

Scenario #1

You, the union staff, get a call from a building rep and a president.

A well-respected teacher and union member, Mrs. J, was given an unfair disciplinary write up.

This is the situation: A parent complained that a 7th grade girl's "about me" project showed 4 LGBTQ+ pride flags. The parent did not come speak to the teacher—she went straight to the school board. On the write up, the principal wrote that Mrs. J didn't show "good judgement" and "clear classroom expectations of appropriateness." In his disciplinary meeting with the member, the principal told Mrs. J that he's a conservative Christian, "we can't promote this here" and asked her if she would allow a Confederate flag or swastika on the wall of her classroom. He also announced that he needs to talk to the students about talking about their sexual orientation at school.

He directed her to turn in lesson plans weekly for his review. He ordered Mrs. J to take down ONLY the project with LGBTQ+ flags and leave every other student project up on the classroom walls. Mrs. J didn't want any student to feel targeted, so she took down every project. Mrs. J and her building rep both tried to talk to the principal and assistant superintendent about this unfair treatment of both students and staff. Neither administrator corrected the issue, and just keep telling Mrs. J that she needs to "understand that parents have opinions too."

The local president and building rep are horrified. There's a history of homophobia in the district, including several union members who fear retaliation from their supervisors. The local officers know their superintendent and school board members well. They believe that the district leadership will back the principal's actions. The president, building rep, and Mrs. J are game to try anything and believe that many of their colleagues would also be horrified. The local isn't familiar with grievances, and doesn't have a grievance chair.

ARTICLE 3 ETHICS

The Board of Education expects that each teacher shall put forth every effort to promote a quality instructional program in the school district. The Board of Education has stated its policies in the online district policy manual. All teachers are expected to be familiar and be in compliance with the contents of these policies. To access District policies, go to the HSD home page, then click on "District Policies" under the "Quick Links" section.

The Board of Education's various policies relating to conflict of interest will be made known to all teachers. It shall be deemed unethical for any teacher to attempt to influence a Board of Education member outside of an official Board of Education Meeting in regard to teaching assignments, purchase of equipment and supplies, selection of textbooks, or like matters which are ultimately decisions delegated to the Superintendent/designee.

An effective educational program requires teachers with integrity, high ideals, empathy, and human understanding. All teachers will be expected to adhere to the general staff ethics policy endorsed by the Board of Education.

The Board of Education expects the teachers to be familiar with the code of ethics that applies to their profession and to adhere to it in their relationships with students, parents, co-workers and officials of the district.

ARTICLE 8
PARTICIPATION IN POLITICAL ACTIVITIES

The Board of Education recognizes that teachers of the district have the same fundamental civic rights and responsibilities as other citizens. Among these are campaigning for elective public office and holding an elective or appointed public office.

No teacher will use school system facilities, equipment, or supplies in connection with campaigning; nor will the teacher use any time during the working day for campaigning purposes. State law prohibits teachers from participating in the management of a campaign for the election or defeat of a member of the Board of Education which employs such teacher.

Any discussions of politics in the classroom are to be handled in such a manner as to give unbiased information. A teacher shall not impose, or attempt to impose, his or her personal, political philosophy upon the students.

ARTICLE 9

TEACHER/STUDENT RELATIONS

The relationship between all teachers and students in the school district should be one of cooperation, understanding and mutual respect. All teachers have the responsibility to provide an atmosphere conducive to learning, which should be accomplished through effective individual and group discipline. All students and teachers will treat each other with respect and have the right to learn and work in a safe environment as defined in the Student Behavior Guide.

Teachers will not be subjected to harassment, abusive language, physical aggression, insults or interference in the performance of the employee's duties. Any such complaints will be handled according to the District's Behavior Guide and/or Policy AC.

Differences and problems that arise between a teacher and student are typically best worked out by conferences between these two (2) persons or between the teacher and the parent of the student. However, teachers and students should immediately report a violation or perceived violation of the district's nondiscrimination and anti-harassment policy (AC), regardless of whether a conference has been held.

No teacher may use his or her status as a teacher to adversely influence a student of the district. No teacher may date, make advances toward, or engage in any sexual relationship with a district student, regardless of the student's age, the perceived consensual nature of the relationship, where the advances are made or whether the teacher directly supervises the student. Further, no teacher may discuss or plan a future romantic or sexual relationship with a student. All teachers possessing evidence of or witnessing such conduct or sexual harassment shall report it to the district's administration immediately. All teachers or school officials who know or have reasonable cause to suspect child abuse shall immediately report the suspected abuse to the Children's Division (CD) of the Department of Social Services hotline, pursuant to state law and to the principal.

ARTICLE 12

COMPLAINTS AND GRIEVANCES

A. Purpose

The purpose of this policy is to secure at the lowest possible administrative level and as expediently as possible, equitable solutions to the problems that may from time to time arise affecting the welfare or working conditions of teachers. Both parties agree that these proceedings shall be kept as informal and confidential as may be appropriate at any level of the policy.

B. Definition

1. A grievance is a complaint, misunderstanding, problem or dispute based upon pay, inequitable application of existing published policies, or the conditions or circumstances under which a teacher works. Complaints about non-renewal of a probationary teacher's contract, or about any official Board of Education action, shall be directed to the Board of Education; and a hearing on the same, unless required by state laws, shall be discretionary with the Board of Education. Complaints concerning evaluations, except those that lead to loss of pay, will be excluded. Complaints relating to discrimination on the basis of sex or disability will be resolved in accordance with Policy AC.
2. In this policy, a "teacher" is any certificated teacher of the school district with a teacher contract and one who does not have an administrative contract.
3. "Provide a written answer" shall be the deliverance of the appropriate grievance form or letter, containing the answers and reasons thereof to the grievant, unless notification is by other responsible method such as registered mail.
4. The grievance procedure shall not apply to summer school.

C. Time Limits

1. All time limits herein shall consist of teaching days when a grievance is submitted between the opening day of school as described by the school calendar and on or before June 1st.. Time limits pertaining to a grievance submitted after June 1st and before the last day of school as prescribed by the school calendar shall consist of all week days, Monday through Friday. Every effort will be made to resolve the matter before the close of the school term, or as soon as possible thereafter.
2. The grievance procedure must be initiated within seven (7) days of the action or knowledge of the action. Knowledge of the action is indicated when the

grievant informs the immediate supervisor of the complaint, misunderstanding, dispute or circumstances.

3. The time limits specified in any step of this procedure may be extended, in any specific instance, by the written consent of both parties. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

D. Forms

Forms for the filing of a grievance will be available on the Human Resource's Page of the District's website or through the association representative.

E. Personnel Files

1. All documents, communications and records dealing with the proceedings of a grievance shall be filed separately from the personnel files of the grievant and participants.
2. Access to the grievance files is restricted to the grievant, the administration and the Board of Education, or to other person(s) designated by grievant by means of written authorization.
3. The grievant shall agree in writing to the distribution of written responses to a grievant's representative, if any. Failure to do so shall restrict the distribution of written responses to the grievant alone.

F. Reprisals

No reprisals of any kind shall be attempted against any grievant, grievant's representative, member of the association, administrator, association director, or any teacher of the Hazelwood School District because of the filing of a grievance.

G. Procedure

Informal

1. The parties acknowledge that it is usually most desirable for a teacher and his or her assigned supervisor (elementary principal, and/or secondary assistant principal) to resolve grievances through free and informal communications. When requested by either party, the grievant's representative(s) may assist in this resolution.

Step 1

1. If the grievance is not satisfactorily resolved at the informal level, the grievant must present the grievance in writing on the designated form within seven (7) days to the principal's office or the grievance will be considered waived.
2. The principal will arrange a meeting within seven (7) days of the time the written grievance is received. The principal, the grievant and the grievant's representative(s) shall be present for the meeting. For the secondary buildings, the assigned supervisor, if involved in Step 1, will be present at the meeting unless unusual circumstances prevent his or her participation.

The building principal shall provide the grievant and the grievant's representative(s) with a written answer within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 2

1. If the grievance is not satisfactorily resolved in Step 1, the grievant must present the grievance in writing on the designated form within seven (7) days to the office of the appropriate assistant superintendent or the grievance will be considered waived.
2. The assistant superintendent or his/her designee will arrange a meeting within seven (7) days. The assistant superintendent or his/her designee, the grievant and the grievant's representative, unless the grievant chooses otherwise, shall be present at the meeting.
3. The assistant superintendent or his/her designee shall provide the grievant and the grievant's representative with a written response within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 3

1. If the grievance is not satisfactorily resolved in Step 2, the grievant has seven (7) days to submit the grievance to the superintendent or his/her designee or the grievance will be considered waived.
2. The superintendent or his/her designee shall within seven (7) days hold a meeting with the grievant and the grievant's representative(s).

3. The superintendent or his/her designee shall provide the grievant and the grievant's representative(s) with a written response within seven (7) days after the meeting. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant.

Step 4

1. If the grievance is not satisfactorily resolved in Step 3, the grievant has the option in seven (7) days to request the superintendent or his/her designee to provide a meeting with the Board of Education, or the grievance will be considered waived.
2. A meeting involving the Board of Education, the grievant and/or grievant's representative(s) shall be held within ten (10) days of the receipt of the request if possible.
3. Following said meeting a written response to the grievant and the grievant's representative(s) shall be provided within ten (10) days. In the absence of a written reply within the specified time limits, the grievance shall be resolved in favor of the grievant. The Board of Education shall be the final determining body concerning any grievance.

H. Released Time

In Steps 2 and 3 of the grievance procedure, the immediate and appropriate administrator at such step shall have full authority to grant release time to the participants. Time allotted to lunch, parent conferences, or planning shall not be used for resolving grievances unless the participants agree.

I. General Provisions

1. Nothing herein contained shall deprive any teacher of any legal rights, nor of his or her professional rights as a member of any organization with which the association is affiliated.
2. A grievance arising from the action of an administrator above the rank of principal may be processed in accordance with Step 3 (superintendent).
3. The president of the association may file a grievance on behalf of the association initiating with Step 3 (superintendent).
4. All participants shall be given at least a day of notice of a meeting for each seven (7) days allotted to arrange the meeting.

Policy GBCB: STAFF CONDUCT**Status:** ADOPTED**Original Adopted Date:** 01/24/2017 | **Last Revised Date:** 09/19/2017

District employees are to serve the public and aspire to a high degree of integrity to maintain the public's trust, support and cooperation. It is important that all employees exhibit exemplary judgment and conduct both on and off duty. This judgment and conduct will maintain a culture of trust and safety among students, parents/guardians, the community and employees. Violations of this trust could lead to discipline and/or action under state or local statutes.

The Board of Education expects that each professional and support staff member shall put forth every effort to promote a quality instructional program in the school district. In building a quality program, employees must meet certain expectations that include, but are not limited to, the following:

1. Become familiar with, enforce and follow all Board policies, regulations, administrative procedures, handbooks, other directions given by district administrators and state and federal laws as they affect the performance of job duties.
2. Maintain courteous and professional relationships with pupils, parents/guardians, other employees of the district and all patrons of the district.
3. Conduct oneself with honesty and integrity in all relationships and interactions, and always act in an ethical manner.
4. Refrain from adverse criticism or gossip about employees of the district.
5. Keep current on developments affecting the employee's area of expertise or position, and participate and engage in professional development activities, teams, etc., provided, mandated or suggested by the district.
6. Transact all official business with the appropriate designated authority in the district in a timely manner.
7. Maintain appropriate, acceptable use of district electronic and communication devices.
8. Care for, properly use and protect school property.
9. Remain faithful and prompt in attendance at work.
10. Attend all required staff meetings called by district administration, unless excused.
11. Keep all student records, medical information and other sensitive information confidential as directed by law, Board policy, district procedures and the employee's supervisor.

12. Immediately report all dangerous building conditions or situations to the building supervisor and take action to rectify the situation and protect the safety of students and others if necessary.
13. Properly supervise all students. The Board expects all students to be under assigned adult supervision at all times during school and during any school activity. Except in an emergency, no employee will leave an assigned group unsupervised. Any employee shall assume responsibility for any unsupervised students and assist in any way possible to prevent injury to person or property.
14. Obey all safety rules, including rules protecting the safety and welfare of students.
15. Adhere to Board policy and law, and use exemplary judgment in all communications and interactions with students.
16. Submit all required reports or paperwork at the time requested. Employees will not falsify records maintained by the school district. Falsification of records or paperwork will result in discipline, up to and including termination.
17. Refrain from using profanity or profane gestures.
18. Refrain from conduct that creates a disruptive and/or offensive learning or working environment.
19. Dress professionally and in a manner that will not interfere with the educational environment.
20. Come to work and leave work at the time specified by the employee handbook or by the employee's supervisor. Employees who are late to work, stop working before the scheduled time or work beyond the scheduled time without permission may be subject to discipline, including termination.
21. Refrain from leaving the designated work site during working hours, whether on district business or not, unless approved by the supervisor.
22. Employees are permitted to engage in outside employment as long as it does not interfere with the employee's work duties or responsibilities or in any way lessen the effectiveness of the employee in his or her district job.
23. School employees, other than commissioned law enforcement officers, shall not strip search students, as defined in state law, except in situations where an employee reasonably believes that the student possesses a weapon, explosive or substance that poses an imminent threat of physical harm to the student or others and a commissioned law enforcement officer is not immediately available.
23. School employees shall not direct a student to remove an emblem, insignia or garment, including a religious emblem, insignia or garment, as long as such emblem, insignia or garment is worn in a manner that does not

promote disruptive behavior.

24. State law prohibits teachers from participating in the management of a campaign for the election or defeat of a member of the Board of Education that employs such teacher.
25. Employees will not use district funds or resources to advocate, support or oppose any ballot measure or candidate for public office. Employees will also refrain from using school contacts and privileges to promote partisan politics, sectarian religious views or self-serving propaganda of any kind.
26. Employees will not use any time during the working day for campaigning purposes, unless allowed by law.
27. Refrain from making disparaging or derogatory remarks about colleagues or other district staff since that is a violation of professional ethics. Transmit constructive criticism of other staff members or of any department of the school district to the particular school administrator who has the administrative responsibility for improving the situation.
28. Personal relationships with students or other staff members that decrease in any way the individual's ability to carry out his or her professional responsibilities are prohibited.

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Note: The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.

**School District Guidelines for
LGBTQ students-Follow Best Practices**

State Law	Best Practices
Bullying/Harassment The Federal Law Title IX and F.S. 1006.147 prohibits bullying and harassment of all students.	Bullying/Harassment Schools will follow the district policy prohibiting bullying and harassment, addressing any incident against an LGBTQ student the same way they would address an incident against any other student, unless the bullying/harassment is based on a student's LGBTQ status, in which case the matter may need to be addressed through the District's anti-discriminatory policy. (contact Student Services or HR)
Official Documents Documentation from a State court is required to reflect a change in name and/or gender in a student's official school records.	Official Documents Schools will only modify student records to reflect a change in name or gender upon receipt of such documentation from a State court. While official student records must contain the student's legal name, schools should permit the use of " " in unofficial student records to assist staff in calling the student by the preferred name.
Names and Pronouns There is no federal or State state law that requires schools to call a student by a requested name or use gender pronouns consistent with their gender identity. F.S. 1014.04 does reserve the right to the parent to direct the education and care as well as to direct the upbringing and the moral or religious training of his or her minor child.	Names and Pronouns Schools will use the name and gender pronoun corresponding to his/her consistently asserted gender identity upon request of the student with knowledge of the parent.
GSA Clubs at School Under the Federal Equal Access Act , a public school permitting any non-curricular club must also allow students to form a GSA. The school must also treat the GSA the same as it does any other non-curricular club in terms of access to facilities, resources, and opportunities to advertise.	GSA Clubs at School Schools will permit students to form GSA clubs. The clubs will comply with S.B. Rule 4.06 "Student Clubs and Organizations". Personnel who support these clubs may not design agendas, lead discussion, or provide resources that directly support the discussion of LGBTQ issues.
Coming Out Federal courts have found students have a constitutional right to be "out" at school if they want to be. Although students have the First Amendment right to free speech , a school can restrict a student's free speech when it causes significant disruption in the classroom.	Coming Out Schools will not try to silence students who are open about their sexual orientation or transgender identity, or who question their orientation or gender identity. Restricting a student's free speech may occur if it: (1) causes, substantial disruption with the school's work or material interference with school activities including classroom instruction; (2) impinges upon the rights of other students to be secure and let alone including but limited to discourse in the classroom setting; or (3) the school reasonably forecasts it will cause a substantial disruption with the school's work or material interference with school activities.
Privacy The U.S. Supreme Court recognizes the federal constitutional right to privacy , which extends to students in a school setting.	Privacy School personnel will not unnecessarily disclose any information about a student's sexual orientation, transgender identity or questions they may have about their sexual orientation or gender identity to third parties.

State Law	Best Practices
Restrooms There is specific case law that requires schools to allow a transgender student access to the restroom corresponding to their <u>consistently asserted</u> transgender identity.	Restrooms On a case by case basis, school social workers will work with school and family to evaluate the use of restrooms corresponding to the student's <u>consistently asserted</u> gender identity. If approved, student will be allowed to use the restrooms corresponding to the student's gender identity or at the student's option gender-neutral restrooms and will not be allowed access to the restroom corresponding to the student's birth sex.
Athletics The Federal law Title IX ensures the safety and inclusion of transgender students in all school-sponsored activities (Department of Education, 2014). No federal law requires schools to allow a transgender student to play on a team consistent with their gender identity and expression. State Statute 1006.205 delineates participation by gender.	Athletics As a result of Senate Bill 1028/State Statute 1006.205, athletic teams or sports designated for females, women, or girls may not be open to students of the male sex. A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex if the statement was filed at or near the time of the student's birth.
Locker Rooms There is no specific federal or State state law that requires schools to allow a transgender student access to the locker room corresponding to their consistently asserted transgender identity.	Locker Rooms On a case by case basis, school social workers will work with school and family to evaluate and provide a transgender student with available accommodations that best meets the needs and privacy concerns of all students. Transgender students will not be forced to use the locker room corresponding to their birth sex.
Dress Gender expression is protected by the U.S. Constitution and Title IX . This right to free expression includes choice of clothes. As long as what is worn would be appropriate if worn by other students, then a student should be able to wear that clothing even if it isn't stereotypically associated with their biological gender.	Dress Schools will allow transgender students to wear clothing in accordance with their consistently asserted gender identity as long as what is worn is in accordance with dress code policy and gender standards.
Prom/Dances The Federal law Title IX and First Amendment Federal court cases prohibits excluding same-sex couples from school-sponsored proms and dances.	Prom/Dances Schools will allow same-sex couples to attend school sponsored proms and dances. Schools will not dictate that only biological males may wear tuxedos, and only biological females may wear dresses. Schools will review the request for transgender students running for Prom King/Queen, taking into consideration the safety of the student.
Gender Segregation There is no Federal or State state law on the issue of gender segregation for school activities (i.e. classroom activities, field trips, PE class, etc.)	Gender Segregation It is recommended that teachers separate students alphabetically rather than by sex for school activities. Note: This does not include gender specific curriculum such as puberty.
Overnight Field Trips There is no Federal or State state law requiring school personnel to adhere to the requests of an LGBTQ student.	Overnight Field Study Because of the complexity of field study issues, they will be handled on a case by case basis.

State Code Education 1001 Section 42 Parental rights in education.

1001.42 Powers and duties of district school board.—The district school board, acting as a board, shall exercise all powers and perform all duties listed below:

(42) Parental Rights

1. Local school board must, in accordance with the rights of parents enumerated 1002.20 and 1014.04, adopt procedures for notifying a student's parent if there is a change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being and the school's ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to know as much about school personnel, curriculum choices, and supplemental materials and activities to make decisions regarding the upbringing and control of their children by requiring school district personnel to encourage a student to discuss issues relating to his or her well-being with his or her parent or to seek permission to discuss or facilitate discussion of the issue with the parent.

2. A school district may not adopt procedures or student support forms that require school district personnel to withhold from a parent information about his or her student's mental, emotional, or physical health or well-being, or a change in related services or monitoring, or that encourage or have the effect of encouraging a student to withhold from a parent such information, unless a reasonably prudent person would believe that such disclosure would result in abuse, abandonment, or neglect, as those terms are defined in s. 39.01. School district personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student's mental, emotional, or physical health or well-being.

3. A school district may not encourage classroom discussion about sexual orientation or gender identity in primary grade levels or in a manner that is not age-appropriate or developmentally appropriate for students.

4. A parent of a student may bring an action against a school district to obtain a declaratory judgment that a school district procedure or practice violates this paragraph and seek injunctive relief. A court may award damages and shall award reasonable attorney fees and court costs to a parent who receives declaratory or injunctive relief.