

# School District of Lee County Civil Rights and Equity Guide



## School District of Lee County Non-Discrimination Statement

The School Board of Lee County, Florida does not discriminate nor tolerate discrimination on the basis of race (including anti-Semitism), color, ethnicity, national origin, sex, sexual orientation, gender identification, gender expression, disability (physical or mental), pregnancy, marital status, age (except as authorized by law), religion, military status, socioeconomic status, linguistic preference, genetic information, ancestry, or any other reason protected under applicable federal, state, or local law in the provision of educational programs, activities or employment policies as required by Title II, Title VI, and Title VII Civil Rights Act of 1964 including, Title IX of the United States Education Amendments of 1972, Age Discrimination in Employment Act of 1967 (ADEA), Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, Florida Civil Rights Act of 1992, Genetic Information Nondiscrimination Act of 2008, Americans with Disabilities Act of 1990 (ADA) and the Amendment Act of 2008 (ADAAA), and the Florida Educational Equity Act of 1984. The School Board also provides equal access of its facilities to youth groups, as required by the Boy Scouts of America Equal Access Act.

– School Board of Lee County Policy 1122

**Civil Rights Defined** - Civil rights guarantee the equal protection of the law for all regardless of personal characteristics.

**Equity Defined** - Equity ensures appropriate access to and participation in educational and employment programs. Individuals may need accommodations or suitable alternatives to ensure equity.

**Students' Rights** - The School District of Lee County recognizes the rights of all students in educational programs and activities. See [Student Rights](#)

**Parental Rights** - The School District of Lee County recognizes the rights of parents to direct the education and moral upbringing of their child(ren). See [Parents Bill of Rights \(F.S. 1014\)](#); [Parental Rights in Education, School District Responsibilities, F.S. 1001.42 \(HB 1557\)](#)

## **TITLE II**

The Civil Rights Division of the Department of Justice is dedicated to making sure that places of public accommodation do not discriminate against people because of their race, color, religion, or national origin. The law that bans this discrimination is called “Title II of the Civil Rights Act of 1964”. This law is sometimes called “Title II.”

Title II	Educational Application
<b>Religious Expression</b>	Students may express their religious beliefs in their speech/writing and class assignments. Assignments will be graded according to the standards of the curriculum.
<b>Religious Texts</b>	Students may bring personal religious texts to school and read them during non-instructional time (e.g., lunch, after tests/assignments are completed). Staff may follow the same procedures during non-duty time (e.g., lunch, breaks).
<b>Prayer/Religious Practice</b>	<p>Personal prayer/practice and/or student-sponsored group prayer/practice may take place during non-instructional time (e.g., rally-at-the-flagpole, student club meeting, bible study, etc.).</p> <p>Staff may observe prayer/practice and may take part in religious activities during non-duty time (lunch, before/after assigned duties). This includes staff or student-led activities. [See Title II forms: club processes, club permission form]</p>
<b>Religious Attire</b>	Students and staff may wear clothing, head coverings, and/or jewelry that expresses their religious customs/beliefs. Students must follow the dress code of the Student Code of Conduct. In schools with uniforms, students may request a waiver due to religious requirements. [See Title II forms: dress code waiver form]
<b>Religious Holidays/ Instruction</b>	Student absences for religious instruction and/or religious holidays will be excused per School Board policy.

**Title II Legal References**

- [Title II Full Text](#)
- [SDLC Policy 8805](#)
- [USDOE Guidance on Constitutionally Protected Prayer and Religious Expression](#)

**Title II Forms and Resources**

- [Club Process Document](#)
- [Club Participation Form](#)
- [Dress Code Waiver Form](#)
- [Complaint Process](#)

**TITLE VI**

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance, which includes all public schools (traditional schools, charter schools, and contracted programs).

Title VI	Educational Application
<b>Ethnic Heritage/ Cultural Attire</b>	Students may wear clothing, head coverings, and/or jewelry of their ethnic heritage/culture that follows the dress code of the Student Code of Conduct. If a student is at a school with a uniform policy, they must follow that policy.
<b>Hairstyle</b>	Students may wear their hair in an ethnic heritage/cultural style and/or in a natural style.
<b>Native Language/Dialect</b>	Students may speak or write in any language/dialect when not engaged in instruction or school/work activities that require Standard English.
<b>Assistance in Learning English</b>	Services are provided to students qualifying as English Language Learners (ELL). Staff can access classes through adult education.
<b>Discipline</b>	For students, any necessary disciplinary action should be applied in accordance with the Student Code of Conduct without regard to an individual’s race, color or, national origin.

**Title VI Legal References**

- [Title VI Full Text](#)

**Title VI Resources**

- [Complaint Process](#)

**TITLE VII**

Title VII of the Civil Rights Act states that it is against the law to discriminate in employment based upon race, color, national origin, sex (including pregnancy, sexual orientation, and gender identity), and/or religion.

Title VII	Educational Application
<b>Hiring/Firing and Promotions</b>	An employee cannot be hired, fired, promoted, or not promoted, or disciplined due to race, color, national origin, sex (including pregnancy and sexual orientation), and/or religion.
<b>Classroom/Office Spaces and Personal Items</b>  <b>Bishop v. Aronov, 926 F.2d 1066 (11th Cir. 1991)</b>	<p>Classroom and office spaces should be neutral and should not include items that promote one political or religious viewpoint over another. Discussion or displays of controversial issues (topics on which opposing points of view have been promulgated by responsible opinion or are likely to arouse both support and opposition in the community) should be in compliance with Board Policy 2240.</p> <p>Student-led clubs may display images consistent with the purpose of the club during meetings (e.g., 4-H Flag at a 4-H meeting).</p> <p>Employees may have <b>small</b> personal items in the work area designated for their personal use (e.g., a small family photo on your desk, coffee mug, figurine). All items must be in compliance with School Board Policies.</p>
<b>Legal Change of Name or Gender Identity</b>	Staff in the process of establishing a legal change of gender identity and/or name may submit the appropriate court documentation to Human Resources.
<b>Hairstyle</b>	Staff may wear their hair in an ethnic heritage/cultural style and/or in a natural style.
<b>Ethnic Heritage/ Cultural Attire</b>	Staff may wear clothing, head coverings, and/or jewelry of their ethnic heritage/culture that follows personnel handbook expectations.
<b>Native Language/Dialect</b>	Staff may speak or write in any language/dialect when not engaged in a work activity that requires Standard English.
<b>Discipline</b>	For staff, any necessary disciplinary action should be applied in accordance with law and Board Policy without regard to an individual's race, color, or national origin.

<b>Email Signature Line</b>	Staff will adhere to the district’s requirements for email signature lines, including appropriate branding (district/school). Employees may add insignia of work-related certifications, roles, etc. The addition of non-work related elements such as insignia, pictures, and/or quotes is prohibited.
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**Title VII Legal Reference**

- [Title VII Full Text](#)
- [School Board Policy 2240](#)

**Title VII Resources**

- [Complaint Process](#)

**TITLE IX**

Title IX states that no person shall, on the basis of sex (including sexual orientation and gender expression), be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any academic, extracurricular, research, occupational training, or other education program or activity operated by a recipient which receives federal financial assistance.

<b>Title IX</b>	<b>Educational Application</b>
<b>Bullying/Harassment/ Sexual Harassment</b>	<p>Sexual Harassment or Gender-Based Harassment (including when based on a person’s real or perceived sex and/or sexual orientation) is investigated under Title IX for students and staff.</p> <p>For non-sex-based bullying/harassment, the District will utilize the process aligned with Board Policy 5517.01.</p> <p>A reported incident investigated under Title IX or Bullying/Harassment includes the provision of the <a href="#">Hope Scholarship</a> for the student subjected to the incident.</p>

<p><b>Names and Pronouns (in compliance with Florida Statute 1000.071)</b></p>	<p>School staff will use the student's name identified in FOCUS. A nickname/affirmed name may be used with the submission of a nickname/affirmed name form signed by the parent. Students who are 18 or older do not require a parent's signature.</p> <p>School staff will be addressed by their legal name. Use of a nickname that is a generally accepted derivative of the first or middle name (e.g., Chuck for Charles, Peggy for Margaret) is allowable.</p> <p>Employees, contractors, or students cannot be required to refer to another person using that person's preferred personal title or pronouns if such personal title or pronouns do not correspond to that person's sex.</p> <p>Employees and contractors are prohibited from providing students his or her preferred personal title or pronouns if such preferred personal title or pronouns do not correspond to his or her sex. Further, employees and contractors are prohibited from asking students to provide their preferred personal title or pronouns. (1000.071 F.S.)</p> <p>Nothing in this guide should be construed to limit a student's ability to exercise their First Amendment right to free speech within the confines of the law.</p>
<p><b>Official Documents</b></p>	<p>Schools will only change official student records with official documentation from a Florida court.</p> <p>To use a name that a student chooses (affirmed name) that has not been legally changed (e.g., yearbook, graduation), the parent, student, and school shall establish a gender support plan that includes specific accommodations.</p> <p>Unofficial use of a nickname that is not a generally accepted derivative of the first or middle name (e.g., Chuck for Charles, Peggy for Margaret) requires the use of the nickname form or gender-affirming name form with a parent signature. Students who are 18 or older do not require a parent's signature.</p>

<p><b>Sharing Information Regarding Sexuality</b></p>	<p>Students can be open about their sexual orientation. If a student requests an accommodation based on their sexual orientation, the student will be referred to the school counselor. The school counselor will let the student know that they are required to involve the parent and will work with the student through that process. In addition, when there is a change in the student’s services or monitoring, parents will be notified.</p>
<p><b>Gay Straight Alliance/ Gender Sexuality Alliance (GSA) Clubs at School</b></p>	<p>Schools will permit students to form GSA (or similar) clubs using the club process form. These clubs must have the same access to facilities, resources, and opportunities to advertise as any other club. Information about specific clubs can be found on the school’s website.</p>
<p><b>Privacy</b></p>	<p>School personnel will not disclose any information about a student’s sexual orientation or questions they may have about their sexual orientation to third parties unless the student is requesting accommodations or it is absolutely necessary (e.g., mental health, emotional, physical health or well-being, a Title IX investigation where disclosure is required), or otherwise required by law (e.g., abuse, neglect, abandonment under Chapter 39, Florida Statutes).</p>
<p><b>Restrooms/ Locker Room (in compliance with Florida Statute 553.865)</b></p>	<p>In alignment with the memorandum issued by the Florida Commissioner of Education on July 28, 2022, students requesting gender-specific restroom/locker room access will be provided a gender-neutral (single stall/private) option on a case-by-case basis. The District will follow all applicable laws, regulations, and FLDOE guidance on this issue. <b>Effective July 1, 2023, the Safety in Private Spaces Act (553.865 F.S.) introduces penalties for people using a public restroom or changing facility not aligned with their sex assigned at birth.</b></p>
<p><b>Athletics (in compliance with Florida Statute 1006.205)</b></p>	<p>The District is required to provide equitable access to athletic programs (e.g., if football is available for boys, access to a comparable program must be provided to girls). The School District of Lee County follows state law and Florida High School Athletics Association (FHSA) rules in regard to athletic participation. [See Title IX Legal References: FHSA Handbook policy 16.8] Per Fl. Stat. 1006.205, athletic teams or sports designated for</p>

	females, women, or girls may not be open to students of the male sex (as designated by their birth certificate).
<b>Attire</b>	Schools will allow all students to wear clothing that follows the dress code policy regardless of gender.
<b>Prom/ Dances</b>	Schools will allow same-sex couples to attend school-sponsored proms and dances. Schools will allow students to wear clothing that follows the dress code policy (e.g., tuxedos or dresses are permitted for any student). Students desiring to run for prom king or queen, when not consistent with their birth sex, must have an active gender support plan signed by a parent.
<b>Grouping of Students</b>	When grouping students by gender for school activities, students should be grouped according to their gender in FOCUS unless they have a gender support plan signed by a parent. Teachers are encouraged to use alternate methods of grouping in classrooms when possible (e.g., alphabetical, birth month). Note: Specific groupings for topics like puberty will be determined by the parent and student. Parents have the right to opt out of this instruction using the <i>Opt-Out for Health Instruction Form</i> .
<b>Overnight Field Trips (in compliance with Florida Board Rule 6A-10.085)</b>	The parent permission forms for field trips include a section that states: <i>Room assignments for overnight lodging are separated by biological sex at birth. Individual accommodations/modifications may be made on a case-by-case basis.</i> Because of the complexities of field trips, each situation will be reviewed by school and central office administration. The District will follow all applicable laws, regulations, and FLDOE guidance. ( <i>FLDOE 6A-10.085</i> )
<b>Discipline</b>	For students, any necessary disciplinary action should be applied in accordance with the Student Code of Conduct and not based on an individual’s sexual orientation or gender expression.  For employees, disciplinary action should be applied in accordance with Board policies, applicable statutes, and the Professional Code of Conduct and not based on an individual’s sexual orientation or gender expression.

**Title IX Legal References**

- [Title IX Full Text](#)
- [Fairness in Women's Sports Act \(F.S. 1006.205\)](#)
- [Maternal and Infant Health Care \(Breastfeeding\) F.S. 383.015](#)
- [FLDOE 6A-10.085](#) and [Parent Field Trip Permission](#)
- [1000.071 F.S.](#)
- [553.865 F.S.](#)

**Title IX Forms and Resources**

- [Gender Support Plan](#)
- [Gender Affirming Name Form](#)
- [Nickname Request Form](#)
- [Opt-out of Health Instruction](#)
- [Club Participation Form](#)
- [Complaint Process](#)
- [Title IX Reference Form](#)

**Note:** Refer to [School Board Policy 5517](#) for additional information regarding discriminatory harassment.

**Americans With Disabilities Act (ADA)/ Section 504/ Individuals with Disabilities Education Act (IDEA)**

Together, these three federal laws provide equity for persons with disabilities. ADA is a broad law requiring accommodations to public facilities and activities to ensure that persons with disabilities are provided equitable access. Section 504 is more specific to qualifying students with disabilities in educational programs receiving federal funds. IDEA is even more specific to qualifying students with disabilities that require specialized instruction and services.

<b>ADA</b>	<b>Educational Application</b>
<b>Campus Access</b>	Persons with disabilities are provided reasonable accommodations to access district facilities, including school campuses, playgrounds, school transportation, and district buildings.
<b>Employment/Contractor</b>	Persons with disabilities employed/contracted by the District may request and may be provided reasonable accommodations as needed in their work/contract role. [See ADA/504/IDEA
<b>Communication Assistance</b>	Persons with disabilities are provided reasonable accommodations to participate in activities related to a student’s education (e.g., parent meetings, school events, and district/school communication).  All District communication should be ADA compliant.
<b>Section 504</b>	<b>Educational Application</b>
<b>Free and Appropriate Public Education</b>	Students with disabilities that qualify under Section 504 are provided access to educational programs that receive federal funds.
<b>Accommodations</b>	Students with a 504 plan may be provided reasonable accommodations to ensure equitable access similar to non-disabled peers.
<b>Due Process</b>	Eligible students and their families are provided due process rights under Section 504 to ensure equitable access to their education. [See Forms: Parent’s Notice of Rights]

<b>IDEA</b>	<b>Educational Application</b>
<b>Free and Appropriate Public Education</b>	Students with disabilities who qualify under IDEA are provided access to educational programs that receive federal funds.
<b>Accommodations</b>	Eligible students are provided reasonable accommodations to ensure equitable access, similar to non-disabled peers.



<p><b>Specialized Instruction &amp; Related Services</b></p>	<p>Eligible students are provided specialized instruction and/or related services (e.g., Speech and Language Therapy, Occupational Therapy, Physical Therapy, etc.) in the least restrictive environment, according to their educational needs.</p>
<p><b>Due Process</b></p>	<p>Eligible students and their families are provided due process rights under IDEA to ensure equitable access to their education. [See Forms: IDEA Procedural Safeguards].</p>

**Legal References**

- **ADA:** [Americans with Disabilities Act \(ADA\) Full Text](#)
- **504:** [Section 504 of the Rehabilitation Act, 1973 Full Text](#)
- **IDEA:** [Individuals with Disabilities Education Act Full Text](#)

**Forms and Resources**

- **504:** [504 Parents' Notice of Rights](#)
- **IDEA:** [IDEA Procedural Safeguards](#)
- [Complaint Process](#)

**AGE DISCRIMINATION ACT**

The Age Discrimination Act protects individuals from discrimination due to their age or age group. It is illegal for a person to discriminate against another person based on age and this act protects those age 40 and older from workplace discrimination.

**Age Discrimination Legal Resource**

- [Age Discrimination Act Full Text](#)

**GENETIC INFORMATION NON-DISCRIMINATION (GINA) ACT of 2008**

The Genetic Information Non-Discrimination Act “GINA” protects individuals against discrimination based on their genetic information. Title I of GINA prohibits discrimination based on genetic information in health coverage. Title II of GINA prohibits discrimination based on genetic information in employment.

**GINA Legal Resources**

- [GINA Full Text](#)

**GINA Resources**



- [Complaint Process](#)

## 14TH AMENDMENT (EQUAL PROTECTION)

The 14th Amendment of the U.S. Constitution guarantees that all citizens (born and naturalized) of the United States are protected equally under the law in their pursuit of life, liberty, and happiness.

### 14th Amendment Legal Resources

- [14th Amendment of the U.S. Constitution Full Text](#)

#### Florida:

- [Florida Educational Equity Act](#)
- [Individual Freedom Act \(Florida; HB 7\)](#)

## ADDITIONAL RESOURCES (General)

### School Board Policies

- [Bullying and Harassment Board Policy 5517.01](#)
- [Ethics in Education \(Mandatory Reporting\) Board Policy 0125](#)
- [Non-Discrimination Board Policy 1122](#)
- [Parent's Bill of Rights Board Policy 5780.01](#)
- [Standards of Ethical Conduct Board Policy 0124](#)
  - [Anti-Harassment \(Administration\) Board Policy 1362](#)
  - [Anti-Harassment \(Instructional Staff\) Board Policy 3362](#)
  - [Anti-Harassment \(Support Staff\) Board Policy 4362](#)
  - [Anti-Harassment \(Students\) Board Policy 5517](#)
- [Religious Expression in Public Schools Board Policy 8805](#)
- [Waste, Fraud, and Abuse Board Policy 6200](#)
- [Whistleblower's Protection \(Administration\) Board Policy 1211](#)
  - [Whistleblower's Protection \(Instructional Staff\) Board Policy 3211](#)
  - [Whistleblower's Protection \(Support Staff\) Board Policy 4211](#)
- [Anti-Harassment \(Administration\) Board Policy 1362](#)
  - [Anti-Harassment \(Instructional Staff\) Board Policy 3362](#)
- [Anti-Harassment \(Students\) Board Policy 5517](#)

**COMPLAINT PROCESS:**

Federal and State laws require the School District of Lee County to investigate reports of bullying and harassment (including sexual harassment). When bullying/harassment is based on an identifying characteristic protected by the non-discrimination policy, it is considered “class-based”. To report a complaint, use the process links below and ensure that the appropriate form or equivalent is provided to your school administrator or Equity Coordinator:

- [SDLC Bullying/Harassment Reporting \(non-class based\)](#)
- [SDLC Equity Complaint](#) (race/color/ethnicity/language, religion, disability, sex/sexual orientation/gender expression, national origin, age)
- [SDLC Title IX Investigation Process \(Overview\)](#)
- [School Equity Coordinators - Contact](#)
- [Hope Scholarship Information](#)

**For Equity-Related Concerns Contact:**

Jennifer Fuller, Office of Legal Services

2855 Colonial Blvd

Fort Myers, FL 33966

Phone: (239) 337-8512 TTD/TTY 239-335-1512

Email: [civilrightsequity@leeschools.net](mailto:civilrightsequity@leeschools.net)

**RETALIATION IS PROHIBITED FOR REPORTING ANY EQUITY VIOLATIONS.****GLOSSARY**

**Civil Rights** - Civil rights guarantee the equal protection of the law for all, regardless of personal characteristics.

**Equity** - Equity is the provision of appropriate access to, and participation in, educational and employment programs. Individuals may need accommodations or suitable alternatives to ensure equity.

**Accommodations**—Accommodations are alternatives in the general education environment that provide students equitable access to their education, similar to their peers who do not require accommodations. Accommodations typically include alternatives to the instructional presentation (e.g., amplification systems), response (e.g., adaptive

technology), schedule (e.g., extended time for assignments), and/or the setting of instruction and/or school activities.

**Bullying** - Bullying is defined by FLDOE as “systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation. Bullying includes instances of cyberbullying.” (*School Environment Safety Incident Reporting; SESIR*). Under SESIR, Bullying must include 3 elements: It must be 1) repeated, 2) intentional, and 3) involve a power imbalance.

**Due Process** - Due Process laws, rules, and procedures ensure that legal matters are settled fairly. See [Complaint Process](#).

**Sexual Harassment** - Sexual harassment is defined by FLDOE as, “unwanted verbal, nonverbal, or physical behavior with sexual connotations by an adult or student that is severe or pervasive enough to create an intimidating, hostile or offensive educational environment, cause discomfort or humiliation or unreasonably interfere with the individual's school performance or participation.” (*Florida School Board Rule 6A-19.008 F.A.C.; SESIR*)

**Focus** - Focus is an information management application used by the School District of Lee County for student information, including attendance, discipline, academic performance, and emergency contact(s).

**Gender Support Plan** - A Gender Support Plan specifies the processes and accommodations to support an individual student. The plan is designed, signed, and implemented by the school, parent, and student.

**Harassment** - Harassment is defined by FLDOE as, “any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property; has the effect of substantially interfering with a student’s educational performance, opportunities, or benefits, or has the effect of substantially disrupting the orderly operation of a school, including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.” (*SESIR*)

**Hope Scholarship** - Section 1002.40, Florida Statutes (F.S.), was established during the 2018 legislative session and provides the parent of a public school student who was subjected to an incident of violence (including battery, harassment, hazing, bullying, kidnapping, physical attack, robbery, sexual offenses, harassment, assault or battery, threat or intimidation, or fighting) an opportunity to transfer to another public school or request a scholarship for the student to enroll in and attend a participating private school. The law states in part, “Upon receipt of a report of an incident, the school principal, or his or her designee, shall provide a copy of the report to the parent and investigate the incident to determine if the incident must be reported as required by s.1006.09(6). Within 24 hours

after receipt of the report, the principal or his or her designee shall provide a copy of the report to the parent of the alleged offender and the superintendent. Upon conclusion of the investigation or within 15 days after the incident was reported, whichever occurs first, the school district shall notify the parent of the program and offer the parent an opportunity to enroll his or her student in another public school that has the capacity or to request and receive a scholarship to attend an eligible private school, subject to available funding.” Information can be found on the [Hope Scholarship](#) website.

**PeopleSoft** - PeopleSoft is an information management application used by the School District of Lee County for administrative functions, including the areas of human resources, finance, and professional development.

**Reasonable Accommodations** - The district is required to take reasonable steps to accommodate a student to ensure equitable access to education unless it would cause undue hardship to the district. Some accommodations are provided upon meeting eligibility requirements (e.g., Section 504, IDEA, English Language Learners (ELL), etc.).

**Related Services** - Related services include transportation and such developmental, corrective, and other supportive services required to assist a child with a disability in benefiting from special education (ESE) as specified in an Individual Education Plan (IEP). Related services may include speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation (including therapeutic recreation), early identification and assessment of disabilities in children, counseling services (including rehabilitation counseling), orientation and mobility services, and medical services for diagnostic or evaluation purposes. Related services also include school health services and school nurse services, social work services in schools, and parent counseling and training. (IDEA Sec. 300.34)

**Specialized Instruction** - Specialized instruction is designed to meet the unique needs of a child with a disability, including 1) Instruction conducted in the classroom, in the home, in hospitals and institutions, and other settings, and 2) Instruction in physical education. Specialized instruction includes applicable, related services included in a student’s IEP.