportunities, time of day competitive events are scheduled, time of day practice opportunities are scheduled, and opportunities for pre-season and post-season competition. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(6) Travel and per diem allowances. Educational institutions shall ensure equality in the provision of and funding for travel and per diem allowances for athletic programs to include: modes of transportation, housing furnished during travel, length of stay before and after competitive events, per diem allowances and dining arrangements. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.
(7) Opportunities to receive coaching. Educational institutions shall ensure equality in the provision of and funding for the opportunities to receive coaching for intercollegiate and interscholastic sports to include: availability, training, experience, professional standing and other professional qualifications of coaches, and compensation of coaches. Disparities that cannot be justified by a nondiscriminatory explanation shall be addressed in a corrective action plan developed in compliance with subsection (17) of this rule.

(a) Athletic administrators and coaches in the same or comparable sports, subject to consideration of factors such as experience, training and success shall be compensated equally regardless of gender or race, while ensuring that male and female athletes receive equal and comparable coaching.

(b) Athletic administrative and coaching opportunities shall be made available to men and women without regard to sex or race. Employment of athletic personnel will exhibit the institutional obligation to equal employment opportunity.

(8) Locker rooms, practice and competitive facilities. Educational institutions shall ensure equality is maintained in the provision of and funding for locker rooms, and practice and competitive facilities for athletic programs to include: quality and availability for the practice facilities and competitive facilities; exclusivity of use of the facilities provided for practice and competitive events; availability and quality of locker rooms; maintenance of practice and competitive facilities; and preparation of facilities for practice and competitive events. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(9) Medical and training facilities and services, including weight training. Educational institutions shall ensure equality in the provision of and funding for medical and training facilities and services, including weight training for athletic programs to include: availability of medical personnel and assistance; health, accident and injury insurance coverage; availability and quality of weight and training facilities; availability and quality of conditioning facilities; and availability and qualifications of athletic trainers. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(10) Publicity and promotion. Educational institutions shall ensure equality in the provision of and funding for publicity and promotion for athletic programs to include: availability and quality of sports information personnel; access to other publicity resources for male and female programs; quantity and quality of publications; and other promotional devices featuring male and female teams. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(11) Support services. Educational institutions shall ensure equality in the provision of and funding for support services for athletic programs to include: the amount and quality of administrative assistance provided to male and female programs, and the amount and quality of clerical assistance provided to the male and female programs. If there are disparities favoring
teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(12) Housing and dining facilities and services. Educational institutions shall ensure equality in the provision of and funding for housing and dining facilities and services for intercollegiate sports to include: housing, special services as part of housing arrangements, and meal plans. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(13) Recruitment of student athletes. Educational institutions shall ensure equality in the provision of and funding for the recruitment of student athletes for intercollegiate sports to include: whether coaches and other professional athletic personnel in the programs serving male and female athletes are provided with substantially equal opportunities to recruit; whether the financial and other resources made available for recruitment in male and female athletic programs are equivalently adequate to meet the needs of each program; and whether the differences in benefits, opportunities, and treatment afforded prospective student athletes of each sex have a limiting effect upon the recruitment of students of either sex. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(14) Recruitment, assignment and compensation of tutors. Educational institutions shall ensure equality in the provision of and funding for the recruitment, assignment and compensation of tutors for athletes to include: amount of time tutors are available for athletes, qualifications and experience of tutors, rates of pay for tutors, and employment conditions of tutors. If there are disparities favoring teams of one sex that are not balanced by disparities favoring teams of the other sex, the institution shall develop a corrective action plan in compliance with subsection (17) of this rule.

(15) Club and intramural sports. The participating opportunities, funding, facilities and other resources available for club and intramural sports shall be substantially proportionate to the respective enrollments of males and females in the educational institution. Where the members of one sex in club or intramural sports are not substantially proportionate to their respective enrollment in the educational institution, the institution may show its commitment to gender equity if it can demonstrate that the interests and abilities of the members of that sex have been fully and effectively accommodated.

(16) Funding for athletic programs. Funding for athletic programs, including revenues from direct support organizations established pursuant to Sections 1001.453, 1004.28, and 1010.22, Florida Statutes, shall be disbursed in a manner that ensures equivalent benefits and services to male and female athletes. Appropriate consideration may be taken of the actual costs and emphasis of particular athletic programs, but no disproportionate funding based upon gender shall exist between the same or similar sports in the overall funding of the entire athletic program.

(17) Institutions shall develop and implement corrective action plans for equity in athletics components described in subsections (2)-(16), of this rule, that are determined to be not in compliance. The corrective action plan shall be developed and submitted consistent with the
standards prescribed in this rule. The corrective action plan may cover a period of up to three (3) years and shall be submitted in the format and on the date prescribed by the Commissioner or the Chancellor of the State University System as appropriate. Information describing format and date of submission is available from the Office of Equity and Access, Department of Education, 325 West Gaines Street, Tallahassee, Florida 32399 or from the Office of Equity and Access, 325 West Gaines Street, The Florida Education Center, Tallahassee, Florida 32399. The corrective action plan shall be updated at least annually and compliance shall be monitored on an annual basis.

(18) The Department shall administer graduated penalties to ensure the enforcement of the athletic requirements of Title IX of the Educational Amendments of 1972 and Section 1000.05, Florida Statutes. Depending on the severity of the violation, penalties shall include the following:

(a) When a corrective action plan is not complete or not submitted in a timely manner, notification of the violation shall be made to the appropriate district or postsecondary administrative staff. If an acceptable corrective action plan is not submitted within thirty (30) days from the date of notification, the Commissioner shall notify the district or postsecondary institution that athletic teams of the particular institution will not be allowed to compete until such time as an acceptable plan is approved.

(b) Depending on the severity of violations of this rule, the Department shall issue a public letter of censure concerning the violation, designate the institution ineligible to participate in championship or post season events or prohibit the institution from participating in one (1) or more sports until the institution has come into compliance or has submitted an acceptable corrective action plan.

(c) If the institution is found out of compliance with no acceptable plan for coming into compliance, the Commissioner, or the Chancellor of the State University System as appropriate, shall implement the requirements of Section 1000.05(6)(g), Florida Statutes, and declare the educational agency ineligible for competitive state grants, and direct the Comptroller to withhold general revenue funds sufficient to obtain compliance.

(d) In cases of implementation of the penalties imposed in Section 1000.05(6)(f), Florida Statutes, the Commissioner shall make available a review mechanism composed of a panel of three (3) people, appointed by the Commissioner, to allow for appeal of the imposed penalty. The panel shall include one (1) representative of the appropriate athletic association, a representative of a district or postsecondary institution not associated with the disputed violation, and one (1) additional person not associated with the disputed violation. Within thirty (30) days, the panel shall review the case and make recommendations to the Commissioner.

Specific Authority 1000.05(5), (6)(g), 1001.02(1) FS. Law Implemented 1000.05(3), (6)(f), (g), 1001.02(1), 1004.65(6)(c), 1006.71 FS. History– New 3-11-85, Formerly 6A-19.04, Amended 10-30-94.

6A-19.005 Student Financial Assistance.

Financial assistance administered in whole, or in part, by the institution in the form of loans, grants, scholarships, fellowships, special funds, services, benefits, waivers of fees, subsidies, compensation for work or prizes to students shall be awarded in a manner that does not
discriminate on the basis of race, sex, national origin, marital status or handicap. This does not preclude awards made to overcome the effects of past discrimination. Institutions shall package financial assistance in such a way that minority students do not receive awards composed primarily of loans or work-study in lieu of scholarships or grants for which they are qualified.

(1) Restricted financial assistance may be administered where the assistance and restriction are established by statute, gift, will, trust, bequest or any similar legal instrument, if the overall effect of all financial assistance awarded by the institution does not discriminate on the basis of race, sex, national origin, marital status or handicap.

(2) Students shall not be discriminated against on the basis of race, sex, national origin, marital status or handicap when making available opportunities in cooperative education, work-study, job placement, apprenticeship programs, teaching assistantships, research assistantships, laboratory assistantships or other work programs for which they are qualified.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), (6)(f), (g), 1001.02(1), 1004.65 FS. History–New 3-11-85, Formerly 6A-19.05.

6A-19.006 Housing.

If housing opportunities are provided, opportunities shall be extended without discrimination based on race, sex, national origin, marital status or handicap. This obligation includes the provision of on-campus housing and the provision of off-campus housing when an institution makes agreements with other providers.

(1) If on-campus or off-campus housing is provided to nonhandicapped students, then comparable, convenient and accessible housing shall be provided, at the same cost and under the same conditions, to handicapped students. Housing opportunities shall be available to handicapped students in sufficient quantity that living accommodations for handicapped students are, as a whole, comparable to those for nonhandicapped students.

(2) Housing provided to students of either sex shall be proportionate in quantity to the number of students of that sex applying for such housing and shall be comparable in quality and cost to the student.

(3) Institutions may designate housing for married students and students with custody of or joint custody of minor children.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), (3), 1001.02(1), 1004.65(6)(c) FS. History–New 3-11-85, Formerly 6A-19.06.
6A-19.007 Student Employment.

All decisions concerning employment and job placement of students under any program or activity shall be made in a manner which ensures that discrimination does not occur based on race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under section 703 of Title VII of the Civil Rights Act of 1964, as amended. Reasonable accommodation shall be provided for qualified handicapped student employees.

(1) Each written agreement for the referral or assignment of students to an employer shall contain an assurance from the employer that students shall be accepted and assigned to jobs, and otherwise treated, without regard to race, sex, national origin, marital status or handicap.

(2) Assistance in making employment available to students shall only be given to agencies, organizations or persons who do not discriminate on the basis of race, sex, national origin, marital status or handicap. Any requests by prospective employers which have the effect of excluding students of a particular race, sex, national origin, marital status or handicap shall not be honored. This does not preclude prospective employers from specifying necessary job skills.

(3) No agreement for the provision or support of apprentice training for students shall be entered with sponsors that discriminate against its members, or applicants for membership, on the basis of race, sex, national origin, marital status or handicap. Each written agreement with a sponsor providing for apprentice training shall contain an assurance from the sponsor that it does not engage in such discrimination against its membership, or applicants for membership, and that apprentice training shall be offered and conducted in a manner free from such discrimination.

(4) Students seeking to participate in any student employment opportunity including, but not limited to, cooperative education, work study, teaching assistant or aide, research assistant or aide, library or laboratory assistant or aide, trainer, tutor, interpreter, service worker, and student assistant, shall not be discriminated against by employers, prospective employers, instructors or staff on the basis of race, sex, national origin, marital status or handicap in recruitment, hiring, placement, assignment to work duties, hours of employment, levels of responsibility or pay.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1001.02(1), 1004.65 FS. History–New 3-11-85, Formerly 6A-19.07.


It is the policy of the State of Florida, and institutions have an affirmative duty, to create an educational and work environment free of harassment on the basis of race, sex, national origin or handicap. An institution is responsible for all acts of harassment regardless whether the institution knew or should have known of the acts if the harassment is committed by a person in a position of authority. If, however, the harassment is between fellow employees, fellow students or by nonemployees, an institution is only responsible if it knew or should have known of the harassment and failed to take corrective action. Harassment includes:

(1) Any slurs, innuendos or other verbal or physical conduct reflecting on an individual’s race, ethnic background, gender or handicapping condition which has the purpose or effect of creating an intimidating, hostile or offensive educational or work environment; has the purpose
or effect of unreasonably interfering with the individual’s work or school performance or participation; or otherwise adversely affects an individual’s employment or educational opportunities.

(2) The denial of or the provision of aid, benefits, grades, rewards, employment, faculty assistance, services, or treatment on the basis of sexual advances or requests for sexual favors.

(3) 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 an individual’s employment or educational career; submission to or rejection of such conduct is used as a basis for educational or employment decisions affecting the individual; or such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile or offensive working or educational environment.

Specific Authority 1000.05(5), 1001.02(1) FS. Law Implemented 1000.05(2), 1001.02(1), 1004.65(2) FS. History—New 3-11-85, Formerly 6A-19.08.

6A-19.009 Personnel.

Equal employment opportunities shall be provided to all applicants and employees without regard to race, sex, national origin, marital status or handicap.

(1) Policies and Practices. Policies, practices and collective bargaining agreements shall not discriminate against an employee, or applicant for employment, on the basis of race, sex, national origin, marital status or handicap. Each governing board shall provide that the cost of providing reasonable accommodation be borne by the governing board, or in the case of state universities by the individual university, rather than by internal subsidiary budgeting units.

(a) Salary policies, employee classification, assignments and other practices shall not discriminate on the basis of race, sex, national origin, marital status or handicap.

(2) Fringe Benefits. All fringe benefits provided under the authority or direction of an institution shall be provided without discrimination on the basis of race, sex, national origin, marital status or handicap.

(3) Pregnancy. Pregnancy and childbirth shall be treated in the same manner as temporary disabilities with respect to all job-related purposes, including commencement, duration and extension of leave, reinstatement, payment of disability income, accrual of seniority, insurance and other fringe benefits provided under the authority or direction of an institution.

(4) Reasonable Accommodation. Reasonable accommodation shall be provided for the known handicaps of a qualified handicapped applicant or employee unless it can be demonstrated that the accommodation would impose an undue hardship on the institution. An institution may not deny employment opportunity to a qualified handicapped employee or applicant if the basis for the denial is the need to make reasonable accommodation to the employee or applicant.
5) Contractual Agreements. Institutions shall not participate in any contractual or other agreements that have the effect of subjecting an applicant or employee to discrimination on the basis of race, sex, national origin, marital status or handicap. Contractual or other agreements shall include, but are not limited to, collective bargaining agreements, insurance contracts, training contracts, research projects and studies, food services and transportation.

6) Recruitment. Recruitment and hiring of employees shall be conducted without discrimination on the basis of race, sex, national origin, marital status or handicap. This shall not affect recruitment, employment and promotion activities conducted under a legally sufficient affirmative action plan adopted by the governing board or institution.

(a) Employment advertisements shall not indicate or imply preference or discrimination based on race, sex, national origin, marital status or handicap.

7) Preemployment Inquiries. Preemployment inquiries shall not solicit information with respect to an applicant’s marital or parental status, or the existence or severity of handicapping conditions.

(a) No preemployment medical examination shall be conducted nor shall any preemployment inquiry be made of an applicant as to whether the applicant is a handicapped person or as to the nature or severity of a handicap. Inquiry into the applicant’s ability to perform job related functions is permissible. Conditioning an offer of employment on the results of a medical examination conducted prior to the employee’s entrance on duty is permissible if all entering employees in the particular job classification are subjected to such an examination.

(b) Preemployment inquiries as to the race and sex of an applicant for employment may be made only if such request is voluntary and only if the results of such inquiry are not used in a discriminatory manner.

(c) No preemployment inquiry regarding marital or family status, including number of dependents or whether an applicant is “Miss” or “Mrs.”, shall be made.

8) Employment Criteria. Selection criteria for employment shall not discriminate against employees or applicants for employment on the basis of race, sex, national origin, marital status or handicap. Selection criteria that relate to standards or requirements of the job may be used. If it can be demonstrated that selection criteria with adverse impact have been validated as essential to the job, and that there has been a reasonable search for equally valid criteria which do not have a disproportionate adverse impact, the criteria shall be considered nondiscriminatory.

(a) Employment tests shall be selected and administered so as to ensure that the test results accurately reflect the applicant’s or employee’s job skills, aptitude, or whatever other factor the test purports to measure, rather than reflecting the applicant’s or employee’s impaired sensory, manual or speaking skills, except where those skills are the factors that the tests purport to measure.

9) Job Classification. Jobs shall not be classified as being for persons of a particular race, sex, national origin, marital status or handicap, except where sex or national origin constitute a bona fide occupational qualification under Section 703 of Title VII of the Civil Rights Act of 1964, as amended.
6A-19.010 Strategies to Overcome Underrepresentation.

(1) Plans for Implementation. Each governing board within the state system of public education shall submit a three (3) year plan, in the format and on the date prescribed by the Commissioner of Education, to the Office of Equity and Access. Plans shall be designed to implement the Florida Educational Equity Act, Section 1000.05, Florida Statutes, and Rules 6A-19.001, .010, F.A.C., and shall be updated annually. The initial three year plan may include the program and employment analyses required by paragraphs 6A-19.010(1)(c), and (d), F.A.C., on a staggered schedule which shall provide for responsible and expeditious implementation. The staggered schedule and the programs, courses, services and activities to be analyzed and included for each of the first three years shall be prescribed by the Commissioner of Education. Priority shall be assigned, however, to mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education, as specified in Sections 1000.05(3) and (4), Florida Statutes. The plans need not be separate documents but may be portions of plans prepared by the governing board for other purposes, including current actions taken to implement judicial orders, if they contain at least the following information.

(a) Description of Plan Development. The plan shall identify, by title and organizational location, the persons involved in the development of the plan; a description of the participation of any advisory groups or persons; and the date of adoption of the plan by the governing board.

(b) Policy and Procedure Review. A description of the process used by the governing board to review policies and procedures used by the institutions under its jurisdiction to assure that all policies and procedures comply with the requirements of Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C., and the conclusions reached.

1. The description of the review shall include a list of topic areas examined, which shall include, but not be limited to: student services, including counseling; financial assistance; student housing; accessibility and comparability of facilities in terms of sex and handicap; selection criteria for admission to the institution and program and course admission requirements by program area or discipline; criteria for participation in and funding of recreational, athletic, cocurricular and extracurricular activities; provision of auxiliary aids and services; transportation; employment policies and practices for staff and students including selection criteria for employment and methodology for providing reasonable accommodation.

2. The description of the review shall summarize conclusions, include plans for appropriate modifications with timelines, identify staff designated to coordinate the plan for modifications, and describe procedures for maintaining compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(c) Program Analyses. Implementation plans shall include a summary of the results of analyses of student participation in programs or disciplines. The plans shall identify those programs or disciplines which have disproportionate enrollment of students of a particular race, sex, handicap, or national origin minority having limited-English-language skills. The governing board shall specify the pool of potential students utilized in calculating disproportionate
enrollment, as defined in subsection 6A-19.001(5), F.A.C., in each program or discipline. It is not expected that these analyses will be conducted at a course level unless the governing board determines that it is necessary for the development of strategies to overcome underrepresentation. The Commissioner of Education may designate selected programs, courses, services and activities for analysis.

1. For those programs or disciplines and those selected programs, courses, services or activities designated by the Commissioner of Education, which are found to have disproportionate enrollment, the institution shall develop and implement methods and strategies to increase the participation of students from those underrepresented groups.

2. The plans of implementation shall summarize the results of the analyses of student participation and identify the methods and strategies, including goals adopted by the governing board, and timetables for the implementation of those strategies to increase student participation.

(d) Employment Analyses. Implementation plans shall include a summary of the analyses of employment data by race and sex. Particular attention shall be given to employment patterns in mathematics, science, computer technology, electronics, communications technology, engineering, athletics and vocational education.

1. Plans for implementation shall summarize the results of the employment analyses and describe methods and strategies to increase employment of persons from underrepresented groups.

(e) The annual updates to the implementation plans shall include all modifications, additions, or deletions to the current three year plan for implementation and shall include an evaluation of each of the methods and strategies developed to increase student participation or employment of individuals from underrepresented groups.

(f) Regular Notification. The implementation plan shall include a copy of the policy of nondiscrimination adopted by the governing board and a description of the procedures utilized to regularly notify staff, students, applicants for employment and admission, parents, collective bargaining units and the general public of this policy.

(g) Equity Coordinator. The implementation plan shall identify the person(s), by name and title, designated to coordinate the institution’s compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C. The identity of the Equity Coordinator shall be included in the regular notification of the policy of nondiscrimination.

(h) Grievance or Complaint Procedures. The implementation plan shall include a copy of the grievance or complaint procedures for use by students, applicants, and employees who allege discrimination.

1. Procedure(s) shall be available to all students and their parents, employees, and applicants for admission or employment.

2. Notification of these procedures shall be placed in prominent and common information sources.
3. Procedure(s) shall be designed to encourage prompt and equitable resolution of student, employee and applicant complaints but shall not prohibit individuals from seeking redress from other available sources.

(i) Plans and annual updates submitted by district school boards shall include all schools; vocational, adult and community education centers; vocational skills centers; and special education schools, centers or annexes operated by the board. The program analyses and employment analyses portions of the plan shall include school level and district level data.

(j) Plans and annual updates submitted by the Board of Regents shall include a plan for each university. Each university plan shall include all colleges, schools, campuses, annexes, centers, research centers and service centers operated under the authority or direction of the university.

(k) Plans and annual updates submitted by the community college boards of trustees shall include all departments, campuses, annexes and centers operated under the authority or direction of the board of trustees.

(l) The plan and annual updates submitted by the Board of Trustees of the Florida School for the Deaf and the Blind shall include all departments, units and schools operated under the jurisdiction of the Board of Trustees of the Florida School for the Deaf and the Blind.

(2) Periodic Reviews. The Office of Equity and Access of the Department of Education shall plan, coordinate and direct or conduct periodic reviews of public education institutions to determine compliance with Section 1000.05, Florida Statutes, and Rules 6A-19.001-.010, F.A.C.

(a) The Division of Public Schools, the Division of Applied Technology and Adult Education, the Division of Community Colleges and the Division of Universities shall submit to the Commissioner of Education through the Office of Equity and Access on September 1, 1985, procedures for including the appropriate provisions of Section 1000.05, Florida Statutes, in each of its regularly scheduled program review activities which shall be subject to approval by the Commissioner of Education. Any revisions or updates to those procedures shall be submitted to the Commissioner of Education for review prior to September 1 each year. Following each program review, a summary of all findings pertinent to determining compliance with Section 1000.05, Florida Statutes, shall be transmitted to the Commissioner of Education through the Office of Equity and Access.

(b) State Level Review. The Office of Equity and Access shall conduct a state level review of a sampling of the public educational entities, including school districts, community colleges, universities and the Florida School for the Deaf and the Blind.

(c) On-Site Review. The Office of Equity and Access shall conduct annual on-site reviews of a sampling of the public educational entities which participated in state level reviews during the previous twelve months under the provision of paragraph 6A-19.010(2)(b), F.A.C. Written notice of on-site reviews shall be provided to presidents and superintendents at least ten (10) working days prior to the review.

(3) Technical Assistance. The Department shall have responsibility for providing technical assistance for compliance with Section 1000.05, Florida Statutes. Technical assistance materials
and services shall be provided to assist in the development, modification and monitoring of the plans for implementation described in Rule 6A-19.010, F.A.C.

(4) Studies of Effectiveness. The Office of Equity and Access shall analyze data and evaluation information to identify common elements of policies, practices, procedures and implementation strategies which contribute to, or present barriers to, the effectiveness of methods and strategies designed to increase participation of students in programs and courses in which students of a particular race, sex, national origin, marital status or handicap have been traditionally underrepresented. As common elements are identified, the Office of Equity and Access shall recommend studies to the Commissioner of Education for statewide evaluation and review.

Specific Authority 1000.05(5), 1001.05(1) FS. Law Implemented 1000.05(3), (4), (6), 1001.02(1), 1004.65 FS. History–New 3-11-85, Formerly 6A-19.10.
PART 108—EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES FOR THE BOY SCOUTS OF AMERICA AND OTHER DESIGNATED YOUTH GROUPS

Sec. 108.1 Purpose.

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

Sec. 108.2 Applicability.

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

Sec. 108.3 Definitions.

The following definitions apply to this part:


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

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

(d) Department means the Department of Education.

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


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

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

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


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

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


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

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

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

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

Sec. 108.4 Effect of State or local law.

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

Sec. 108.5 Compliance obligations.

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

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

Sec. 108.6 Equal access.

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

(b) Specific requirements. (1) Meetings. Any group officially affiliated with the Boy Scouts or officially affiliated with any other Title 36 youth group that requests to conduct a meeting in the covered entity's designated open forum or limited public forum must be given equal access to school premises or facilities to conduct meetings.

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

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

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

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

Sec. 108.7 Voluntary sponsorship

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

Sec. 108.8 Assurances.

An applicant for funds made available through the Department to which this part applies must submit an assurance that the applicant will comply with the Act and this part. The assurance shall be in effect for the period during which funds made available through the Department are extended. The Department specifies the form of the assurance, including the extent to which assurances will be required concerning the compliance obligations of subgrantees, contractors and subcontractors, and other participants, and provisions that give the United States a right to seek its judicial enforcement. An applicant may incorporate this assurance by reference in subsequent applications to the Department.

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

Sec. 108.9 Procedures.

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

Teenage Parent Programs, Section 1003.54, Florida Statutes

(1) Each district school board shall maintain a teenage parent program.

(2) “Teenage parent programs” means educational programs designed to provide a specialized curriculum to meet the needs of students who are pregnant or students who are mothers or fathers and the children of the students.

(3)(a) The program shall provide pregnant students or students who are parents and the children of these students with a comprehensive teenage parent program. The program shall provide pregnant students or students who are parents with the option of participating in regular classroom activities or enrolling in a special program designed to meet their needs pursuant to s. 1003.21. Students participating in teenage parent programs shall be exempt from minimum attendance requirements for absences related to pregnancy or parenting, but shall be required to make up work missed due to absence.

(b) The curriculum shall include instruction in such topics as prenatal and postnatal health care, parenting skills, benefits of sexual abstinence, and consequences of subsequent pregnancies. Parenting skills should include instruction in the stages of child growth and development, methods for aiding in the intellectual, language, physical, and social development of children, and guidance on constructive play activities.

(c) Provision for necessary child care, health care, social services, parent education, and transportation shall be ancillary service components of teenage parent programs. Ancillary services may be provided through the coordination of existing programs and services and through joint agreements between district school boards and early learning coalitions or other appropriate public and private providers.

(d) The district school board shall make adequate provisions for pregnant and parenting teenagers to complete the coursework necessary to earn a high school diploma.

(e) Children enrolled in child care provided by the district shall be funded at the special program cost factor pursuant to s. 1011.62 if the parent or parents are enrolled full time in a public school in the district.

(4) Districts may modify courses listed in the State Course Code Directory for the purpose of providing teenage parent programs pursuant to the provisions of this section. Such modifications must be approved by the commissioner and may include lengthening or shortening of the school time allotted for in-class study, alternate methods of assessment of student performance, and the integration of curriculum frameworks or student performance standards to produce interdisciplinary units of instruction.
(5) The State Board of Education shall adopt rules necessary to implement the provisions of this section.

History.—s. 148, ch. 2002-387; s. 14, ch. 2004-484.
Dear Colleague Letter:

Athletic Activities Counted for Title IX Compliance

OFFICE OF THE ASSISTANT SECRETARY

The Office for Civil Rights in the United States Department of Education issues this guidance to provide State educational agencies, local educational agencies, and postsecondary institutions with information to ensure that male and female students are provided equal opportunities to participate in intercollegiate and interscholastic athletics programs consistent with Title IX of the Education Amendments of 1972, 20 U.S.C §§ 1681 et seq., and its implementing regulations (34 C.F.R. Part 106).

This guidance represents the Department’s current thinking on this topic. It does not create or confer any rights for or on any person. This guidance does not impose any requirements beyond those required under applicable law and regulations.

If you are interested in commenting on this guidance, please email us your comment at OCR@ed.gov or write to us at the following address: Assistant Secretary for Civil Rights, 400 Maryland Avenue, SW, Potomac Center Plaza, Washington, DC 20202-1100.

September 17, 2008

Dear Colleague:

On behalf of the Office for Civil Rights (OCR) of the United States Department of Education, I am writing to provide technical assistance regarding your compliance with Title IX of the Education Amendments of 1972 (Title IX), 20U.S.C. §§ 1681 et seq. Specifically, this letter provides clarifying information to help institutions determine which intercollegiate or interscholastic athletic activities can be counted for the purpose of Title IX compliance; it does not represent a change in OCR’s policy under Title IX.

As you are aware, Title IX prohibits discrimination on the basis of sex in education programs and activities by recipients of Federal financial assistance. The Title IX regulations governing athletics state, in relevant part:

No person shall, on the basis of sex, be excluded from participation in, be denied the benefits of, be treated differently from another person or otherwise be discriminated against in any interscholastic, intercollegiate, club or intramural athletics offered by a recipient…

34 C.F.R. § 106.41(a). In particular, the regulations require institutions to “provide equal athletic opportunity for members of both sexes.” 34 C.F.R. § 106.41(c).

When OCR conducts an investigation to determine whether an institution provides equal athletic opportunities as required by the Title IX regulations, OCR evaluates the opportunities provided by the institution’s intercollegiate or interscholastic “sports.” OCR does not have a specific definition of the term “sport.” Instead, OCR considers several factors related to an activity’s structure, administration, team preparation and competition, which are identified below, when
determining whether an activity is a sport that can be counted as part of an institution’s intercollegiate or interscholastic athletics program for the purpose of determining compliance with 34 C.F.R. § 106.41(c).

Many institutions are members of intercollegiate athletic organizations, such as the National Collegiate Athletic Association and the National Association of Intercollegiate Athletics, or state high school associations that have organizational requirements, which address the factors identified by OCR. When the organizational requirements satisfy these factors and compliance with the requirements is not discretionary, OCR will presume that such an institution’s established sports can be counted under Title IX. This presumption can be rebutted by evidence demonstrating that the institution is not offering the activity in a manner that satisfies the factors below.

When the presumption does not apply or has been rebutted effectively, OCR will evaluate an institution’s activity on a case-by-case basis. In such an evaluation, OCR will consider the factors below to make an overall determination of whether the activity can be considered part of the institution’s intercollegiate or interscholastic athletics program for the purpose of Title IX compliance.

If, after reviewing the factors in their entirety, OCR determines that an activity should not be counted under Title IX, an institution may ask OCR to reconsider its initial determination and may provide OCR with other evidence related to the activity’s structure, administration, team preparation and competition. This approach affords recipients the flexibility to create athletics programs that are responsive to the specific interests and abilities of their particular student bodies.

In its case-by-case evaluation of whether an activity can be counted as an intercollegiate or interscholastic sport for the purpose of Title IX compliance, OCR will consider all of the following factors:

I. **PROGRAM STRUCTURE AND ADMINISTRATION** — Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the activity is structured and administered in a manner consistent with established intercollegiate or interscholastic varsity sports in the institution’s athletics program, including:

A. Whether the operating budget, support services (including academic, sports medicine and strength and conditioning support) and coaching staff are administered by the athletics department or another entity, and are provided in a manner consistent with established varsity sports; and

B. Whether the participants in the activity are eligible to receive athletic scholarships and athletic awards (e.g., varsity awards) if available to athletes in established varsity sports; to the extent that an institution recruits participants in its athletics program, whether participants in the activity are recruited in a manner consistent with established varsity sports.

II. **TEAM PREPARATION AND COMPETITION** — Taking into account the unique aspects inherent in the nature and basic operation of specific sports, OCR considers whether the team prepares for and engages in competition in a manner consistent with established varsity sports in the institution’s intercollegiate or interscholastic athletics program, including:
A. Whether the practice opportunities (e.g., number, length and quality) are available in a manner consistent with established varsity sports in the institution’s athletics program; and

B. Whether the regular season competitive opportunities differ quantitatively and/or qualitatively from established varsity sports; whether the team competes against intercollegiate or interscholastic varsity opponents in a manner consistent with established varsity sports;

When analyzing this factor, the following may be taken into consideration:

1. Whether the number of competitions and length of play are predetermined by a governing athletics organization, an athletic conference, or a consortium of institutions;

2. Whether the competitive schedule reflects the abilities of the team; and

3. Whether the activity has a defined season; whether the season is determined by a governing athletics organization, an athletic conference, or a consortium.

C. If pre-season and/or post-season competition exists for the activity, whether the activity provides an opportunity for student athletes to engage in the pre-season and/or post-season competition in a manner consistent with established varsity sports; for example, whether state, national and/or conference championships exist for the activity; and

D. Whether the primary purpose of the activity is to provide athletic competition at the intercollegiate or interscholastic varsity levels rather than to support or promote other athletic activities.

When analyzing this factor, the following may be taken into consideration:

1. Whether the activity is governed by a specific set of rules of play adopted by a state, national, or conference organization and/or consistent with established varsity sports, which include objective, standardized criteria by which competition must be judged;

2. Whether resources for the activity (e.g., practice and competition schedules, coaching staff) are based on the competitive needs of the team;

3. If post-season competition opportunities are available, whether participation in post-season competition is dependent on or related to regular season results in a manner consistent with established varsity sports; and

4. Whether the selection of teams/participants is based on factors related primarily to athletic ability.
Please keep in mind that OCR’s determinations based on these factors are fact-specific. Therefore, determinations may vary depending on a school district or postsecondary institution’s athletics program, the nature of the particular activity, and the circumstances under which it is conducted.

It is OCR’s policy to encourage compliance with the Title IX athletics regulations in a flexible manner that expands, rather than limits, student athletic opportunities. By disseminating this list of factors, OCR intends to provide institutions with information to include new sports in their athletics programs, such as those athletic activities not yet recognized by governing athletics organizations and those featured at the Olympic games, if they so choose. Expanding interscholastic and intercollegiate competitive athletic opportunities through new sports can benefit students by creating and stimulating student interest in athletics, taking advantage of athletic opportunities specific to a particular competitive region, and providing the opportunity for access to a wide array of competitive athletic activities.

OCR remains available to provide technical assistance on this issue to recipients on a case-by-case basis. If you have further questions regarding the application of Title IX to athletics programs, or seek technical assistance, please contact the OCR enforcement office serving your state or territory. Contact information for these offices is available on the Department’s website at http://wdcrobcollp01.ed.gov/CFAPPS/OCR/contactus.cfm.

Thank you for your attention to these matters and your continued efforts to ensure equal athletic opportunities for all of our nation’s students.

Sincerely,

Stephanie Monroe
Assistant Secretary for Civil Rights