The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

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The School Board of Gadsden County

Bylaws & Policies

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0110 - IDENTIFICATION

0111 **Name**

The School Board of this District shall be known officially as The School Board of Gadsden County, Florida.

F.S. 1001.40

0112 **Geographical District**

The School District is comprised of all the area designated by the State as Gadsden County.

0113 **Address**

The official address of the School Board is the Max Walker Building, 35 Martin Luther King Jr. Boulevard, Quincy, Florida 32351.

0114 **Seal**

The School Board shall adopt an official seal for the District.

0118 **Purpose of the Board**

A School Board is a legal entity for providing a system of public education within a geographic area of the State of Florida. The system was created by, and is governed by, State statutes. Members of a Board are, therefore, State officers chosen by citizens to represent them and the State in the legislative management of the local schools.

The Board has the dual responsibility for implementing statutory requirements pertaining to public education and for meeting the desires of the citizens. While the Board has an obligation to determine and assess citizen desires, it is understood that when the citizens elect delegates to represent them in the conduct of specified educational programs, they, at the same time, endow their representatives with the authority to exercise their best judgment in determining policies, making decisions, and

approving procedures for carrying out the responsibility.

The Board declares and, thereby, reaffirms its intent to:

A. maintain open communications with citizens of the District. The Board shall keep them informed of the progress and problems of the District, and the citizens shall be encouraged to bring their thoughts and concerns about the educational system to the attention of this body;

B. establish policies and make decisions on the basis of declared educational philosophy and goals; and

C. act as a truly representative body for citizens in all matters related to programs and operations. The Board recognizes that ultimate responsibility for public education rests with the State, but the Board has been assigned specific authority through statute, and the Board shall not relinquish or fail to exercise that authority.

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0120 - POWERS, BOARDMANSHIP, AND ETHICS

0121 **Responsibilities and Authority of the Board**

The School Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and the general improvement of the school system. The Board is constituted by the State Constitution and Florida statutes.

Section 4, Article IX, Florida State Constitution
F.S. 1001.40

0122 **Board Powers**

The School Board shall be an elected body and also a corporate body, and, as such, capable of suing and being sued; contracting and being contracted with; acquiring, holding, possessing, and disposing of real and personal property; taking and holding in trust for the use and benefit of the District, any grant or devise of land and any donation or bequest of money or other personal property.

F.S. 1001.41, 1001.42, 1001.43

As prescribed by law, the general powers of the Board are the determination of educational policies; the adoption of such rules and regulations to supplement those prescribed by the State Board and the Commissioner of Education as will contribute to the more orderly and efficient operation of the school system; the determination of minimum standards; and the performance of any duties that are assigned to it by law or by State Board regulations and that are found by it to be necessary for the improvement of the school system in carrying out the purposes and objectives of the Florida Constitution and Florida statutes.

The Board shall perform all duties found in Florida statutes and shall provide educational opportunity as required by Florida statutes.

F.S. 1000.41, 1001.42

0122.1 **Member Powers**

School Board members as individuals do not separately possess the powers that reside in the Board. Board members shall have authority only when acting as a Board legally in session. The Board shall not be bound in any way by any statement or action on the part of any individual Board member, except when such statement or action is pursuant to specific official instructions of the Board.

0123 Standards for Boardmanship

While serving on the School Board, each member shall agree to uphold the following standards:

A. remember that the first and greatest concern must be the educational welfare of all students attending the public schools, regardless of ability, race, creed, sex, or socio-economic status;

B. obey the law of Florida and the United States and bring about desired changes through legal and ethical procedures;

C. respect the confidentiality of privileged information;

D. recognize that as an individual Board member there is no authority to speak or act for the Board;

E. avoid conflicts of interest or the appearance thereof;

F. delegate authority for the administration of the schools to the Superintendent and staff;

G. encourage ongoing communications among Board members, the Board, students, staff, and the community;

H. render all decisions based on the available facts and independent judgment rather than succumbing to the influence of individuals or special interest groups;

I. make a concerted effort to attend all Board meetings and workshops;

J. become informed concerning the issues to be considered at each meeting;

K. improve boardmanship by studying educational issues and by participating in in-service programs and FSBA activities;

L. support the employment of staff members based on qualifications and not as a result of influence;

M. cooperate with other Board members and the Superintendent to establish a system of regular and impartial evaluations of all staff;

N. cooperate in assessing the effectiveness of the Board as a whole as well as each Board member;

O. refrain from using the Board position for personal benefit or the benefit of family members or business associates;

P. express personal opinions but, once the Board has acted, accept the will of the majority;

Q. encourage recognition of the achievements of students and staff and the involvement and support of business and community members; and

R. comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.

0124 Standards of Ethical Conduct

The School Board hereby establishes the following as the standards of ethical conduct for all members of the Board:

A. A Board member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

2. not unreasonably restrain a student from independent action in pursuit of learning.

3. not unreasonably deny a student access to diverse points of view.

4. not intentionally suppress or distort subject matter relevant to a student's academic program.

5. not intentionally expose a student to unnecessary embarrassment or disparagement.

6. not intentionally violate or deny a student's legal rights.

7. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and

shall make reasonable efforts to assure that each student is protected from harassment or discrimination.

8. not exploit a relationship with a student for personal gain or advantage.

9. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

10. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.

11. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

12. not use institutional privileges for personal gain or advantage.

13. accept no gratuity, gift, or favor that might influence professional judgment.

14. not directly or indirectly solicit any gift, or directly or indirectly accept any gift in excess of $50.00, from any person, vendor, potential vendor, or other entity doing business with the School District. The term "gift" has the same meaning as in F.S. 112.312(12). This prohibition applies as well to relatives, as defined in F.S. 112.312(21).

15. offer no gratuity, gift, or favor to obtain special advantages.

16. maintain honesty in all professional dealings.

17. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

18. not interfere with a colleague's exercise of political or civil rights and responsibilities.

19. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or

discrimination.

20. not make malicious or intentionally false statements about a colleague.

21. not use coercive means or promise special treatment to influence professional judgments of colleagues.

22. not misrepresent one's own professional qualifications.

23. not submit fraudulent information on any document in connection with professional activities.

24. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

25. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

26. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

27. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

28. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, Board members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

29. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

30. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

31. cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

32. comply with all duties and responsibilities set forth in the K-20 Education Code and the Code of Ethics for Public Officers and Employees.

B. All Board members shall adhere to the principles enumerated above. Furthermore, pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect, or knowingly fail to adopt policies that require instructional personnel and school administrators to report alleged misconduct by other instructional personnel and school administrators, or that require the investigation of all reports of alleged misconduct by instructional personnel and school administrators, if the misconduct affects the health, safety, or welfare of a student. Violation of these provisions will result in the forfeit of the Board member's salary for one (1) year.

All Board members shall be encouraged to complete training on the standards established herein upon election and annually thereafter.

F.S. 112.313, 1001.42(6), 1001.421, 1012.23
F.A.C. 6B-1.001, 6B-1.006

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0130 - FUNCTIONS

0131

Legislative

The School Board is the policy making body for the School District. After considering recommendations submitted by the Superintendent, the Board shall determine policies as deemed necessary for its governance and the governance of its employees and students on its grounds or premises by adopting bylaws and policies for the organization and operation of the Board and efficient operation and general improvement of the School District.

F.S. 1001.41

Adopting Policies

The policies and procedures of the Board may be amended or suspended by a majority vote of the Board at any meeting, provided that it is found that an immediate danger to the public health, safety, or welfare requires emergency action and that such action is in accordance with the specific requirements of Florida statutes.

F.S. 120.54(4)

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. The Board may determine policy matters governed by permissive law, but not on matters governed by mandatory law. No policy can be in conflict with the operative law of the State or with State Board of Education rules. Any policy or part of a policy that is superseded by a term in a collective bargaining agreement shall no longer be in force and effect as a policy.

Board adoption of policies or revisions to policies shall be pursuant to Florida statutes.

F.S. 120.536(1), 120.54 of the Administrative Procedure Act.

These policies may be amended, repealed, or a new policy adopted as hereinafter prescribed. The term "rule" is defined in Florida statutes; it does not include "curricula by an educational unit", thereby, removing the

development or prescription of curriculum by a Board from the procedural requirements established for policy making. As used in this document, the term "rule" and "policy" shall have the same definition.

A policy may incorporate material by reference, but only as the material exists on the date the policy is adopted. For purposes of the policy, changes in material are not effective unless the policy is amended to incorporate the changes. Material incorporated by reference in a policy may not incorporate additional material by reference unless the policy specifically identifies the additional material.

F.S. 120.54(1)(i)(1)

A School District policy that incorporates by specific reference another policy of the District automatically incorporates subsequent amendments to the referenced policy, unless a contrary intent is clearly indicated in the referencing policy. Any notice of amendments to a policy that has been incorporated by specific reference in other policies of the District must explain the effect of the amendments on the referencing policies.

F.S. 120.54(1)(i)(2)

In policies adopted after December 31, 2009, material may not be incorporated by reference unless:

A. The material has been submitted in the prescribed electronic format to the Department of State and the full text of the material can be made available for free public access through electronic hyperlink from the policy in the Florida Administrative Code making the reference; or,

B. the School District has determined that posting of the material on the internet for purposes of public examination and inspection would constitute a violation of Federal copyright law, in which case a statement to that effect, along with the addresses and locations of the Department of State and the School District at which the material is available for public inspection, is included in the notice required.

F.S. 120.54(1)(i)(3)

Unless an emergency exist, any proposal relating to a policy amendment, the repeal of any policy, or the adoption of a new policy shall be presented in writing to the Board including a written explanation of the proposal.

A. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida statutes, when the Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a policy. The notice of a public hearing shall be advertised twenty-one (21) days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed policy's purpose and effect, the estimate of economic impact to all individuals affected

by the proposed policy or policy revision of an existing policy the legal authority for the Board's action, and the location where the text of the proposed revision to current policy or new policy may be obtained.

B. Any person who is substantially affected by a proposed policy, policy revision, or the repeal of a policy, may within twenty-one (21) days following notice of intent to adopt or repeal such policy, file a written request with the Board seeking an administrative determination as to the validity of the proposed action.

C. The Superintendent shall file immediately in his/her office a copy of any new policy, policy revision, or repealed policy adopted by the Board; policy handbooks shall be amended accordingly.

D. Such policies shall become effective upon adoption by the Board unless a time certain date is specified therein.

F.S. 11.242

Any person substantially affected by an existing Board policy may petition the Division of Administrative Hearings, Florida Department of Administration, to conduct a hearing on the validity of the policy pursuant to Florida statues. Any hearing examiner's decision that is adverse to the Board may, upon the Board's appeal, be judicially reviewed. Any hearing examiner's decision that is adverse to the person substantially affected may, upon that person's appeal, be judicially reviewed.

The Board may determine that the public health, safety, or welfare is endangered and that immediate action is required to protect the public interest. When this occurs, the Board, at any meeting in which a quorum is present, may adopt emergency policies, without complying with the waiting period as provided in item "A" above for public hearings and other similar requirements. The Superintendent shall properly record the effective date for any such emergency policy. Any emergency policy shall not be valid in excess of ninety (90) days from the adoption or effective date.

Any Board employee, citizen, or agency may obtain information relating to the method for proposing a policy or may submit a policy proposal to the Superintendent's office.

A copy of the compiled policies shall be available for inspection in the Superintendent's office.

The Board policies shall also be accessible to all school employees, students, and parents on the District's website.

F.S. 120

0131.1 Technical Corrections

Periodically it may be deemed necessary to make technical corrections to

policies that have already been adopted through normal procedures. These technical corrections may include consolidation of sections, transfer of sections, combining or dividing sections, renumbering subsections, sections, chapters and titles, and corrections or additions for grammatical or typographical errors not affecting the constructions or meaning of those sections, subsections, chapters, titles, or policies as a whole.

Should the School Board choose to make such technical corrections, it may be accomplished by resolution as part of the consent agenda without going through the normal policy adoption procedure.

F.S. 11.242

0132

Executive

As set forth in State law, the School Board has limited executive power, and exercises this executive power through the appointment of legal counsel.

The Superintendent shall be the executive officer of the Board, and, as such, shall advise and counsel with the Board on all educational matters and recommend to the Board such matters as should be acted upon.

F.S. 1001.46, 1001.461, 1001.50
Section 5, Article IX, State Constitution

The Superintendent shall cooperate with the Board in every manner practicable to the end that the School District may continuously be improved.

The Superintendent has the authority to prepare procedures for the administration of the District that are consistent with statutes, rules of the State Board, or policies of this Board.

F.S. 1001.49, 1001.51

Such administrative procedures shall be binding on the employees and the students of this District when issued.

The Superintendent shall cause to be distributed, in print or electronic format, to each school, school office, school library, and public library in the county, copies of the bylaws, policies, and regulations and copies of amendments thereto in sufficient quantity to be readily accessible to each regular employee and to the public. In lieu of the distribution of the complete bylaws, policies, and regulations, the Superintendent may prepare a special edition for any specific class of employees, omitting those bylaws, policies, and procedures which do not have a direct bearing upon the work of said class of employees, provided that any such special editions shall contain a clear statement indicating where the complete bylaws, policies, and procedures are available.

The Superintendent shall be delegated the authority to take necessary action in circumstances not provided for in Board policy, provided that such action shall be reported to the Board at the next meeting following such action.

The Superintendent, in cases of emergency, may suspend any part of these policies, and/or procedures, provided that the Superintendent shall report the fact of and the reasons for such suspension at the next meeting of the Board and provided further that the suspension shall expire at the time of said report unless continued in effect by action of the Board.

The Superintendent shall be delegated the authority to enter into written contracts or agreements with other public or private organizations under the following conditions:

A. Contracts/Agreements shall be for a valid school purpose.

B. All costs and expenses in connection with said contracts/agreements shall be paid from internal account funds.

C. Said contracts/agreements shall not conflict in any respect with Federal, State, or local law or policy, or Board policy.

D. Said contracts/agreements shall be made in the name of the Board, and shall be executed and delivered by the Superintendent in accordance with the administrative procedures promulgated by the Superintendent.

0133 Quasi-Judicial

The School Board may assume jurisdiction over any dispute or controversy arising within the District and concerning any matter in which authority has been vested in the Board by statute, policy, a contract, or policy of this Board. The Board shall act as final appeal in the resolution of all matters of dispute within the school system including suspension, termination, promotion, and transfer of personnel. All such matters shall appear on the agenda in order to be adjudicated by the Board.

F.S. 1012.22, 1012.34

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0140 - MEMBERSHIP

0141 **Number**

The School Board shall consist of five (5) members.

All members shall be elected by single member districts.

Each member of the Board shall serve as the representative of the entire District, rather than as the representative of a district school board member residence area.

0141.2 **Conflict of Interest**

A School Board member shall not have any direct financial interest in a contract with the School District nor shall s/he furnish directly any labor, equipment, or supplies to the District.

In the event a Board member is employed by a corporation or business or has a secondary interest in a corporation or business which furnishes goods or services to the School District, the Board member shall declare his/her interest and refrain from debating or voting upon the question of contracting with the company.

It is not the intent of this policy to prevent the District from contracting with corporations or businesses because a Board member is an employee of the firm. The policy is designed to prevent placing a Board member in a position where his/her interest in the public schools and his/her interest in his/her place of employment may conflict even though such conflict may not exist.

F.S. 112.311, 1001.42

0141.3 **Conflicting Employment or Contractual Relationship**

Subject to the exemptions provided in F.S. 112.313(12), no School Board member shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the District, excluding those organizations and their officers who, when acting in their official capacity, enter into or negotiate a collective bargaining

contract with the District, nor shall a member of the Board have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

Lastly, pursuant to F.S. 112.313(14), no Board member may personally represent before the Board for compensation another person, business entity, or agency which is doing business with the District for a period of two (2) years following vacation of office or termination of employment.

F.S. 112.313(7)

0142 Qualifications

Each member of the School Board shall meet the qualifications specified by F.S. 1001.34.

0142.1 Oath

Before entering upon the duties of office after election, or within ten (10) days of appointment if appointed, members shall take the prescribed oath of office. F.S. 1001.37.

0142.3 Orientation

The School Board believes that the preparation of each Board member for the performance of Board duties is essential to the effectiveness of the Board's functioning. The Board shall encourage each new Board member to understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, each new Board member, when his/her election is certified, shall receive for use during his/her term on the Board:

A. a copy of the Florida Ethics Law;

B. a copy of the Board policy manual;

C. a copy of each current collective bargaining agreement;

D. the current budget statement, audit report, and related fiscal materials;

E. Florida School Laws, current edition; and

F. State Board of Education rules.

The Chairperson of the Board shall be responsible for providing an

orientation program for newly elected Board members to commence as soon as possible after their new term begins. This orientation shall reflect, among other things, the purpose and role of the Board, the conduct of individual Board members, an overview of educational programs, and a review of Board rules and policies. Each new Board member shall be invited to meet with the Superintendent and members of the Superintendent's leadership team to discuss District functions, policies, and procedures.

The Board shall encourage the attendance of each new Board member at orientation and training meetings.

0143 Election

The county shall be divided into five (5) residence areas approximately equal in population.

Members of the School Board shall be elected by the residents of that member's residence area and once elected shall represent the entire District.

F.S. 1001.362

0143.1 Residence Areas

As provided by law, the School Board may make any changes it deems necessary in the boundaries of any Board member residence area in odd-numbered years, provided that such a change shall not disqualify an incumbent member during his/her elected term.

F.S. 1001.36(2)

0144 Term

School Board members shall be elected at the general election in November for staggered terms of four (4) years arranged so that, of five (5) members, three (3) members shall be elected at one general election and two (2) members shall be elected at the ensuing general election.

The term of office shall begin on the third Tuesday after the first Monday in November of the year in which the member is elected.

F.S. 1001.35, 1001.371

0145 Filling a Board Vacancy

A vacancy occurs on the School Board when one (1) of the following events occurs:

A. death of the incumbent

B. failure to maintain the residence required

C. failure of the person elected to qualify as an elector of the School District and a resident of the residence area from which the member was elected before taking office, or failure of the person appointed to qualify as an elector of the School District and a resident of the residence area for which the member was appointed within ten (10) days of said appointment

D. resignation

E. removal from office

F. unexplained absence for sixty (60) consecutive days

Vacancies shall be filled by appointment by the Governor.

F.S. 1001.38, Fla. Const. Art. X, Section 3

0146 Removal

The Governor is empowered to suspend or remove for cause an elected or appointed School Board member. Convictions of certain offenses and failure to adhere to prescribed standards of conduct as defined by statute are grounds for removal from office.

F.S. Const. Art. IV, Section 7

0147 Compensation

Pursuant to State law, each School Board member shall receive a salary based on the population of Gadsden County, Florida, and as adjusted by Florida statute.

F.S. 1001.395

The Board may authorize all approved expenses for membership of its Board members in recognized school board associations. Expenses of a Board member incurred in the performance of his/her duties will be paid by the District, provided that each such member submits a written statement of his/her expenses consistent with Board policy and within the constraints of budgeted resources.

A Board member shall receive term life insurance in an amount equal to

their annual salary and medical insurance coverage with an option to purchase additional coverage at prescribed rates. Board members are eligible to participate in the Florida Retirement System as specified by law. Board members shall not receive sick leave or vacation pay.

0148 Use of Equipment and Services

The Superintendent is authorized to make available to School Board members for their official use the following equipment and services routine office supplies, computer, printer, fax machine, desk, chair, filing cabinet, wireless communication device, business cards, official District stationary, and software compatible with District systems.

Any additional non-budgeted items desired by members must have Board approval. Equipment and services shall be acquired in accordance with District purchasing and property accounting procedures and shall be accounted for by the Superintendent. Equipment must be returned on the last day of the Board member's term of service.

F.S. 1001.41

0149 Access to Records

Individual members of the School Board do not possess the powers that reside in the Board, but no member of the Board shall be denied documents or information to which s/he is legally entitled and which are required in the performance of his/her duties as a Board member.

Access to District personnel records shall be subject to Board policy and State statute.

Information obtained from employee personnel records by members of the Board shall be used only for the purpose of aiding the members to fulfill their legal responsibilities in making decisions on such matters as appointments, assignments, promotions, demotions, remuneration, discipline, and dismissal, or to aid the development and implementation of personnel policies, or for such other uses as are necessary to enable the Board to carry out its legal responsibilities.

0149.1 Public Expressions of Members

The School Board Chairman shall function as the official spokesperson for the Board.

From time-to-time, however, individual Board members may make public statements on school matters to local media and/or to local or State officials.

Board members should, when writing or speaking on school matters to the media, legislators, and other officials, make it clear that their views do not necessarily reflect the views of the Board or of their colleagues on the

Board.

Under no circumstances shall Board members use e-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by e-mail. Messages that have been deleted are still accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, are subject to disclosure under the Public Records Act, unless an exemption would apply.

0149.2 Board Member Participation at District Committee Meetings

The School Board believes that the involvement of stakeholders in the formulation of recommendations to the Superintendent and the Board is essential to good decision-making. Board members may participate in committee discussions. Statements by Board members that reflect personal opinion will be clearly identified as such to committee members.

0149.3 Board-Staff Communications

The School Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the District or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the District. The preferred line of official District communication should, however, be through the Superintendent.

A. Staff Communications to the Board

All communications regarding official business of the District from staff members to the Board or its committees should be preferably submitted through the Superintendent. The Superintendent should forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding District business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. Board Communications to Staff

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who should also keep staff members informed of the Board's concerns and actions.

C. **Social Interaction**

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since individual Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, it will be considered to be unacceptable conduct for individual Board members to discuss with members of the staff personnel grievances or other complaints if procedures to seek remedy for such grievances or complaints have been established in Board policy or in the collective bargaining agreement.

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0150 - ORGANIZATION

0151 Organizational Meeting

The School Board shall organize annually on the third Tuesday after the first Monday in November of each year.

F.S. 1001.371

0152 Officers

The organizational meeting shall be called to order by the Superintendent who shall act as presiding officer until the organization is complete.

After new members have received the oath of office, elections of officers shall be by majority vote of members physically present.

A. Officers shall serve for one (1) year and until their respective successors are elected and shall qualify.

B. In the event that the office of Chairman or Vice-Chairman becomes vacant, the School Board shall fill the vacancy for the unexpired term at the ensuing regular or special meeting in the same manner as the election conducted at the organization meeting.

F.S. 1001.371, 1001.462

The Superintendent shall be the secretary and executive officer of the Board.

F.S. 1001.48

0153 Appointees

The Chairman shall appoint members as may be necessary to the various organizations, committees, and/or councils as may be required by law, School Board policy, or as desired by the Board.

Further, as required by State law, the Board shall elect one (1) member to serve on the County Value Adjustment Board and County Planning and

Zoning Board. Additionally, it is the responsibility of the Board to appoint one (1) citizen member who owns a business occupying commercial space located within the School District to the County Value Adjustment Board.

F.S. 194.015
HB 909

0154 **Motions**

The School Board shall, at the organizational meeting, designate a day, place, and time for regular meetings.

0155 **Committees**

The School Board may establish committees and sub-committees as the need arises.

Committees of Board members shall, when specifically charged to do so by the Board, conduct studies, and make recommendations to the Board. Whenever a majority of a committee and/or sub-committee meets for any pre-arranged discussion of public business of that committee or sub-committee, it shall abide by the Sunshine Law. The law requires that the committee or sub-committee give public notice of each meeting as well as prepare, file, and maintain minutes of the proceedings. Such minutes shall also be available for inspection by the public.

0156 **Legal Counsel**

The School Board may employ or retain legal counsel to render legal services as are needed by the Board or Superintendent for school matters.

F.S. 1001.32(3)

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0160 - MEETINGS

0161 **Parliamentary Authority**

The parliamentary authority governing the School Board shall be the most recent edition of Robert's Rules of Order, Newly Revised, except as otherwise provided by special Board rules and regulations and/or statutes.

The Board attorney shall serve as parliamentarian at all Board meetings and shall advise the Board Chair regarding parliamentary procedure.

0162 **Quorum**

Three (3) members (for five (5) member boards) present at a meeting shall constitute a quorum, and no business shall be conducted in the absence of a quorum.

F.S. 1001.37(4)

0163 **Presiding Officer**

The Chairman shall preside at all meetings of the School Board. In the absence, disability, or disqualification of the Chairman, the Vice-Chairman shall act instead; if neither person is available, any member shall be designated by a majority of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Notice of Meetings**

Pursuant to State law, the School Board shall give notice of public meetings, hearings, and workshops in the following ways:

A. by publication in a newspaper of general circulation;

B. by posting on the District's website not less than seven (7) days before the public meeting, hearing, or workshop;

C. by mail to all persons who have made requests for advance notice

of the Board's proceedings, and to organizations representing persons affected by any proposed policy; and

D. by posting in appropriate places so that particular classes of persons to whom an intended action is directed may be notified.

The notice posted shall include a general statement of the general subject matter to be considered.

Notice of special meetings shall be made in a newspaper or newspapers of general circulation in the county sufficiently in advance of the meeting to allow the public to attend. Such notice shall contain the date, time, place, and purpose of the meeting.

F.S. 120.525, 120.81, 1001.372

0165 Meetings

The School Board shall hold at least one (1) regular meeting each month and may call special meetings as needed. The sessions will be held in any appropriate public place in the county, provided due public notice is given.

F.S. 1001.372

In accordance with law, all meetings at which official acts are to be taken are declared to be open public meetings, and no resolution, rule, policy, regulation, or formal action shall be considered binding except as taken or made at such a meeting. All meetings of the Board shall be open to the public, except as provided by Florida statute, and the order of business of any regular meetings shall include an opportunity for the public to address the Board.

F.S. 447

0165.1 Agendas

The Superintendent shall establish the agenda for School Board meetings in consultation with the Board Chairman. Individual members of the Board may place items for discussion on an agenda by advising the Superintendent of their desire to do so. The Superintendent shall establish reasonable procedures and deadlines for the receipt of requests to place items of business on the agenda and requests to make a presentation in the public discussion period. The agenda for Board meetings, hearings, and workshops shall be prepared in time to ensure that a copy of the agenda may be received at least seven (7) days before the event by any reasonable cost of the copy. After the agenda has been made available, change shall be only for good cause, as determined by the person designated to preside, and stated in the record.

A. The agenda of the regular monthly meeting or special meetings shall be accompanied by descriptive materials from the

Superintendent of information relating to the District with such recommendations as s/he shall make.

B. The agenda for each regular meeting shall be mailed or delivered to each Board member so as to provide proper time for the member to study the agenda. Generally, the agenda should be mailed no later than seven (7) days prior to the meeting, or delivered so as to provide time for the study of the agenda by the member. The agenda for a special meeting shall be delivered at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.

C. The Board shall transact business according to the agenda prepared by the Superintendent and submitted to all Board members in advance of the meeting. The order of business may be altered and items added at any meeting by a majority vote of the members present.

D. **Consent Agenda**

The Board shall use a consent agenda to keep routine matters within a reasonable time frame.

A member of the Board may request any item be removed from the consent agenda and defer it for a specific action and more discussion. No vote of the Board will be required to remove an item from the consent agenda. A single member's request shall cause it to be relocated as an action item eligible for discussion. Any item on the consent agenda may be removed and discussed as a nonaction item or be deferred for further study and discussion at a subsequent Board meeting if the Superintendent or any Board member thinks the item requires further discussion.

E. The agenda for special meetings called by the Superintendent, or by the Superintendent on request of the Board Chairman, or on the request of a majority of the Board members, shall be prepared upon the calling of the meeting but not less than forty-eight (48) hours prior to such a meeting. The order of business at special meetings of the Board shall be established by the Board.

0165.2 Regular Meetings

Regular meetings of the School Board shall be public and held at least once each month except as shall be authorized by the Board.

In accordance with law, regular meetings shall be held at the time fixed at the annual organizational meeting. Such notification shall be made immediately after the annual organization meeting at which the Board fixes regular meeting dates and times. Should the date of a regular meeting fall on a holiday, the Board may change the meeting date at any prior meeting. Every Board member shall be notified of the change by letter or by distribution of the Board minutes which carry a record of the change. The Superintendent shall be responsible for public notice of changed meetings.

0165.3 Special Meetings

A. **Consent Agenda**

Special meetings shall be called by the Chairman, or the Superintendent or by three (3) members of the School Board by serving a written notice of the time, place, and purpose of such meeting upon each Board member at least two (2) days in advance of the meeting.

B. The agenda as presented shall be followed unless altered by the presiding officer or a majority of those present and voting.

0165.4 Recess

The School Board may at any time move for a recess or intermission in the day's proceedings. If a recess is provided for in the agenda, the Chair, when the time arrives, announces the fact and says the assembly stands in recess, to the specified hour. When the Board meets at the time that the recess is to conclude, the Chair calls the assembly to order and the business proceeds as a continuation of the previous session. (Reference: Robert's Rules of Order, Newly Revised)

0165.5 Adjourn

The School Board may, at any time during a meeting, adjourn the meeting to a specified date and time. Before accepting a motion to adjourn, the Chair should be sure that no important matters have been overlooked. If there are announcements to be made they should be attended to before adjournment.

0166 Executive Session

The School Board reserves the right to meet privately in executive session for those issues authorized by law.

0166.1 Work Session

Work session may be called by the Chairman of the School Board, the Superintendent, or a majority of Board members solely for the purpose of exploring matters that constitute the business of the school system. Each Board member shall be formally notified of such work session through the office of the Superintendent sufficiently in advance of the session to enable all members to attend. Notification shall include the general subject areas for discussion.

A. The Superintendent, acting as secretary, shall take minutes of all matters discussed during work sessions to be read and approved at the next regular or special meeting.

B. Work sessions are solely for the purpose of communicating information and general discussion. The Board shall take no formal action in a work session nor shall they agree to any decisions with respect to issues that may be brought forward at a regular or special Board meeting.

F.S. 1001.41

0167 Voting

All motions shall require for adoption a majority vote of those present and voting, except as provided by statute, these bylaws, or parliamentary authority. Upon the demand of any member of the School Board, the vote shall be recorded by roll call.

Abstentions shall only be permitted as authorized by law.

All actions requiring a vote can be conducted by voice vote or show of hands, unless a roll-call vote is requested or required. Each vote and abstention shall be recorded. Proxy voting is prohibited.

F.S. 286.012

0167.1 Use of Electronic Mail

Since E-mail is a form of communication that could conflict with the Sunshine Law, it will be used only for the purposes of communicating:

A. messages between School Board members or between a Board member and employee(s) which do not involve deliberating or rendering a decision on matters pending before the Board;

B. possible agenda items between the Superintendent and the Board Chairman;

C. times, dates, and places of regular or special Board meetings;

D. a Board meeting agenda or public record information concerning items on the agenda;

E. requests for public record information from a member of the administration, school staff, or community pertaining to District operations;

F. responses to questions posed by members of the public, administrators, or school staff.

Under no circumstances shall Board members use E-mail to discuss among themselves Board business that is only to be discussed in an open meeting of the Board, is part of an executive session, or could be considered an invasion of privacy if the message were to be monitored by another party.

There should be no expectation of privacy for any messages sent by E-mail. Messages that have been deleted may still be accessible on the hard drive, if the space has not been occupied by other messages. Messages, deleted or otherwise, may be subject to disclosure under the Public Records Act, unless an exemption would apply.

0168 Minutes

The Superintendent shall act as secretary and shall cause to be kept official minutes of all its meetings showing the time and place, the members present, the subjects considered, a summary of the deliberations sufficient enough for the public to understand the basis for the School Board's actions, the actions taken, the vote of each member on roll-call votes, and any other information required to be shown in the minutes by law, which shall be available to the public.

The minutes of Board meetings shall be considered at the next regular meeting where they shall be read (unless waived by law), corrected, and approved. The approved minutes shall be signed by the Superintendent and the Chairman.

Tape recordings shall be made of each meeting of the Board as an administrative aid and shall be preserved as public documents of the Board as required by State statute. The tape recordings shall also be referred to in the written minutes.

The approved minutes shall be filed in the Board office in a prescribed minutes book as a permanent record of official Board proceedings.

F.S. 1001.42

0169.1 Public Participation at Board Meetings

The School Board recognizes the value to school governance of public comment on educational issues and the importance of allowing members of the public to express themselves on school matters of community interest.

In order to permit the fair and orderly expression of such comment, the Board may provide a period for public participation at those public meetings of the Board during which action may be taken and publish rules to govern such participation in Board meetings.

The presiding officer of each Board meeting at which public participation is permitted shall administer the rules of the Board for its conduct.

The presiding officer shall be guided by the following rules:

A. Attendees must register their intention to participate in the public portion of the meeting upon their arrival at the meeting.

B. Participants must be recognized by the presiding officer and will be requested to preface their comments by an announcement of their name, address, and group affiliation, if and when appropriate.

C. Each statement made by a participant may be limited to three (3) minutes duration, unless extended by the presiding officer. Persons will be recognized in the order in which the requests were received.

D. All statements shall be directed to the presiding officer; no person may address or question Board members individually. Staff members shall not be expected to answer questions from the audience unless called upon by the Board Chairman or the Superintendent.

E. A copy of the official tape or video recordings of the Board meeting(s) will be provided upon request and payment of a fee established in Policy 8310 - Public Records.

F. The presiding officer may:

1. interrupt, warn, or terminate a participant's statement when the statement is too lengthy, personally directed, abusive, obscene, or irrelevant;

2. request any individual to leave the meeting when that person does not observe reasonable decorum;

3. request the assistance of law enforcement officers in the removal of a disorderly person when that person's conduct interferes with the orderly progress of the meeting;

4. call for a recess or an adjournment to another time when the lack of public decorum so interferes with the orderly conduct of the meeting as to warrant such action.

The portion of the meeting during which the participation of the public is invited may be limited to thirty (30) minutes, unless extended by a vote of the Board, except that all speakers who signed up to speak and who were outside of the thirty (30) minutes time limit may address the Board at the end of the meeting. In addition, up to thirty (30) minutes of public discussion may be allowed for each agenda action item.

No Board action shall be taken on requests made during public discussion unless the Board declares the matter to be an emergency in accordance with current law. Any other requests that the Board chooses to take action

on shall be placed on an agenda for a subsequent meeting.

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0170 - DUTIES

The School Board is committed to an inclusive governance model so that policy focuses on student learning.

0171 **Review of Policy**

Pursuant to State law, the School Board shall complete a comprehensive review of it's policies at least every two (2) years. Upon completion of this review, the Superintendent will recommend for the Board's consideration and adoption any revisions deemed necessary.

Additionally, between comprehensive reviews, the Superintendent shall recommend for the Board's consideration and adoption revisions to current policies or new policies as often as necessary so that the Board policies are correct and statutorily compliant.

F.S. 120.74

All such revisions and additions to Board policy shall be in accordance with the Administrative Procedures Act.

Board policies and procedures must include standards for screening, hiring, and terminating instructional personnel and school administrators as defined in F.S. 1012.01; standards of ethical conduct for instructional personnel and school administrators; the duties of instructional personnel and school administrators for upholding the standards; detailed procedures for reporting alleged misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student; requirements for the reassignment of instructional personnel or school administrators pending the outcome of a misconduct investigation; and penalties for failing to comply with F.S. 1001.51 or 1012.795. The Board policies and procedures shall include appropriate penalties for all personnel of the Board for nonreporting and procedures for promptly informing the District of each legally sufficient complaint.

F.S. 1012.796(d)

The Board will also evaluate how policies have been implemented and their general effectiveness. Summaries of surveys administered to the school staff, students, and community; student data collected by the District, including, but not limited to, student assessment results, graduation statistics, and attendance records; financial reports; and other relevant information may be considered by the Board the effect of the

policies it has adopted.

The Superintendent shall require that all policy manuals and administrative procedure manuals are updated following Board approval of recommended revisions and additions.

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1001 - DISTRICT ORGANIZATION

The organization of this District shall be designed to meet the objectives set by the School Board, ensure clear lines of authority and responsibility, and define each position with clarity.

The Superintendent shall be the chief executive officer of the School District. The Superintendent shall define and establish those administrative positions required to implement the educational system and program of learning established by the Board. In each case, the Board will approve the broad purpose and function of the position in harmony with State law and regulations.

Responsibility shall flow clearly from the Superintendent through the administrative staff to the operational personnel.

No employee should be responsible to more than one (1) supervisor.

It shall be the responsibility of the Superintendent to determine the need for and define operational requirements sufficient to provide for the smooth functioning of the District. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

It is the Board's intent to maintain an operational and technical staff with a high level of competence.

On occasion, the Superintendent may find it necessary to recommend to the Board the employment of specialists or consultants to maintain or support programs implemented by the District in areas requiring specialized knowledge. These positions will be considered by the Board on the merits of their potential contribution to the School District and the specific conditions of the stated contract or agreement.

F.S. 1001.51

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1002 - ASSESSMENT OF DISTRICT GOALS

One of the major functions of the School Board is to work with the administration to establish the goals by which the District can accomplish its mission and to provide the resources necessary for their accomplishment. Because of the importance the Board places on accomplishing goals, it has established the following policy for effective assessment of the District's progress toward their realization.

The progress-assessment of goals shall take place at a time of the year when the following conditions are most favorable to assure this policy operates as intended.

A. There is adequate and reliable data available on results-to-date of each District goal (AP 1002) so the assessment can focus on how well the District is accomplishing its goals.

B. Evaluations or progress assessments of the District's learning programs as well as evaluations of key administrators and other staff have been completed so such data is available for reference by the Superintendent and Board during the assessment of District goals.

C. Summaries and synthesized data and the evaluation data on programs and staff, are available to serve as reference information when determining the reasons for progress and/or lack of progress toward the accomplishment of District goals.

This annual process of assessing programs and resources shall not be considered finished until:

A. District goals and the strategies and actions being used to accomplish them have been reviewed and reprioritized;

B. revisions have been made in light of what all of the evaluation data for that year has indicated should be changed or continued in order to improve the accomplishment of District goals.

F.S. 1001.41

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1010 - BOARD - SUPERINTENDENT RELATIONSHIP

As set forth in State law, the Superintendent is the executive officer of the School District. As such, the Superintendent shall advise and counsel with the School Board on all educational matters and recommend for Board action such matters as should be acted upon. The Superintendent is responsible for the development, supervision, and operation of the school program and facilities. His/Her methods should be made known to the staff through the administrative procedures of the District.

Pursuant to State law, the Superintendent shall cooperate with the Board in every manner practicable to the end that the School District may continuously be improved.

The Superintendent is empowered by State law to recommend the adoption of policies determined to be necessary for the efficient operation and general improvement of the District. Suggestions for new policies or for revisions to existing policy may be made by the Board, the staff, or community member. After considering recommendations submitted by the Superintendent, the Board is empowered to determine policies for the District. The Superintendent has the duty, pursuant to State law, to enforce the policies established by the Board, and, therefore, should be given the latitude to determine the best method of implementing those policies.

The Superintendent shall require that all laws and rules established by the State Board of Education, as well as the policies and standards adopted by the Board are observed. She/He should be given the latitude to determine the best method of implementing the policies of the Board. His/Her methods should be made known to the staff through the administrative procedures of the District. As required by the Florida statutes, the Superintendent shall report to the Board any violation that she/he does not succeed in having corrected.

The Board shall retain oversight supervision of such procedures.

F.S. 1001.41, 1001.48, 1001.49, 1001.50

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1020 - ELECTION OF THE SUPERINTENDENT

Pursuant to the Florida statutes, the Superintendent shall be elected for a term of four (4) years or until the election or appointment and qualification of his/her successor.

The position of Superintendent shall be considered a full-time position and the Superintendent shall be compensated pursuant to the Florida statutes.

Before assuming duties of his/her office, the Superintendent shall take the oath of office prescribed by the State Constitution.

F.S. 1001.46, 1001.462, 1001.464, 1001.47, 1001.50

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1030 - SUPERINTENDENT OF SCHOOLS

The Superintendent, as secretary and executive officer of the School Board, shall have the responsibility for the administration and management of the District's schools and for the supervision of instruction in the District.

The Superintendent shall provide educational direction for the instructional staff and supervision for the support staff.

The Florida statutes vest in the Superintendent the following powers:

A. exercise general oversight over the District in order to determine problems and needs, and recommend improvements

B. advise and counsel with the Board on all educational matters and make recommendations to the Board for action regarding such matters as should be acted upon

C. recommend to the Board such policies as the Superintendent may consider necessary for the District's more efficient operation

D. prepare and submit to the Board for adoption such policies to supplement those rules adopted by the State Board of Education that, in the Superintendent's judgment, will contribute to the efficient operation of the District, and, upon adoption by the Board, require compliance with these policies

E. from time-to-time prepare, organize, and submit to the Board for adoption such minimum standards relating to the operation of any phase of the District program as are needed, in the Superintendent's judgment, to supplement standards of the State Board of Education and as will contribute to the efficient operation of the District's program, and, upon adoption by the Board, require that said standards are observed

F. perform such duties and exercise such responsibilities as are assigned to the Superintendent by law and by rules of the State Board of Education

The Superintendent shall perform the duties and responsibilities set forth in the Florida statutes, including, but not limited to, the following:

A. require the participation of all instructional staff members and school administrators in training on the District's standards of ethical conduct and the related policies and procedures upon employment and annually thereafter

B. make recommendations, nominations, proposals, and reports required by law to be acted upon by the Board

C. keep the Board informed of school operation by preparing Board agendas, providing oral and written communication, scheduling management meetings, and requesting special Board meetings that become necessary to keep the Board properly informed

D. require that all aspects of District operation comply with State laws and regulations as well as Board contracts and policies

E. require that all laws, rules of the State Board of Education, and the policies of the Board are properly observed

F. prepare and submit the annual budget to the Board for adoption and to direct all expenditures within the appropriations adopted by the Board

G. direct the work of all personnel in accordance with the Florida statutes, Federal law, and the policies of the Board

H. recommend measures to the Board so that adequate educational facilities are available throughout the District

I. prepare reports to the Board on the conditions and needs of the schools and to acquaint the public with the said activities and needs

J. assign staff to their respective teaching duties

K. work cooperatively with parents and community groups concerned with programs in the schools

L. participate in such conferences and courses of continuing professional education so that s/he may function more efficiently and effectively

M. authorize administrators to enter into agreements with consultants

N. delegate authority to staff in any matters, when it becomes expedient to do so, and assume full responsibility for the execution and satisfactory completion of the delegated activities

O. recommend to the Board an annual plan for instructional plans

The Superintendent may authorize changes or exceptions as necessary for implementing the instructional program.

Pursuant to the Florida statutes, the Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect. Furthermore, the Superintendent shall investigate any allegation of misconduct by instructional staff members or school administrators, as defined in F.S. 1012.01, which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department of Education as required by the Florida statutes and Policy 8141 - Reporting Misconduct.

F.S. 1001.49, 1001.51

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1030.01 - DEVELOPMENT OF ADMINISTRATIVE PROCEDURES

The School Board delegates to the Superintendent the authority to determine whether administrative procedures will be needed to implement each of the policies adopted by the Board. These administrative procedures shall be consistent with the adopted policies, and shall describe the manner in which those policies are to be implemented.

Upon the recommendation of the Superintendent, the Board should adopt an administrative procedure when required to do so by law, or when, in the judgment of the Superintendent, adoption by the Board is advisable.

The Superintendent may also issue administrative and student handbooks as may be necessary for the effective administration of the schools and distribute them to employees and students and/or their parents.

As long as the provisions of these administrative procedures and handbooks are consistent with Board policies, or with Federal/State law, they will be considered to be an extension of the policy manual and binding upon all employees and students.

The administrative procedure shall be available electronically on the District's web site, and print copies shall be maintained in the Office of the Superintendent and the Office of the board Attorney.

F.S. 1001.49, 1001.51

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1111 - DESIGNATION OF A NEW POSITION

The School Board recognizes the need to establish positions which, when filled by competent, qualified administrative staff members, will assist the District in achieving the educational goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal law.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job description development in accordance with Policy 1600 and set the initial salary for new positions.

When designating new positions, primary consideration shall be given to:

A. the funding source for the position has been identified;

B. the number of students enrolled;

C. the special needs of the community;

D. the special needs of the students;

E. the operational services of the District.

F.S. 1001.42, 1012.22, 1001.42(5)
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

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1112 - BOARD-STAFF COMMUNICATIONS

The School Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the District or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the District. The preferred line of official communication should, however, be through the Superintendent.

A. **Staff Communications to the Board**

Communications regarding official business of the District from staff members to the Board or its committees should preferably be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding District business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members informed of the Board's concerns and actions.

C. **Social Interaction**

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss personnel grievances or other complaints if procedures to seek remedy for such grievances or complaints have been established in Board policy or in the collective bargaining agreement.

F.S. 1001.32

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1113 - CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

It is the policy of the School Board that no District officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the District, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the District.

Furthermore, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

Lastly, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, may personally represent before the Board for compensation another person, business entity, or agency which is doing business with the District for a period of two (2) years following vacation of office or termination of employment, except for the purposes of collective bargaining. Language describing this prohibition shall appear in all contract documents, RFPs and RFQs and, if violated, shall be sufficient cause to disqualify the vendor.

F.S. 112.313(7), 112(13)

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1120 - EMPLOYMENT OF ADMINISTRATORS

The School Board recognizes that it is vital to the successful operation of the District that administrative positions created by the Board be filled with highly qualified and competent personnel.

The Board shall approve the employment, determine the compensation, and establish the term of employment for each administrator employed by the Board. Approval shall be given only to those candidates for employment recommended by the Superintendent. Administrators shall recommend to the Superintendent the best qualified administrative applicant available.

Administrators are individuals who supervise the resources, operations, and management of school(s) and/or department(s) and meet established qualifications.

Any administrative staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

A candidate shall be disqualified from employment in any administrative position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

To be eligible for employment in an administrative position requiring certification, an individual must be of good moral character and hold a valid certificate issued pursuant to Florida law and the rules of the State Board of Education or a certificate issued by the Board. A copy of the certificate shall be filed with the District.

The Superintendent shall also conduct employment history checks of all candidates for administrative positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

The Board may establish reciprocal certification agreements with other Florida school districts whose employment and/or certification requirements are comparable to those of the District.

The Board shall require a candidate for employment with an out-of-district certificate not comparable to the District Certification to complete all requirements for initial employment and certification.

F.S. 1012.33 states that "the first ninety-seven (97) days of an initial principal's or supervisor's contract is a probationary period. During the probationary period, the employee may be dismissed without cause or may resign from the contractual position without breach of contract." This statement means that individuals who are appointed into their initial administrative positions in the State of Florida will have a ninety-seven (97) day probationary period.

All administrators shall become familiar with the policies of the Board and other policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any administrator employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or other lesser penalty as the Board may prescribe.

Members of the administrative staff are required to have listed telephones at their residences. The regulation includes principals and assistant principals. This requirement may be waived by the Superintendent for a period not to exceed six (6) months, subject to review and extension at the end of the six (6) month period if justification for the waiver still exists.

F.S. 1012.01, 1012.23, 1012.315, 1012.32, 1012.33, 1012.55, 1012.56

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1120.01 - EMPLOYMENT OF INTERIM PRINCIPALS/SUPERVISORS

Interim principals may be appointed provided they have Educational Leadership, Administration, or Administration/Supervision Certification from another State and have at least two (2) consecutive years of successful administrative experience within the past five (5) years. An interim principal may also be an individual with Education Leadership Administration, or Administration/Supervision Certification and through the District's selection system was determined by the selection team, Superintendent, and School Board to be the best candidate for the position among other applicants. Administrators who are appointed as interim principals have one (1) calendar year to successfully perform required competencies and duties.

Administrators who may be employed as interim principals or interim supervisors shall be subject to Policy 1121.01 - Criminal Background and Employment History Checks.

F.S. 1012.32, 1012.33

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1120.06 - SELECTING ADMINISTRATIVE INTERNS

The School Board encourages cooperation with State-approved colleges and universities in the training of administrative interns, because the public school offers an essential ingredient - direct experience with students and teachers. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of an administrative intern. The District shall require evidence of a successful Level II background check prior to placement.

The Superintendent shall make the final placement of administrative interns.

The supervising staff member shall have a five (5) year successful experience in the area of assignment.

Administrative staff members who agree to serve as supervisors of student administrative interns may accept honoraria or stipends directly from the college/university for those services rendered outside the regular school day and above and beyond the duties and responsibilities specified in their contracts.

The following conditions shall also be met:

A. The supervising administrator must agree to work effectively with both the administrative intern and the college/university supervisor.

B. If at any time the quality of the administrative internship is judged to be inferior or is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate the District's partnership with a college or university internship preparation program if one or more aspects of the program are not meeting District expectations.

F.S. 1012.39

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1120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given pursuant to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the Armed Forces of the United States, have been separated therefrom under honorable conditions, and have established the present existence of a service-connected disability which is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A veteran of any war as defined in F.S. 1.01(14). The veteran must have served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

Preference in employment and retention may be given only to eligible persons who are described above and who are residents of this State.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A disabled veteran employed as the result of being placed at the top of the appropriate employment list shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will be subject to the employment policies of the District.

Reinstatement or Reemployment

When a District administrator has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

F.S. 110.2135, 295.07, 295.08, 295.085, 295.09

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Preference shall be given pursuant to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the Armed Forces of the United States, have been separated therefrom under honorable conditions, and have established the present existence of a service-connected disability which is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A veteran of any war as defined in F.S. 1.01(14). The veteran must have served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility under this paragraph.

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In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

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F.S. 110.2135, 295.07, 295.08, 295.085, 295.09

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1121 - CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF ADMINISTRATORS

Applicants for employment, or re-employment after a break in employment, must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the School Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Failure of candidates to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

F.S. 121.091, 1012.01, 1012.32, 1012.40

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1121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment, or re-employment if there has been a break in service, all candidates for all administrative positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an administrative staff member in order to comply with the law.

Furthermore, before employing an administrator in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all administrators employed by the District must self-report arrests for serious offenses (see AP 1121.01).

Additionally, the fingerprints of all administrators who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential. Although permissible by State law, the District will not share information received as the result of the criminal background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated administrator has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

F.S. 435.09, 943.0585(4)(a), 943.059(4)(a), 1012.32, 1012.56

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1122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board does not discriminate on the basis of race, color, ethnicity, religion, national origin, sex, disability, marital status, age, genetic information, or any other legally protected characteristic in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The Superintendent shall appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

F.S. 1000.05
20 U.S.C. 1681 et seq., Title IX
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
42 U.S.C. 2000e, et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12112, Americans with Disabilities Act of 1990
29 C.F.R. Part 1635

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1122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District Section 504 Compliance Officers/ADA Coordinators ("District Compliance Officers"):

Title: Director of Human Resources and Staff Development and Equity Officer

Address: 35 Martin Luther King Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627-1535

E-mail: hightowerp@mail.gcps.k12.fl.us

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from either of the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See also Policy 1122.04 – Complaint Procedures Related to Alleged Discrimination in Employment)

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officers will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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1122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the District's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the District inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment, or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
20 U.S.C. 1232g
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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Bylaws & Policies

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1122.04 - COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION IN EMPLOYMENT

If a person has a good-faith, reasonable belief that s/he has been discriminated against on the basis of his/her race, color, national origin, sex, disability (including HIV, Aids, or sickle cell trait), marital status, age, religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (Protected Classes), the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of the aforementioned Federal and State laws.

The following persons are designated as the District's Compliance Officers ("DCO"):

Name/Title:	Dr. Pink Hightower, Director of Human Resources and Staff Development and Equity Officer
Address:	35 Martin Luther King Jr. Boulevard Quincy, Florida 32351
Phone:	850-627-1535
E-mail:	hightowerp@mail.gcps.k12.fl.us

Internal complaints must be in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. Anonymous complaints will not be accepted. The complaint must be filed with a DCO, or with the Superintendent if the alleged harasser is one of the DCOs, within the time limits specified below. A DCO, or the Superintendent if the alleged harasser is one of the DCOs, is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination in employment based upon protected classes.

This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, and/or any other State or Federal agencies responsible for investigating complaints of discrimination. An employee who files a complaint must continue to perform his/her duties in a competent manner during the time his/her complaint is pending. Employees who knowingly submit false complaints may be subject to disciplinary action.

A. An employee with a complaint based on alleged discrimination in employment may first discuss the problem with the DCO or his/her designee. If the alleged discrimination was committed by one of the DCOs, the employee may first

discuss the matter with the Superintendent.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with a DCO, or with the Superintendent if the alleged harasser is the DCO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the DCO, or Superintendent if the alleged harasser is the DCO, of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the DCO, or the Superintendent if the alleged harasser is one of the DCOs, for good cause.

C. The DCO or his/her designee, or the Superintendent if the alleged harasser is one of the DCOs, will conduct an independent investigation of the matter, which may or may not include a hearing. This complaint procedure contemplates an informal, thorough investigation that affords all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The DCO, or Superintendent if the alleged harasser is the DCO, will provide the complainant with a written disposition of the complaint within ten (10) workdays.

   If no decision is rendered by the DCO within ten (10) workdays, or the decision of the DCO is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The DCO, or Superintendent if the alleged harasser is the DCO, shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) workdays of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) workdays of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, any other State or Federal agencies responsible for investigating complaints of discrimination, or the filing of a case in a court of competent jurisdiction. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

G. In accordance with F.S. Chapter 119, complaints and other records created in relation to any internal complaint of discrimination will remain confidential until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

Federal and/or State Complaint

At any time, if an employee believes that s/he has been subjected to discrimination with regard to the terms or conditions of his or her employment, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 19T70
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8909
FAX: (404) 562-7881
TDD: (404) 562-7884
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771
E-mail: fchrinfo@fchr.myflorida.com
Website: http://fchr.state.fl.us

Prohibition Against Retaliation

The School Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under the aforementioned laws or implementing regulations, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the aforementioned laws or their implementing regulations.

F.S. 760.01 through 760.11 (and 509.092), Florida Civil Rights Act of 1992
F.S. 448.07
F.S. 448.075, 760.50
F.S. 553.501 et seq., Florida Americans With Disabilities Accessibility Implementation Act
F.S. 553.514
F.S. 1000.05, Florida Educational Equity Act
F.S. 1001.41, 1001.43
F.A.C. 6A-19
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 2000a, Title II of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000d, Title VI of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000e, Title VII of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000ff, the Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 12101, et seq., the Americans with Disabilities Act of 1990, as amended
29 U.S.C. 2601, et seq., the Family Medical Leave Act of 1993, as amended
29 U.S.C. 621, et seq., the Age Discrimination in Employment Act of 1967, as amended
29 U.S.C. 206(d), the Equal Pay Act of 1963, as amended
20 U.S.C. 1681-1688, Title IX of the Education Amendment Act of 1972

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1124 - DRUG-FREE WORKPLACE

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's instructional staff at any time while on District property or while involved in any District-related activity or event. Further, the misuse of prescription and over-the-counter drugs by instructional staff members is unacceptable and prohibited. The Board shall clearly communicated these prohibitions to its instructional staff. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District procedures and the terms of collective bargaining agreements.

The Superintendent shall establish procedures that require compliance with this policy and that each staff member is given a copy of a statement about unlawful possession, use, or distribution of illicit drugs and alcohol by staff, and the misuse of prescription and over-the-counter drugs by instructional staff members. Staff members shall be informed that compliance with this policy is mandatory. Such procedures shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

F.S. 440.101, 440.102
34 C.F.R. 34-86.201
34 C.F.R. Parts 85, 86, 104
20 U.S.C. 86-201
20 U.S.C. 701-706 Rehabilitative Act 1973
20 U.S.C. 3171 et seq.
20 U.S.C. Omnibus Transportation Testing Act of 1991
29 U.S.C. 705 (20), 794, 794A
41 U.S.C. 701 et seq.
Vocational Rehabilitation Act of 1973
Drug-Free Schools and Communities Act of 1986
Drug-Free Workplace Act of 1988

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1128 - EMPLOYMENT CONTRACT

It is the responsibility of the Superintendent to ensure that members of the administrative staff receive and sign an employment contract in accordance with the legal requirements related to their position in the District.

The Superintendent is authorized to execute employment contracts on behalf of the School Board.

F.S. 1012.33

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1129 - CONFLICT OF INTEREST – PRIVATE PRACTICE

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.

A. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students, or clients in the course of their employment with the District.

   Included, by way of illustration rather than limitation, are the following:

   1. the provision of any private lessons or services for a fee;

   2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through access to District records;

   3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration;

   4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business, or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. Employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

F.S. 112.313, 1006.32

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1129.01 - TUTORING

Administrators who tutor students within their school unit and receive compensation for this work shall have prior approval of their supervisor.

Administrative staff members may not accept fees for tutoring of students currently enrolled in one (1) or more of their classes for which a grade is given. In accordance with School Board Policy 1129, Board facilities and materials shall not be utilized for such tutoring.

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1130 - APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF ADMINISTRATORS

The School Board believes that the appropriate placement of qualified and competent staff is essential to the success of the District.

Appointment and Assignment

The Superintendent shall submit written recommendations with regard to the appointment and assignment of administrators for Board action.

The Board shall act not later than three (3) weeks following the receipt of FCAT scores and data, including school grades, or June 30th, whichever is later, on the Superintendent's nominations of supervisors, principals, and members of the instructional staff.

In accordance with State law, the Board may reject the Superintendent's recommendations for initial appointment and assignment, or re-appointment and assignment, for good cause.

Promotion and Transfer

Pursuant to State law, the Superintendent's primary consideration in recommending an individual for promotion must be the individual's demonstrated effectiveness pursuant to F.S. 1012.34.

When need be, the Superintendent shall submit written recommendations with regard to the promotion or transfer of administrative staff for Board action.

In accordance with State law, the Board may reject the Superintendent's recommendation for the transfer or promotion of an instructional staff member for good cause.

Required Reporting

The Superintendent must annually notify the parent of any student who is assigned to a school with an administrator having two (2) consecutive annual performance evaluation ratings of unsatisfactory, two (2) annual performance evaluation ratings of unsatisfactory within a three (3) year period, or three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory. The Superintendent shall also comply with all other reporting requirements set forth in State law.

Duties, Days, and Hours

The Superintendent shall communicate the duties, days, and hours of the various classifications of administrators.

A. Administrative staff shall perform the duties required by Florida statutes and Board policy, as well as all other generally accepted administrative duties such as supervision of bus loading zones, chaperoning students, and other reasonable duties as may be assigned by the administrator's immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of an administrator's contract and just cause for disciplinary action.

B. Administrative staff are responsible for student control and supervision at any location on campus or during school-sponsored activities.

C. Administrators shall not permit their family or friends by their presence to interfere with performance of their duties during working hours.

Employment of, Contracting with, and Supervision of Relatives (Nepotism)

Administrators may not nominate for employment, or directly supervise, relatives at the same work location. Furthermore, administrators may not recommend that the District contract with relatives for the purpose of providing goods or services to the District. The administrator of any District entity or office shall disclose to the Superintendent any relative for whom the administrator is responsible with respect to employment decisions, payroll authorization, or job performance evaluations. All employees shall disclose to the Superintendent, the names of all relatives working at the same work location. Failure to make such disclosures prior to making a recommendation for employment or entering any other contractual relationship with a relative shall be grounds for disciplinary action, up to and including termination.

Work location is defined to include payroll cost center or any administrative unit under the direct supervision of a permanent employee of the District.

"Relative" means an individual who is related to the administrator as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, half-sister, grandfather, grandmother, or grandchild.

F.S. 112.3135, 1012.22, 1012.23, 1012.2315, 1012.27, 1012.28, 1012.34

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1131 - REDUCTION IN STAFF

If workforce reduction is needed, the School Board must retain administrators in the School District based upon educational program needs and the performance evaluations of those administrators. Within the program areas requiring reduction, the administrator with the lowest performance evaluations must be the first to be released; the administrators with the next lowest performance evaluations must be the second to be released; and reductions must continue in like manner until the needed number of reductions has occurred.

The Board may not prioritize retention of administrators based on seniority.

F.S. 1012.33

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1139 - EDUCATOR MISCONDUCT

As required by the provisions of State Board of Education Rule F.A.C. 6B-1.006(5) and the Principles of Professional Conduct of the Education Profession in Florida, an administrator is required to self-report within forty-eight (48) hours any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgement. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida statutes.

Furthermore, all legally sufficient complaints against an administrator shall be reported to the Department of Education within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the Board or the office of the Superintendent. A complaint is legally sufficient for reporting if the subject matter of the complaint includes any of the grounds for discipline or dismissal set forth in Florida statutes.

The Superintendent shall require that all legally sufficient complaints are timely filed in writing with the Department of Education. The Superintendent shall file with the Department of Education all information relating to the complaint which is known to the Superintendent at the time of filing. Additionally, Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

It is the responsibility of all employees of the Board to promptly report to the office of the Superintendent or the office of Human Resources Services any complaint against an administrator that comes to the employee's attention and that includes grounds for the revocation or suspension of a teaching certificate. The willful failure by an employee of the Board to promptly report a complaint shall constitute cause for discipline of the employee as provided by law and Board policy.

F.S. 943.0585(4)(c), 943.059(4)(c), 1012.795, 1012.796
F.A.C. 6B-1.006

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1139.01 - DISCIPLINE OF ADMINISTRATIVE STAFF

The School Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process and State law.

Policy 8141 sets forth the procedures for reporting alleged misconduct by school administrators.

F.S. 1006.061

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1140 - SUSPENSION OR DISMISSAL OF ADMINISTRATORS

It is the desire of the School Board to maintain a staff of well-trained, competent administrators in order to offer comprehensive services to the students of this District.

An administrator may be suspended, returned to annual contract (if holding a Continuing Contract) or dismissed at any time during the contract year pursuant to provisions set forth in Florida statutes, the Rules of the Educational Practices Commission, and/or for cause. Additionally, Policy 8141 sets forth the procedures for the mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

Administrators may be required to take such recognized examinations as the Superintendent deems necessary to evaluate their health, competence, and/or performance. Refusal to take required examination(s) shall be grounds for immediate dismissal. The Board shall pay for the cost of the examination(s).

The Superintendent shall determine the effective date of suspension, reassignment, or dismissal.

F.S. 1012.22, 1012.27, 1012.33, 1012.34

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1150 - RESIGNATIONS

An administrator who wishes to resign shall submit his/her resignation, in writing, to the Superintendent.

The request to resign shall be submitted at least two (2) weeks in advance of its effective date. The Superintendent shall determine if the reason for resignation is acceptable and if a qualified and satisfactory replacement is available.

The resignation shall be submitted to the School Board at its next regular or special meeting.

If the Superintendent determines that misconduct by an administrator who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the administrator may resign or be terminated and the Superintendent must report the misconduct to the Department in the format prescribed by the Department. Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by school administrators to the Florida Department of Education.

An administrator who returns to employment after resigning shall be entitled to unused sick leave credit accrued prior to the time of his/her resignation.

The Superintendent is authorized to accept resignations on behalf of the Board. The Superintendent shall notify the Board of resignations received and accepted at the next meeting.

F.S. 1012.22, 1012.33, 1012.796

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1160 - PRE-EMPLOYMENT PHYSICAL EXAMINATION

It is the policy of the School Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the District.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 1160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 1122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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1161 - FITNESS FOR DUTY

If the Superintendent believes an administrative staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require an administrative staff member to submit to an appropriate examination by a health provider designated by the School Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The administrator will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action, up to and including termination.

Further, as required by Federal law and regulation and Board Policy 1122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, an administrative staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if available. Furthermore, the Superintendent may recommend the administrative staff member's dismissal based upon the results of the medical examination.

The administrator is entitled to a hearing as provided for in Florida law.

F.S. 1012.23
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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1170 - SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of administrative staff members. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

An administrative staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to administrative staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the administrative staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

No administrative staff member will have job security or promotion opportunities jeopardized by the staff member's request for counseling or referral assistance.

Administrative staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

F.S. 1012.798
Rehabilitation Act of 1973, 29 U.S.C. 794

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1170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The District encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the District will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the Director of Human Resources. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the District will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

F.S. 1012.798

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1180 - RECORDS AND REPORTS

Administrators shall keep all reports as are required by these rules and procedures or as the Superintendent may deem necessary for the effective administration of the schools/departments.

A. The administrator shall be responsible to the Superintendent for the accurate and prompt submission of all reports, whether developed by the employee or by the administrator. Such records shall include student attendance, property inventory, personnel, school funds, and other types of information. Reports shall be submitted on forms prescribed for such purposes at designated intervals or on specified dates.

B. All reports shall be officially reviewed by the immediate supervisor and brought up to date by the employee before a resigning or retiring administrator receives final pay.

C. All such reports shall be filed by the designated time. The Superintendent may withhold any salary warrants until the required report is submitted in acceptable form. School Board employees who resign shall receive full salary warrant when all reports are current and officially checked.

F.S. 1001.51

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1210 - STANDARDS OF ETHICAL CONDUCT

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding.

The School Board hereby establishes the following as the standards of ethical conduct for all administrators in the District:

A. An administrator shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety;

2. not unreasonably restrain a student from independent action in pursuit of learning;

3. not unreasonably deny a student access to diverse points of view;

4. not intentionally suppress or distort subject matter relevant to a student's academic program;

5. not intentionally expose a student to unnecessary embarrassment or disparagement;

6. not intentionally violate or deny a student's legal rights;

7. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination;

8. not exploit a relationship with a student for personal gain or advantage;

9. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;

10. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;

11. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;

12. not use institutional privileges for personal gain or advantage;

13. accept no gratuity, gift, or favor that might influence professional judgment;

14. offer no gratuity, gift, or favor to obtain special advantages;

15. maintain honesty in all professional dealings;

16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization;

17. not interfere with a colleague's exercise of political or civil rights and responsibilities;

18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination;

19. not make malicious or intentionally false statements about a colleague;

20. not use coercive means or promise special treatment to influence professional judgments of colleagues;

21. not misrepresent one's own professional qualifications;

22. not submit fraudulent information on any document in connection with professional activities;

23. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;

24. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;

25. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment;

26. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules;

27. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance;

    Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory;

    In addition, administrators shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and F.S. 943.059(4)(c);

28. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);

29. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1);

30. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;

31. as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

B. No administrative staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

C. All District administrative staff members shall adhere to the principles enumerated above.

All administrators shall be required to complete training on the standards established herein upon employment and annually thereafter.

F.S. 112.313, 1001.42(6), 1012.23
F.A.C. 6B-1.001, 6B-1.006

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1211 - WHISTLEBLOWER PROTECTION

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects administrative staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, administrative staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an administrative staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

F.S. 112.3187, 112.3189

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1213 - STUDENT SUPERVISION AND WELFARE

Each administrator shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities that include but are not limited to:

A. An administrator shall report immediately any accident, safety hazard, or other potentially harmful condition or situation about which s/he is informed or detects to his/her supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.

B. An administrator shall require staff under his/her supervision to provide proper instruction in safety matters as presented in assigned course guides.

C. An administrator shall immediately report to the Superintendent, as well as other appropriate authorities, knowledge of threats of violence by students.

D. An administrator shall not send students on any non-school related errands.

E. An administrator shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

F. If a student approaches an administrator to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, and/or mental or physical health, the administrator may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's state problem. However, under no circumstances should an administrator attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior.

G. An administrator who is transporting a student should not do so unless accompanied by another adult.

H. A student shall not be required to perform work or services that may be detrimental to his/her health.

I. Administrators are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, MySpace, etc.

J. Administrators are prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube, without express permission of the students' parent(s).

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Student Abuse and Neglect, each administrator shall report to the proper legal authorities immediately any sign of suspected child abuse or neglect.

F.S. 119.011, 1001.51, 1002.22, 1003.32
20 U.S.C. 1232
34 C.F.R. Part 99

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1214 - SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

Pursuant to State law, as well as Policy 1210 - Standards of Ethical Conduct, administrative staff members shall not solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the administrative staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the School Board that administrative staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no administrative staff member of the District, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the administrative staff member knows, or, with the exercise of reasonable

care, should know, that it was given to influence the vote or other action in which the administrative staff member was expected to participate in his/her official capacity. Furthermore, administrative staff members shall not accept any compensation, payment, or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the administrative staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

F.S. 112.313

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1215 - TOBACCO-FREE ENVIRONMENT

The School Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board. The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

Signs will be posted at the main entrances to all buildings to provide notice that smoking is prohibited.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas. Further, employees shall refrain from the use of tobacco, as well as electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices, in the presence of non-adult students while supervising school-sponsored activities at locations other than Board property.

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

F.S. 381.84, 386.202, 386.204, 386.209, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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1216 - DRESS AND GROOMING

The School Board believes that administrative staff members set an example in dress and grooming for their staff and students to follow. An administrator who understands this precept and adheres to it enlarges the importance of this task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

When assigned to District duty, all administrative staff members should dress professionally.

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1217 - WEAPONS

The School Board prohibits administrative staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District-owned vehicle.

An exception to this policy includes weapons under the control of law enforcement personnel. Another exception to this policy would be weapons possessed and/or used by students enrolled in the District's Junior ROTC Program while under the direct supervision of District staff members.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass actions including, but not limited to, look-alike weapons and/or devices, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

Administrative staff members shall report knowledge of the possession of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Principal. Failure to report such knowledge may subject the staff member to discipline.

The Superintendent shall report any administrative staff member who violates this policy to the law enforcement agency having jurisdiction. The staff member shall also be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of the applicable collective bargaining agreement.

F.S. 790.001, 790.115, 1001.43
18 U.S.C. 922

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1220 - EVALUATION OF ADMINISTRATIVE PERSONNEL

Pursuant to State law, each administrator shall be evaluated annually by the administrator's immediate supervisor utilizing the approved evaluation system. The purpose of this performance evaluation shall be continuous quality improvement of the professional skills of each administrator.

As set forth in State law, at least fifty percent (50%) of the performance evaluation of a school administrator must be based on data and indicators of student learning growth assessed annually by statewide assessments for the students assigned to that administrator's school.

The evaluation criteria for each administrator's annual evaluation must include, but are not limited to, the following:

A. student performance, as described above;

B. instructional leadership, including:

1. performance measures related to the effectiveness of classroom teachers in the school;

2. the administrator's appropriate and effective use of evaluation criteria and procedures;

3. recruitment and retention of effective and highly effective classroom teachers;

4. improvement in the percentage of instructional personnel evaluated at the highly effective and effective level; and

5. other leadership practices that result in student learning growth;

C. professional and job responsibilities adopted by the State Board, as well as additional professional and job responsibilities established by the Board.

Further, the performance evaluation system must include a mechanism to give parents and teachers an opportunity to provide input into the administrator's performance assessment, when appropriate.

Lastly, each evaluation shall relate, but not be limited, to the duties specified in the job description.

The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent. The written report of the evaluation must be on file within ten (10) days after the evaluation conference; however, the evaluator may amend an evaluation based upon assessment data from the current year if the data becomes available within ninety (90) days after the close of the school year.

An evaluation shall be submitted at the time an administrator leaves the District if services terminate prior to annual evaluations.

Administrators may be required to take recognized examinations as the Superintendent or designee deems necessary to evaluate their health, competence, and/or performance. Refusal to take required examination(s) shall be grounds for immediate dismissal. The Board shall pay the cost of the examination(s).

An administrator shall be given a copy of any documents relating to his/her performance which are to be placed in the personnel file.

The Superintendent shall annually report the evaluation results of school administrators using the four (4) levels of performance set forth in State law to the FLDOE. The Superintendent shall also notify the FLDOE of any school administrators who receive two (2) consecutive unsatisfactory evaluations, as well as any school administrators who are given written notice by the District of intent to terminate or not renew their employment.

The administrator assessment system shall be evaluated annually to determine compliance with State law and this policy. All substantial revisions to an approved system shall be approved by the Board, upon the recommendation of the Superintendent, before being submitted to the Florida Department of Education for approval.

F.S. 1012.22, 1012.34

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1231 - OUTSIDE ACTIVITIES OF ADMINISTRATORS

Administrative staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten an administrator's effectiveness within the School System, the Superintendent and/or School Board shall evaluate the impact of such interest, activity, or association upon the administrator's responsibilities.

Administrators may not dedicate work time to an outside interest, activity, or association.

Administrators shall not use school time to solicit or accept customers for private enterprises.

Administrators may not engage in business transactions on behalf of private enterprises in which s/he may profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.

Pursuant to State law and Board Policy 1232, administrators shall not participate in any political campaign for an elective office while on duty. Furthermore, administrators shall not authorize the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that are subject to a vote of the electors, unless the electioneering communication is limited to factual information.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

The constitutional right to express political and other opinions as citizens is reserved to all employees.

Administrators should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

F.S. 112.3145, 1012.23

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1231.01 - RESEARCH AND PUBLISHING

Administrators are encouraged to contribute articles to professional publications and to engage in approved professional research.

Materials that are considered for publication and/or production, which identify the District in any manner, shall be cleared with the Superintendent prior to publication and/or production.

Publications and productions shall be subject to the following copyright provisions:

A. Rights to copyrights or patents of books, materials, devices, etc. developed by administrators on their own time will be relinquished by the Board upon request of the administrator provided that:

1. the books, materials, devices, etc. were prepared without the use of Board data, facilities, and/or equipment;

2. the Board is granted the privilege of purchasing the materials or products free of any copyright or royalty charges;

3. the administrator does not become involved in any way in the selling of the product to the Board.

   The final decision regarding whether materials were produced independent of any work assignment, and/or without using school equipment, facilities, data, or equipment rests with the Superintendent.

   Administrators who desire to publish or produce materials on their own time should make such action known to the Superintendent prior to the time such work is started in order that proper procedures can be established to assure that Board interests and the interests of the administrator are protected.

B. All books, materials, devices, or products that result from the paid work time and/or prescribed duties of administrators shall remain the property of the Board. The Board shall retain all rights and privileges pertaining to the ownership thereof.

   In the event that any of these products have commercial possibilities, the Superintendent is authorized to secure copyrights, patents, etc. that protect the Board's ownership of the product.

   The Superintendent is authorized to negotiate with appropriate agencies for the production and distribution of products with commercial appeal. Such negotiations shall seek fair and appropriate compensation, including sharing of royalties, for the administrator(s) who developed the products.

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1232 - POLITICAL ACTIVITIES

Pursuant to State law, administrative staff members who are employed by the School Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, administrative staff members may not expend public funds (that is, any funds under the jurisdiction or control of the District) for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

Therefore, administrative staff members who engage in political activities or hold public office shall not use time, facilities, or personnel of the school system to engage in such activities. Specifically, the use of copy reproduction equipment or other machinery or supplies, the use of secretarial help, or any other school facilities or personnel is strictly prohibited. Telephone use for such political activities during duty hours shall be confined to an emergency only, and then only in such manner as shall not conflict with the administrative staff member's school related duties. Additionally, administrative staff members who engage in political activities or hold public office are expected to discourage constituents, or other persons with whom they are associated with in their political capacities, from making telephone calls to them during duty hours.

Administrative staff who declare themselves candidates for an elective office shall notify the Superintendent immediately upon filing to run.

All candidates for public office may be granted personal leave without pay. The administrative staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public official and public employees.

An administrative staff member who is a successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

F.S. 104.31, 110.233
F.A.C. 60L-36.002

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1242 - PROFESSIONAL DEVELOPMENT

Pursuant to State law, the School District will work collaboratively with the Florida Department of Education (FLDOE), public postsecondary institutions, State education foundations, consortia, and professional organizations in Florida to maintain a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education in the workforce.

The District's comprehensive professional development plan will incorporate school improvement plans, will align with the Florida Professional Development System Evaluation Protocol Standards, which support the framework for standards adopted by the National Staff Development Council. Furthermore, the results of the performance evaluations of administrators conducted pursuant to State law and Board Policy 1220 will be used when identifying areas for which professional development is needed.

As required by State law, the District's comprehensive professional development plan will be updated by September 1st, annually. Any substantial revisions to the District's plan will be submitted to the FLDOE for their review for continued approval. The Superintendent will annually recommend for the School Board's consideration and adoption of the updated comprehensive professional development plan, so that verification of the adoption can be submitted to the Commissioner of Education not later than October 1st of each year.

The Board will provide funding for professional development as required by State law and the General Appropriations Act and will authorize expenditures from other sources to continuously strengthen the District's system of professional development. The plan will also provide for training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

The in-service activities for administrators shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety. Additionally, in-service activities will be made available for administrators of nonpublic schools in the District.

The Superintendent shall establish and maintain an individual professional development plan for each administrator assigned to a school as a seamless component to the school improvement plans developed pursuant to State law. The individual professional development plan established by the Superintendent shall:

A. define the in-service objectives and specific measurable improvements expected in student performance as a result of the in-service activity;

B. include an evaluation component that determines the effectiveness of the professional development plan;

C. include in-service activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;

D. provide for systematic consultation with regional and State personnel designated to provide technical assistance and evaluation of local professional development programs;

E. provide for delivery of professional development by distance learning and other technology-based delivery systems to

reach more educators at lower costs;

F. provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

By July 1st of each year and prior to the release of funds for instructional materials, pursuant to statutory requirements, the Superintendent will certify to the Commissioner of Education that the Board has approved a comprehensive professional development plan that requires fidelity of implementation of instructional materials that are in the first two (2) years of the adoption cycle. The report will also include verification that the training was provided.

F.S. 1001.42, 1011.62, 1011.67, 1012.22, 1012.34, 1012.98, 1012.985, 1012.986

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1242 - PROFESSIONAL DEVELOPMENT

Pursuant to State law, the School District will work collaboratively with the Florida Department of Education (FLDOE), public postsecondary institutions, State education foundations, consortia, and professional organizations in Florida to maintain a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education in the workforce.

The District's comprehensive professional development plan will incorporate school improvement plans, will align with the Florida Professional Development System Evaluation Protocol Standards, which support the framework for standards adopted by the National Staff Development Council. Furthermore, the results of the performance evaluations of administrators conducted pursuant to State law and Board Policy 1220 will be used when identifying areas for which professional development is needed.

As required by State law, the District's comprehensive professional development plan will be updated by September 1st, annually. Any substantial revisions to the District's plan will be submitted to the FLDOE for their review for continued approval. The Superintendent will annually recommend for the School Board's consideration and adoption of the updated comprehensive professional development plan, so that verification of the adoption can be submitted to the Commissioner of Education not later than October 1st of each year.

The Board will provide funding for professional development as required by State law and the General Appropriations Act and will authorize expenditures from other sources to continuously strengthen the District's system of professional development. The plan will also provide for training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

The in-service activities for administrators shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety. Additionally, in-service activities will be made available for administrators of nonpublic schools in the District.

The Superintendent shall establish and maintain an individual professional development plan for each administrator assigned to a school as a seamless component to the school improvement plans developed pursuant to State law. The individual professional development plan established by the Superintendent shall:

A. define the in-service objectives and specific measurable improvements expected in student performance as a result of the in-service activity;

B. include an evaluation component that determines the effectiveness of the professional development plan;

C. include in-service activities for school administrative personnel that address updated skills necessary for instructional leadership and effective school management;

D. provide for systematic consultation with regional and State personnel designated to provide technical assistance and evaluation of local professional development programs;

E. provide for delivery of professional development by distance learning and other technology-based delivery systems to

reach more educators at lower costs;

F. provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

By July 1st of each year and prior to the release of funds for instructional materials, pursuant to statutory requirements, the Superintendent will certify to the Commissioner of Education that the Board has approved a comprehensive professional development plan that requires fidelity of implementation of instructional materials that are in the first two (2) years of the adoption cycle. The report will also include verification that the training was provided.

F.S. 1001.42, 1011.62, 1011.67, 1012.22, 1012.34, 1012.98, 1012.985, 1012.986

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1281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Employees may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

Board employees are permitted to possess personal communication devices (e.g., cellular telephones) at work in accordance with Policy 7530.01.

The owner of the personal property brought to the worksite bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Board receives from its use.

Employees in bargaining units shall refer to the collective bargaining agreement.

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1362 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, gender, race, color, ethnicity, national origin, religion, political beliefs, military status, marital status, disability, genetic information, social or family background, or any other legally prohibited basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and in those cases where legally prohibited harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is

defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Physical assault.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life (see AP 1362).

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance of creating an intimidating, hostile, or offensive working and/or learning environment; or with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth in Policy 1362.02 - Anti-Harassment Complaint Procedure. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The titles of the Anti-Harassment Compliance Officer with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in Policy 1362.02 - Anti-Harassment Complaint Procedure. The titles of this individual will be published annually in the parent and staff handbooks, in the School District Annual Report to the public, and/or on the School District's web site.

The formal and informal processes for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth in Policy 1362.02 - Anti-Harassment Complaint Procedure. This policy and Policy 1362.02 - Anti-Harassment Complaint Procedure will be readily available to all members of the School District community and posted in appropriate places throughout the School

District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers. Thereafter, the Compliance Officer must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Confidentiality

The School District will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. (see Policy 8320 - Confidentiality)

Informal Process for Addressing Complaints of Harassment

An informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns is set forth in Policy 1362.02 - Anti-Harassment Complaint Procedure. Members of the School District community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of unlawful harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

Formal Process for Addressing Complaints of Harassment

Policy 1362.02 - Anti-Harassment Complaint Procedure also includes a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the compliance officer identified in Policy 1362.02 - Anti-Harassment Complaint Procedure. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate compliance officer identified in Policy 1362.02 - Anti-Harassment Complaint Procedure and the principal will not conduct an investigation unless directed to do so by the Compliance Officer.

The complaint process, which is set forth in Policy 1362.02 - Anti-Harassment Complaint Procedure, is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and Policy 1362.02 or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in

accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and Policy 1362.02. All training regarding this policy, Policy 1362.02, and harassment in general, will be age and content appropriate.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

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

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1362.02 - ANTI-HARASSMENT COMPLAINT PROCEDURE

Anti-Harassment Compliance Officers

The individuals who have the following positions serve as "Anti-Harassment Compliance Officers" for the School District. They are hereinafter referred to as the "Compliance Officer" or "Compliance Officers".

Director of Human Resources

850-627-9651 ext. 1247

35 MLK Boulevard
Quincy, Florida 32351

The Compliance Officers, or his/her designee, will be available during regular school/work hours to discuss concerns related to legally prohibited harassment.

The Compliance Officer, or his/her designee, is assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer, or his/her designee, will prepare, after consultation with the School Board Attorney, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community should report incidents of unlawful harassment that are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below.

While there is a sixty (60) day time limit for initiating a complaint of harassment, individuals should make every effort to file an informal or a formal complaint as soon as possible after the harassing conduct occurs. Both the informal and formal procedures set forth below are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

The informal and formal procedures set forth below are not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a member of the School District community or third party who believes s/he has been unlawfully harassed. This informal procedure is not required as a

precursor to the filing of a formal complaint.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person s/he feels is harassing him/her that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer, or his/her designee, is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the alleged harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A member of the School District community or third party who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Compliance Officer. All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide members of the School District community and third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer, or his/her designee, may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer, or his/her designee, will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy. (see Policy 8310 - Public Records and Policy 8320 - Confidentiality)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the member of the School District community or third party elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

A member of the School District community or third party who believes they have been subjected to legally prohibited harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with the Compliance Officers. If a complainant informs any other employee of the School District, either orally or in writing, about any complaint of unlawful harassment, that employee must immediately report such information to the Compliance Officer.

The Compliance Officer shall determine whether or not the complaint alleges legally prohibited harassment. In making this determination the Compliance Officer shall consult with the Board Attorney. If it is determined that the complaint does not allege legally prohibited harassment, the complainant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint alleges legally prohibited harassment, the complaint will be investigated in accordance with the process described herein.

Throughout the course of the process as described herein, the Compliance Officer, or his/her designee, should keep the complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the complainant seeks.

If the complainant is unwilling to provide a written statement including the information set forth above, the Compliance Officer, or his/her designee, shall ask for such details in an oral interview. Thereafter the Compliance Officer, or his/her designee, will prepare a written summary of the oral interview that will be presented to the complainant for verification by signature.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further legally prohibited harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change which is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within three (3) business days of receiving a formal complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to unlawful harassment.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within twenty-one (21) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall consult with the Board Attorney. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer or designee shall consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of legally prohibited harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the complainant and the respondent. The School District will respect the privacy of the complainant (unless the complainant made the complaint with malice or with knowledge that it was false), the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation of legally prohibited harassment is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of legally prohibited harassment will be maintained by the Compliance Officer in accordance with State law and the Board's records retention policy. Any records which are considered education records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law and Policy 8330 - Student Records.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the school principal or Superintendent, who must notify the Department of Children and Family Services. If, during the course of an investigation of legally prohibited harassment, the Compliance Officers or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board Policy 8462 - Student Abuse and Neglect.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of legally prohibited harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of legally prohibited harassment be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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

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1380 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The School Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline and/or reported to the authorities.

F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794 et seq.
41 U.S.C. 1983, Civil Rights Act
42 U.S.C. 2000 et seq.
42 U.S.C. 12101 et seq.

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1410 - COMPENSATION

Salaries of all administrators shall be determined by the School Board and shall be authorized by the annual salary schedule adopted by the Board upon the recommendation of the Superintendent.

Per statutory requirements, a portion of each employee's compensation paid pursuant to the Board-adopted salary schedule shall based on demonstrated performance as required by State law and evaluated in accordance with State law and Policy 1220. In addition, the prior teaching experience of a person who has been designated State Teacher of the Year by any state in the United States, and prior professional experience in the field of education gains in position in addition to District level instructional and administrative positions must be considered.

Further, pursuant to statutory requirements and subject to negotiation, the adopted salary schedule shall also provide differentiated pay based upon District-determined factors, including the following:

A. additional responsibilities;

B. school demographics;

C. critical shortage areas;

D. level of job performance difficulties.

Bonuses

Any award of a bonus must be based upon work performance. The determination of such bonus must include a process that describes performance standards and an evaluation process consistent with Policy 1220. All employees eligible for such a bonus will be notified before the beginning of the evaluation period on which the bonus is to be based.

F.S. 215.425, 1011.60, 1012.22, 1012.34

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1419 - GROUP HEALTH PLANS

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

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1419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Group Health Plan

B. Dental Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The fully insured group health plans established by the Board shall:

A. refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful;

B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

C. if the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. summary health information;

Summary health information is de-identified information that summarized claims history, claims expenses, or type of claims experienced by health plan participants.

B. information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

F.S. 1002.02
20 U.S.C. 1232g
42 U.S.C. 1320d-2
Health Insurance Portability and Accountability Act (HIPAA)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

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1420 - BENEFITS

The School Board shall provide all administrative staff members with the following benefits:

A. **Life Insurance**

All administrators will have life insurance in an amount equal to their annual salary, computed to the nearest $1,000. Additional life insurance and limited dependent coverage are options provided to administrators at a group rate.

B. **Hospitalization and Medical Insurance**

Through a flexible benefits program, all administrators shall have the opportunity to enroll in hospitalization and medical care benefits.

C. **Employee Assistance Program**

An Employee Assistance Program which, through outside professional counseling, may provide help for administrators and their families in areas including, but not limited to, emotional disorders, chemical (alcohol or drug) abuse, and/or marital, financial, family, legal, or occupational problems. The program shall be reviewed by the Superintendent and a recommendation for these services shall be made to the Board for approval.

D. **Liability Coverage**

All administrators will have insurance covering injury and property damage liability arising from the performance of assigned duties. This policy covers the administrator's liability for negligent acts arising out of administrative activities.

E. **Workers' Compensation**

Florida State law requires Workers' Compensation to be provided to all employees and volunteers of the District. This assures administrators who sustain a work-related illness or injury both income and medical care for that injury until they are able to return to work.

Administrator who are eligible for Workers' Compensation may be paid earned sick leave benefits in addition to Workers' Compensation benefits. The sick leave amount is reduced by the amount of the Workers' Compensation benefit. In no case can total pay exceed the administrator's regular at-work salary.

F. **Other Insured Employee Benefits**

Dental, vision, short term disability, long term disability, and accidental death and dismemberment group insurance plans are available to administrators.

G. **Flexible Spending Accounts**

Through a cafeteria style flexible benefits plan accounts are available as an option for paying some medical, dental, vision, and child care costs with pre-tax dollars.

H. **Legal Services**

Legal services in tort action shall be provided for administrators at such time when action is construed to be an outcome of duties performed for the Board.

I. **Holidays**

Holidays will be designated by the Board at the time it adopts and amends the school calendar and/or ratifies contractual agreements with employee bargaining units.

J. **Sick Leave Bank**

The sick leave bank, available to qualified administrators, is a source from which additional paid sick leave days may be granted for the administrators' catastrophic, prolonged personal illness, accident, or injury. Membership in the sick leave bank is available to administrators after completion of at least one (1) full year of employment with the District. The *Sick Leave Bank Procedures* is incorporated by reference and is part of the policy. The procedures may be updated by the Superintendent as necessary.

K. **Retirement**

Retirement Options including, but not limited to regular disability, In-Line-of-Duty Disability, and the Deferred Retirement Option Program (DROP) are available to qualified employees.

An administrator who participates in DROP will receive pay for accumulated sick leave as indicated in Policy 1420.01 – Terminal Pay. The rate of pay for such leave shall be based upon the salary rate of the administrator at the time DROP begins. Such leave shall be paid in annual installments during each of the years of DROP participation. The initial payment will be made during the first month of DROP, with subsequent payments made during the retirement anniversary months. Leave accrued during DROP will be included in the final payment and will be at the salary rate of the retiring administrator upon separation from service.

An employee who begins participation in DROP, but elects to cancel DROP shall, within six (6) months of the DROP cancellation, repay the Board all sick leave pay previously received as part of DROP. Such sick leave time when repaid, will be returned to the account of the administrator as if there had been no DROP participation.

Retirement procedures and all Florida Retirement Service retirement guides published by the State of Florida, Department of Management Services, Division of Retirement are incorporated by reference and are part of this Board policy.

F.S. 112.08, 112.1915, 121, 440.491, 1012.26, 1012.33, 1012.61, 1012.65
F.S. 1012.74, 1012.798

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1420.01 - TERMINAL PAY

Terminal pay for accumulated sick leave will, except as hereinafter otherwise indicated, be provided to all full-time employees at resignation without retirement, at normal retirement, when employee elects to participate in the Deferred Retirement Option Program (DROP), or to the beneficiary if such service is terminated by death. The sick leave days used in calculating the amount of such terminal pay shall not include any such days earned otherwise than in full-time service of this School District. Such terminal pay shall not exceed an amount determined as follows:

A. For the individual himself, upon separation from such service by resignation without retirement, provided that s/he must then have been in the full-time creditable service of this School District for at least twenty (20) years: the daily rate of pay of the individual at that time multiplied by 100% times the number of days of accumulated sick leave.

B. For the individual himself/herself, upon normal retirement or DROP enrollment, provided that s/he must then have been in the full-time creditable service of this School District for at least ten (10) creditable years, a sum determined by multiplying the individual's then current coverage daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. after the 10th year – fifty percent (50%)
2. after the 11th year – fifty percent (50%)
3. after the 12th year – fifty percent (50%)
4. after the 13th year – sixty-five percent (65%)
5. after the 14th year – seventy percent (70%)
6. after the 15th year – seventy-five percent (75%)
7. after the 16th year – eighty percent (80%)
8. after the 17th year – eighty-five percent (85%)
9. after the 18th year – ninety percent (90%)
10. after the 19th year – ninety-five percent (95%)
11. after the 20th year – 100%

C. For the beneficiary, upon the death of the individual in the service of this School District, a sum determined by multiplying the decedent's then current average daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. during the first three (3) years - thirty-five percent (35%)
2. during the next three (3) years - forty percent (40%)
3. during the next three (3) years - forty-five percent (45%)
4. during the next three (3) years - fifty percent (50%)
5. during the 13th year - sixty percent (60%)
6. during the 14th year - sixty-five percent (65%)
7. during the 15th year - seventy percent (70%)
8. during the 16th year - seventy-five percent (75%)
9. during the 17th year - eighty percent (80%)
10. during the 18th year - eighty-five percent (85%)
11. during the 19th year - ninety percent (90%)
12. during the 20th year - ninety-five percent (95%)
13. during and after the 21st year – 100%

D. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked ten (10) years or more with the District, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to sixty (60) days. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked less than ten (10) years, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to twenty (20) days.

Pursuant to the above criteria, such terminal pay shall include payment for unused sick leave and annual leave upon an administrator's separation from the District.

F.S. 1001.41, 1001.43, 1012.22, 1012.23, 1012.61
F.A.C. 6A-1.052

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1430 - LEAVES OF ABSENCE

Administrators shall not be absent from their assigned duties except as authorized by the Superintendent or designated representative. An administrator who is absent from duty and is not eligible for leave shall forfeit compensation for the time of such absence. Contracts or appointments may be subject to cancellation by the School Board and administrator may be subject to immediate dismissal.

Vacation Leave

When an employee transfers from a vacation earning position to a non-vacation earning position, the employee will be paid for the accrued vacation at the time of the transfer and at the rate of pay at the time of transfer for the vacation earning position.

Unused Leave at Separation

When an employee terminates employment with the Board, the employee will be compensated for unused and earned sick leave in accordance with agency policies or the employee may have the leave transferred upon written request (within twenty (20) days of separation) to another FRS agency.

Used Unearned Sick Leave for Employees Who Resign/Retire

When an employee resigns or retires and has used credited but unearned sick leave, (six (6) days credited at the beginning of the year) the employee will have unearned leave deducted from the final compensation.

Unearned Leave from Outside the District for Employees Who Resign/Retire

When an employee has a remaining balance of sick leave transferred in from outside the District, and terminates prior to earning it in the District, the employee will forfeit the leave.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67
F.A.C. 6A-1.079, 6A-1.080

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1430.01 - FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the School Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time administrative employees are deemed to meet the 1,250 hour

requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a health care provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medical-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a health care provider or by a provider of health care services under orders of, or on referral by, a health care provider for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a health care provider, by a nurse under direct supervision of a health care provider, or by a provider of health care services (e.g., physical therapist) under orders of, or on referral by, a health care provider, or b.) treatment by a health care provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a health care provider.

    a. Treatment by a health care provider as referenced above involves an in-person visit to a health care provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The health care provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

    b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).

    c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a health care provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. A period of incapacity related to pregnancy need not involve a visit to the health care provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a health care provider, or by a nurse under direct supervision of a health care provider; b.) continues over

an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a health care provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a health care provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Administrative staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the administrative staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the health care provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) day's advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a health care provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

District Notice Requirements

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee's FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member's FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid

leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the health care provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the health care provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second health care provider, and the opinion of the third health care provider if applicable, to the Superintendent; or

B. direct the second or third health care provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the health care provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third health care provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized health care provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its health care provider and the leave administrator to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

F.S. 110.221, 1012.61
29 U.S.C. 2601 et seq. (as amended)

29 C.F.R. Part 825
45 C.F.R. Part 160, 164
National Defense Authorization Act of 2010

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1430.02 - DOMESTIC VIOLENCE LEAVE

The School Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

B. to obtain medical care and/or mental health counseling for the employee or a family or household member to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted without pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient

documentation of the act of domestic or sexual violence as required the administrative procedures implementing this policy.

B. The employee shall not be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

F.S. 741.28, 741.313

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1431 - ABSENCE OF ADMINISTRATORS

Administrators shall notify the Superintendent or immediate supervisor when it is necessary that they be away from the worksite for a day or more. They shall leave a responsible member of the staff in charge. The name of the person left in charge shall be submitted to their immediate supervisor of the absent administrator at the time of notification.

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1440 - JOB-RELATED EXPENSES

The School Board will provide for the payment of the actual and necessary expenses, including traveling expenses, of any administrative staff member of the District incurred in the course of performing services for the district, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the supervisor. Pre-approval for estimated travel expenses by the Deputy Superintendent is required.

The Board shall pay the expenses of administrative staff members when they attend professional meetings (as defined in Policy 3243) with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Staff members will not be reimbursed for expenses, other than mileage, without receipts.

Administrative staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

F.S. 112.061

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1470 - GRIEVANCE PROCEDURE

Administrative staff shall have access to a grievance procedure as authorized by the Superintendent and described in AP 1470 - Non-Bargaining Unit Personnel Grievance Procedure.

F.A.C. Chapter 6A-19
34 C.F.R. 104.7

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1590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

A copy of each such entry shall be given to the employee by certified mail or personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

The employee shall have access to his/her file upon request.

The related procedures manual is entitled Personnel File Procedures.

F.S. 119.011, 1012.31

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1600 - JOB DESCRIPTIONS

The School Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each administrative staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each administrative staff position and thereby promote organization effectiveness and efficiency. The Superintendent is authorized to establish and maintain job descriptions which shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each administrative position.

Job descriptions shall be defined as procedures of the Superintendent.

Administrators shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

F.S. 1012.23, 1012.27

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2105 - MISSION OF THE DISTRICT

The mission of the District is to provide an appropriate educational program and learning environment that will effectively meet the educational needs of its students and help its students accomplish educational goals that are significant, durable, and transferable.

.....appropriate educational program

The program will encompass those classroom, co-curricular, and extra-curricular activities specially designed for all students enrolled in the District.

.....appropriate learning environment

Facilities and grounds which are conducive to acquiring knowledge, attitudes, and skills because students and staff are physically and psychologically safe and focused on accomplishing clearly-defined objectives and goals.

....meet the educational needs

Such needs consist of those learnings that each student must have to function as a responsible, productive member of society and to make it possible for the person to realize personal goals.

....students and citizens

Students are those who are enrolled in programs offered by the District citizens are residents of the District who may wish to participate in a program offered by the District.

....goals that are significant, durable, and transferable

A significant educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will affect how a student will live his/her life.

A durable educational goal is one in which the knowledge, skills, and/or attitudes that are acquired will be useful for much, if not all, of a student's lifetime.

A transferable educational goal is one in which the knowledge, skills, and/or attitudes that are acquired can be applied directly to another educational program, to the world of work, and/or to one's personal life.

F.S. 1000.03, 1001.41

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2110 - VISION AND BELIEF STATEMENTS

The School Board believes that the purpose of education is to facilitate the development of the potential of each student. In a free society, every individual has both the right and responsibility to make choices and decisions for himself/herself that impact society. A prerequisite for every member of such a society in meeting those responsibilities is competence in the use of rational thought processes needed to make intelligent, and ethical decisions. If our society, as originally conceived, is to survive and function effectively, its young people need to be prepared to exercise their rights and their responsibilities in ways that benefit them and society. Likewise, if individuals are to be able to achieve their life goals in a free society, they need to be competent to choose among the myriad alternatives that are available to them.

The enculturation process in our society focuses on preparing the young to meet certain expectations and to avail themselves of opportunities to attain personal goals within society. The school program, which should reflect the formal aspect of the enculturation process, needs, therefore, to focus on both the areas of societal expectations and personal opportunity available in society.

With regard to societal expectations, people in our society are expected to:

A. be self-sufficient -- that is, to meet their own needs, to the extent they are able, in their own way and without inhibiting others' opportunity to do the same;

B. fulfill their responsibilities to contribute to the "common good" by actively participating in affairs affecting all members of society.

The Board and staff believe that the thought and action process involved in taking intelligent, ethical action can be learned, provided students are given consistent, appropriate opportunities to:

A. see processes and procedures modeled;

B. learn desired processes and procedures;

C. practice using desired processes and procedures;

D. apply desired processes and procedures to a variety of relevant situations.

The District is committed to making adequate provision for such opportunities and to the applications of these processes to achieving the educational goals associated with the District's mission.

F.S. 1001.41

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2111 - PARENT AND FAMILY INVOLVEMENT IN THE SCHOOL PROGRAM

The School Board recognizes and values parents and families as student's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents in the education of their students generally result in higher academic achievement, improved student behavior, and reduced absenteeism.

For purposes of this policy, the term "families" is used in order to include student's primary caregivers, who are not their biological parents, such as foster caregivers, grandparents, and other family members.

In cultivating partnerships with families and communities, the Board is committed to the following:

A. Relationships with Families

1. establishing school environments that are welcoming, supportive, and student-centered;
2. providing professional development for school staff that helps build partnerships between families and schools; [2,3]
3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers; [2,3]
4. providing coordination, technical support and other support to assist schools in planning and implementing family involvement activities. [3]

B. Effective Communication

1. providing information to families to support the proper health, safety, and well-being of their students;
2. providing information to families about school policies, procedures, programs, and activities; [2,3]
3. promoting regular and open communication between school personnel and students' family members;
4. communicating with families in a format and language that is understandable, to the extent practicable; [2,3]
5. providing information that will enable families to encourage and support their students' academic progress, especially in the area of reading; [1]
6. providing information that will enable families to encourage and support their students' citizenship, especially social skills and respect for others; [1]

7. providing information that will enable families to encourage and support their students' realization of high expectations and setting life-long learning goals; [1]

8. providing information and involving families in monitoring student progress; [3]

9. providing families with timely and meaningful information regarding Florida's Sunshine State Standards, State and local assessments, and pertinent legal provisions; [2,3]

10 ;preparing families to be involved in meaningful discussions and meetings with school staff. [2,3]

C. **Volunteer Opportunities**

1. providing volunteer opportunities for families to support their students' school activities; [1,3]

2. supporting other needs, such as transportation and student care, to enable families to participate in school-sponsored family involvement events. [3]

D. **Learning at Home**

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; [1,2,3]

2. working with families to establish learning goals and help their students accomplish these goals; [1]

3. helping families to provide a school and home environment that encourages learning and extends learning at home. [1,2]

E. **Involving Families in Decision Making and Advocacy**

1. involving families as partners in the process of school review and continuous improvement planning; [3]

2. involving families in the development of its District-wide parent involvement policy and plan, and distributing the policy and plan to families. [2,3]

F. **Collaborating with the Community**

1. building constructive partnerships and connecting families with community-based programs and other community resources; [2,3]

2. coordinating and integrating family involvement programs and activities with District initiatives and community-based programs that encourage and support families' participation in their students' education, growth, and development. [2,3]

Implementation

The Superintendent will provide for a comprehensive plan to engage parents, families, and community members in a partnership that supports each student's academic achievement, the District's continuous improvement, and individual school improvement plans. The plan will provide for annual evaluation, with the involvement of parents and families, of the plan's effectiveness and

identification of barriers to participation by parents and families. Evaluation findings will be used in the annual review of the Parent and Family Involvement policy and to improve the effectiveness of the District plan.

Pursuant to State law, the Superintendent shall develop and annually disseminate a parent guide to successful student achievement, consistent with the guidelines of FLDOE, which address what parents need to know about the educational progress of their students and how parents can help their students achieve in school.

[1] Indicates Florida Statutory Requirements
[2] Indicates IDEA 2004 Section 650 & 644 parent involvement requirements
[3] Indicates Title I Section 1118 parent involvement requirements

F.S. 1000.03, 1002.23

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2120 - SCHOOL IMPROVEMENT

The School Board supports the concept of school improvement as established by the State Board of Education and will seek to create and/or maintain effective schools as defined by Florida statute. The Board shall annually approve and require implementation of a school improvement plan for each school in the District and shall provide funds to schools for developing and implementing school improvement plans.

In addition to adopting a mission statement and educational philosophy for the District, the Board shall create, as needed, policies which support the school improvement process.

The Superintendent shall establish administrative procedures which will provide for:

A. School improvement plans which are developed and implemented by school-based teams, working collaboratively, so that both building level and District level goals for students can be identified and correlated, and then achieved through effective planning, problem-solving, and assessment.

B. A District-wide, school-improvement plan which provides for building-level decision-making regarding program assessment, curriculum review, determination of performance standards, budgetary review, staff development, and the monitoring and assessment of student outcomes.

C. Collaboration at both the building and District levels with parents, relevant institutions and groups, especially those in the community, who can support and facilitate school improvement in the District.

D. A system of school reports and dissemination of information regarding the performance of students and educational programs as required by Florida statute and State Board of Education rule.

In order to enhance school improvement, the Superintendent is authorized to waive any policy that has been enacted in order to comply with the following Federal statutes/regulations and to request waivers from these laws/regulations from the Superintendent of Public Instruction:

Titles I, II, IV, VI, and Part C of Title VII of the ESEA Act of 1965

The Carl Perkins Vocational and Applied Technology Education Act

The General Education Provisions Act

Parts of Education Department General Administrative Regulations

In requesting such waivers, the Superintendent is to abide by the procedures established by the State Department of Education.

F.S. 1001.452, 1008.345

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2125 - SCHOOL ADVISORY COUNCILS FOR SCHOOL IMPROVEMENT AND ACCOUNTABILITY

Florida statutes provide that each advisory council shall be composed of the principal and an appropriately balanced number of teachers, education support employees, students, parents, and other business and community citizens who are representative of the ethnic, racial, and economic community served by the school. Vocational-technical center and high school advisory councils shall include students, and middle and junior high school advisory councils may include students. A majority of members of each council must be persons not employed by the School District. A simple majority is defined as fifty-one percent (51%) of the membership or one-half (1/2) of the number of members plus one (1). The number of parent representatives shall at least be equal to the number of teacher representatives.

The School Board shall review the membership composition of each advisory council. School advisory councils for school improvement and accountability will comply with procedures set forth in Florida statutes and Florida State Board of Education Administrative Rules.

Membership

Council members representing teachers, education support employees, students, and parents shall be elected by their respective peer groups at the school in a fair and equitable manner.

Business and other community members shall be selected by the school according to the written procedures for the school advisory councils for school improvement and accountability.

Election of Members

Written procedures for advisory councils shall include the following procedures for elections:

A. Advance notice of election with a specific election date and an opportunity for write-in nominations and ballots for those unable to be present at the election;

B. Ample advance notice will be given for nominations of all interested persons in the following categories before elections are held;

C. Teachers shall be elected by teachers;

D. Education support employees shall be elected by education support employees;

E. Students shall be elected by students; and

F. Parents shall be elected by parents.

Participation of Members

Written procedures for advisory councils shall include criteria for active participation by members of the council, and procedures for replacement of council members who fail to meet these requirements.

School Improvement Plans

A. School Improvement Plans Approval Process

1. School improvement plans are submitted to the Board for approval. Any District review or revision of the school improvement plan in preparation for presentation to the Board must be done with the collaboration and approval of the school advisory council.

2. The Board approves or declines to approve each plan. If all plans are approved, the Superintendent and Board Chairman certify to the Commissioner of Education that the plans have been approved for the coming year together with any necessary report that a school has not made adequate progress. The plans themselves are not submitted to the Commissioner.

3. If a Board declines to approve a plan, in returning the plan to the school advisory council for revision it must state: (a) the elements within the plan it found to be problematic, and (b) recommendations for change which would enable the plan to be approved. The school advisory council is to then take the comments of the Board and consider revising and resubmitting the plan based upon the Board feedback. The Board then approves or disapproves any revision.

4. If the school advisory council determines that the Board's suggested changes are not consistent with their goals and/or does not desire to modify the plan, then the council and Board are asked to mutually agree to use a dispute resolution process. The Board is strongly encouraged to involve representatives of all the stakeholders in developing such a dispute resolution rule, and to offer the broadest range of options.

5. The dispute resolution process is implemented in an effort to resolve the conflict. If the conflict is not resolved, then formal notice is given by the Board to the Department of Education that additional assistance will be required. The school advisory council may also notify the Department of Education.

B. Conflict/Dispute Resolution Process

Should the Board decide not to approve a plan, in returning the plan to the school advisory council, the Board shall state the elements within the plan found to be problematic and recommend changes. The school advisory council shall consider revising and resubmitting the plan based upon the Board's feedback. The Board shall approve or disapprove the school improvement plan. A plan that still does not receive Board approval shall be reviewed by a mediation committee.

1. The mediation committee shall be composed of the school principal, the advisory council chairperson or designated school advisory council member, Board Chairman or designated Board member, the Superintendent or designee, and a facilitator to be mutually agreed upon by the committee members.

2. The mediation committee shall work with the school advisory council to reach resolution.

3. Upon resolution the school advisory council shall submit the revised school improvement plan to the Board for approval in accordance with State mandated deadlines.

4. Should the Board not approve the school improvement plan after exhausting this process, the Department of Education shall be notified of the need for assistance. The school advisory council may also notify the Department of Education.

F.S. 1001.42, 1001.452
F.A.C. 6A-1.09982

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2131 - EDUCATIONAL OUTCOME GOALS

The School Board believes that the mission of the District is being accomplished when there is valid evidence that its educational programs are making it possible for students to achieve one or more of the following educational outcomes, commensurate with their ability and potential:

A. job skills for the workplace and the skills and attitudes to obtain further education

B. an understanding of others, including but not limited to, those with social and cultural characteristics different from his/her own, and of those with mental or physical disabilities, and the ability to engage in responsible relationships with others

C. use of the knowledge, attitudes, and skills to contribute effectively to the decision-making processes of political institutions of the community, State, country, and world

D. use of the knowledge, habits, and attitudes that assure good personal and public health

E. the willingness and ability to apply ethical principles and values to his/her own life

F. an understanding of his/her own worth, abilities, potentialities, and limitations

G. enjoyment of the process of learning and commitment to continuous learning throughout one's lifetime

H. the capacities for fulfilling satisfying and responsible roles in family life

I. an understanding of and the ability to cope with change

J. become life-long learners

F.S. 1000.03, 1008.31

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2132 - EDUCATIONAL PROCESS GOALS

In order to achieve the educational goals for students, the School Board will establish policies which will authorize and encourage:

A. instruction which bears a meaningful relationship to the present and future needs and interests of students;

B. specialized and individualized kinds of educational experiences to meet the different needs of students;

C. an environment in which interaction among individual students and groups of students helps students learn how and when competition and cooperation are appropriate and productive in accomplishing goals;

D. efficient and effective use of educational resources;

E. continued professional growth of staff members;

F. constructive cooperation with parents and community groups;

G. a safe and secure learning environment that is disciplined and free of drugs, tobacco, and alcohol.

F.S. 1001.41

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2210 - CURRICULUM DEVELOPMENT

The School Board recognizes its responsibility for the quality of the educational program of the schools. As the educational leader of the District, the Superintendent shall be responsible to the Board for the development and evaluation of curriculum and the preparation of courses of study. The appropriate personnel, materials, and supplies for curriculum exploration, development, and implementation shall be coordinated by the Superintendent. Necessary funds shall be budgeted for accomplishing these tasks.

For purposes of this policy and consistent communication throughout the District, curriculum shall be defined as:

A. the courses of study, subjects, classes, and organized activities provided by the school;

B. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group;

C. learning activities approved by the Board for individuals or groups of students and expressed in terms of specific instructional objectives or class periods;

D. the plan for learning necessary to accomplish the educational goals of the District;

E. all the planned activities of the schools, including formal classroom instruction and out-of-class activity, both individual and group, necessary to accomplish the educational goals of the District.

The Board directs that the curriculum of this District:

A. provides instruction in courses required by statute and State Department of Education regulations;

B. be consistent with the District's philosophy and goals and ensure the possibility of their achievement;

C. allows for the development of individual talents and interests as well as recognize that learning styles of students may differ;

D. provides for continuous and cumulative learning through effective articulation at all levels;

E. utilizes a variety of learning resources to accomplish the educational goals;

F. encourages students to utilize guidance and counseling services in their academic and career planning.

The Superintendent shall make progress reports to the Board periodically.

Annually, by May 1st, the District shall submit a K-12 comprehensive reading plan for review and approval by the Just Read, Florida! Office.

The Superintendent may conduct such innovative programs as are deemed to be necessary to the continuing growth of the

instructional program and to better ensure accomplishment of the District's educational goals.

The Superintendent shall report each such innovative program to the Board along with its objectives, evaluative criteria, and costs.

The Board encourages, where it is feasible and in the best interest of the District, participation in programs of educational research.

The Board encourages the Superintendent to consider State or Federally developed programs for meeting local needs. This may also include consideration of outstanding programs from other districts in the State. The Board directs the Superintendent to pursue actively State and Federal aid in support of the District's innovative activities.

F.S. 1001.215, 1001.41, 1001.42, 1001.51, 1004.64, 1008.22, 1008.34, 1011.62
Chapter I of Education Consolidation and Improvement Act of 1981
P.L. 97-35

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2215 - PROGRAM OF INSTRUCTION

A program of instruction shall be developed and implemented by the Superintendent as follows:

A. **Elementary School**

The primary purpose of the elementary school shall be to serve each individual student by promoting opportunities for optimum learning development. The program of instruction in the elementary school shall promote language arts, mathematics, social studies, science, health and physical education, music, art, and other disciplines as shall be considered necessary to a well-rounded elementary school program. A procedure shall be established by which schools may recommend for approval courses or programs to meet the unique needs of students. Each subject field shall, insofar as practicable, embrace in the materials used and in the teaching procedures employed, instruction in the following areas: study and work habits; career awareness; library usage; safety; thrift; conservation; health and hygiene; citizenship; establishment of purpose; and development of character and morality. Provision shall be made for the inculcation of ideals of group and individual behavior; to this end, organized play, intramural sports and games, hobby groups, and other organized student activities shall be fostered.

B. **Middle School**

The primary purpose of the middle school shall be to promote an expanded educational experience to meet the needs of the students in the sixth, seventh and eighth grades of school. The District-wide program of studies and services adopted by the School Board shall determine the specific offerings. An approval process shall be established by which schools may recommend courses or programs to meet the unique needs of students. Activities that offer desirable experience, such as band (or music), dance, visual arts, drama, creative writing, athletics, student government, etc., shall be promoted.

C. **Senior High School**

The primary purpose of the senior high school shall be to promote education that fits the needs of all students. Courses shall be offered at a level that will challenge students to perform to their capacity. The District-wide studies adopted by the Board shall determine the specific offerings. Media/Technology and counseling services shall be provided to enable educational objectives to be met. Student government, publications, drama, music, visual arts, athletics, and social activities, etc., shall be promoted for the development of well-rounded citizens.

F.S. 1001.51

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2240 - CONTROVERSIAL ISSUES

The School Board believes that the consideration of controversial issues has a legitimate place in the instructional program of the schools.

Properly introduced and conducted, the consideration of such issues can help students learn to identify important issues, explore fully and fairly all sides of an issue, weigh carefully the values and factors involved, and develop techniques for formulating and evaluating positions.

For purposes of this policy, a controversial issue is a topic on which opposing points of view have been promulgated by responsible opinion or likely to arouse both support and opposition in the community.

The Board will permit the introduction and proper educational use of controversial issues provided that their use in the instructional program:

A. is related to the instructional goals of the course of study and level of maturity of the students;

B. does not tend to indoctrinate or persuade students to a particular point of view;

C. encourages open-mindedness and is conducted in a spirit of scholarly inquiry.

Controversial issues related to the program may be initiated by the students themselves provided they are presented in the ordinary course of classroom instruction and it is not substantially disruptive to the educational setting.

Controversial issues may not be initiated by a source outside the schools unless prior approval has been given by the principal.

The Board recognizes that a course of study or certain instructional materials may contain content and/or activities that some parents find objectionable. If after careful, personal review of the program lessons and/or materials, a parent indicates to the school that either the content or activities conflicts with his/her religious beliefs or value system, the school will consider a written request for his/her student to be excused from a particular class for specified reasons. The student, however, will not be excused from participating in the course and will be provided alternate learning activities during times of such parent requested absences.

The Superintendent shall develop administrative procedures for dealing with controversial issues and with parental concerns about program content or the use of particular materials. Furthermore, the Superintendent shall prepare administrative procedures detailing the manner in which students and parents will be adequately informed each year regarding their right to inspect instructional materials and the procedure for completing such an inspection.

20 U.S.C. 1232h

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2250 - INNOVATIVE PROGRAMS

The School Board wishes to promote the continued improvement of the instructional and curricular program of the schools through all appropriate means. The Board will encourage members of the school staff and of the student body who wish to pursue a promising program for school improvement.

An innovative program design shall address the steps below when appropriate to the project:

A. Rationale

B. Specific objectives

C. Supportive research

D. Budgeting

E. In-service requirements

F. Assessment of the learning

G. Plans for broader implementation

H. Methods for program evaluation

Each innovative program shall be consistent with the District's objectives and long range plans. Programs designed for disabled students must comply with Federal and State procedures.

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2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Any form of discrimination or harassment can be devastating to an individual's academic progress, social relationship and/or personal sense of self-worth. As such, the School Board will not discriminate nor tolerate harassment in its educational programs or activities on the basis of race, color, national origin, sex, disability (including HIV, AIDS, or sickle cell trait), marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (protected classes).

The Board also does not discriminate in its employment policies and practices as they relate to students.

Equal educational opportunities shall be available to all students, without regard to race, color, national origin, sex, disability (including HIV, AIDS, or sickle cell trait), marital status, age (unless age is a factor necessary to the normal operation or the achievement of any legitimate objective of the program/activity), religion, ancestry, place of residence within the boundaries of the District, or social or economic background, to learn through the curriculum offered in this District. Educational programs shall be designed to meet the varying needs of all students.

In order to achieve the aforesaid goal, the Superintendent shall take the following actions:

A. **Curriculum Content**

review current and proposed courses of study and textbooks to detect any bias based upon the protected classes ascertaining whether or not supplemental materials, singly or taken as a whole, fairly depict the contribution of both genders, various races, ethnic groups, etc., toward the development of human society;

B. **Staff Training**

develop an ongoing program of in-service training for school personnel designed to identify and solve problems of bias based upon the protected classes in all aspects of the program;

C. **Student Access**

1. review current and proposed programs, activities, facilities, and practices to verify that all students have equal access thereto and are not segregated on the basis of the protected classes in any duty, work, play, classroom, or school practice, except as may be permitted under State and Federal laws and regulations;

2. verify that facilities are made available for non-curricular student activities that are initiated by parents or other members of the community, including but not limited to any group that is officially affiliated with the Boy Scouts or is officially affiliated with any other Title 36 youth group, pursuant to Board Policy 7510 - Use of District Facilities;

D. **District Support**

verify that like aspects of the District's program receive like support as to staff size and compensation, purchase and maintenance of facilities and equipment, access to such facilities and equipment, and related matters;

E. **Student Assessment**

verify that tests, procedures, or guidance and counseling materials, which are designed to evaluate student progress, rate aptitudes, analyze personality, or in any manner establish or tend to establish a category by which a student may be judged, are not differentiated or stereotyped on the basis of the protected classes.

The Superintendent shall appoint and publicize the name of the compliance officers who are responsible for coordinating the District's efforts to comply with applicable Federal and State laws and regulations, including the District's duty to address in a prompt and equitable manner any inquiries or complaints regarding discrimination or denial of equal access. The Compliance Officers shall also verify that proper notice of nondiscrimination for Title II of the Americans with Disabilities Act (as amended), Title VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973 (as amended), the Age Discrimination Act of 1975, the Florida Civil Rights Act of 1992, the Florida Educational Equity Act, and/or their implementing regulations is provided to students, their parents, staff members, and the general public.

The Superintendent shall annually attempt to identify students with disabilities, ages 3-22, who reside in the District but do not receive public education. In addition, s/he shall establish procedures to identify students who are Limited English Proficient (LEP), including immigrant children and youth, to assess their ability to participate in District programs, and develop and administer a program that meets the English language and academic needs of these students. This program shall include procedures for student placement, services, evaluation, and exit procedures and shall be designed to provide students with effective instruction that leads to academic achievement and timely acquisition of proficiency in English. As a part of this program, the District will evaluate the progress of students in achieving English language proficiency in the areas of listening, speaking, reading, and writing, on an annual basis (see AP 2260F).

F.S. 553.501 et seq., Florida Americans with Disabilities Accessibility Implementation Act
F.S. 553.014, 760.08, 760.021
F.S. 1000.05, Florida Educational Equity Act
F.A.C. 6A-19.001
Fourteenth Amendment, U.S. Constitution
20 U.S.C. Section 1681, Title IX of Education Amendment Act
20 U.S.C. Section 1701 et seq., Equal Educational Opportunities Act of 1974
20 U.S.C. Section 7905, Boy Scouts of America Equal Access Act
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 U.S.C. Section 794, Rehabilitation Act of 1973, as amended
42 U.S.C. Section 2000 et seq., Civil Rights Act of 1964
42 U.S.C. 12101 et seq., The Americans with Disabilities Act of 1990, as amended
42 U.S.C. 6101 et seq., Age Discrimination Act of 1975
34 C.F.R. Part 110 (7/27/93)
29 C.F.R. Part 1635
Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services, Department of Education, Office of Civil Rights, March 1979
Title III of the No Child Left Behind Act of 2001

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2260.01 - SECTION 504/ADA PROHIBITION AGAINST DISCRIMINATION BASED ON DISABILITY

Pursuant to Section 504 of the Rehabilitation Act of 1973 ("Section 504"), the Americans with Disabilities Act of 1990, as amended ("ADA"), and the implementing regulations (collectively "Section 504/ADA"), no otherwise qualified individual with a disability shall, solely by reason of his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. The School Board does not discriminate in admission or access to, or participation in, or treatment in its programs or activities. As such, the Board's policies and practices will not discriminate against students with disabilities will make accessible to qualified individuals with disabilities its facilities, programs, and activities. No discrimination will be knowingly permitted against any individual with a disability on the sole basis of that disability in any of the programs, activities, policies, and/or practices in the District.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, normal cell growth, digestive, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, and reproductive functions.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aids and cochlear implants or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, assistive technology, reasonable accommodations or auxiliary aids or services, or learned behavioral or adaptive neurological modifications.

With respect to public preschool, elementary and secondary educational services, a qualified person with a disability means a disabled person:

A. who is of an age during which nondisabled persons are provided educational services;

B. is of any age during which it is mandatory under Florida law to provide educational services to disabled persons; or

C. to whom the State is required to provide a free appropriate public education pursuant to the Individuals with Disabilities Education Improvement Act (IDEIA).

With respect to vocational education services, a qualified person with a disability means a disabled person who meets the academic and technical standards requisite to admission or participation in the vocational program or activity.

District Compliance Officer

The following persons are designated as the District Section 504 Compliance Officer(s)/ADA Coordinators ("District Compliance Officers"):

Title:	Director of Exceptional Student Education
Address:	35 Martin Luther King Jr. Boulevard Quincy, Florida 32351
Phone:	850-627-9651
Fax:	850-627-2760
Title:	Director of Curriculum
Address:	35 Martin Luther King Jr. Boulevard Quincy, Florida 32351
Phone:	850-627-9651
Fax:	850-627-2760

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the ADA. A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from the District Compliance Officers.

The District Compliance Officer(s) will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints.

The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. The Board will further establish and implement a system of procedural safeguards in accordance with Section 504, including the right to an impartial due process hearing.

Training

The District Compliance Officer(s) will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto. Programs and activities will be designed and scheduled so that the location and nature of the facility or area will not deny a student with a disability the opportunity to participate on the same basis as students without disabilities.

Education

The Board is committed to identifying, evaluating, and providing a Free Appropriate Public Education (FAPE) to students within its jurisdiction who are disabled within the definition of Section 504, regardless of the nature or severity of their disabilities.

If a student has a physical or mental impairment that significantly limits one (1) or more major life activities, the Board will provide

the student with a free appropriate public education. An appropriate education may include regular or special education and related aids and services to accommodate the unique needs of students with disabilities. For disabled students who are not eligible for specially designed instruction under the IDEIA, the related aids and services (including accommodations/modifications/interventions) they need in order to have their needs met as adequately as the needs of nondisabled students are met, shall be delineated, along with their placement, in a Section 504 Plan (Form 2260.01A F13). Parents/Guardians/Custodians ("parents") are invited and encouraged to participate fully in the evaluation process and development of a Section 504 Plan.

The Board is committed to educating (or providing for the education of) each qualified person with a disability who resides within the District with persons who are not disabled to the maximum extent appropriate.

Generally, the District will place a person with a disability in the regular educational environment unless it is demonstrated that the education of the person in the regular environment even with the use of supplementary aids and services cannot be achieved satisfactorily. If the District places a person in a setting other than the regular educational environment, it shall take into account the proximity of the alternate setting to the person's home.

Non-academic Extra-Curricular Services

The District will provide non-academic extracurricular services and activities in such a manner as is necessary to afford qualified persons with disabilities an equal opportunity for participation in such services and activities. Nonacademic and extracurricular services and activities may include counseling services, physical recreational athletics, transportation, health services, recreational activities, special interests groups or clubs sponsored by the District, referrals to agencies that provide assistance to persons with disabilities, and employment of students. In providing or arranging for the provision of meals and recess periods, and nonacademic and extracurricular services and activities, including those listed above, the District will verify that persons with disabilities participate with persons without disabilities in such services and activities to the maximum extent appropriate.

Notice

Notice of the Board's policy on nondiscrimination in education practices and the identity of the District's Compliance Officer(s) will be posted throughout the District, and published in the District's recruitment statements or general information publications.

34 C.F.R. Part 104
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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2260.02 - NONDISCRIMINATION GRIEVANCE PROCEDURE

It is the policy of the School Board to offer the opportunity to students to participate in appropriate programs and activities without regard to race, color, religion, national origin, sex, disability, marital status, or age, except as otherwise provided by State law.

The compliance officer for the Board is the Deputy Superintendent, who may be reached at the:

Address: 35 Martin Luther King Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627-9651

Fax: 850-875-3193

At each school, the compliance officer for that institution is the principal thereof. The principal may designate other persons to act in this capacity on his/her behalf as the demands of the institution dictate. Nevertheless, all written grievances may be properly directed to the principal of the institution alleged to be in violation of Title IX of the Florida Education Equity Act.

All written complaints alleging violations of Title IX of the Florida Education Equity Act, regardless of resolution at the individual school level, shall be forwarded to the compliance officer. The Board's compliance officer, or his/her designee shall maintain all such written complaints, as well as the written response/resolution to such complaints. These documents are public records and shall be available for inspection and copying through proper public records request by any person or organization, subject to reasonable fee.

Student Grievance Procedure:

The steps described below must be followed in the submittal and resolution of student grievances.

A. **Step 1**

A student should first take the complaint to the person(s) and/or appropriate school official involved and try to solve the problem informally. If this does not work, then s/he may go on to the next step. The student may begin the process at the second step.

B. **Step 2**

The student (or parents) must give the principal a written and signed harassment grievance form no later than thirty (30) days after the date of the event giving rise to the grievance. This event is the initial response by a school official to an accusation of harassment. A copy of the grievance is to be given to any other person involved. This should describe the problem and give all the facts. The student should tell what would be the best solution to the problem. The principal should make a decision within seven (7) days.

C. **Step 3**

If a student does not agree with the principal's decision, his/her parents may send another harassment grievance, just as in Step 2, to the Superintendent. A copy of the grievance is to be given to the principal. This must be done

within seven (7) days after receiving the principal's decision. The Superintendent will make a decision within seven (7) days after receiving the grievance.

D. **Step 4**

If the parents of the student do not agree with the Superintendent's decision, they may send the harassment grievance to the Board within seven (7) school days after they receive the Superintendent's decision. A copy of the harassment grievance is to be given to the Superintendent. The Board will take action at its next regularly scheduled meeting. The Board will communicate its decision to the grieving party within thirty (30) days.

F.S. 1000.05
Titles VI, VII, and IX of the Civil Rights Act 1964
Section 504 of the Education Amendments of 1972
American's with Disabilities Act, Public Law 101-336

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2261 - TITLE I SERVICES

The School Board elects to augment the educational program of educationally disadvantaged students by the use of Federal funds and in accordance with Title I of the Amendments to the Elementary and Secondary School Improvement Act of 1965.

The Superintendent shall prepare and present to the Department of Education a plan for the delivery of services which meets the requirements of the law, including those described below. The plan shall be developed by appropriate staff members and parents of students who will be served by the plan.

A. **Assessment**

Assessment shall be the same as the assessment for all students in the District.

B. **Scope**

Funds will be used to upgrade the educational program of an entire school and/or to establish or improve programs that provide services only for eligible students in greatest need of assistance. The program, for an entire school and/or a Targeted Assistance School shall include the components required by law as well as those agreed upon by participating staff and parents.

C. **Participation**

The Title I program shall be developed and evaluated in consultation with parents and professional staff members involved in its implementation. Appropriate training will be provided to staff members who provide Title I services. Parent participation shall be in accord with Federal requirements.

D. **Comparability of Services**

Title I funds will be used only to supplement, not to supplant, State and local funds. The Superintendent shall use State and local funds to provide educational services in schools receiving Title I assistance that, taken as a whole, are at least comparable to services being provided in schools that are not receiving Title I assistance.

The determination of the comparability of services may exclude, in accordance with Federal regulations, State and local funds spent on compensatory education programs, bilingual education programs, and programs for educationally-disabled students. The determination of comparability will not take into account unpredictable changes in student enrollments or personnel assignments.

In order to achieve comparability of services, the Superintendent shall assign teachers, administrators, and auxiliary personnel, and provide curriculum materials and instructional supplies in such a manner as to ensure equivalence throughout the District.

E. **Professional Development**

Members of the professional staff participate in the design and implementation of staff development activities that meet the requirements of Section 1119 of the Act. Further, the Superintendent shall:

1. involve parents in the training, when appropriate;

2. combine and consolidate other available Federal and District funds;

3. foster cooperative training with institutions of higher learning and other educational organizations including other school districts;

4. allocate part of the staff development to the following types of strategies:

   a. performance-based student assessment;

   b. use of technology;

   c. working effectively with parents;

   d. early childhood education;

   e. meeting children's special needs;

   f. fostering gender-equitable education.

F. **Simultaneous Services**

In accordance with law, a school offering Title I services may also serve other students with similar needs.

20 U.S.C. 2701 et seq., Elementary and Secondary Education Act of 1965

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2261.02 - TITLE I - PARENTS' RIGHT TO KNOW

In accordance with the requirement of Section 1111 of Title I, for each school receiving Title I funds, the Superintendent shall make sure that all parents of students in that school are notified that they may request, and the District will provide the following information on the student's classroom teachers:

A. Whether the teacher(s) have met the State qualification and licensing criteria for the grade level and subject areas they are teaching.

B. Whether the teacher(s) is teaching under any emergency or provisional status in which the State requirements have been waived.

C. The undergraduate major of the teacher(s) and the area of study and any certificates for any graduate degrees earned.

D. The qualifications of any paraprofessionals providing services to their child(ren).

E. In addition, the parents shall be provided:

1. information on the level of achievement of their students on the required State academic assessments;

2. timely notice if the student is assigned to a teacher who is not "highly qualified" as required, or if the student is taught for more than four (4) weeks by a teacher who is not "highly qualified".

The notices and information shall be provided in an understandable format, and to the extent possible, in a language the parent(s) understand.

20 U.S.C. 6311, Elementary and Secondary Education Act of 1965
34 C.F.R. Part 200 et seq.

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2270 - RELIGION IN THE CURRICULUM

Based on the First Amendment protection from the establishment of religion in the schools, no devotional exercises or displays of a religious character will be permitted in the District in the conduct of any program or activity under the jurisdiction of the School Board. Instructional activities shall not be permitted to advance or inhibit any particular religion or religion generally.

An understanding of religions and their effects on civilization is essential to the thorough education of young people and to their appreciation of a pluralistic society. To that end, curriculum may include instruction about religions of the world, as appropriate to the various ages and attainments of the students.

Although the Board recognizes that religious traditions vary in their perceptions and doctrines regarding the natural world and its processes, the curriculum is chosen for its place in the education of the District's students, not for its conformity to religious principles. The Board expects students to receive unbiased instruction in the schools so they may privately accept or reject the knowledge thus gained, in accordance with their own religious tenets.

No classroom teacher shall be prohibited from providing reasonable periods of time for programs of meditation upon a moral, philosophical, or patriotic theme. No student shall be required to participate in such programs or meditations if they are contrary to the religious convictions of the student or his/her parents or guardians.

F.S. 1003.45
U.S. Constitution Amendment 1

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2271 - POSTSECONDARY ENROLLMENT PROGRAMS

The School Board recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities. The Superintendent will annually develop/revise articulation agreements jointly with postsecondary institutions to provide a comprehensive articulated acceleration program including, but not limited to, dual enrollment and early admission programs.

The Board will approve participation by students in grades 10, 11, and 12 who meet the State Board of Education's criteria, to enroll in approved postsecondary programs while in attendance in the District. Students will be eligible to receive secondary credit for completing courses contained in any of these programs. Such credit will count toward graduation requirements.

No student may participate without the written consent of parents and the high school principal.

The Superintendent shall establish the necessary administrative procedures to comply with State law that will thereafter be properly communicated to both students and their parents.

The postsecondary education institution will assign a letter grade for the student's work in the course, and the District will be responsible for posting dual enrollment course grades as assigned by the postsecondary institution to the high school transcript. The Superintendent shall also establish procedures for the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

The District shall deny high school credit for any portion of postsecondary courses which are taken during the period of a student's expulsion. Any District student who is expelled is not eligible for enrollment or continuation in postsecondary courses during the period of expulsion except as determined by mutual agreement between the District and the college or university.

F.S. 1007.27, 1007.271

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2280 - PHYSICAL EDUCATION

The School Board recognizes the value of physical education to the maintenance of the health and vitality of all students, as well as to the development of life-long habits that will enhance personal fitness and wellness and has available to students one-on-one counseling concerning the benefits of physical education.

Therefore, it shall be the policy of the Board that instruction in physical education shall be available to all students in Pre-Kindergarten. Students in kindergarten through grade five (5) shall be provided 150 minutes of physical education, as defined in Florida statutes, each week. Students in grade six who are enrolled in a school with students in Kindergarten through grade five shall also be provided 150 minutes of physical education as defined in Florida statutes each week.

For students in a middle school, which has enrolled students in grades six through eight, each student is required to complete one (1) class period for one (1) semester per school year of physical education.

Students in grades nine (9) through twelve (12) shall be required to earn a minimum of one (1) credit in physical education.

The physical education curriculum in this District shall be in accord with standards established by the Department of Education, as well as those recommended by the National Association of Health, Physical Education, and Recreation.

Physical education instruction shall include activities requiring at least a moderate level of physical exertion and duration sufficient to provide a health benefit for the participants. When planning the required activities, the instructor shall consider the different capabilities of the students and adapt the plans accordingly.

Furthermore, the outcomes of the physical education program in this District shall stress physical fitness and encourage the development of a healthy, active life style. Specific grade level outcomes shall be established annually in each school's school improvement plan.

Each District shall notify student's parents of the options available to waive participation in physical education prior to the placement of physical education on a student's schedule. A student must meet one (1) of the following criteria to be available for waiver from the required physical education class:

A. the student is enrolled or required to enroll in a remedial course;

B. the student's parent indicates in writing to the school that:

1. the parent requests that the student enroll in another course from among those courses offered as options by the School District; or

2. the student is participating in physical activities outside the school day which are equal to or in excess of the mandated requirement.

Provision shall be made at all levels to excuse individual students from specific activities if direction to do so is received, in writing, from the student's physician.

Students may be excused from specific activities if those activities are contrary to their religious beliefs. A request to excuse a student from such activities must be received in writing from the student's parent or from the eligible student.

If one (1) of the above criteria is met and the parent has notified the District, the student will not have physical education placed on their schedule for that ensuing school year.

The Superintendent shall develop and update administrative procedures as necessary to implement this policy.

F.S. 1003.455

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2330 - HOMEWORK

The School Board acknowledges the educational validity of out-of-school assignments as adjuncts to and extensions of the instructional program of the schools.

"Homework" shall refer to those assignments to be prepared outside of the school by the student.

The Superintendent shall develop rules for the assignment of homework according to these procedures:

A. Homework should be a properly planned part of the curriculum, extending and reinforcing the learning experience of the school.

B. Homework should help students learn by providing practice in the mastery of skills, experience in data gathering, and integration of knowledge, and an opportunity to remediate learning problems.

C. Homework should help develop the student's sense of responsibility by providing an opportunity for the exercise of independent work and judgment.

D. The number, frequency, and degree of difficulty of homework assignments should be based on the ability and needs of the student and take into account other activities that make a legitimate claim on the student's time.

E. As a valid educational tool, homework should be assigned with clear direction and its product carefully evaluated.

F. The schools should recognize the role of parents by suggesting ways in which parents can assist the school in helping a student carry out assigned responsibilities.

G. Homework should always serve a valid learning purpose; it should never be used as a punitive measure.

F.S. 1001.49

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2340 - FIELD AND OTHER DISTRICT-SPONSORED TRIPS

The School Board recognizes that field trips, when used for teaching and learning integral to the curriculum, are an educationally sound and important ingredient in the instructional program of the schools. Properly planned and executed field trips should:

A. supplement and enrich classroom procedures by providing learning experiences in an environment outside the schools;

B. arouse new interests among students;

C. help students relate school experiences to the reality of the world outside of school;

D. bring the resources of the community - natural, artistic, industrial, commercial, governmental, educational - within the student's learning experience;

E. afford students the opportunity to study real things and real processes in their actual environment.

For purposes of this policy, a field trip shall be defined as any planned journey by one or more students away from District premises, which is an integral part of a course of study and is under the direct supervision and control of an instructional staff member or any advisor as designated by the Superintendent.

Other District-sponsored trips shall be defined as any planned, student-travel activity which is approved as part of the District's total educational program and is under the direct supervision and control of an instructional staff member or any advisor as designated by the Superintendent.

School personnel shall not accept any form of compensation from vendors that might influence their recommendation on the eventual selection of a location for, or a vendor that will provide transportation to, a field or other District-sponsored trip. Furthermore, school personnel shall not accept any compensation from a vendor after a decision has been made regarding the location for, or a vendor that will provide transportation to, a field or other District-sponsored trip. In addition, school personnel who recommended the location for, or a vendor that will provide transportation to, a field or other District-sponsored trip shall not enter into a contractual arrangement whereby an individual staff member receives compensation in any form from the vendor that operates the venue for, or provides the transportation to, a field or other District-sponsored trip for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a school staff member receives such compensation, albeit unsolicited, from a vendor, the staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer at his/her earliest opportunity.

The Superintendent shall approve all field trips within the State of Florida. The Board shall approve all field trips out of State or out of the country.

The Board does not endorse, support, or assume liability in any way for any staff member, volunteer, or parent of the District who takes students on trips not approved by the Superintendent. No staff member may solicit students of this District for such trips within the facilities or on the school grounds of the District without permission from the Superintendent. Permission to solicit neither grants nor implies approval of the trip. Such approval must be obtained in accordance with the District's administrative procedures

for Extended Trips.

The Superintendent shall prepare administrative procedures for the operation of both field and other District-sponsored trips, including athletic trips, which shall address:

A. the safety and well-being of students;

B. parental permission is sought and obtained before any student leaves the District on a trip;

C. each trip is properly planned, and if a field trip, is integrated with the curriculum, evaluated, and followed up by appropriate activities which enhance its usefulness;

D. the effectiveness of field trip activities is judged in terms of demonstrated learning outcomes;

E. each trip is properly monitored;

F. student behavior while on all field trips complies with the Student Code of Conduct and on all other trips complies with an approved code of conduct for the trip;

G. a copy of each student's Emergency Medical Authorization Form is in the possession of the staff member in charge;

H. provisions have been made for the administration of medication to those students for whom medications are administered routinely while at school;

I. provisions have been made at the trip destination and in transportation, if and when required to accommodate students and/or chaperones with disabilities.

An instructional staff member shall not change a planned itinerary while the trip is in progress, except where the health, safety, or welfare of the students in his/her charge is imperiled.

In any instance in which the itinerary of a trip is altered, the instructional staff member in charge shall notify the administrative superior immediately.

F.S. 1001.43

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2370 - EDUCATIONAL OPTIONS

The School Board recognizes the need to provide alternative means by which students achieve the goals of the District.

Pursuant to Policy 2370.01 - Virtual Instruction Program, the District shall provide students with access to courses available through the Florida Virtual School and award credit for successful completion of such courses. Access shall be available to students during and after the normal school day and through summer school enrollment.

The Superintendent shall prepare a plan of educational options for use in meeting special needs. Such options may include, but not be limited to, distance learning, on-line coursework, tutorial programs, independent study, correspondence courses, educational travel, mentorship programs, summer school, and early college entrance.

Prior approval of the educational option application (Form 2370 F1) by the Superintendent shall be required before a student participates in one (1) of the available educational options. Prior permission of a parent or guardian shall also be required before a student under age eighteen (18) participates in one (1) of the available educational options.

Participation in an educational option shall be in accordance with an instructional plan that will be developed based on the individual student's needs. The instructional plan will include:

A. instructional objectives that align with District's curriculum requirements;

B. a description of the criteria and method for assessing student performance;

C. an outline of specific instructional activities, materials, and learning environments.

Participation must be subject to the oversight of a credentialed teacher who will review the instructional plan, provide or supervise instruction, and evaluate student performance.

Student performance shall be evaluated as either pass or fail relative to the instructional objectives set forth in the instructional plan; letter grades shall not be awarded.

Student performance shall be evaluated as either pass or fail, or by awarding letter grades relative to the instructional objectives set forth in the instructional plan.

Credit shall be granted to the student upon successful completion of the program. The credit shall be placed on the student transcript.

Credits earned from educational options may be counted toward graduation requirements in accordance with applicable State law and administrative code.

F.S. 1001.28, 1001.42, 1001.43, 1002.321, 1002.37

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2370.01 - VIRTUAL INSTRUCTION PROGRAM

The District shall provide eligible students within its boundaries the option of participating in a virtual instruction program. A "virtual instruction program" (VIP) is a program that takes place in an interactive learning environment created through technology in which a student and teacher are separated from each other by time, space, or both.

The purpose of the program is to make instruction available to District students using online and distance education technology in a nontraditional classroom (i.e., primarily outside of public school buildings). In practice, most students will access the online instruction from their home.

This program provides an additional school choice option for parents and a tool for the District to use to meet class size requirements. The District shall offer a full-time program for students in K-12. The District may offer a full time or part time program for grade 9-12 students enrolled in dropout prevention, academic intervention, Department of Juvenile Justice (DJJ), core courses to meet class size requirements, or community colleges.

Student Eligibility

Students eligible for the District VIP program must meet at least one of the following conditions:

A. The student has spent the prior school year in attendance at a public school in this State and was enrolled and reported by a public school district for funding during the preceding October and February for the purposes of the Florida Education Finance Program (FEFP) surveys.

B. The student is a dependent child of a member of the United States Armed Forces who was transferred within the last twelve (12) months to Florida from another state or foreign country pursuant to the parent's permanent change of station orders.

C. The student was enrolled during the prior school year in a School District virtual instruction program under F.S. 1002.45 or a K-8 virtual school program under F.S. 1002.415.

D. The student has a sibling who is currently enrolled in the School District virtual instruction program and that sibling was enrolled in such a program at the end of the prior school year.

The District shall provide access to enroll in courses available through one of the VIP programs and shall award credit for successful completion. Access shall be available to eligible students during or after the school day and during summer school enrollment.

F.S. 1002.45, 1002.20(6), 1002.37, 1002.42, 1003.02(l)(i), 1003.03(3)(b)
F.S. 1000.04(4), 1007.27(1)
F.A.C. 6A-6.0981

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2410 - HEALTH SERVICES

The School Board shall cooperate with the county health unit in providing professional medical supervision in all school health matters as required by the School Health Services Act F.S. 381.0056. The Board, the Gadsden County Health Department, and the Department of Children and Families Services shall jointly develop a school health services plan that shall be approved by the Board and the Department of Children and Families Services. The Student/Parent Elementary and Secondary Handbook should be referenced.

The Superintendent shall develop a joint plan with the Gadsden County Health Department and the Department of Children and Families Services and submit it to the Board for approval. The plan is to include but not necessarily be limited to:

A. the periodic review of student health records for compliance with State statutes;

B. health inservice to schools and resource persons for individual group-related health issues;

C. school entry health examinations;

D. compulsory immunization for school entry;

E. exemptions from physical examination and/or immunizations;

F. emergency flip charts for various health procedures;

G. emergency health care procedures and cardiopulmonary resuscitation (CPR) poster;

H. the administration of medication to students;

I. parent request for the administration of medication to students;

J. the care of asthmatic students;

K. the control of head lice (pediculosis capitis);

L. emergency injections for insect stings;

M. notification of a student's chronic health condition;

N. vision and hearing screening;

O. students and employees with HIV or AIDS;

P. confidentiality of students or employees infected with AIDS;

Q. contaminated materials protection and disposal.

Mental Health Services

Mental health counseling services, case management services, and human and social services may be provided to students at a school site under mutual agreements with community-based public or private agencies. Each service provided shall be on a case-by-case basis with prior written approval of the student's parent or guardian.

The Superintendent shall work to assist schools in providing information to children and families by providing a directory of referral sources for professional mental health services for children and families in need of such services. The following information should be listed in the directory:

A. information on mental health referral

B. information on substance abuse referrals

C. phone numbers and addresses of mental health providers

D. a copy of the District's release letter for obtaining assistance

E. additional resource for outpatient/inpatient services

F. inpatient unit services for District children and adolescents

G. employee assistance programs and contacts

F.S. 381.0056, 1003.22

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2411 - GUIDANCE AND COUNSELING

The School Board requires that a planned program of guidance and counseling be an integral part of the educational program of the schools. Such a program must be found in the District's Comprehensive Guidance Plan and may:

A. assist students in achieving their optimum growth;

B. enable students to obtain maximum benefit from the offerings of the instructional program of the schools;

C. aid students in identifying options and making choices in vocational and academic planning;

D. help integrate all the students' experience so that s/he can better relate school activity to life outside the school;

E. help students learn to make their own decisions and solve problems independently.

A program of guidance and/or counseling shall be offered to all students and shall:

A. be limited to the services of a professional staff of fully-licensed guidance personnel;

B. include the services of professional guidance personnel and other designated faculty and staff members; and appropriate members of the community;

C. be the responsibility of the classroom teacher who may draw upon the services of other more specialized staff members as they are required.

The Superintendent is directed to implement the adopted counseling and guidance program which carries out these purposes and:

A. involves appropriate staff members at every level;

B. honors the individuality of each student;

C. is integrated with the total educational program;

D. is coordinated with available resources of the community;

E. provides means for such sharing of information among such appropriate staff members as may be in the best interests of the student;

F. is available equally to all students;

G. establishes a referral system which utilizes all the aid the schools and community offer, guards the privacy of the student, and monitors the effectiveness of such referrals.

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2412 - HOMEBOUND INSTRUCTION PROGRAM

The School Board may provide, pursuant to rules of the State Board of Education, individual instruction to students who are unable to attend classes because of accident, illness, or disability.

Documentation of the disabling condition shall be done by a physician licensed to practice in this State who shall certify that the patient:

A. is unable to attend school;

B. is expected to be absent from school for at least fifteen (15) consecutive school days;

C. has a chronic condition and is expected to be absent for at least fifteen (15) school days which will not run consecutively;

D. will be able to participate in and benefit from an instructional program;

E. can receive an instructional program without endangering the health of the instructor or other student with whom the instructor may come in contact;

F. is under school age and may benefit from homebound/hospitalized instruction.

Applications must be approved by the Superintendent.

The program of homebound instruction given each student shall be in accordance with rules of the State Board of Education with such exceptions as may be recommended by the I.E.P. Team. Procedures for the implementation of this program may be found in the *Gadsden County School Board Exceptional Student Education Special Programs and Procedures Manual*. Teachers shall hold a Florida teaching certificate appropriate for the level of instruction for which the assignment is made.

F.S. 1003.01
F.A.C. 6A-6.03020

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2416 - STUDENT PRIVACY AND PARENTAL ACCESS TO INFORMATION

The School Board respects the privacy rights of parents and their children. No student shall be required, as a part of the school program or the District's curriculum, without prior written consent of the student (if an adult or an emancipated minor) or, if an unemancipated minor, his/her parents, to submit to or participate in any survey, analysis, or evaluation that reveals information concerning:

A. political affiliations or beliefs of the student or his/her parents;

B. mental or psychological problems of the student or his/her family;

C. sex behavior or attitudes;

D. illegal, anti-social, self-incriminating, or demeaning behavior;

E. critical appraisals of other individuals with whom respondents have close family relationships;

F. legally recognized privileged and analogous relationships, such as those of lawyers, physicians, and ministers;

G. religious practices, affiliations, or beliefs of the student or his/her parents; or

H. income (other than that required by law to determine eligibility for participation in a program or for receiving financial assistance under such a program).

The Superintendent shall establish procedures whereby parents may inspect any materials used in conjunction with any such survey, analysis, or evaluation.

Further, parents have the right to inspect, upon request, a survey or evaluation created by a third party before the survey/evaluation is administered or distributed by the school to the student. The parent will have access to the survey/evaluation within a reasonable period of time after the request is received by the building principal.

Additionally, parents have the right to inspect, upon request, any instructional material used as part of the educational curriculum of the student or used in a research or experimentation program in which the student is engaged. The parent will have access to the instructional material within a reasonable period of time after the request is received by the building principal. The term instructional material means instructional content that is provided to a student, regardless of its format, including printed and representational materials, audio-visual materials, and materials in electronic or digital formats (such as materials accessible through the Internet). The term does not include academic tests or assessments.

The Board will not allow the collection, disclosure, or use of personal information collected from students for the purpose of marketing or for selling that information (or otherwise providing that information to others for that purpose).

The Superintendent is directed to provide notice directly to parents of students enrolled in the District of the substantive content of this policy at least annually at the beginning of the school year, and within a reasonable period of time after any substantive change in this policy. In addition, the Superintendent is directed to notify parents of students in the District, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when the administration of any survey by

a third party that contains one or more of the items described in A through H above are scheduled or expected to be scheduled.

Parents have the right to inspect, upon request, any instrument used in the collection of personal information before the instrument is administered or distributed to the student. The parent will have access to the instrument within a reasonable period of time after the request is received by the building principal.

The term "personal information" means individually identifiable information including: a student or parent's first and last name; a home or other physical address (including street name and the name of the city or town); a telephone number; and a Social Security identification number.

This section does not apply to the collection, disclosure, or use of personal information collected from students for the exclusive purpose of developing, evaluating, or providing educational products or services for, or to, students or educational institutions, such as the following: (1) college or other postsecondary education recruitment, or military recruitment; (2) book clubs, magazines, and programs providing access to low-cost literary products; (3) curricular and instructional materials used by elementary and secondary schools; (4) tests and assessments used by elementary schools and secondary schools to provide cognitive, evaluative, diagnostic, clinical, aptitude, or achievement information about students (or to generate other statistically useful data for the purpose of securing such tests and assessments) and the subsequent analysis and public release of the aggregate data from such tests and assessments; (5) the sale by students of products or services to raise funds for school-related or education-related activities; and (6) student recognition programs.

For purposes of this policy, the term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child).

F.S. 1002.22
20 U.S.C. 1232g, 20 U.S.C. 1232h
34 C.F.R. Part 98

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2417 - COMPREHENSIVE HEALTH EDUCATION

Pursuant to State law, the School Board shall provide an evidence-based, medically-accurate comprehensive health education curriculum that addresses concepts of community health; consumer health; environmental health; family life, including an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy for one's life, health, and development; mental and emotional health; injury prevention and safety; nutrition; personal health; prevention and control of disease; substance use and abuse; and teen dating violence and abuse.

The Board requires that this curriculum also include an evidence-based, medically-accurate, age-appropriate, and comprehensive reproductive and sexual health education curriculum. This curriculum shall include information about:

A. abstinence as the only certain way to avoid pregnancy or sexually transmitted infections, including HIV/AIDS;

B. the consequences of teenage pregnancy;

C. the health benefits and side-effects of contraception and condoms;

D. responsible decision-making, communication, and relationship skills; and

E. the importance of family-child communication.

This curriculum shall be taught beginning in the 7th grade and continue throughout high school, and shall enable students to master the standards set forth in the Common Core State Standards.

The health education curriculum materials shall, at all times, reflect current theory, knowledge, and practice, and shall be evidence-based and proven effective. The curriculum materials shall be available for review at each school site.

Any student whose parent makes a written request to the school principal shall be permitted to opt-out from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption and shall be given alternative assignments during this time.

Personnel providing instruction in human sexuality shall receive training based on District approved standards, prior to presenting such instruction.

F.S. 1003.42, 1003.43, 1003.46

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2421 - VOCATIONAL/TECHNICAL EDUCATION PROGRAM

The School Board recognizes that education is a function of both knowledge and the application of knowledge. Education that ties abstract ideas to practical applications also prepares students to use their minds, as well as preparing them to be citizens, parents, and members of a civilized culture. Vocational/Technical education and academic education are complementary, rather than exclusive.

For the purposes of this policy, "vocational/technical education" shall be defined as a program designed to provide career and technical education experiences. These experiences will complement and reinforce academic concepts that are particularly amenable to contextualized learning in a distinct career area and provide occupationally specific skills.

The Board shall provide a vocational/technical education program that includes, but is not limited to:

A. job preparatory courses designed to provide students with the competencies necessary for effective entry into an occupation;

B. exploratory courses designed to give students initial exposure to skills and attitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;

C. practical arts courses designed to teach students practical generic skills which, although applicable in some occupations, are not designed to prepare students for entry into an occupation;

D. career education instruction which is designed to strengthen and integrate basic academic skills and vocational/technical skills and occupational awareness;

E. accelerated vocational/technical programs such as vocational dual enrollment designed to enable high school students to earn elective credit toward graduation and postsecondary credit toward an A.S. degree or a technical certificate.

Any effort to recruit students to participate in a particular vocational/technical program shall follow applicable State and Federal laws regarding provision of information.

The Board recognizes the value of providing students with actual workplace experiences as part of their preparation for productive employment and appreciates the cooperation of local employers in accommodating such education and training activities at their places of business.

The Board authorizes the Superintendent to develop workplace education and training programs as part of the vocational/technical education curriculum, which may include the establishment of career and professional (CAP) academies as research based programs that integrate a rigorous academic curriculum with an industry-driven career curriculum. Multiple academies may be established in accordance with Florida statutes. Each CAP academy must:

A. provide a rigorous standards-based academic curriculum integrated with a career curriculum;

B. include one or more partnerships with postsecondary institutions, business, industry, employers, or other appropriate partners;

C. provide creative and tailored student advisement;

D. provide a career education certification on the high school diploma;

E. provide instruction in high growth, high demand, and high pay careers;

F. provide instruction resulting in competency, certification, or credentials;

G. provide opportunities for students to receive Ready to Work Certification;

H. include an evaluation plan developed jointly with the Department of Education.

Once developed, the Superintendent shall submit the vocational/technical education curriculum to the Board for approval, and then submit it to the Department of Education. This curriculum shall be updated annually, submitted to the Board for approval, and then re-submitted to the Department of Education.

Cooperative education programs are available to high school students without regard to race, color, national origin, sex, age, or disability. The Superintendent is to ensure that application forms for cooperative education programs contain a notice of nondiscrimination. The notice of nondiscrimination shall be part of the application forms provided to employers.

Procedures for program operation in accordance with applicable labor laws are incorporated in the Florida Department of Education, Curriculum Frameworks, and Student Performance Standards. Those documents are kept on file in the Superintendent's office.

F.S. 450.081, 1001.42, 1003.01, 1003.493
29 U.S.C. 201-219
F.A.C. 6A-6.301 through 6A-6.371, 6A-6.672, 6A-14.37

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2430.01 - SPECIAL PROGRAMS BY COMMUNITY VOLUNTEERS

The School Board believes in providing opportunities for students to enhance their education through a variety of appropriate co-curricular and extra-curricular activities. The Board recognizes that the community itself can be an excellent resource for such activities and welcomes the participation of community members who have special knowledge and skills that can add to the District's program.

In order to ensure that activities recommended by or involving community volunteers in an instructional role are in keeping with District philosophy and will help students better accomplish the learning goals of the District's program, the Superintendent shall establish procedures for the approval of any activity involving community volunteers. All volunteers are subject to a background check.

F.S. 1012.01(5)
F.A.C. 6A-1.0502

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2431 - INTERSCHOLASTIC ATHLETICS

The School Board recognizes the value to the students of the District and to the community of a program of interscholastic athletics for students as an integral part of the total school experience.

The program should foster the growth of school loyalty within the student body as a whole and stimulate community interest in athletics.

The game activities and practice sessions should provide many opportunities to teach the values of competition and good sportsmanship.

The program of interscholastic athletics should provide students the opportunity to exercise and test their athletic abilities in a context greater and more varied than that which can be offered by a school or the School District alone. It should also offer an opportunity for career and educational development.

For purposes of this policy, the program of interscholastic athletics shall include all activities relating to competitive sport contests, games, events, or sport exhibitions involving individual students or teams of students from high schools in this District with those from a high school in another district. Middle school or junior high athletic teams may not play out-of-county or against out-of-county teams within the county.

All high schools shall be members of the Florida High School Athletic Association and shall be governed by rules and regulations of said organization.

The Board shall determine the standards of eligibility to be met by all students participating in the interscholastic program. Such standards shall require that each student be in good physical condition, be free of injury, and have fully recovered from illness before participating in any interscholastic athletic event. Students shall comply with the eligibility requirements established by the Florida High School Athletic Association.

Since the primary purpose of the athletic program is to enhance the education of participating students as indicated in this policy, the Board places top priority on maximum student participation and the values of good sportsmanship, team play, and fair competition, rather than on winning, particularly at sub-varsity levels. Athletic teams made up of seventh and eighth year students should consist of at least two (2) separate units playing alternate quarters. Furthermore, all seventh and eighth year students in uniform must play in each game.

No student shall be excused from a class or supervised study for an extended period of time to participate in interscholastic athletics.

The Board further directs that only those students may participate in the program of interscholastic athletics who have maintained a satisfactory academic record; attended school regularly; demonstrated good citizenship and responsibility; and/or returned all school and athletic equipment.

The Superintendent shall develop appropriate administrative procedures for the operation of the athletic program. Such regulations should provide for the following safeguards:

A. Prior to enrolling in the sport, each participant shall submit to a thorough physical examination by a District-approved physician. Parents shall report any past or current health problems along with a physician's statement that any such problems have or are being treated and pose no threat to the student's participation. Physicals must be dated June 1st or later of the current school year.

B. Any student who is found to have a health condition which may be life-threatening to self or others shall not be allowed to participate until the situation has been analyzed by a medical review panel that has determined the conditions under which the student may participate. The District shall assume no liability for any student with a health condition who has been authorized to play by the parents and their physician but not by the District.

C. Any student who incurs an injury requiring a physician's care is to have the written approval of a physician prior to the student's return to participation.

D. In order to minimize health and safety risks to student-athletes and maintain ethical standards, school personnel, coaches, athletic trainers, and lay coaches should never dispense, supply, recommend, or permit the use of any drug, medication, or food supplement solely for performance-enhancing purposes.

E. The Superintendent is to ensure that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

In order to support the Florida High School Athletic Association's program to strengthen sportsmanship, ethics, and integrity, the Board commits itself to:

A. adopt policies upon recommendation of the Superintendent that reflect the District's educational objectives and promote the ideals of good sportsmanship, ethics, and integrity;

B. reinforce the concept that participation in athletic activities are a privilege, not a right;

C. attend and enjoy school athletic activities, serving as a positive role model and expecting the same from parents, fans, participants, coaches, and other school personnel;

D. support and recognize participants, coaches, school administrators, and fans who display good sportsmanship;

E. recognize the value of school athletic activities as a vital part of education.

F.S. 1006.15, 1006.20

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2440 - SUMMER SCHOOL

The School Board may conduct a summer program of academic instruction for students in kindergarten through grade twelve (12) for remediation in Math, English, Science, and Social Studies and those ESE students needing extended school year service, as identified in their I.E.P., at the K-12 level, for resident students of this District, and other students as approved. In addition to the 9-12 remedial and K-12 exceptional student education summer program, the District may choose to implement summer enhancement programs, contingent upon Board approval.

Summer school instruction shall be designed to provide opportunities for students to make up courses in which they received a "D" or "F", address ESE student I.E.P. needs, provide opportunities for remediation, and provide appropriate services for drop-out prevention students.

With regard to transportation, the Board accepts responsibility for full-time ESE students.

The Superintendent shall be responsible for developing administrative procedures for the operation of the summer program that shall be consistent with Board policies and not conflict in any way with the administration of the regular school sessions of the District.

F.S. 1001.43

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2450 - ADULT AND COMMUNITY EDUCATION

With regard to adult/community education, the School Board also shall provide a basic and high school continuation program as an opportunity for anyone over the age of sixteen (16) who is not attending high school in this District.

The Board may provide an Americanization program of instruction for the benefit of foreign-born residents of the District.

A person who is between the ages of sixteen (16) and eighteen (18) years of age may be permitted to take the General Educational Development (GED) tests upon submission of a statement of justification recommended by the Superintendent. The statement of justification shall be based on at least one of the following circumstances:

A. The candidate justifies a need to be employed that would prevent school attendance; or

B. The candidate is a parent who does not have access to child care; or

C. The candidate justifies health condition(s) that would prevent school attendance.

The Superintendent shall develop and implement administrative procedures whereby the schools are available to citizens of the District for the above-stated purposes.

F.S. 1003.435, 1004.93, 1004.94

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2451 - ALTERNATIVE SCHOOL PLANS/PROGRAMS

The School Board recognizes that the regular school program may not be appropriate for all students and that certain students may need special programs to help them overcome attendance, academic, and/or behavioral problems.

The Board authorizes the Superintendent to provide alternative education programs for students who, in the opinion of the Superintendent, will benefit from this educational option. Participation in an alternative program does not exempt the student from adherence to school attendance rules or the Code of Conduct.

The Superintendent shall develop a plan for the alternative school and submit it to the Board for approval. The plan is to include but not necessarily be limited to:

A. the criteria for admission that the Board will use to approve or disapprove a student's assignment to the school;

B. the criteria and procedures that will be used to transfer a student from the alternative school back to his/her regular school;

C. a plan for evaluating the effectiveness of the alternative school and for sharing the results of the evaluation with the community;

D. appointment of staff including the person who will function as the chief administrative officer of the school;

E. any additional time of attendance beyond the minimum school day;

F. any restrictions on participation in co-curricular or extra-curricular activities;

G. any additions to the Code of Conduct or dress code including the wearing of a uniform.

F.S. 1003.01, 1003.53, 1006.13
F.A.C. 6A-6.0524
F.A.C. 6A-6.0527

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2460 - EXCEPTIONAL STUDENT EDUCATION

The School Board, as an expression of its commitment to provide a free, appropriate, public education for students with disabilities in accordance with State and Federal laws, rules, and regulations, shall develop and implement *The Gadsden County Exceptional Student Education Special Programs and Procedures Manual*. This document shall include at least the components listed below, shall provide administrative procedures for Exceptional Student Education Programs, and shall be revised when required by the Florida Department of Education (FLDOE), readopted, and submitted to the FLDOE.

A. **Child Identification**

It shall be the policy of this School District that ongoing efforts will be made to identify, locate, and evaluate students below twenty-two (22) years of age, who reside within the District and have a confirmed or suspected disability in accordance with all Federal regulations and State standards.

B. **Procedural Safeguards**

It shall be the policy of this School District that a student with a disability and his/her parent shall be provided with safeguards, as required by law, throughout the identification, evaluation, and placement process, and the provision of a free, appropriate, public education to the student.

C. **Multifactored Evaluation**

It shall be the policy of this School District to provide a multifactored evaluation for students with disabilities by ensuring that:

1. students are assessed in their native language or other mode of communication;
2. tests are used for their validated purposes;
3. students are evaluated in all areas related to their suspected disability;
4. testing is conducted by a multidisciplinary team;
5. testing materials and procedures are not racially or culturally biased;
6. tests are administered by trained personnel qualified in accordance with all Federal regulations and State standards;
7. tests are administered in conformance with the instructions provided by the producer;
8. medical evaluation, when required as part of the multifactored evaluation, shall be provided at no cost to the parent by a licensed physician designated by the Superintendent or his/her designee, when other no-cost resources are not available.

D. Individualized Education Program

It shall be the policy of this School District that an individualized education program (IEP) will be developed for each student with a disability who needs special education and related services. The IEP shall be designed to meet the unique educational needs of the student and shall be developed in meetings with the student's designated IEP Team. Parents of the student shall be strongly encouraged to participate in all planning conferences and IEP Team meetings. The student's IEP shall be reviewed and revised as often as necessary, but at least annually.

E. Least Restrictive Environment

It shall be the policy of this School District that the education of students with disabilities shall occur in the least restrictive environment; special education programs and services shall be appropriate and designed to meet the unique needs of each student with a disability; to the maximum extent appropriate, students with disabilities, including students in public or private institutions or other care facilities, shall be educated with students who do not have disabilities; special classes, separate schooling, or other removal of students with disabilities from the regular educational environment, shall occur only when the nature or severity of the disability is such that education in regular classes with the use of supplementary aids and services cannot be achieved satisfactorily.

F. Confidentiality of Data

It shall be the policy of this School District that the confidentiality of personally-identifiable data relating to students with disabilities and their parents and families shall be protected at collection, storage, disclosure, and destruction, and that one official of this School District shall be assigned the responsibility for protecting the confidentiality of personally-identifiable data. This District follows all Federal regulations and State standards related to the confidentiality of data. (See Policy 8330 - Student Records)

G. Due Process

It shall be the policy of the District to utilize procedures that allow differences of opinion between parents and this District or between agencies and this District, to be aired and resolved; and that the procedures shall provide for utilization of case conferences and impartial hearings that involved the District's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the student, or the provision of FAPE to the student. The impartial hearings shall be conducted by an administrative law judge from the Florida Division of Administrative Hearings and shall be considered final; however, any party who does not agree with the findings and decision in the due process hearing, including a hearing relating to disciplinary procedures, has the right to bring a civil action with respect to the matter that was the subject of the due process hearing. The action may be brought in a State court of competent jurisdiction or in a district court of the United States without regard to the amount in dispute.

H. Surrogate Parent

It shall be the policy of the District that whenever the parent or a person who acts in a parental role to a student with a disability or a student suspected of having a disability is determined to be legally unavailable, the student's rights shall be protected through the assignment of a surrogate parent. A surrogate parent means an individual appointed by the Superintendent and/or the court to act in place of a parent in educational decision making and in safeguarding a student's rights under the Individuals with Disabilities Education Act. The surrogate parent shall not be an employee of the Department of Education, the School District, a community-based care provider, the Department of Children and Families, or any other public or private agency involved in the education or care of the student. The surrogate parent shall meet all statutory requirements and attend the required training to be appointed. The Superintendent shall appoint a surrogate not more than thirty (30) days after the District determines a particular student is in need of a surrogate.

I. Testing Programs

It shall be the policy of this School District that students with disabilities shall participate in local and State-wide testing programs to the maximum extent appropriate. Individual exemptions shall be determined only during an IEP conference. Further, pursuant to State law, the IEP team may determine that end-of-course assessment cannot accurately measure the abilities of the student with disabilities and may, therefore, waive the use of the results of the end-of-course assessment for purposes of determining the student's course grade and completing the requirements for middle school promotion.

Placement by the Department of Children and Families

After the Department of Children and Families provides written notification to the District that an exceptional student has been placed in a private residential care facility, the receiving school district shall, within ten (10) business days, review the student's Individual Education Plan (IEP) and shall:

A. provide educational instruction to the student;

B. contract with another provider to provide the educational instruction;

C. contract with the private residential care facility in which the student resides to provide the educational instruction; or

D. decline to provide or contract for educational instruction, in which case the school district in which the legal residence of the student is located shall provide or contract for the educational instruction of the student.

The Superintendent shall administer the local implementation of these State procedures, in accordance with State and Federal laws, rules, and regulations, which shall ensure fulfillment of this policy.

F.S. 1001.41, 1001.42, 1003.01(3)(b), 1003.57, 1008.22
F.A.C. 6A-1.0943, 6A-6.03311, 6A-6.03313, 6A-6.0333, 6A-6.03411
20 U.S.C. 1400 et seq.
20 U.S.C. 1401 et seq.
34 C.F.R. 300 et seq.

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2460.01 - LEAST RESTRICTIVE ENVIRONMENT

It is the philosophy and position of the School Board and its administration that the primary responsibility for the administration and delivery of special education programs and services should be within the District and at the school a student would regularly attend, whenever appropriate.

Further, the Board endorses a commitment to the provision of a continuum of special education programs and services to disabled students within the District.

Placement options shall follow a continuum of service models to ensure that each disabled person is provided a Free and Appropriate Public Education (FAPE) in the Least Restrictive Environment (LRE). To that end, every attempt will be made to first serve disabled students in the context of a regular education classroom. Other more restrictive environments such as: resource rooms, self-contained categorical classrooms, or settings outside of a District school will be considered only when placement in the regular classroom has been documented by the case conference to be inappropriate for the student's educational needs.

A more detailed description of the procedures followed in this regard can be found in the District's Exceptional Student Education Plan.

20 U.S.C. 1400 et seq.

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2520 - SELECTION OF INSTRUCTIONAL MATERIALS AND EQUIPMENT

The School Board shall provide instructional materials and equipment, within budgetary constraints, to implement the District's educational goals and objectives and to meet students' needs. The primary objective of such instructional materials and equipment shall be to enrich, support, and implement the educational program of the school.

State law requires the Board to provide adequate instructional materials free of charge to students who are enrolled in the District.

"Adequate instructional materials" means a sufficient number of student or site licenses or sets of materials that are available in bound, unbound, kit, or package form and may consist of hard-backed or soft-backed textbooks, electronic content, consumables, learning laboratories, manipulatives, electronic media, and computer courseware or software that serves as the basis for instruction for each student in the core courses of mathematics, language arts, social studies, science, reading, and literature.

Furthermore, Federal law requires the Board to provide accessible instructional materials as specified in a student's IEP. Such accessible instructional materials may be of a type or in a format as specified in the definition of adequate instructional materials in this policy.

The Superintendent shall develop administrative procedures for the selection, acquisition, management, use, accountability, and reporting requirements of all educational and instructional materials and equipment.

Students shall be held responsible for the cost of replacing any instructional materials lost, destroyed, or unnecessarily damaged. Failure to provide payment for the damage or loss may result in the suspension of the student from participation in extra-curricular activities, or the debt may be satisfied by the student performing community service activities at the school site as determined by the school principal.

A student or his/her parent(s) may purchase a copy of the designated course instructional materials, regardless of format, for the District's purchase price, including shipping.

Cost of materials may be charged for those activities beyond the basic curriculum in which a student elects to participate, particularly in activities where the product becomes the property of the student.

A list of all approved instructional materials shall be maintained by the Superintendent and made available for the use of the instructional staff.

Free School-Related Instructional Materials

Free instructional materials may be accepted for classroom and school purposes under conditions that meet all the following criteria:

A. The initiative for securing the materials should be of the type that teachers seek rather than materials forwarded to them to promote the interests of an outside agency.

B. The materials should fill a legitimate purpose of the school curriculum.

C. The advertising feature of the materials should be minimized.

D. Educational films should contain a minimum amount of commercial advertising.

Equipment or Instructional Materials Vendors

The principal may permit vendors to demonstrate and show only that equipment and instructional materials which can be used to improve the instructional program and which are under consideration for purchase by the school.

F.S. 1006.28, 1006.29, 1006.31, 1006.34, 1006.36
F.A.C. 6A-6.03028
34 C.F.R. Part 300

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2531 - COPYRIGHTED WORKS

The School Board directs its staff and students to use copyrighted works only to the extent that the law permits. The Board recognizes that Federal law applies to public school districts and the staff and students must, therefore, avoid acts of copyright infringement under penalty of law.

In order to help the staff and students abide by the laws set forth in Title 17 of the United States Code, the Board directs the Superintendent to provide administrative procedures regarding the copying and distribution of copyrighted materials for instructional purposes and for the appropriate use of copyrighted material on the Board's web site.

Because the Board hosts a web site and stores information on it at the direction of users, it is classified as an on-line service provider for copyright purposes. In order to limit the Board's liability relating to material/information residing, at the direction of a user, on its system or network, the Board directs the Superintendent to annually appoint an individual as the agent to receive notification of claimed infringement. A link to the agent's name, mailing address, telephone number, fax number, and e-mail address shall appear on the home page of the Board's web site. Such contact information, along with the appropriate filing fee, shall also be provided to the Copyright Office of the Library of Congress.

The agent shall be responsible for investigating and responding to any complaints.

17 U.S.C. 101 et seq.

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2540 - AUDIO VISUAL USE

The purpose of this policy is to establish consistent procedures for the use of AV materials including films, videos, CD's, laser disks, etc. for classroom instruction. The instructor(s) bears the responsibility for full compliance with the following policy.

A. The instructional use of audio visual materials must:

1. support and be consistent with School Board education goals, policies, and specific course objectives;
2. adhere to copyright laws (see Copyright: A Guide to Information and Resources by Gary Becker, previously provided to each school);
3. reflect best teaching practices based on age appropriateness and instructional relevance.

B. Audio visual instructional materials must:

1. withstand a school level review and/or selection process;
2. undergo close scrutiny prior to use. It is the instructor s responsibility to view and/or listen to materials, assuring compliance with this policy.

C. Videos from outside the school collection must:

1. have the approval of the principal or designee prior to student viewing;
2. not have the R, X, or NC-17 rating. The showing of these videos is prohibited in the District. (Reference: F.S. 1006.34(2)(b))

The District audio visual use policy must be included in the teacher handbook and be reviewed annually. New personnel and/or substitute teachers must be apprised of the policy upon assignment to the school. Each school must establish a procedure to require compliance with the District audio visual use policy.

F.S. 1006.28, 1006.34
F.A.C. 6A-6.3411, 6A-7.074

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2605 - RESEARCH AND EVALUATION

The School Board believes that effective education includes proper evaluation of the results produced from the educational resources provided by the community and the government. As the governing body of the District, the Board has the responsibility for assessing how well goals are being accomplished.

The Superintendent shall develop systematic and specific administrative procedures for conducting research and program evaluations. The design of these studies will include:

A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement will be determined.

B. Provisions for staff, resources, and support necessary to achieve each program's purposes.

C. Evaluation of each program to assess the extent to which each program's purposes and objectives are being achieved.

D. Recommendations for revisions and modifications needed to better fulfill expectations and purposes.

The Superintendent shall maintain a schedule of assessment activities and program evaluations and shall make periodic evaluation reports to the Board. Findings of the assessment program will be used to evaluate the progress of students, the effectiveness of the curriculum, and the effectiveness of the school/delivery system.

The Superintendent shall recommend improvements in the educational program annually, based on District evaluation.

The Board may employ experts from outside the School District to serve in the evaluation process.

The Board will annually make available to the public reports of student achievement.

The Superintendent shall maintain a systematic accountability plan for all schools. The plan shall annually evaluate each school on performance indicators. These indicators shall include student performance outcomes and other areas designed by the Superintendent.

F.S. 1008.34, 1008.345

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2623 - STUDENT ASSESSMENT

The School Board shall assess student achievement and needs in all program areas in compliance with the law and rules of the State Board of Education. The purpose will be to determine the progress of students and to assist them in attaining student performance objectives and the educational achievement goals of this District.

The Board shall administer the State-mandated tests (e.g., diagnostic assessments and achievement tests) to students at the times designated by the Florida Board of Education. However, the regular program of study may not be interrupted to administer practice tests or engage in other test-preparation activities for a Statewide assessment. The Board may authorize a school to:

A. distribute to students sample test books and answer keys that are published by the Florida Department of Education;

B. provide individual instruction in test taking strategies without suspending the school's regular program of curriculum for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment;

C. provide individualized instruction in the content knowledge and skills assessed, without suspending the school's regular program of curriculum for a student who scores at Level 1 or Level 2 on a prior administration of the Statewide assessment or a student who is identified as having a deficiency in the content knowledge and skills assessed;

D. incorporate test-taking exercise and strategies into curriculum for intensive reading and mathematics and intervention courses; and

E. administer a practice test or engage in other test preparation activities for the statewide assessment which are determined necessary to familiarize students with the organization of the assessment, the format of the test terms, and the test directions, or which are otherwise necessary for the valid and reliable administration of the assessment, as set forth in rules adopted by the State Board of Education.

At least annually, the staff members will assess the academic achievement and learning needs of each student. Procedures for such assessments may include, but need not be limited to, teacher observation techniques, cumulative student records, student performance data collected through standardized testing programs, and physical examinations.

The Superintendent shall develop a program of testing that may include, but not be limited to:

A. State-mandated achievement tests;

B. end-of-course tests at appropriate grade levels to measure achievement of performance objectives in designated courses;

C. diagnostic testing and alternative assessments.

The Board shall also require:

A. mandatory participation by all eligible students as defined by State Board of Education rules;

B. parents be informed of the testing program of the schools and of the special tests that are to be administered to their children;

C. data regarding individual test scores be entered on the student's cumulative record, where it will be subject to the policy of this Board regarding student records;

D. school and District achievement test results will be reported to the public annually;

E. remediation services be provided to any student who scores Level I on the State-mandated achievement test;

Remediation services shall be provided to any student who does not meet the testing requirement for graduation prior to retesting.

F. the Superintendent shall develop procedures for the annual assessment of first, second, third, and fourth grade students on their reading proficiency and identify those students who are reading below grade level. S/He shall ensure that each student's teacher is involved in the assessment and in the identification of those students who are reading below grade level.

The District shall notify the parent or guardian of each student whose reading skills are below grade level and provide intervention services to each student reading below grade level.

For each student required to be offered remediation services, the District shall involve the student's parent or guardian and classroom teacher in developing the intervention strategy, and shall offer to the parent or guardian the opportunity to be involved in the intervention services.

All identified disabled students in the School District shall be considered for participation in the State-mandated testing program for competency and proficiency testing. The consideration for participation shall be made by the IEP Team. The extent of participation in and/or exemptions from the testing shall be delineated on the student's I.E.P. To the extent possible, and in accordance with the law, a student with disabilities shall not be excused from taking a required assessment unless no reasonable accommodation can be made to enable the student to take the assessment.

The Board shall take appropriate and necessary actions against any employee who knowingly and willfully violates test security rules adopted by the Department of Education for any State-mandated assessment.

The Superintendent shall develop administrative procedures for test security that will maintain and ensure the integrity of District and State assessments.

F.S. 1008.22, 1008.25, 1008.30
F.A.C. 6A-1.0943

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2700 - ACADEMICALLY HIGH-PERFORMING SCHOOL DISTRICTS

The School Board believes that a goal of any public school system should be to enable each student to achieve to the best of his/her ability. That end, is best achieved through continuous development of the curriculum, the selection, development, and retention of high quality staff members, and the motivation of each individual student, instructional staff member, support staff member, and administrator in the District.

Earning designation as an academically high-performing school district must not be viewed as an end unto itself, but rather as the standard for which the District strives each year.

Florida statute provides school districts that demonstrate the ability to consistently maintain or improve their high-performing status with exemptions from many requirements set forth in statute and in the rules adopted by the State Board of Education to implement State law.

The District must meet the following criteria if it is to be exempt from requirements in Florida statutes and from the State Board of Education rules that implement those statutes:

A. earn a grade of "A" for two (2) consecutive years;

B. have no District-operated school that earns a grade of "F";

C. comply with all class size requirements;

D. have no material weakness or noncompliance in its annual financial audit.

An academically high-performing school district, while exempt from a number of statutes and rules that govern school districts, is **not** exempt from the following:

A. statutes pertaining to services for students with disabilities; civil rights/discrimination; student health; safety and welfare; student assessment program and school grading system

B. statutes pertaining to financial matters, **except** that a high-performing district may waive the required program expenditure levels for grades K-12 as specified in Florida Statute

C. statutes pertaining to planning and budgeting, **except** that a high-performing district may waive the required comprehensive reading plan specified in Florida statute, because these districts are approved to receive the research-based reading instruction allocation without complying with those provisions of law

D. statutes governing election or compensation or district school board members

E. Florida statute relating to differentiated pay and performance pay policies

F. statutes pertaining to educational facilities, **except** that a high-performing district may waive statutory provisions relating to covered walkways for portables and statutory provisions relating to relocatable facilities over twenty (20)

years old

G. statutes pertaining to instructional materials, **except** that a high-performing school district may waive the requirement to requisition State-adopted instructional materials from the depository of the publisher with whom a contract has been made, and a high-performing school district may also waive the requirement to use fifty percent (50%) or more of the annual instructional materials allocation on items to provide instruction at the level for which the items are designated

Upon earning the designation as an academically high-performing school district, the Superintendent shall submit an annual report to the State Board of Education and the Legislature on December 1st that delineates the performance of District students with regard to the subjects on the State-wide assessment program as required by State law.

Academically high-performing school districts retain the designation for three (3) years and may renew the designation if the criteria to do so are met. The requirements for renewal are as follows:

A. comply with all class size requirements;

B. have no material weaknesses or noncompliance in its annual financial audit

C. earns a grade "A" for two (2) years within the previous three (3) year period

D. have no District-operated school that earns a grade of "F" in any year

If the District is designated as an academically high-performing school district but fails to meet the requirements for renewal, then the Superintendent must provide written notification to the State Board of Education that the District is no longer eligible to be so designated.

If the District is designated as an academically high-performing school district and a district-operated school receives a grade of "F" at any time during the three (3) year period, the District loses the designation. If the District meets original eligibility requirements in the future, it can regain the designation.

The Superintendent shall develop and update as needed administrative procedures to implement this policy.

F.S. 218.39, 1003.621, 1008.34

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3111 - DESIGNATION OF A NEW POSITION

The School Board recognizes the need to establish positions that, when filled by competent, qualified instructional staff members, will assist the District in achieving the educational goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal law.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job descriptions developed in accordance with Policy 3600 and set the initial salary for new positions not currently covered by a valid collective bargaining agreement.

When designating new positions, primary consideration shall be given to:

A. the funding source for the position has been identified;

B. the number of students enrolled;

C. the special needs of the community;

D. the special needs of the students;

E. the operational services of the District.

F.S. 1001.42, 1012.22, 1001.42(5)
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

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3112 - BOARD-STAFF COMMUNICATIONS

The School Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the District or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the District. The preferred line of official communication should, however, be through the Superintendent.

A. **Staff Communications to the Board**

Communications regarding official business of the District from staff members to the Board or its committees should preferably be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding District business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members informed of the Board's concerns and actions.

C. **Social Interaction**

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss personnel grievances or other complaints if procedures to seek remedy for such grievances or complaints have been established in Board policy or in the collective bargaining agreement.

F.S. 1001.32

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3113 - CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

It is the policy of the School Board that no District officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the District, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the District.

Furthermore, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

Lastly, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, may personally represent before the Board for compensation another person, business entity, or agency which is doing business with the District for a period of two (2) years following vacation of office or termination of employment, except for the purposes of collective bargaining. Language describing this prohibition shall appear in all contract documents, RFPs and RFQs and, if violated, shall be sufficient cause to disqualify the vendor.

F.S. 112.313(7), 112(13)

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3120 - EMPLOYMENT OF INSTRUCTIONAL STAFF

The School Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel. Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

For purposes of this policy, instructional staff includes: classroom teachers, librarians/media specialists, guidance counselors, social workers, career specialists, school psychologists, other instructional staff (such as: primary specialists and/or learning resource specialists).

The Superintendent shall also conduct employment history checks of all candidates for instructional staff positions. The employment history check shall include, but not be limited to, contacting any previous employer and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

Any instructional staff member's misstatement of fact material to qualification for employment or the determination of salary shall be considered to constitute grounds for dismissal.

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

The Board shall approve employment, upon recommendation of the Superintendent.

Upon Board approval of employment, each instructional staff member shall execute a written contract as required by State law and Policy 3128 - Contracts: Instructional Personnel

INSTRUCTIONAL PERSONNEL

Qualifications of instructional personnel shall be as required by law and Florida Administrative Code. To be eligible for appointment in any position in the District, a person must be of good moral character; must have attained the age of 18 years; and must, when required by law, hold a certificate or license issued under rules of the state Board of Education or the Department of Children and Family Services, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24. Previous residence in this State shall not be required in any school of the state as a prerequisite for any person holding a valid Florida certificate or license to serve in an instructional capacity.

CERTIFICATION

A. **State Certification**

Teachers who teach in classes for which FEFP funds are earned shall be certified teachers as defined in F.S. 1012.56 and the Florida State Board of Education Administrative Rule, F.A.C. 6A-1.0503 and 6A-1.0502.

Teachers who have a minor in a subject area assignment, or who have passed the subject area exam for the subject area assignment or who have demonstrated sufficient subject area expertise in the subject area assignment, may be placed in the field. The procedures for using this provision are found in the *Guidelines For Determining Sufficient Subject Area Expertise if Designating A Teacher In-Field*.

Teachers may meet foreign language certification requirements and demonstrate mastery of subject area knowledge by achieving passing scores on subject area examinations required by State Board rule, or by completion of a

bachelor's degree or higher and verification of the attainment of an oral proficiency interview score above the intermediate level and a written proficiency score above the intermediate level on a test administered by the American Council on the Teaching of Foreign Languages for which there is no Florida developed examination.

F.S. 1021.42

B. **District Certification**

It is the intent of the Board that nondegreed vocational instructional personnel possess the credentials, knowledge, and/or expertise necessary to provide quality education in the School District. The purpose of District certification is to provide evidence of instructional qualifications in order to protect the interest of students, parents, and the public. The requirements for District certification are set forth in Policy 3120.05 - District Issued Certificates.

The Superintendent may revoke a District certificate for cause.

NONCERTIFICATED INSTRUCTIONAL PERSONNEL

The Superintendent is hereby authorized to select and recommend noncertificated instructional personnel for appointment, pursuant to State Board of Education Rule F.A.C. 6A-1.0502, in a critical teacher shortage area, as identified by the Board. To be eligible for employment under this provision, such individuals must hold a Bachelor's or higher degree and possess expert skill in or knowledge of a particular subject or talent, but not hold a Florida teaching certificate. Instructional personnel employed under this policy will not be entitled to receive a contract and shall be governed by the criteria found in the Board Noncertificated Instructional Personnel Procedures.

CERTIFICATED PERSONNEL

Any person employed in a position requiring certification shall possess a valid certificate issued pursuant to Florida law or issued by the Board and shall file said certificate with the Superintendent.

ALTERNATIVE CERTIFICATION

The alternative certification program is a competency-based program designed to expand the pool of educators to include non-education majors committed to making a positive impact on student achievement. The procedures for this program may be found in the District Alternative Certification Program.

REQUIREMENTS FOR TEACHERS PURSUANT TO NO CHILD LEFT BEHIND

All teachers employed by the District shall be "highly qualified".

"Highly Qualified" means:

A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;

B. for elementary teachers new to the profession, this also requires:

1. at least a bachelor's degree;

2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);

C. for secondary or middle school teachers new to the profession this also requires:

1. at least a bachelor's degree, and

2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or

3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;

D. for elementary, middle, or secondary school teachers with prior experience, this also requires:

1. at least a bachelor's degree, and

2. meets standards for new teachers (above), or

3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

The District must have a plan and show annual progress towards meeting these teacher qualification requirements.

ADDITIONAL REQUIREMENTS FOR CORE AREA TEACHERS

All core area teachers employed by the District shall be "highly qualified". Core area teachers are defined in State and Federal law to include English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography. This also includes Exceptional Student Education teachers who teach core area subjects.

Pursuant to Federal law, the specific requirements to attain "highly qualified" status are established by the Florida Department of Education and are set forth in AP 3120.

The District must have a plan and show annual progress towards meeting these teacher qualification requirements.

F.S. 1012.01, 1012.22, 1012.24, 1012.27, 1012.32, 1012.315, 1012.33, 1021.42
F.S. 1012.55, 1012.56
F.A.C. 6A-1.0502, 6A-1.0503
20 U.S.C. 6301
20 U.S.C. 7801

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3120.03 - ATHLETIC COACHES

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate. The athletic coaching certificate may be used for either full-time or part-time positions. (The provisions of this policy do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district in this State.)

In addition to the requirements for certification provided for in Policy 3120, athletic coaches shall complete a sports safety course which shall count for six (6) hours of required School District in-service instruction for athletic coaching certification if the course is approved by the Florida High School Athletic Association Board of Directors and meets specified requirements. The course must consist of at least eight (8) modules, must immediately provide an individual with a "merit" certificate at the time of successful completion, and must be delivered through hands-on and online teaching methods. The hands-on course material must be less than 120 pages. In addition, the course must be taught by either a State-licensed athletic trainer who holds a current certificate from the Board of Certification or a member of the American Academy of Orthopedic Surgeons. The course must cover sports safety specifically, excluding coaching principles and procedures for cardiopulmonary resuscitation. The course must be authorized or approved by at least ten (10) health care professionals, must be revised and reviewed for updates at least once every thirty (30) months, and must be available to the general public for a retail price under $50. Also, each course examination must be automated and taken online with a score of eighty percent (80%) or better for successful completion.

F.S. 1012.55(2)

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3120.04 - EMPLOYMENT OF SUBSTITUTE AND PART-TIME INSTRUCTIONAL STAFF

When it becomes necessary to employ instructional personnel on a temporary basis, such employment is on a limited-time basis for the purpose of filling a vacancy for which a regular employee cannot be found, or to perform some task of a temporary nature. This employment shall end at the close of the school term, at the end of the fiscal year, or at the time when the temporary task is completed.

A. **Substitute Teachers**

The School Board authorizes the employment of substitute teachers in accordance with State law. The employment of substitute teachers shall be in accordance with a planned program developed by the District.

Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the Human Resource Office.

Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required by the Human Resource Office:

1. hold a high school diploma or equivalent;

2. be at least eighteen (18) years of age;

3. submit a complete set of fingerprints taken by a law enforcement agency or properly trained District personnel and the appropriate processing fee to obtain a records check by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI);

4. submit to a drug/alcohol screening; and

5. complete an orientation/training program and other training required by Florida law.

The Human Resource Office shall approve applicants as substitute teachers provided their qualifications are found to be satisfactory. Applicants shall not be eligible for substitute teaching until approved.

In the absence of a regular teacher, a substitute teacher shall be employed under the following conditions:

1. Absences of regular teachers shall be filled by highly qualified substitute teachers whenever possible.

2. All substitute teachers shall observe the same hours and perform the same duties as regular teachers. Substitutes may be excused by the principal from instructional meetings.

3. Each substitute teacher shall conduct classes according to lesson plans and schedules prepared by the teacher who is absent.

4. Each substitute shall leave for the returning teacher a summary of the work covered and work assigned to students.

5. Compensation of substitute teachers shall be established by the Board.

6. The Superintendent may remove a substitute teacher from the approved list.

B. **Temporary Teachers**

A temporary teacher is a person whose employment is expected to be for a limited time to fill a vacancy for which a permanent teacher is not available or to perform some work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary teacher shall not be considered an annual contract, probationary teacher for purposes of assessment or evaluation.

In the absence of a regular teacher, a temporary teacher shall be employed when it is known or determined that the regular teacher will be absent for more than thirty (30) consecutive days or for the remainder of the school year. A highly qualified teacher shall be appointed as a replacement as soon as possible so that there is continuity in the instructional program. To be eligible to be recommended as a temporary teacher for the period to be served, the individual selected as the replacement shall have a valid Florida certificate and meet the criteria established by the FLDOE to be considered highly qualified for the assignment.

A temporary teacher shall be paid on the teacher salary schedule, once they have met all conditions to be employed as a replacement, and shall assume the full duties of a regular teacher.

C. **Part-Time Instructional Staff**

The Superintendent is authorized to employ part-time personnel as

needed. A part-time instructional staff member is a teacher who is employed to render less than the number of hours each day as established by the Board for a regular full-time teacher.

F.S. 1012.35, 1012.36

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3120.05 - DISTRICT ISSUED CERTIFICATION

The School Board authorizes issuance of District certificates to full-time and part-time adult education teachers and non-degreed vocational education teachers. To qualify for a District-issued vocational education certificate, the individual shall hold the appropriate industry certification or a license issued by the State of Florida in the area of assignment, and shall comply with Policy 3120.01 – Criminal Background and Employment History Checks.

Full-time, non-degreed instructional personnel will be issued a three (3) year Temporary Certificate upon compliance with the requirements of Policy 3121.01 - Criminal Background and Employment History Checks.

To continue employment with the District upon expiration of the temporary certificate, the individual must have completed all requirements for issuance of a five (5) year Professional Certificate.

The Superintendent may revoke a Vocational Education Certificate for cause.

F.S. 1012.32, 1012.39
F.A.C. 6A-1.0502

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3120.06 - SELECTING STUDENT TEACHERS

The School Board encourages cooperation with State-approved colleges and universities in the training of student teachers, because the public school offers an essential ingredient - direct experience with students and teachers at work in the classroom. However, certain safeguards have been found to be necessary for the best interests of all concerned.

Colleges and universities should first make contact with the Superintendent regarding placement of a student teacher. The District shall require evidence of a successful Level II background check prior to placement.

The Superintendent shall make the final placement of student teachers.

The supervising staff member shall have a five (5) year professional teaching certificate and shall have had no less than three (3) years of successful experience in the area of assignment. Further, the supervising staff member shall have completed the Clinical Supervision Training Course.

Instructional staff members who agree to serve as supervisors of student teachers may accept honoraria or stipends directly from the college/university.

The following conditions shall also be met:

A. The college/university making the assignment shall provide on-going supervision in a manner suitable to the Superintendent.

B. The supervising teacher must agree to work effectively with both the student teacher and the college/university supervisor.

C. If at any time the quality of teaching is judged to be inferior or the student teacher is disruptive to the on-going program, the Superintendent may request withdrawal of that person from the program.

The Board also authorizes the Superintendent to provide, in cooperation with appropriate colleges and universities, a "field experience" program in order for selected interns to gain first-hand knowledge of and experience in a school environment.

The Superintendent may terminate the District's partnership with a college or university teacher preparation program if one or more aspects of the program are not meeting District expectations.

F.S. 1012.39

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3120.07 - CASUAL EMPLOYMENT OF INSTRUCTIONAL STAFF

Upon the identification of an appropriate funding source and the recommendation of the Superintendent and approval by the School Board, instructional staff members employed by the District may be employed as casual resource personnel.

For purposes of this policy, "casual resource personnel" shall mean instructional staff members who perform additional duties on an as needed basis.

F.S. 1012.01

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3120.08 - PART-TIME EXTRA-CURRICULAR PERSONNEL

Upon the identification of an appropriate funding source and the recommendation of the Superintendent and the approval of the School Board, part-time extra-curricular personnel may be employed in positions paid on the instructional supplemental salary schedule (primarily coaching positions). Such persons will not be eligible for employee benefits.

For purposes of this policy "part-time extra-curricular personnel" are instructional staff members who work less than full-time and are included in the instructional bargaining unit.

Additional Requirements for Employment of Athletic Coaches Who are Not Full-Time Employees of the School Board

Persons who are not full-time employees of the Board and hold an athletic coach's certificate or athletic trainer's license issued by the State of Florida, may be recommended by the Superintendent and appointed by the Board to perform designated secondary school coaching and training responsibilities, and the contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association, and the policies of the Board and administrative procedures established by the Superintendent. (See Policy 3120.03)

F.S. 1012.01, 1212.55(2)
F.A.C. 6A-1.0502(11)

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The School Board of Gadsden County

Bylaws & Policies

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3120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given pursuant to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the Armed Forces of the United States, have been separated therefrom under honorable conditions, and have established the present existence of a service-connected disability which is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A veteran of any war as defined in F.S. 1.01(14). The veteran must have served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

Preference in employment and retention may be given only to eligible persons who are described above and who are residents of this State.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention shall be given by the State and political subdivisions in the State to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A disabled veteran employed as the result of being placed at the top of the appropriate employment list shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will be subject to the employment policies of the District.

Reinstatement or Reemployment

When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Instructional staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

F.S. 110.2135, 295.07, 295.08, 295.085, 295.09

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3121 - CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF INSTRUCTIONAL STAFF

Applicants for employment, or re-employment after a break in employment, must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the School Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Candidates for employment or re-employment after retirement from the District, any other school District or any other governmental entity will be placed at step one of the salary schedule.

Failure of candidates to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

F.S. 121.091, 1012.01, 1012.32, 1012.40

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3121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide services as an instructional staff member in order to comply with the law.

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the Superintendent shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all instructional staff members employed by the District must self-report arrests for serious offenses (see AP 3121.01).

Additionally, the fingerprints of all instructional staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential. Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated instructional staff member has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

F.S. 435.09, 943.0585(4)(a), 943.059(4)(a), 1001.10(5), 1012.27(6), 1012.315
F.S. 1012.32, 1012.56

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3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board does not discriminate on the basis of race, color, ethnicity, religion, national origin, sex, disability, marital status, age, genetic information, or any other legally protected characteristic in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The Superintendent shall appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

F.S. 110.1221, 760.01, 760.10, 1000.05
20 U.S.C. 1681 et seq., Title IX
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
42 U.S.C., 2000e, et seq., Civil Rights Act of 1964
42 U.S.C. 12112, Americans with Disabilities Act of 1990
29 C.F.R. Part 1635

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3122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District Section 504 Compliance Officers/ADA Coordinators ("District Compliance Officers"):

Title: Director of Human Resources and Staff Development and Equity Officer

Address: 35 Martin Luther King Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627-1535

E-mail: hightowerp@gcpsmail.com

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from either of the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See also Policy 3122.04 – Complaint Procedures Related to Alleged Discrimination in Employment)

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officers will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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3122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the District's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the District inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
20 U.S.C. 1232g
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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3122.04 - COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION IN EMPLOYMENT

If a person has a good-faith, reasonable belief that s/he has been discriminated against on the basis of his/her race, color, national origin, sex, disability (including HIV, Aids, or sickle cell trait), marital status, age, religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (Protected Classes), the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of the aforementioned Federal and State laws.

The following person is designated as the District's Compliance Officer ("DCO"):

Name/Title:	Dr. Pink Hightower, Director of Human Resources and Staff Development and Equity Officer
Address:	35 Martin Luther King Jr. Boulevard Quincy, Florida 32351
Phone:	850-627-1535
E-mail:	hightowerp@gcpsmail.com

Internal complaints must be in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. Anonymous complaints will not be accepted. The complaint must be filed with a DCO, or with the Superintendent if the alleged harasser is the DCO, within the time limits specified below. A DCO, or the Superintendent if the alleged harasser is the DCO, is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination in employment based upon protected classes.

This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, and/or any other State or Federal agencies responsible for investigating complaints of discrimination. An employee who files a complaint must continue to perform his/her duties in a competent manner during the time his/her complaint is pending. Employees who knowingly submit false complaints may be subject to disciplinary action.

A. An employee with a complaint based on alleged discrimination in employment may first discuss the problem with the DCO or his/her designee. If the alleged discrimination was committed by the DCO, the employee may first discuss

the matter with the Superintendent.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with the DCO, or with the Superintendent if the alleged harasser is the DCO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the DCO, or Superintendent if the alleged harasser is the DCO, of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the DCO, or the Superintendent if the alleged harasser is the DCO, for good cause.

C. The DCO or his/her designee, or the Superintendent if the alleged harasser is the DCO, will conduct an independent investigation of the matter, which may or may not include a hearing. This complaint procedure contemplates an informal, thorough investigation that affords all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The DCO, or Superintendent if the alleged harasser is the DCO, will provide the complainant with a written disposition of the complaint within ten (10) workdays.

If no decision is rendered by the DCO within ten (10) workdays, or the decision of the DCO is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The DCO, or Superintendent if the alleged harasser is the DCO, shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) workdays of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

The Superintendent will render his/her decision within ten (10) workdays of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, any other State or Federal agencies responsible for investigating complaints of discrimination, or the filing of a case in a court of competent jurisdiction. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

G. In accordance with F.S. Chapter 119, complaints and other records created in relation to any internal complaint of discrimination will remain confidential until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

Federal and/or State Complaint

At any time, if an employee believes that s/he has been subjected to discrimination with regard to the terms or conditions of his or her employment, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 19T70
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8909
FAX: (404) 562-7881
TDD: (404) 562-7884
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771
E-mail: fchrinfo@fchr.myflorida.com
Website: http://fchr.state.fl.us

Prohibition Against Retaliation

The School Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under the aforementioned laws or implementing regulations, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the aforementioned laws or their implementing regulations.

F.S. 760.01 through 760.11 (and 509.092), Florida Civil Rights Act of 1992
F.S. 448.07
F.S. 448.075, 760.50
F.S. 553.501 et seq., Florida Americans With Disabilities Accessibility Implementation Act
F.S. 553.514
F.S. 1000.05, Florida Educational Equity Act
F.S. 1001.41, 1001.43
F.A.C. 6A-19
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 2000a, Title II of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000d, Title VI of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000e, Title VII of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000ff, the Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 12101, et seq., the Americans with Disabilities Act of 1990, as amended
29 U.S.C. 2601, et seq., the Family Medical Leave Act of 1993, as amended
29 U.S.C. 621, et seq., the Age Discrimination in Employment Act of 1967, as amended
29 U.S.C. 206(d), the Equal Pay Act of 1963, as amended
20 U.S.C. 1681-1688, Title IX of the Education Amendment Act of 1972

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3124 - DRUG-FREE WORKPLACE

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting that is not tainted by the use or evidence of use of any controlled substance.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's instructional staff at any time while on District property or while involved in any District-related activity or event. Further, the misuse of prescription and over-the-counter drugs by instructional staff members is unacceptable and prohibited. The Board shall clearly communicate these prohibitions to its instructional staff. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District procedures and the terms of collective bargaining agreements.

The Superintendent shall establish procedures that require compliance with this policy and that each staff member is given a copy of a statement about unlawful possession, use, or distribution of illicit drugs and alcohol by staff, and the misuse of prescription and over-the-counter drugs by instructional staff members. Staff members shall be informed that compliance with this policy is mandatory. Such procedures shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

F.S. 440.101, 440.102
20 U.S.C. 3224A
20 U.S.C. Omnibus Transportation Testing Act of 1991
20 U.S.C. 701-706 Rehabilitative Act 1973
20 U.S.C. 86-201
20 U.S.C. 3171 et seq.
29 U.S.C. 705(2), 794, 794a
34 C.F.R. Parts 85, 86, 104

34 C.F.R. 34-86.201
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988

Vocation Rehabilitation Act of 1973

Drug-Free Schools and Communities Act of 1986

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3128 - CONTRACTS: INSTRUCTIONAL PERSONNEL

Any person employed as a member of the instructional staff shall hold a valid Florida Teaching Certificate except as noted elsewhere in policy. All instructional staff members shall be entitled to and shall enter into a written contract with the School Board as provided by law. All contracts shall be on forms prescribed by the Commissioner of Education. Any member of the instructional staff who is willfully absent from duty without leave shall forfeit compensation for the time absent, and the staff member's contract shall be subject to cancellation by the Board.

Each individual newly hired as instructional personnel by the Board must be awarded a one (1) year probationary contract. Upon successful completion of the probationary contract, the Board may award an annual contract. An annual contract may be awarded for instructional personnel who have successfully completed a probationary contract with the Board and have received one (1) or more annual contracts from the Board. An annual contract may be awarded only if the employee:

A. holds an active professional certificate or temporary certificate issued pursuant to F.S. 1012.56 and rules of the State Board of Education;

B. has been recommended by the Superintendent for the annual contract based upon the individual's evaluation under F.S. 1012.34 and approved by the Board;

C. has not received two (2) consecutive annual performance evaluation ratings of unsatisfactory, two (2) annual performance evaluation rating of unsatisfactory within a three (3) year period, or three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory under F.S. 1012.34.

A true signed copy of the contract shall be retained by the Board in the office of the Superintendent.

Probationary employees may be dismissed without cause or may resign without their resignation constituting a breach of contract. Instructional personnel who have successfully completed a probationary contract and have received an annual contract may be suspended or dismissed at any time during the term of the contract for just cause as defined by State law. Instructional personnel shall have the right to contest or challenge any such suspension or dismissal in accordance with the procedures set forth in State law.

Year of Service Defined for Instructional Personnel

The minimum time which may be recognized as a year of service for contractual purposes shall be full-time actual service rendered under contract for more than one-half (1/2) of the number of days or more than one-half (1/2) the number of total hours required for the normal contractual period of service for the position held. In determining such service, sick leave and holidays for which the employee received compensation shall be counted, but all other types of leave and holidays shall be excluded.

Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, instructional service, annual, or multi-year contract. Credit for service rendered in another state or as otherwise allowed under the adopted salary schedule shall be determined by using the minimum service required in the District for a comparable position and in accordance with provisions of the applicable collective bargaining agreement.

In determining the number of days that must be served to constitute a full year of out-of-state teaching experience, the existing regulations of the State or District in which the contract was executed shall be used as the criteria.

F.S. 1001.42, 1001.43, 1012.22, 1012.32, 1012.33, 1012.335, 1012.34, 1012.56
F.A.C. 6A-1.0502, 6A-1.064

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3129 - CONFLICT OF INTEREST – PRIVATE PRACTICE

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.

A. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.

   Included, by way of illustration rather than limitation are the following:

   1. the provision of any private lessons or services for a fee;

   2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through access to District records;

   3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

   4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business, or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. Employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

F.S. 112.313, 1006.32

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3129.01 - TUTORING

As set forth in Policy 3210 - Standards of Ethical Conduct, no instructional staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

Instructional staff members who tutor students within their school unit and receive compensation for this work shall have prior approval of their principal.

Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes for which a grade is given.

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3130 - APPOINTMENT, ASSIGNMENT, TRANSFER, AND PROMOTION OF INSTRUCTIONAL STAFF

The School Board believes that the appropriate placement of qualified and competent staff is essential to the successful functioning of the District.

Pursuant to statutory requirements, the percentage of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers assigned to schools in one (1) of the three (3) lowest-performing categories under State law shall not be greater than the District average of temporarily certified teachers, teachers in need of improvement, or out-of-field teachers. Such assignments shall be consistent with the collective bargaining agreement.

The District shall annually certify to the Commission of Education that this requirement is being met.

Appointment and Assignment

When developing his/her recommendation for staff appointments, the Superintendent shall consider nominations for staff appointments submitted by the principals. Further, if the Superintendent intends to recommend placement of a staff member in a school who was not nominated by the principal, the Superintendent will consult with that principal. In accordance with State law, a principal may refuse to accept the Superintendent's proposed assignment of an instructional staff member to his/her school unless that instructional staff member has a performance rating of effective or highly effective under F.S. 1012.34.

After such required consideration and consultation, the Superintendent shall submit written recommendations with regard to the appointment and assignment of instructional staff for Board action.

The Board shall act not later than June 30th on the Superintendent's nominations of supervisors, principals, and members of the instructional staff.

In accordance with State law, the Board may reject the Superintendent's recommendation for initial appointment and assignment, or re-appointment and assignment, for good cause.

Promotion and Transfer

Pursuant to State law, the Superintendent's primary consideration in recommending an individual for promotion must be the individual's demonstrated effectiveness pursuant to F.S. 1012.34.

Before transferring an instructional staff member from one (1) school to another, the Superintendent shall consult with the principal of the school to which the teacher will be assigned and allow the principal the opportunity to review the teacher's records, including student performance demonstrated under F.S. 1012.34, and interview the teacher. If, in the judgment of the principal, students would not benefit from the placement, an alternative placement may be sought. A principal may refuse to accept the Superintendent's assignment or transfer of an instructional staff member who holds a professional teaching certificate to his/her school, unless that instructional staff member has a performance rating of effective or highly effective under F.S. 1012.34.

After the required considerations and consultations, the Superintendent shall submit written recommendations with regard to the promotion or transfer of instructional staff for Board action.

In accordance with State law, the Board may reject the Superintendent's recommendation for the transfer or promotion of an instructional staff member for good cause.

Required Reporting

The Superintendent must annually notify the parent of any student who is assigned to classroom with a teacher having two (2) consecutive annual performance evaluation ratings of unsatisfactory, two (2) annual performance evaluation ratings of unsatisfactory within a three (3) year period, or three (3) consecutive annual performance evaluation ratings of needs improvement or a combination of needs improvement and unsatisfactory.

Duties, Days, and Hours

The Superintendent shall make known through administrative channels the duties, days, and hours of the various classes of instructional personnel.

A. Instructional staff members shall perform the duties required by Florida statutes, Board policy, and the collective bargaining agreement, as well as other reasonable duties as may be assigned by their immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of the instructional staff member's contract and just cause for disciplinary action.

B. Instructional staff members are responsible for student control and supervision at any location on campus or during school-sponsored activities.

C. Instructional staff members shall not permit their family members or friends by their presence to interfere with performance of their duties during working hours.

Employment and Supervision of Relatives (Nepotism)

An employee may not be recommended for employment or be supervised by a close relative. Further, two or more close relatives may not work in the same administrative unit except by special permission of the Superintendent. All employees shall disclose to the Superintendent, the names of close relatives working at the same work location.

For purposes of this policy, close relatives are defined as mother, father, son, daughter, brother, sister, and spouse and in-laws of the same.

F.S. 112.3135, 1012.22, 1012.23, 1012.2315, 1012.28

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3131 - REDUCTION IN STAFF

If workforce reduction is needed, the School Board must retain employees at a school or in the School District based upon educational program needs and the performance evaluations of employees within the affected program areas. Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions must continue in like manner until the needed number of reductions has occurred. The Board may not prioritize retention of employees based on seniority.

F.S. 1012.33

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3132 - VACANCIES

It shall be the policy of the School Board to employ the best qualified individual for any District vacancy at any level.

Vacancies shall be announced, and all members of the instructional staff shall be eligible for any District vacancy, providing they are properly qualified.

The Superintendent shall establish procedures to facilitate identification and evaluation of candidates for administrative, supervisory, and other leadership positions.

F.S. 1012.23

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3139 - EDUCATOR MISCONDUCT

As required by the provisions of State Board of Education Rule F.A.C. 6B-1.006(5) and the Principles of Professional Conduct of the Education Profession in Florida, an instructional employee is required to self-report within forty-eight (48) hours any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory.

In addition, self-reporting shall also be required for any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering a plea of guilty or nolo contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgement. When handling sealed and expunged records disclosed under this policy, the District shall comply with the confidentiality provisions in Florida statutes.

Furthermore, all legally sufficient complaints against a member of the instructional staff shall be reported to the Department of Education within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the Board or the office of the Superintendent. A complaint is legally sufficient for reporting if the subject matter of the complaint includes any of the grounds for discipline or dismissal set forth in Florida statutes.

The Superintendent shall require that all legally sufficient complaints are timely filed in writing with the Department of Education. The Superintendent shall file with the Department of Education all information relating to the complaint that is known to the Superintendent at the time of filing. Additionally, Policy 8141 sets forth the procedures for mandatory reporting of alleged misconduct by instructional personnel to the Florida Department of Education.

It is the responsibility of all employees of the Board to promptly report to the office of the Superintendent or the office of Human Resources Services any complaint against a member of the instructional staff that comes to the employee's attention and that includes grounds for the revocation or suspension of a teaching certificate. The willful failure by an employee of the Board to promptly report a complaint shall constitute cause for discipline of the employee as provided by law and Board policy.

F.S. 943.0585(4)(c), 943.059(4)(c), 1012.795, 1012.796
F.A.C. 6B-1.006

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3139.01 - STAFF DISCIPLINE

The School Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and/or the specific provisions of any applicable collective bargaining agreement.

Policy 8141 sets forth the procedures for reporting alleged misconduct by instructional staff members.

F.S. 1006.061

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3140 - SUSPENSION OR DISMISSAL OF INSTRUCTIONAL STAFF

It is the desire of the School Board to maintain a staff of well-trained, competent instructional employees in order to offer comprehensive services to the students of this District.

No employee may be suspended from duty except by the Superintendent or the Board. The Board hereby delegates to the Superintendent authority to suspend a member of the staff, subject to the provisions of Policy 3140.01 and as provided by applicable law. The Board shall be notified of all such suspensions.

Any instructional personnel with an annual contract may be suspended or dismissed at any time during the term of the contract for just cause as defined below. The Board must notify the employee whenever charges are made and may suspend such person without pay. As defined by State law, "just cause" includes, but is not limited to:

A. immorality;

B. misconduct in office;

C. incompetency;

D. gross insubordination;

E. willful neglect of duty;

F. being convicted or found guilty of, or entering a plea of guilty to, regardless of adjudication of guilt, any crime involving moral turpitude.

In the case of a suspension without pay by the Superintendent or the Board, an affected employee shall be entitled to a hearing on the charges as to why the employee was suspended without pay. Said hearing shall be upon reasonable notice by the Superintendent. However, if the charges are not sustained, the employee must be immediately reinstated with back pay.

No member of the staff may be dismissed except by action of the Board. The Superintendent may recommend employees for dismissal under F.S. 1012.27.

If the employee wishes to contest the charges, s/he must, within fifteen (15) days after receipt of the written notice, submit a written request for a hearing to the Board. A direct hearing must be conducted by the Board or a subcommittee thereof within sixty (60) days after receipt of the written appeal. The hearing shall be conducted in accordance with F.S. 120.569 and 120.57 of the Administrative Procedures Act. A majority vote of the membership of the Board is required to sustain the Superintendent's recommendation. The Board's determination is final as to the sufficiency or insufficiency of the grounds for suspension without pay or dismissal. Any such decision adverse to the employee may be appealed by the employee pursuant to F.S. 120.68 relating to judicial review.

Non-renewal of employees during their probationary period or upon expiration of an annual contract shall not be considered dismissal and shall not be subject to this policy.

Any member of the instructional staff who is employed under an annual contract may be suspended or dismissed at any time during the term of his/her contract for cause pursuant to provisions of Florida statutes.

Any member of the instructional staff who is under continuing contract may be suspended or dismissed at any time during the school year pursuant to the provisions set forth in State law.

Policy 8141 - Educator Misconduct sets forth the procedures for mandatory reporting of alleged misconduct by instructional staff members to the Florida Department of Education.

The Superintendent shall determine the nature and effective date of the suspension or dismissal.

F.S. 120.569, 120.57, 120.68, 1012.22, 1012.27, 1012.32, 1012.33, 1012.335
F.S. 1012.34

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3140.01 - DISCIPLINARY SUSPENSION WITHOUT PAY

For disciplinary action other than termination, the School Board hereby delegates authority of employee suspension to the Superintendent in order to facilitate personnel management, to maintain an orderly and productive work environment, to avoid public embarrassment to employees, and to eliminate minor disciplinary action from the Board's agenda. The suspension shall be without pay, and shall not exceed five (5) days.

A. An employee who is suspended under the authority of this policy shall be granted all due process rights accorded by the Florida statutes and applicable collective bargaining agreements.

B. The Superintendent shall notify the Board of actions taken.

C. This policy grants the Superintendent authority in addition to that provided by Florida statutes. It shall not be construed to limit the Superintendent's statutory powers.

F.S. 1012.27(5)

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3150 - RESIGNATION

Any person who wishes to resign shall submit his/her resignation addressed to the Superintendent in writing.

The request to resign should be submitted at least two (2) weeks in advance of its requested effective date. The Superintendent shall determine if the reason for resignation is acceptable and if a qualified and satisfactory replacement is available before determining the effective date of their resignation. Any instructional staff member who leaves prior to the effective date of their resignation shall be reported to the Florida Department of Education, and is subject to termination (See Policy 8141 - Educator Misconduct).

The resignation shall be submitted to the School Board at its next regular or special meeting.

If the Superintendent determines that misconduct by an instructional staff member who holds an educator certificate affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must report the misconduct to the Department in the format prescribed by the Department.

An employee who returns to employment after resigning shall be entitled to unused sick leave credit accrued prior to the time of his/her resignation.

A member of the instructional staff shall be in violation of the terms of his/her individual employment contract by leaving his/her position prior to release by the Board.

The Superintendent is authorized to accept resignations on behalf of the Board. The Superintendent shall notify the Board of resignations received and accepted at the next meeting.

F.S. 1001.43, 1012.33, 1012.796(d)

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3160 - PRE-EMPLOYMENT PHYSICAL EXAMINATION

It is the policy of the School Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the District.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 3160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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3161 - FITNESS FOR DUTY

If the Superintendent believes an instructional staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require an instructional staff member to submit to an appropriate examination by a health provider designated by the School Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action in accordance with the terms of the applicable collective bargaining agreement.

Further, as required by Federal law and regulation and Board Policy 3122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, an instructional staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if available. Furthermore, the Superintendent may recommend the instructional staff member's dismissal based upon the results of the medical examination.

The instructional staff member is entitled to a hearing as provided for in Florida law or the terms of the applicable collective bargaining agreement.

F.S. 1012.23
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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3170 - SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of instructional staff members. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

An instructional staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to instructional staff members having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the instructional staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Board.

No instructional staff member will have job security or promotion opportunities jeopardized by the staff member's request for counseling or referral assistance.

Instructional staff members who suspect they may have an alcohol or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

F.S. 1012.798
Rehabilitation Act of 1973, 29 U.S.C. 794

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3170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, alcohol abuse, and mental health problems are important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The District encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. The decision to seek diagnosis and accept treatment for these conditions is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with these conditions should request assistance from the Director of Human Resources. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the instructional staff member. Failure to do so will result in appropriate corrective or disciplinary action as determined by the Superintendent and approved by the Board.

No instructional staff member will have his/her job security or promotion opportunities jeopardized by his/her request for counseling or referral assistance.

F.S. 1012.798

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3210 - STANDARDS OF ETHICAL CONDUCT

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding.

The School Board hereby establishes the following as the standards of ethical conduct for all instructional staff members in the District:

A. An instructional staff member shall:

1. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.
2. not unreasonably restrain a student from independent action in pursuit of learning.
3. not unreasonably deny a student access to diverse points of view.
4. not intentionally suppress or distort subject matter relevant to a student's academic program.
5. not intentionally expose a student to unnecessary embarrassment or disparagement.
6. not intentionally violate or deny a student's legal rights.
7. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.
8. not exploit a relationship with a student for personal gain or advantage.
9. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.
10. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated.
11. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.
12. not use institutional privileges for personal gain or advantage.
13. accept no gratuity, gift, or favor that might influence professional judgment.
14. offer no gratuity, gift, or favor to obtain special advantages.

15. maintain honesty in all professional dealings.

16. not on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition if otherwise qualified, or social and family background deny to a colleague professional benefits or advantages or participation in any professional organization.

17. not interfere with a colleague's exercise of political or civil rights and responsibilities.

18. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of professional or work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

19. not make malicious or intentionally false statements about a colleague.

20. not use coercive means or promise special treatment to influence professional judgments of colleagues.

21. not misrepresent one's own professional qualifications.

22. not submit fraudulent information on any document in connection with professional activities.

23. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position.

24. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment.

25. provide upon the request of a certificated individual a written statement of specific reason for recommendations that lead to the denial of increments, significant changes in employment, or termination of employment.

26. not assist entry into or continuance in the profession of any person known to be unqualified in accordance with these *Principles of Professional Conduct for the Education Profession in Florida* and other applicable Florida statutes and State Board of Education rules.

27. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, instructional staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

28. report to appropriate authorities any known allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

29. seek no reprisal against any individual who has reported any allegation of a violation of the Florida School Code or State Board of Education rules as defined in F.S. 1012.795(1).

30. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice.

31. as the supervising administrator, cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

B. No instructional staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

C. All District instructional staff members shall adhere to the principles enumerated above.

All instructional staff members shall be required to complete training on the standards established herein upon employment and annually thereafter.

F.S. 112.313, 1001.42(6), 1012.23
F.A.C. 6B-1.001, 6B-1.006

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3211 - WHISTLEBLOWER PROTECTION

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects instructional staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, instructional staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor that is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing.

Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported.

Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney, who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an instructional staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

F.S. 112.3187, 112.3189

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3213 - STUDENT SUPERVISION AND WELFARE

Each instructional staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with their assigned duties and responsibilities that include but are not limited to:

A. An instructional staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. An instructional staff member shall provide proper instruction in safety matters as presented in assigned course guides.

C. An instructional staff member shall immediately report to a building administrator knowledge of threats of violence by students.

D. An instructional staff member shall not send students on any non-school related errands.

E. An instructional staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

F. If a student approaches a staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's stated problem. However, under no circumstances should a staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

G. An instructional staff member shall not transport students in a private vehicle without the approval of the principal.

H. A student shall not be required to perform work or services that may be detrimental to his/her health.

I. Staff members are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, MySpace, etc.

J. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube, without express permission of the students' parent(s).

Since most information concerning a child in school, other than directory information described in Policy 8330- Student Records, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Student Abuse and Neglect, each instructional staff member shall report to the proper legal authorities immediately any sign of suspected child abuse or neglect.

F.S. 119.011, 1001.51, 1002.22, 1003.32
20 U.S.C. 1232
34 C.F.R. Part 99

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3214 - SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

Pursuant to State law no instructional staff member shall solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the instructional staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the School Board that instructional staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no instructional staff member of the District, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the instructional staff member knows, or, with the exercise of reasonable care, should know, that it was given to influence the vote or other action in which the instructional staff member was expected to

participate in his/her official capacity. Furthermore, instructional staff members shall not accept any compensation, payment, or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

In addition, instructional staff members who recommend purchases shall not enter into a contractual relationship with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual instructional staff member receives compensation, payment, or anything of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the instructional staff member shall notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

Any instructional staff member who has knowledge of, or suspects that, this policy has been violated is expected to report this violation or suspected violation in accordance with Policy 3211 – Whistleblower Protection.

F.S. 112.313

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3215 - TOBACCO-FREE ENVIRONMENT

The School Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco and the possession of papers used to roll cigarettes.

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board. The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

Signs will be posted at the main entrances to all buildings to provide notice that smoking is prohibited.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas. Further, employees shall refrain from the use of tobacco, as well as electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices, in the presence of non-adult students while supervising school-sponsored activities at locations other than Board property.

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

F.S. 381.84, 386.202, 386.204, 386.209, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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3216 - STAFF DRESS AND GROOMING

The School Board believes that instructional staff members set an example in dress and grooming for their students to follow. An instructional staff member who understands this precept and adheres to it enlarges the importance of this task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

When assigned to District duty, all instructional staff members should dress professionally.

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3217 - WEAPONS

The School Board prohibits instructional staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District-owned vehicle.

An exception to this policy includes weapons under the control of law enforcement personnel. Another exception to this policy would be weapons possessed and/or used by students enrolled in the District's Junior ROTC Program while under the direct supervision of District staff members.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass actions including, but not limited to, look-alike weapons and/or devices, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

Instructional staff members shall report knowledge of the possession of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Principal. Failure to report such knowledge may subject the staff member to discipline.

The Superintendent shall report any instructional staff member who violates this policy to the law enforcement agency having jurisdiction. The staff member shall also be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of the applicable collective bargaining agreement.

F.S. 790.001, 790.115, 1001.43
18 U.S.C. 922

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3220 - EVALUATION OF INSTRUCTIONAL PERSONNEL

Pursuant to State law, evaluations shall be conducted for the purpose of increasing student learning growth by improving the quality of instructional services in the District. Except for classroom teachers who are newly hired in the District and excluding substitute teachers, a performance evaluation must be conducted for each instructional staff member at least once per year. Newly hired teachers must be observed and evaluated at least twice during their first year of teaching in the District.

The Principal is responsible for the performance of all personnel employed by the Board and assigned to the school to which the Principal is assigned. The Principal shall appropriately and effectively apply the personnel evaluation system that has been recommended by the Superintendent and approved by the Board, and approved, as required by State law, by the Florida Department of Education.

As set forth in State law, at least fifty percent (50%) of the performance evaluation of an instructional staff member must be based on data and indicators of student learning growth assessed annually by Statewide assessments for the students assigned to that teacher's classroom or, in the case of co-teaching or team teaching, within the teacher's academic sphere of responsibility. For classroom teachers for whom at least three (3) years of growth data for students assigned to that teacher the percentage of the evaluation that is based upon student learning growth shall be reduced to not less than forty percent (40%) as provided by State law. If less than three (3) years of data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than forty percent (40%).

For instructional personnel who are not classroom teachers, the student learning growth portion of the evaluation must include growth data on Statewide assessments for students assigned to the instructional personnel over the course of at least three (3) years, or may include a combination of student learning growth data and other measurable student outcomes that are specific to the assigned position, provided that the student learning growth data accounts for not less than thirty percent (30%) of the evaluation. If less than three (3) years of student growth data are available, the years for which data are available must be used and the percentage of the evaluation based upon student learning growth may be reduced to not less than twenty percent (20%).

The evaluation criteria must include, but are not limited to, the following:

A. student performance, as described above;

B. instructional practice, including indicators based upon each of the Florida Educator Accomplished Practices adopted by the State Board and specific job expectations related to student support for instructional staff members who are not classroom teachers;

C. professional and job responsibilities adopted by the State Board, as well as additional professional and job responsibilities established by the Board.

Lastly, each evaluation shall also relate, but not be limited to, the duties specified in the job description.

The Principal shall inform all instructional personnel of the criteria and procedures associated with the performance evaluation process before evaluation begins. Additionally, the Principal shall assist the teachers within the school to use student assessment data, as measured by student learning growth gains pursuant to State law, for self-evaluation and improvement.

The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent. The written report of the evaluation must be on file and provided to the employee within ten (10) days after the evaluation conference. The evaluator must discuss the written evaluation report with the employee. The employee shall have the right to initiate a written

response to the evaluation, and the response shall become a permanent attachment to his/her personnel file. The evaluator may amend an evaluation based upon assessment data from the current year if the data becomes available within ninety (90) days after the close of the school year.

If an employee who holds a professional service contract is not performing his/her duties in a satisfactory manner, the evaluator shall notify the employee in writing of such determination. The notice must describe such unsatisfactory performance and include notice of the procedural requirements set forth in F.S. 1012.34.

An evaluation shall be submitted at the time an instructional staff member leaves the District if services terminate prior to annual evaluations.

An instructional staff member shall be given a copy of any documents relating to his/her performance which are to be placed in the personnel file.

A portion of each instructional staff member's compensation shall be based on the employee's performance evaluation as required by State law.

In addition, the Superintendent shall annually report the evaluation results of instructional staff members using the four (4) levels of performance set forth in State law to the FLDOE. The results shall be provided by school and shall be disaggregated by classroom teachers, as defined in State law, excluding substitute teachers, and all other instructional personnel, also as defined in State law.

The Superintendent shall also notify the FLDOE of any instructional staff members who receive two (2) consecutive unsatisfactory evaluations, as well as any instructional personnel who are given written notice by the District of intent to terminate or not renew their employment.

The instructional personnel assessment system shall be evaluated annually to determine compliance with State law and this policy. All substantial revisions to an approved system shall be approved by the Board, upon the recommendation of the Superintendent, before being submitted to the Florida Department of Education for approval.

F.S. 1012.22, 1012.28, 1012.34, 1012.986

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3231 - OUTSIDE ACTIVITIES OF STAFF

Instructional staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the Superintendent and/or School Board shall evaluate the impact of such interest, activity, or association upon the instructional staff member's responsibilities.

Staff members may not dedicate work time to an outside interest, activity, or association.

Staff members shall not use school time to solicit or accept customers for private enterprises.

Staff members may not engage in business transactions on behalf of private enterprises in which s/he profit by virtue of his/her official position or authority or benefit financially from confidential information that the employee has obtained or may obtain by reason of his/her position or authority.

Pursuant to State law and Board Policy 3232, instructional staff members shall not participate in any political campaign for an elective office while on duty. Furthermore, instructional staff members shall not authorize the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that are subject to a vote of the electors, unless the electioneering communication is limited to factual information.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

The constitutional right to express political and other opinions as citizens is reserved to all employees.

Staff members should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

F.S. 104.31, 1006.32, 1012.23

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3232 - POLITICAL ACTIVITIES

Pursuant to State law, instructional staff members who are employed by the School Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, instructional staff members may not expend public funds (that is, any funds under the jurisdiction or control of the District) for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

Therefore, instructional staff members who engage in political activities or hold public office shall not use time, facilities, or personnel of the school system to engage in such activities. Specifically, the use of copy reproduction equipment or other machinery or supplies, the use of secretarial help, or any other school facilities or personnel is strictly prohibited. Telephone use for such political activities during duty hours shall be confined to an emergency only, and then only in such a manner as shall not conflict with the instructional staff member's school related duties. Additionally, instructional staff members who engage in political activities or hold public office are expected to discourage constituents, or other persons with whom they are associated in their political capacities, from making telephone calls to them during duty hours.

Instructional staff who declare themselves candidates for public office for an elective office shall notify the Superintendent immediately upon filing to run.

All candidates for public office may request personal leave without pay. The instructional staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public officials and public employees.

An instructional staff member who is a successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

F.S. 104.31, 110.233
F.A.C. 60L-36.002

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3242 - PROFESSIONAL DEVELOPMENT

Pursuant to State law, the School District will work collaboratively with the Florida Department of Education (FLDOE), public postsecondary institutions, State education foundations, consortia, and professional organizations in Florida to maintain a coordinated system of professional development. The purpose of the system is to increase student achievement, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum, and prepare students for continuing education and the workforce.

The District's comprehensive professional development plan will incorporate school improvement plans, and will align with the Florida Professional Development System Evaluation Protocol Standards, which support the framework for standards adopted by the National Staff Development Council. Furthermore, the results of the performance evaluations of instructional staff members conducted pursuant to State law and Board Policy 3220 will be used when identifying the areas for which professional development is needed.

As required by State law, the District's comprehensive professional development plan will be updated by September 1st annually. Any substantial revisions to the District's plan will be submitted to the FLDOE for their review for continued approval. The Superintendent will annually recommend for the School Board's consideration and adoption the updated comprehensive professional development plan, so that verification of the adoption can be submitted to the Commissioner of Education not later than October 1st of each year.

The Board will provide funding for professional development as required by State law and the General Appropriations Act and will authorize expenditures from other sources to continuously strengthen the District's system of professional development. The plan will also provide for training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

The in-service activities for instructional personnel shall focus on analysis of student achievement data, ongoing formal and informal assessments of student achievement, identification and use of enhanced and differentiated instructional strategies that emphasize rigor, relevance, and reading in the content areas, enhancement of subject content expertise, integrated use of classroom technology that enhances teaching and learning, classroom management, parent involvement, and school safety. Additionally, in-service activities will be made available for instructional personnel of nonpublic schools in the District and the State certified teachers who are not employed by the Board on a fee basis not to exceed the cost of the activity per all participants.

Each principal shall establish and maintain an individual professional development plan for each instructional employee assigned to the school as a seamless component to the school improvement plans developed pursuant to State law. The individual professional development plan established by the principal shall:

A. be related to specific performance data for the students to whom the teacher is assigned;

B. define the in-service objectives and specific measurable improvements expected in student performance as a result of the in-service activity;

C. include an evaluation component that determines the effectiveness of the professional development plan;

D. provide for systematic consultation with regional and State personnel designated to provide technical assistance and evaluation of local professional development programs;

E. provide for delivery of professional development by distance learning and other technology-based delivery systems to reach more educators at lower costs;

F. provide for the continuous evaluation of the quality and effectiveness of professional development programs in order to eliminate ineffective programs and strategies and to expand effective ones. Evaluations must consider the impact of such activities on the performance of participating educators and their students' achievement and behavior.

By July 1st of each year and prior to the release of funds for instructional materials, pursuant to statutory requirements, the Superintendent will certify to the Commissioner of Education that the Board has approved a comprehensive professional development plan that requires fidelity of implementation of instructional materials that are in the first two (2) years of the adoption cycle. The report will also include verification that the training was provided.

F.S. 1001.42, 1011.62, 1011.67, 1012.22, 1012.34, 1012.98, 1012.985, 1012.986

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3243 - PROFESSIONAL MEETINGS

The School Board encourages opportunities for instructional staff members to develop increased competence, beyond that which they may attain through the performance of their assigned duties through attendance at professional meetings.

For purposes of this policy, a professional meeting shall be defined as:

A. any meeting that is related to the activities, duties, or responsibilities of instructional staff members as determined by the Superintendent;

B. a meeting through which direct value can be derived for the person in attendance for later use in the performance of District duties;

C. a collaborative effort with other districts, professional organizations, State foundations, and postsecondary educational institutions to, among other things, enhance classroom instructional strategies that promote rigor and relevance throughout the curriculum;

D. professional development plans established by the Board shall incorporate school improvement plans.

F.S. 1003.413, 1012.985, 1012.98

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3281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Employees may wish to bring personal property to school either for reasons associated with professional responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

Board employees are permitted to possess personal communication devices (e.g., cellular telephones) at work in accordance with Policy 7530.01.

The owner of the personal property brought to the worksite bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Board receives from its use.

Employees in bargaining units shall refer to the collective bargaining agreement.

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3362 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, gender, race, color, ethnicity, national origin, religion, political beliefs, military status, marital status, disability, genetic information, social or family background, or any other legally prohibited basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and in those cases where legally prohibited harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is

defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Physical assault.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life (see AP 3362).

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance of creating an intimidating, hostile, or offensive working and/or learning environment; or with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth in Policy 3362.02 - Anti-Harassment Complaint Procedure. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The titles of the Anti-Harassment Compliance Officer with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in Policy 3362.02 - Anti-Harassment Complaint Procedure. The titles of this individual will be published annually in the parent and staff handbooks, in the School District Annual Report to the public, and/or on the School District's web site.

The formal and informal processes for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth in Policy 3362.02 - Anti-Harassment Complaint Procedure. This policy and Policy 3362.02 - Anti-Harassment Complaint Procedure will be readily available to all members of the School District community and posted in appropriate places throughout the School

District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers. Thereafter, the Compliance Officer must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Confidentiality

The School District will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. (see Policy 8320 - Confidentiality)

Informal Process for Addressing Complaints of Harassment

An informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns is set forth in Policy 3362.02 - Anti-Harassment Complaint Procedure. Members of the School District community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of unlawful harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

Formal Process for Addressing Complaints of Harassment

Policy 3362.02 - Anti-Harassment Complaint Procedure also includes a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the compliance officer identified in Policy 3362.02 - Anti-Harassment Complaint Procedure. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate compliance officer identified in Policy 3362.02 - Anti-Harassment Complaint Procedure and the principal will not conduct an investigation unless directed to do so by the Compliance Officer.

The complaint process, which is set forth in Policy 3362.02 - Anti-Harassment Complaint Procedure, is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and Policy 3362.02 or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in

accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and Policy 3362.02. All training regarding this policy, Policy 3362.02, and harassment in general, will be age and content appropriate.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

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

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3362.02 - ANTI-HARASSMENT COMPLAINT PROCEDURE

Anti-Harassment Compliance Officers

The individuals who have the following positions serve as "Anti-Harassment Compliance Officers" for the School District. They are hereinafter referred to as the "Compliance Officer" or "Compliance Officers".

Director of Human Resources

850-627-9651 ext. 1247

35 MLK Boulevard
Quincy, Florida 32351

The Compliance Officers, or his/her designee, will be available during regular school/work hours to discuss concerns related to legally prohibited harassment.

The Compliance Officer, or his/her designee, is assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer, or his/her designee, will prepare, after consultation with the School Board Attorney, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community should report incidents of unlawful harassment that are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below.

While there is a sixty (60) day time limit for initiating a complaint of harassment, individuals should make every effort to file an informal or a formal complaint as soon as possible after the harassing conduct occurs. Both the informal and formal procedures set forth below are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

The informal and formal procedures set forth below are not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a member of the School District community or third party who believes s/he has been unlawfully harassed. This informal procedure is not required as a

precursor to the filing of a formal complaint.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person s/he feels is harassing him/her that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer, or his/her designee, is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the alleged harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A member of the School District community or third party who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Compliance Officer. All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide members of the School District community and third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer, or his/her designee, may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer, or his/her designee, will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy. (see Policy 8310 - Public Records and Policy 8320 - Confidentiality)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the member of the School District community or third party elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

A member of the School District community or third party who believes they have been subjected to legally prohibited harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with the Compliance Officers. If a complainant informs any other employee of the School District, either orally or in writing, about any complaint of unlawful harassment, that employee must immediately report such information to the Compliance Officer.

The Compliance Officer shall determine whether or not the complaint alleges legally prohibited harassment. In making this determination the Compliance Officer shall consult with the Board Attorney. If it is determined that the complaint does not allege legally prohibited harassment, the complainant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint alleges legally prohibited harassment, the complaint will be investigated in accordance with the process described herein.

Throughout the course of the process as described herein, the Compliance Officer, or his/her designee, should keep the complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the complainant seeks.

If the complainant is unwilling to provide a written statement including the information set forth above, the Compliance Officer, or his/her designee, shall ask for such details in an oral interview. Thereafter the Compliance Officer, or his/her designee, will prepare a written summary of the oral interview that will be presented to the complainant for verification by signature.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further legally prohibited harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change which is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within three (3) business days of receiving a formal complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to unlawful harassment.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within twenty-one (21) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall consult with the Board Attorney. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer or designee shall consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of legally prohibited harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the complainant and the respondent. The School District will respect the privacy of the complainant (unless the complainant made the complaint with malice or with knowledge that it was false), the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation of legally prohibited harassment is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of legally prohibited harassment will be maintained by the Compliance Officer in accordance with State law and the Board's records retention policy. Any records which are considered education records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law and Policy 8330 - Student Records.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the school principal or Superintendent, who must notify the Department of Children and Family Services. If, during the course of an investigation of legally prohibited harassment, the Compliance Officers or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board Policy 8462 - Student Abuse and Neglect.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of legally prohibited harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of legally prohibited harassment be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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

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3380 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The School Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any student, parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 749 et seq.
42 U.S.C. 12101 et seq.
42 U.S.C. 2000e et seq.
Civil Rights Act 41 U.S.C. 1983

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3410 - COMPENSATION

Salaries of all instructional staff members shall be determined by the School Board and shall be authorized by the annual salary schedule adopted by the Board upon the recommendation of the Superintendent.

Per statutory requirements, a portion of each employee's compensation paid pursuant to the Board-adopted salary schedule shall be based on demonstrated performance as required by State law and evaluated in accordance with State law and Policy 3220. In addition, the prior teaching experience of a person who has been designated State Teacher of the Year by any state in the United States, and prior professional experience in the field of education gained in position in addition to District level instructional and administrative positions must be considered.

Further, pursuant to statutory requirements and subject to negotiation, the adopted salary schedule shall provide differentiated pay based upon District-determined factors, including the following:

A. additional responsibilities;

B. school demographics;

C. critical shortage areas;

D. level of job performance difficulties.

Bonuses

Any award of a bonus must be based upon work performance. The determination of such bonus must include a process that describes performance standards and an evaluation process consistent with Policy 3220. All employees eligible for such a bonus will be notified before the beginning of the evaluation period on which the bonus is to be based.

F.S. 215.425, 1011.60, 1012.22, 1012.34

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3419 - GROUP HEALTH PLANS

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible full-time employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

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3419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The School Board provides coverage to eligible full-time employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Group Health Plan

B. Dental Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The fully insured group health plans established by the Board shall:

A. refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful;

B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

C. if the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. summary health information;

Summary health information is de-identified information that summarized claims history, claims expenses, or type of claims experienced by health plan participants.

B. information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

F.S. 1002.02
20 U.S.C. 1232g
42 U.S.C. 1320d-2
Health Insurance Portability and Accountability Act (HIPAA)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

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3420 - BENEFITS

The School Board shall provide all full-time instructional staff members with benefits as provided in the collective bargaining agreement.

F.S. 112.08, 112.1915, 121, 440.491, 1012.26, 1012.33, 1012.61, 1012.65
F.S. 1012.74, 1012.798

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3420.01 - TERMINAL PAY

Terminal pay for accumulated sick leave will, except as hereinafter otherwise indicated, be provided to all full-time employees at resignation without retirement, at normal retirement, when employee elects to participate in the Deferred Retirement Option Program (DROP), or to the beneficiary if such service is terminated by death. The sick leave days used in calculating the amount of such terminal pay shall not include any such days earned otherwise than in full-time service of this School District. Such terminal pay shall not exceed an amount determined as follows:

A. For the individual himself, upon separation from such service by resignation without retirement, provided that s/he must then have been in the full-time creditable service of this School District for at least twenty (20) years: the daily rate of pay of the individual at that time multiplied by 100% times the number of days of accumulated sick leave.

B. For the individual himself/herself, upon normal retirement or DROP enrollment, provided that s/he must then have been in the full-time creditable service of this School District for at least ten (10) creditable years, a sum determined by multiplying the individual's then current coverage daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. after the 10th year – fifty percent (50%)
2. after the 11th year – fifty percent (50%)
3. after the 12th year – fifty percent (50%)
4. after the 13th year – sixty-five percent (65%)
5. after the 14th year – seventy percent (70%)
6. after the 15th year – seventy-five percent (75%)
7. after the 16th year – eighty percent (80%)
8. after the 17th year – eighty-five percent (85%)
9. after the 18th year – ninety percent (90%)
10. after the 19th year – ninety-five percent (95%)
11. after the 20th year – 100%

C. For the beneficiary, upon the death of the individual in the service of this School District, a sum determined by multiplying the decedent's then current average daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. during the first three (3) years - thirty-five percent (35%)
2. during the next three (3) years - forty percent (40%)
3. during the next three (3) years - forty-five percent (45%)
4. during the next three (3) years - fifty percent (50%)
5. during the 13th year - sixty percent (60%)
6. during the 14th year - sixty-five percent (65%)
7. during the 15th year - seventy percent (70%)
8. during the 16th year - seventy-five percent (75%)
9. during the 17th year - eighty percent (80%)
10. during the 18th year - eighty-five percent (85%)
11. during the 19th year - ninety percent (90%)
12. during the 20th year - ninety-five percent (95%)
13. during and after the 21st year – 100%

D. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked ten (10) years or more with the District, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to sixty (60) days. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked less than ten (10) years, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to twenty (20) days.

Pursuant to the above criteria, such terminal pay shall include payment for unused sick leave and annual leave upon an instructional staff member's separation from the District.

F.S. 1001.41, 1001.43, 1012.22, 1012.23, 1012.61
F.A.C. 6A-1.052

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3430 - LEAVES OF ABSENCE

Instructional staff shall not be absent from their assigned duties except as authorized by the Superintendent. An instructional staff member who is absent from duty and is not eligible for leave shall forfeit compensation for the time of such absence. Contracts or appointments may be subject to cancellation by the School Board and the instructional staff members may be subject to immediate dismissal.

Instructional staff should refer to the collective bargaining agreement for specific leave requirements.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67
F.A.C. 6A-1.079, 6A-1.080

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3430.01 - FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver Leave"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the School Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time instructional employees are deemed to meet the 1,250 hour

requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medial-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provided for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a healthcare provider.

   a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

   b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).

   c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. A period of incapacity related to pregnancy need not involve a visit to the healthcare provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; b.) continues over an

extended period of time (including recurring episodes of a single underlying condition); and c.) may cause episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Instructional staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the instructional staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

District Notice Requirements

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee’s FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member’s FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid

leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information. Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider and the leave administrator to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall require that all appropriate FMLA notices are posted.

Copies of this policy shall be available to staff members upon request.

F.S. 110.221, 1012.61
29 U.S.C. 2601 et seq. (as amended)

29 C.F.R. Part 825
45 C.F.R. Part 160, 164
National Defense Authorization Act of 2010

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3430.02 - DOMESTIC VIOLENCE LEAVE

The School Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

B. to obtain medical care and/or mental health counseling for the employee or a family or household member to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted without pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient

documentation of the act of domestic or sexual violence as required by the administrative procedures implementing this policy.

B. The employee shall not be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

F.S. 741.28, 741.313

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3440 - JOB-RELATED EXPENSES

The School Board will provide for the payment of the actual and necessary expenses, including traveling expenses, of any instructional staff member of the District incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the supervisor. Pre-approval for estimated travel expenses by the Deputy Superintendent is required.

The Board shall pay the expenses of instructional staff members when they attend instructional meetings (as defined in Policy 3243) with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Staff members will not be reimbursed for expenses, other than mileage, without receipts.

Instructional staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouse or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

F.S. 112.061

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3531 - UNAUTHORIZED WORK STOPPAGE

The School Board is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that the District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Instructional staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

F.S. 447.505, 447.507

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3590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

A copy of each such entry shall be given to the employee by certified mail or personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

The employee shall have access to his/her file upon request.

The related procedures manual is entitled Personnel File Procedures.

F.S. 119.011, 1012.31

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3600 - JOB DESCRIPTIONS

The School Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each instructional staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each instructional staff position and thereby promote organization, effectiveness, and efficiency. The Superintendent is authorized to establish and maintain job descriptions which shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each instructional staff position.

Instructional staff shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, instructional staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

F.S. 1012.23, 1012.27

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4111 - DESIGNATION OF A NEW POSITION

The School Board recognizes the need to establish positions which, when filled by competent, qualified support staff members, will assist the District in achieving the operational goals set by the Board. The District employs only U.S. citizens and others lawfully authorized to work in the United States.

The Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to the Federal Immigration Reform and Control Act of 1986.

Subject to the recommendation of the Superintendent, the Board shall designate new positions pursuant to the job descriptions developed in accordance with Policy 4600 and set the initial salary for new positions not covered by a valid collective bargaining agreement.

When designating new positions, primary consideration shall be given to:

A. the funding source for the position has been identified;

B. the number of students enrolled;

C. the special needs of the community;

D. the special needs of the students;

E. the operational services of the District.

F.S. 1001.42, 1001.42(5), 1012.22
Federal Immigration Reform and Control Act of 1986
8 U.S.C. 1255a

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4112 - BOARD-STAFF COMMUNICATIONS

The School Board is a policy making body and its individual members do not have authority to direct the day-to-day operations of the District or its employees. Nevertheless, the Board believes that open channels of communication between itself and the staff will benefit the District. The preferred line of official communication should, however, be through the Superintendent.

A. **Staff Communications to the Board**

Communications regarding official business of the District from staff members to the Board or its committees should preferably be submitted through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board no later than seven (7) days following receipt.

If a staff member chooses to communicate directly with the Board regarding District business, then that communication should be sent to all members of the Board and the Superintendent should be copied as well.

This communication protocol is not intended to deny any staff member his/her constitutional right of free speech or the right to appeal to or otherwise address the Board on important matters through established procedures.

B. **Board Communications to Staff**

All official communications, policies, and directives of the Board of staff interest and concern to the staff will generally be communicated through the Superintendent, who shall also keep staff members fully informed of the Board's concerns and actions.

C. **Social Interaction**

Both staff and Board members share an interest in the schools and in education generally, and it is to be expected that when they interact at social affairs and other functions, they will informally discuss such matters as educational trends, issues, and innovations, and general activities of the District. However, since Board members are not authorized to act on behalf of the Board unless in open public session or when specifically vested with such authority, Board members and members of the staff should not discuss personnel grievances or other complaints if procedures to seek remedy for such grievances or complaints have been established in Board policy or in the collective bargaining agreement.

F.S. 1001.31

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4113 - CONFLICTING EMPLOYMENT OR CONTRACTUAL RELATIONSHIP

It is the policy of the School Board that no District officer or employee, including but not limited to, Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship with any business entity or any agency which is doing business with the District, excluding those organization and their officer who, when acting in their official capacity, enter into or negotiate a collective bargaining contract with the District.

Furthermore, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, shall have or hold any employment or contractual relationship that will create any conflict whatsoever between his/her private interests and the performance of his/her duties or that would impede the full and faithful discharge of his/her duties.

Lastly, it is the policy of the Board that no District officer or employee, including but not limited to Board members, administrators, instructional staff members, or support staff members, may personally represent before the Board for compensation another person, business entity, or agency which is doing business with the District for a period of two (2) years following vacation of office or termination of employment, except for the purposes of collective bargaining. Language describing this prohibition shall appear in all contract documents, RFPs and RFQs and, if violated, shall be sufficient cause to disqualify the vendor.

F.S. 112.313(7), 112(13)

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4120 - EMPLOYMENT OF SUPPORT STAFF

Support employees include all those employees who work in noninstructional, noncontracted roles and serve at the pleasure of the School Board subject to dismissal, transfer, promotion, or resignation and the provisions of the collective bargaining agreement.

A regular employee is a person employed in a continuing position on a daily schedule after having completed a ninety (90) calendar day probationary period. Extensions to this period may be granted by mutual written consent of the employee and the immediate supervisor. Employees who have not completed such period of employment may be discharged without recourse and shall not be subject to the provisions of the grievance procedure for bargaining unit employees.

Support positions are those listed in the applicable bargaining unit agreement as well as some nonbargaining positions.

The employment of support staff members prior to approval by the Board is authorized when their employment is required to maintain continuity in District operations. Employment shall be recommended to the Board no later than the month following employment.

The Superintendent shall also conduct employment history checks of all candidates for support staff positions. The employment history check shall include, but not be limited to, contacting any previous employer. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315.

The Board shall approve employment, upon recommendation of the Superintendent.

Any support staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered to constitute grounds for dismissal.

All support personnel shall become familiar with the policies of the Board and other such policies, regulations, memoranda, bulletins, and handbooks that pertain to their duties in the District. Any support staff member employed by the Board who shall be guilty of any willful violation of the policies of the Board shall be guilty of gross insubordination and shall be subject to dismissal or such other lesser penalty as the Board may prescribe.

REQUIREMENTS FOR INSTRUCTIONAL PARAPROFESSIONALS

All paraprofessionals employed by the District to provide instructional support services in Title I schoolwide programs and instructional paraprofessionals paid with Title I, Part A funds in targeted assistance programs shall be "highly qualified".

The requirements to be considered a "highly qualified" instructional paraprofessional are established by the Florida Department of Education. Accordingly, one of the following requirements must be met:

A. an associate's or higher degree;

B. two (2) years of study at an institution of higher education; or

C. a rigorous State or local assessment of knowledge of and the ability to perform the following duties

1. assist in instruction in reading, writing, and mathematics or reading, writing, and mathematics; or

2. assist in instructing reading readiness, writing readiness, and mathematics readiness, as appropriate.

Instructional paraprofessionals working for a Title I supported program may be assigned to duties as follows:

A. providing one-on-one tutoring for eligible students during times when the teacher would not otherwise be instructing the student;

B. assisting with classroom management, such as organizing instructional and other materials;

F.S. 1012.01, 1012.37, 1012.40
F.A.C. 6A-1.0502(11), 6A-1.070
20 U.S.C. 6301

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4120.03 - ATHLETIC COACHES

Each person who is employed and renders service as an athletic coach in any District school shall hold a valid temporary or professional certificate or an athletic coaching certificate. The athletic coaching certificate may be used for either full-time or part-time positions. (The provisions of this policy do not apply to any athletic coach who voluntarily renders service and who is not employed by any public school district in this State.)

In addition to the requirements for certification provided for in Policy 4120, athletic coaches shall complete a sports safety course which shall count for six (6) hours of required School District in-service instruction for athletic coaching certification if the course is approved by the Florida High School Athletic Association Board of Directors and meets specified requirements. The course must consist of at least eight (8) modules, must immediately provide an individual with a "merit" certificate at the time of successful completion, and must be delivered through hands-on and online teaching methods. The hands-on course material must be less than 120 pages. In addition, the course must be taught by either a State-licensed athletic trainer who holds a current certificate from the Board of Certification or a member of the American Academy of Orthopedic Surgeons. The course must cover sports safety specifically, excluding coaching principles and procedures for cardiopulmonary resuscitation. The course must be authorized or approved by at least ten (10) health care professionals, must be revised and reviewed for updates at least once every thirty (30) months, and must be available to the general public for a retail price under $50. Also, each course examination must be automated and taken online with a score of eighty percent (80%) or better for successful completion.

F.S. 1012.55(2)

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4120.04 - EMPLOYMENT OF SUBSTITUTES AND TEMPORARY SUPPORT STAFF

When it becomes necessary to employ support personnel on a temporary basis, such employment is on a limited-time basis for the purpose of filling a vacancy for which a regular employee cannot be found, or to perform some task of a temporary nature. This employment shall end at the close of the school term, at the end of the fiscal year, or at the time when the temporary task is completed.

Substitutes

Support substitutes shall be paid in accordance with the established salary schedule. A substitute shall be paid on an hourly basis for the actual hours worked, not to exceed the number of hours required of the position for which the employee is substituting.

F.S. 1012.40

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4120.08 - PART-TIME EXTRA-CURRICULAR PERSONNEL

Upon the identification of an appropriate funding source and the recommendation of the Superintendent and the approval of the School Board, part-time extra-curricular personnel may be employed in positions paid on the support supplemental salary schedule (primarily coaching positions). Such persons will not be eligible for employee benefits.

For purposes of this policy "part-time extra-curricular personnel" are support staff members who work less than full-time.

Additional Requirements for Employment of Athletic Coaches Who are Not Full-Time Employees of the School Board

Persons who are not full-time employees of the Board and hold an athletic coach's certificate or athletic trainer's license issued by the State of Florida, may be recommended by the Superintendent and appointed by the Board to perform designated secondary school coaching and training responsibilities, and the contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association, and the policies of the Board and administrative procedures established by the Superintendent. (See Policy 4120.03)

F.S. 1012.01, 1012.55
F.A.C. 6A-1.0502(11)

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4120.11 - PREFERENCE FOR VETERANS IN EMPLOYMENT

Preference in employment, reemployment, promotion, and retention shall be given to an eligible veteran, pursuant to the provisions below, as long as the veteran meets the minimum eligibility requirements and has the knowledge, skills, and abilities required for the particular position.

Appointment or Retention in Positions of Employment

Preference shall be given pursuant to the following:

A. Those disabled veterans:

1. who have served on active duty in any branch of the Armed Forces of the United States, have been separated therefrom under honorable conditions, and have established the present existence of a service-connected disability which is compensable under public laws administered by the U.S. Department of Veterans' Affairs; or

2. who are receiving compensation, disability retirement benefits, or pension by reason of public laws administered by the U.S. Department of Veterans' Affairs and the Department of Defense.

B. The spouse of any person who has a total disability, permanent in nature, resulting from a service-connected disability and who, because of this disability, cannot qualify for employment, and the spouse of any person missing in action, captured in line of duty by a hostile force, or forcibly detained or interned in line of duty by a foreign government or power.

C. A veteran of any war as defined in F.S. 1.01(14). The veteran must have served at least one (1) day during a wartime period to be eligible for veterans' preference. Active duty for training shall not be allowed for eligibility under this paragraph.

D. The unremarried widow or widower of a veteran who died of a service-connected disability.

Preference in employment and retention may be given only to eligible persons who are described above and who are residents of this State.

In all positions in which the appointment or employment of persons is not subject to a written examination, first preference in appointment, employment, and retention processes shall be given to persons included under A and B above, and second preference shall be given to persons included under C and D above, who possess the minimum qualifications necessary to discharge the duties of the position involved.

A disabled veteran employed as the result of being placed at the top of the appropriate employment list shall be appointed for a probationary period of one (1) year. At the end of such period, if the work of the veteran has been satisfactorily performed, the veteran will be subject to the employment policies of the District.

Reinstatement or Reemployment

When a District employee has served in the Armed Forces of the United States and is discharged or separated therefrom with an honorable discharge, the District shall reemploy or reinstate such person to the same position that s/he held prior to such service in the Armed Forces, or to an equivalent position, provided such person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. Such person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position.

Further, the District shall reemploy or reinstate the person who was a veteran when employed by the District and who was recalled to extended active duty in the Armed Forces of the United States and was discharged or separated therefrom with an honorable discharge to the same position that s/he held prior to service in the Armed Forces, or to an equivalent position, provided the person returns to the position within one (1) year of his/her date of separation or, in the case of extended active duty, within one (1) year of the date of discharge or separation subsequent to the extension. The person shall also be awarded preference in promotion and shall be promoted ahead of all others who are as well qualified or less qualified for the position. For the purposes of this section, "extended active duty" means active duty, other than for training, beyond the date of honorable discharge or separation, due to military requirements.

The provisions in the preceding two (2) paragraphs pertaining to persons who are reemployed or reinstated shall apply only to a veteran's first promotion after reinstatement or reemployment, without exception.

Educational support staff members in bargaining units should refer to the collective bargaining agreement for additional provisions in this regard.

F.S. 110.2135, 295.07, 295.08, 295.085, 295.09

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4121 - CONDITIONS FOR EMPLOYMENT AND RE-EMPLOYMENT OF SUPPORT STAFF

Applicants for employment, or re-employment after a break in employment, must submit an employment application, a copy of the social security card with correct name, and a minimum of three (3) acceptable references. Candidates shall meet the School Board's hiring guidelines and employment prerequisites prior to consideration for any vacancy.

Failure of a candidate to adhere to the time schedule established for submission of documents may be cause for failure to employ or for dismissal.

False or misleading statements or answers or omissions made by a person in connection with seeking employment may bar a person from employment with the Board or, if discovered after employment, may result in disciplinary action, including termination upon the recommendation of the Superintendent and the approval of the Board. Each case shall be considered on its own merits.

F.S. 1012.01, 1012.32, 1012.40

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4121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment.

The application for employment shall inform the applicants that they are subject to criminal background and employment history checks.

The cost of the background screening related to initial employment or re-employment after a break in service will be borne by the candidate for employment.

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.

A person who is found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students. Probationary persons subject to this section who are terminated because of their criminal record have the right to appeal such decisions.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member in order to comply with the law.

Furthermore, before employment support staff in any position that requires direct contact with students, the Superintendent shall conduct employment history checks of each of the candidate's previous employer(s), and document the findings. If unable to contact (a) previous employer(s), the Superintendent shall document efforts to contact the employer.

Pursuant to State law, all support staff members employed by the District must self-report arrests for serious offenses (see AP 4121.01).

Additionally, the fingerprints of all support staff members who are employed by the District and have no break in service must be re-submitted to the FDLE and to the FBI every five (5) years so that subsequent Statewide criminal and juvenile records checks and Federal criminal records checks can be completed as required by law.

The cost of this subsequent background screening will be borne by the Board.

The information contained in reports received from the FDLE and the FBI is confidential. Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

Furthermore, if information received as a result of the criminal history records check indicates that a certificated support staff member has been convicted of certain crimes enumerated by law, the Superintendent must report this information to the Florida Department of Education per Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

F.S. 435.09, 943.0585(4)(a), 943.059(4)(a), 1001.10(5), 1012.27(6), 1012.315
F.S. 1012.32, 1012.56

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4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board does not discriminate on the basis of race, color, ethnicity, religion, national origin, sex, disability, marital status, age, genetic information, or any other legally protected characteristic in its programs and activities, including employment opportunities.

It is the legal obligation and the policy of the Board to employ only those persons who are best qualified, with or without reasonable accommodations.

The Superintendent shall appoint a compliance officer whose responsibility it will be to require that Federal and State regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also require that proper notice of nondiscrimination for Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination in Employment Act will be provided to staff members and the general public. Any sections of the District's collectively-bargained, negotiated agreements dealing with hiring, promotion, and tenure will contain a statement of nondiscrimination similar to that in the Board's statement above.

F.S. 110.1221, 760.01, 760.10, 1000.05
20 U.S.C. 1681 et seq., Title IX
29 U.S.C. 621 et seq., Age Discrimination in Employment Act of 1967
29 U.S.C. 701 et seq., Rehabilitation Act of 1973
42 U.S.C. 2000e, et seq., Civil Rights Act of 1964
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
42 U.S.C. 12112, Americans with Disabilities Act of 1990
29 C.F.R. Part 1635

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4122.01 - PROHIBITION AGAINST DISABILITY DISCRIMINATION IN EMPLOYMENT

The School Board prohibits discrimination against any employee or applicant based upon his/her disability. As such, the Board will not engage in employment practices or adopt policies that discriminate on the basis of disability, or otherwise discriminate against qualified individuals with disabilities in regard to job application procedures, the hiring, advancement or discharge of employees, employee compensation, job training, or other terms, conditions and privileges of employment. The Board further will not limit, segregate or classify applicants or employees in any way that adversely affects their opportunities or status because of disability. Additionally, the Board will not participate in any contractual or other relationships that have the effect of subjecting qualified individuals with disabilities who are applicants or employees to discrimination on the basis of disability.

"An individual with a disability" means a person who has, had a record of, or is regarded as having, a physical or mental impairment that substantially limits one or more major life activities. Major life activities are functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, eating, sleeping, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, sitting, reaching, interacting with others, and working.

Major life activities also include the operation of a major bodily function, including, but not limited to, functions of the immune system, special sense organs and skin, normal cell growth, and digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, endocrine, hemic, lymphatic, musculoskeletal and reproductive functions. The operation of a major bodily function includes the operation of an individual organ within a body system.

An impairment that is episodic in nature or in remission is considered a disability if it would substantially limit a major life activity when active.

The determination of whether an impairment substantially limits a major life activity must be made without regard to the ameliorative effects of mitigating measures such as medication, medical supplies, equipment or appliances, low-vision devices (defined as devices that magnify, enhance, or otherwise augment a visual image, but not including ordinary eyeglasses or contact lenses), prosthetics (including limbs and devices), hearing aid(s) and cochlear implant(s) or other implantable hearing devices, mobility devices, oxygen therapy equipment or supplies, use of assistive technology, reasonable accommodations or "auxiliary aides or services," learned behavioral or adaptive neurological modifications, psychotherapy, behavioral therapy, or physical therapy.

A qualified person with a disability means the individual satisfies the requisite skill, experience, education and other job-related requirements of the employment position such individual holds or desires and, with or without reasonable accommodation, can perform the essential functions of the job in question.

The Board will provide a reasonable accommodation to a qualified individual who has an actual disability or who has a record of a disability, unless the accommodation would impose an undue hardship on the operation of the District's program and/or activities. A reasonable accommodation is not necessarily required for an individual who is merely regarded as having a disability.

District Compliance Officers

The following persons are designated as the District Section 504 Compliance Officers/ADA Coordinators ("District Compliance Officers"):

Title: Director of Human Resources and Staff Development and Equity Officer

Address: 35 Martin Luther King Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627-1535

E-mail: hightowerp@mail.gcps.k12.fl.us

The District Compliance Officers are responsible for coordinating the District's efforts to comply with and fulfill its responsibilities under Section 504 and Title II of the Americans with Disabilities Act, as amended ("ADA"). A copy of Section 504 and the ADA, including copies of their implementing regulations, may be obtained from either of the District Compliance Officers.

The District Compliance Officers will oversee the investigation of any complaints of discrimination based on disability, which may be filed pursuant to the Board's adopted internal complaint procedure, and will attempt to resolve such complaints. The Board will provide for the prompt and equitable resolution of complaints alleging violations of Section 504/ADA. (See also Policy 1122.04 – Complaint Procedures Related to Alleged Discrimination in Employment)

Training

The District Compliance Officers will also oversee the training of employees in the District so that all employees understand their rights and responsibilities under Section 504 and the ADA, and are informed of the Board's policies, administrative procedures and practices with respect to fully implementing and complying with the requirements of Section 504/ADA.

The Board will provide in-service training and consultation to staff responsible for the education of persons with disabilities, as necessary and appropriate.

Facilities

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities.

Notice

Notice of the Board's policy on nondiscrimination in employment practices and the identity of the District's Compliance Officers will be posted throughout the District, and published in the District's recruitment statements or general information publications.

29 C.F.R. Part 1630
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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4122.02 - NONDISCRIMINATION BASED ON GENETIC INFORMATION OF THE EMPLOYEE

The School Board does not discriminate against any employee or applicant for employment with respect to hiring, compensation, terms, conditions, or privileges of employment based on genetic information. The Board also does not limit, segregate, or classify employees in any way that would deprive or tend to deprive them of employment opportunities or otherwise adversely affect the status of an employee as an employee, based on genetic information. Retaliation against an applicant or employee for engaging in protected activity is prohibited.

As required by Federal law and regulation, the Board shall direct its employees not to provide any genetic information in response to requests for medical information, including but not limited to FMLA medical certification or recertification. The Board shall also direct applicants for employment not to provide any genetic information in response to requests for medical information as part of the District's application process. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services. As required by Federal law, if the District inadvertently receives genetic information about an employee or applicant for employment from the employee, applicant for employment or a medical provider it shall be treated as a confidential medical record.

The Superintendent shall appoint a compliance officer whose responsibility it will be to ensure that Federal regulations are complied with and that any inquiries or complaints are dealt with promptly in accordance with law. S/He shall also ensure that proper notice of nondiscrimination for Title II of the Genetic Information Nondiscrimination Act of 2008 is provided to staff members.

42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
20 U.S.C. 1232g
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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4122.04 - COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION IN EMPLOYMENT

If a person has a good-faith, reasonable belief that s/he has been discriminated against on the basis of his/her race, color, national origin, sex, disability (including HIV, Aids, or sickle cell trait), marital status, age, religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (Protected Classes), the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

In accordance with Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, employees will be notified of their right to file an internal complaint regarding an alleged violation, misinterpretation or misapplication of the aforementioned Federal and State laws.

The following persons are designated as the District's Compliance Officers ("DCO"):

Name/Title:	Dr. Pink Hightower, Director of Human Resources and Staff Development and Equity Officer
Address:	35 Martin Luther King Jr. Boulevard Quincy, Florida 32351
Phone:	850-627-1535
E-mail:	hightowerp@mail.gcps.k12.fl.us

Internal complaints must be in writing and must identify the specific circumstances or areas of dispute that have given rise to the complaint, and offer possible solutions to the dispute. Anonymous complaints will not be accepted. The complaint must be filed with a DCO, or with the Superintendent if the alleged harasser is one of the DCOs, within the time limits specified below. A DCO, or the Superintendent if the alleged harasser is one of the DCOs, is available to assist individuals in filing a complaint.

Internal Complaint Procedure

The following internal complaint procedure is available to employees for the prompt and equitable resolution of complaints alleging discrimination in employment based upon protected classes.

This complaint procedure is not available to unsuccessful applicants. Use of the internal complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights, the Florida Commission on Human Relations, and/or any other State or Federal agencies responsible for investigating complaints of discrimination. An employee who files a complaint must continue to perform his/her duties in a competent manner during the time his/her complaint is pending. Employees who knowingly submit false complaints may be subject to disciplinary action.

A. An employee with a complaint based on alleged discrimination in employment may first discuss the problem with the DCO or his/her designee. If the alleged discrimination was committed by one of the DCOs, the employee may first

discuss the matter with the Superintendent.

B. If the informal discussion does not resolve the matter, or if the employee skips Step A, the individual may file a formal written complaint with a DCO, or with the Superintendent if the alleged harasser is the DCO. The written complaint must contain the name and address of the individual or representative filing the complaint, be signed by the complainant or someone authorized to sign for the complainant, describe the alleged discriminatory action in sufficient detail to inform the DCO, or Superintendent if the alleged harasser is the DCO, of the nature and date of the alleged violation, and propose a resolution. The complaint must be filed within thirty (30) calendar days of the circumstances or event giving rise to the complaint, unless the time for filing is extended by the DCO, or the Superintendent if the alleged harasser is one of the DCOs, for good cause.

C. The DCO or his/her designee, or the Superintendent if the alleged harasser is one of the DCOs, will conduct an independent investigation of the matter, which may or may not include a hearing. This complaint procedure contemplates an informal, thorough investigation that affords all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint. The DCO, or Superintendent if the alleged harasser is the DCO, will provide the complainant with a written disposition of the complaint within ten (10) workdays.

   If no decision is rendered by the DCO within ten (10) workdays, or the decision of the DCO is unsatisfactory in the opinion of the complainant, the employee may file, in writing, an appeal with the Superintendent. The DCO, or Superintendent if the alleged harasser is the DCO, shall maintain the District's files and records relating to the complaint.

D. The Superintendent will, within ten (10) workdays of receiving the written appeal, conduct a hearing with all parties involved in an attempt to resolve the complaint.

   The Superintendent will render his/her decision within ten (10) workdays of the hearing.

E. The employee may be represented, at his/her own cost, at any of the above-described meetings/hearings.

F. The right of a person to a prompt and equitable resolution of the complaint shall not be impaired by the person's pursuit of other remedies such as the filing of a complaint with the Office for Civil Rights, any other State or Federal agencies responsible for investigating complaints of discrimination, or the filing of a case in a court of competent jurisdiction. Use of this internal complaint procedure is not a prerequisite to the pursuit of other remedies.

G. In accordance with F.S. Chapter 119, complaints and other records created in relation to any internal complaint of discrimination will remain confidential until a finding is made relating to probable cause, the investigation of the complaint becomes inactive, or the complaint or other record is made part of the official record of any hearing or court proceeding.

Federal and/or State Complaint

At any time, if an employee believes that s/he has been subjected to discrimination with regard to the terms or conditions of his or her employment, the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 19T70
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8909
FAX: (404) 562-7881
TDD: (404) 562-7884
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771
E-mail: fchrinfo@fchr.myflorida.com
Website: http://fchr.state.fl.us

Prohibition Against Retaliation

The School Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Title II, Title VI, and Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment Act of 1972, Section 504 of the Rehabilitation Act of 1973, Americans with Disabilities Act of 1990, as amended, the Age Discrimination in Employment Act of 1967, the Equal Pay Act of 1963, the Pregnancy Discrimination Act of 1973, the Family Medical Leave Act of 1993, the Genetic Information Nondiscrimination Act of 2008, and their implementing regulations, the Florida Civil Rights Act of 1992, and/or the Florida Educational Equity Act, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under the aforementioned laws or implementing regulations, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by the aforementioned laws or their implementing regulations.

F.S. 760.01 through 760.11 (and 509.092), Florida Civil Rights Act of 1992
F.S. 448.07
F.S. 448.075, 760.50
F.S. 553.501 et seq., Florida Americans With Disabilities Accessibility Implementation Act
F.S. 553.514
F.S. 1000.05, Florida Educational Equity Act
F.S. 1001.41, 1001.43
F.A.C. 6A-19
29 U.S.C. 794, Section 504 Rehabilitation Act of 1973, as amended
42 U.S.C. 2000a, Title II of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000d, Title VI of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000e, Title VII of the Civil Rights Act of 1964, as amended
42 U.S.C. 2000ff, the Genetic Information Nondiscrimination Act of 2008
42 U.S.C. 12101, et seq., the Americans with Disabilities Act of 1990, as amended
29 U.S.C. 2601, et seq., the Family Medical Leave Act of 1993, as amended
29 U.S.C. 621, et seq., the Age Discrimination in Employment Act of 1967, as amended
29 U.S.C. 206(d), the Equal Pay Act of 1963, as amended
20 U.S.C. 1681-1688, Title IX of the Education Amendment Act of 1972

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4124 - DRUG-FREE WORKPLACE

The School Board believes that quality education is not possible in an environment affected by drugs. It will seek, therefore, to establish and maintain an educational setting which is not tainted by the use or evidence of use of any controlled substance.

The Board prohibits the manufacture, possession, use, distribution, or dispensing of any controlled substance, alcohol, and any drug paraphernalia as the term is defined by law, by any member of the District's instructional staff at any time while on District property or while involved in any District-related activity or event. Further, the misuse of prescription and over-the-counter drugs by instructional staff members is unacceptable and prohibited. The Board shall clearly communicated these prohibitions to its instructional staff. Any staff member who violates this policy shall be subject to disciplinary action in accordance with District procedures and the terms of collective bargaining agreements.

The Superintendent shall establish procedures that require compliance with this policy and that each staff member is given a copy of a statement about unlawful possession, use, or distribution of illicit drugs and alcohol by staff, and the misuse of prescription and over-the-counter drugs by instructional staff members. Staff members shall be informed that compliance with this policy is mandatory. Such procedures shall provide for appropriate disciplinary actions, if and when needed, which comply with the terms of any negotiated agreement.

F.S. 440.101, 440.102
34 C.F.R. 34-86.201
34 C.F.R. Parts 85, 86, 104
20 U.S.C. 3224A
20 U.S.C. 86-201
20 U.S.C. 701-706 Rehabilitative Act 1973
20 U.S.C. 3171 et seq.
20 U.S.C. Omnibus Transportation Testing Act of 1991
29 U.S.C. 705(20), 794, 794a
41 U.S.C. 701 et seq., Drug-Free Workplace Act of 1988
Vocational Rehabilitation Act of 1973
Drug-Free Schools and Communities Act of 1986

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4129 - CONFLICT OF INTEREST - PRIVATE PRACTICE

The proper performance of school business is dependent upon high standards of honesty, integrity, impartiality, and professional conduct by School Board employees. Further, such characteristics are essential to the Board's commitment to earn and keep the public's confidence. For these reasons, the Board adopts the following procedures to assure that conflicts of interest do not occur. These procedures are not intended to be all inclusive, nor to substitute for good judgment on the part of all employees.

A. No employee shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts with the employee's job duties and responsibilities in the school system.

B. Employees shall not engage in business, private practice of their profession, the rendering of services, or the sale of goods of any type where advantage is taken of any professional relationship they may have with any student, client, or parents of such students or clients in the course of their employment with the District.

   Included, by way of illustration rather than limitation, are the following:

   1. the provision of any private lessons or services for a fee;

   2. the use, sale, or improper divulging of any privileged information about a student or client gained in the course of the employee's employment or through his/her access to District records;

   3. the referral of any student or client for lessons or services to any private business or professional practitioner if there is any expectation of reciprocal referrals, sharing of fees, or other remuneration for such referrals;

   4. the requirement of students or clients to purchase any private goods or services provided by an employee or any business or professional practitioner with whom any employee has a financial relationship, as a condition of receiving any grades, credits, promotions, approvals, or recommendations.

C. Employees shall not make use of materials, equipment, or facilities of the District in private practice. Examples would be the use of facilities before, during, or after regular business hours for service to private practice clients, or the checking out of items from an instructional materials center for private practice.

Exceptions to this policy shall be approved by the Superintendent consistent with State law.

F.S. 112.313, 1006.32

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4129.01 - TUTORING

As set forth in Policy 4210 - Standards of Ethical Conduct, no support staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

Support staff members who tutor students within their school unit and receive compensation for this work shall have prior approval of their principal.

Staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes for which a grade is given.

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4130 - ASSIGNMENTS

The School Board believes that the appropriate placement of qualified and competent staff is essential to the success of the District.

The Superintendent shall assign and communicate the duties, days, and hours of the various classifications of support personnel.

A. Support staff members shall perform the duties required by Florida statutes and all other generally accepted duties such as hall duty, supervision of bus loading zones, monitoring students, and other reasonable duties as may be assigned by the immediate supervisor. Failure to perform such duties in an acceptable manner shall constitute a violation of performance responsibilities and/or Board appointment.

B. Support staff members are responsible for student control and supervision at any location on campus or during school-sponsored activities.

C. Support staff members shall not permit their family or friends by their presence to interfere with performance of their duties during working hours.

Nepotism

An employee may not be recommended for employment or be supervised by a close relative. Further, two (2) or more close relatives may not work in the same administrative unit except by special permission of the Superintendent. All employees shall disclose to the Superintendent the names of close relatives working at the same work location.

For purposes of this policy, close relatives are defines as mother, father, son, daughter, brother, sister, and spouse and in-laws of the same.

F.S. 112.3135, 1012.22, 1012.23
F.A.C. 6A-1.070

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4130.01 - RE-ASSIGNMENT OF SUPPORT STAFF

Support staff members may be reassigned to any position for which they are qualified in order to meet the needs of the District.

Support staff members in a bargaining unit are to refer to the collective bargaining agreements.

F.S. 1012.01, 1012.33

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4131 - REDUCTION IN STAFF

If workforce reduction is needed, the School Board must retain employees at a school or in the School District based upon educational program needs and the performance evaluations of employees within the affected program areas. Within the program areas requiring reduction, the employee with the lowest performance evaluations must be the first to be released; the employee with the next lowest performance evaluations must be the second to be released; and reductions must continue in like manner until the needed number of reductions has occurred. The Board may not prioritize retention of employees based on seniority.

F.S. 1012.33

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4139.01 - STAFF DISCIPLINE

The School Board retains the right and the responsibility to manage the work force. When the discipline of a staff member becomes necessary, such action shall be in proportion to the employee's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and/or the specific provisions of any appropriate collective bargaining agreement.

Policy 8141 - Educator Misconduct sets forth the procedures for reporting alleged misconduct by support staff members working in an instructional role.

F.S. 1012.22, 1012.23

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4140 - SUSPENSION OR DISMISSAL OF SUPPORT STAFF

No employee may be suspended from duty except by the Superintendent or the School Board. The Board hereby delegates to the Superintendent authority to suspend a member of the staff as provided by applicable law. The Board shall be notified of all such suspensions.

In the case of a suspension without pay by the Superintendent or the Board, an affected employee shall be entitled to a hearing on the charges as to why the employee was suspended without pay. Said hearing shall be upon reasonable notice by the Superintendent.

No member of the staff may be dismissed except by action of the Board.

Any suspension or dismissal shall be as prescribed by law.

The Superintendent shall determine the nature and effective date of the suspension or termination.

Bargaining unit members should refer to the collective bargaining agreement with regard to suspension or dismissal.

F.S. 1012.22, 1012.27, 1012.40

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4150 - RESIGNATION

Any person who wishes to resign shall submit his/her resignation addressed to the Superintendent in writing.

The request to resign should be submitted at least two (2) weeks in advance of its requested effective date. The Superintendent shall determine if the reason for resignation is acceptable and if a qualified and satisfactory replacement is available before determining the effective date of their resignation.

The resignation shall be submitted to the School Board at its next regular or special meeting.

The Superintendent is authorized to accept resignations on behalf of the Board. The Superintendent shall notify the Board of resignations received and accepted at the next meeting

F.S. 1001.43, 1012.33

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4160 - PRE-EMPLOYMENT PHYSICAL EXAMINATION

It is the policy of the School Board that the Superintendent may require, after a conditional offer of employment, that the successful candidate submit to a medical examination in order to determine the candidate's physical and/or mental capacity to perform essential functions of the position, with or without reasonable accommodation, provided that the Board requires other successful candidates for the same position (or job classification) to do so. Such examinations shall be performed by a health provider designated by the District.

Individuals who are required to submit to an appropriate examination will also be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification (see Form 4160 F2). Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for withdrawing the conditional offer of employment.

As required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the successful candidate who is being required to submit to a medical examination, as well as the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Such report should indicate whether the candidate can perform essential functions of the position, with or without reasonable accommodation.

Employees will be notified of the results of the medical examination upon receipt. Pursuant to State law and in accordance with the Americans with Disabilities Act, as amended, any and all reports of such examination will be confidential and exempt from release, except as provided by law. As required by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from the medical provider it shall be treated as a confidential medical record. In the event of a report indicating that the candidate is not qualified to perform the position's essential functions, with or without reasonable accommodation, the Superintendent will make a recommendation to the Board of non-employment. The Superintendent may discuss the results of the report with the healthcare provider who conducted the medical examination prior to making a recommendation to the Board.

The Board shall pay any uninsured fees for required examinations.

F.S. 1012.23, 1012.31
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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4161 - FITNESS FOR DUTY

If the Superintendent believes a support staff member is unable to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations, the staff member will be offered the opportunity for a meeting to discuss these issues.

The Superintendent may require a support staff member to submit to an appropriate examination by a health provider designated by the School Board to determine whether or not the staff member is able to perform essential functions of the position to which the staff member is assigned, with or without reasonable accommodations. The Board shall pay any uninsured fees for such examinations.

The staff member will be required to execute a release that complies with the requirements of the Health Insurance Portability and Accountability Act (HIPAA) in order to allow the report of the medical examination to be released to the Board/Superintendent and to allow the Superintendent or his/her designee to speak to the health care provider who conducted the medical examination in order to get clarification. Refusal to submit to an appropriate examination or to execute the HIPAA release will be grounds for disciplinary action in accordance with the terms of the applicable collective bargaining agreement.

Further, as required by Federal law and regulation and Board Policy 4122.02, the Superintendent shall direct the provider that is designated by the Board to conduct the examination, not to provide any genetic information in the report of the medical examination.

Pursuant to State law and in accordance with the Americans with Disabilities Act , as amended, the results of any such examination shall be treated as a confidential medical record and will be exempt from release, except as provided by law. As provided by Federal law, if the District inadvertently receives genetic information about an individual who is required to submit to an appropriate examination from a medical provider it shall be treated as a confidential medical record.

Upon the recommendation of the Superintendent and approval of the Board, a support staff member may be placed on a leave of absence related to fitness for duty. Such leave shall be without pay; however, the employee may use accrued leave, if available. Furthermore, the Superintendent may recommend the support staff member's dismissal based upon the results of the medical examination.

The support staff member is entitled to a hearing as provided for in Florida law.

F.S. 1012.23
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990, as amended
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1630
29 C.F.R. Part 1635

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4170 - SUBSTANCE ABUSE

The School Board recognizes alcoholism and drug abuse as treatable illnesses. Such illnesses may impair the performance of support staff. When appropriate, the Board may assist such employees in a manner recommended by appropriate specialists in the treatment of those illnesses.

A support staff member having an illness or other problem relating to the use of alcohol or other drugs will receive the same careful consideration and offer of assistance that is presently extended to support staff having any other illness.

The responsibility to correct unsatisfactory job performance or behavior resulting from a suspected health problem rests with the support staff member. Failure to do so, for whatever reason, will result in appropriate corrective or disciplinary action as determined by the Board.

If a support staff member voluntarily requests counseling or assistance before the Board learns of the support staff member's substance abuse problem (through a positive test result or otherwise), the support staff member's job security or promotion opportunities will not be jeopardized by his/her request for counseling or referral assistance.

Support staff who suspect they may have an alcoholism or other drug abuse problem are encouraged to seek counseling and information on a confidential basis by contacting resources available for such service.

F.S. 112.0455
Rehabilitation Act of 1973, 29 U.S.C. 794

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4170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board believes that early recognition and treatment of illegal drug use, controlled substance abuse, or alcohol abuse is important for successful rehabilitation, return to productive work, and reduced personal, family, and social disruption.

The District encourages the earliest possible diagnosis and treatment for illegal drug use or controlled substance abuse and supports sound treatment efforts. Whenever feasible, the District will assist staff members in overcoming illegal drug use or controlled substance abuse. However, the decision to seek diagnosis and accept treatment for illegal drug use or controlled substance abuse is primarily the individual staff member's responsibility. Any costs associated with treatment in excess of those costs covered by the staff member's medical insurance plan shall be borne by the individual.

Staff members with personal drug or controlled substance abuse problems should request assistance from the Director of Human Resources. Assistance will be provided on a confidential basis, and each staff member will be referred to the appropriate treatment and counseling services.

Although the District will assist a staff member to the extent feasible through the Employee Assistance Program, the Board cannot guarantee that the staff member's use of illegal drugs or abuse of alcohol or controlled substances will not impact adversely the staff member's employment status through disciplinary procedures.

F.S. 112.0455, 1012.798

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4210 - STANDARDS OF ETHICAL CONDUCT

An effective educational program requires the services of men and women of integrity, high ideals, and human understanding. The School Board expects all support staff members to maintain and promote these essentials.

Furthermore, the Board hereby establishes the following as the standards of ethical conduct for all support staff members in the District who have direct access to students:

A support staff member with direct access to students shall:

A. make a reasonable effort to protect the student from conditions harmful to learning and/or to the student's mental and/or physical health and/or safety.

B. not unreasonably restrain a student from independent action in pursuit of learning.

C. not intentionally expose a student to unnecessary embarrassment or disparagement.

D. not intentionally violate or deny a student's legal rights.

E. not harass or discriminate against any student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, handicapping condition, sexual orientation, or social and family background and shall make reasonable efforts to assure that each student is protected from harassment or discrimination.

F. not exploit a relationship with a student for personal gain or advantage.

G. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law.

H. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression.

I. not use institutional privileges for personal gain or advantage.

J. accept no gratuity, gift, or favor that might influence judgment.

K. offer no gratuity, gift, or favor to obtain special advantages.

L. maintain honesty in all dealings.

M. not interfere with another District employee's exercise of political or civil rights and responsibilities.

N. not engage in harassment or discriminatory conduct which unreasonably interferes with an individual's performance of work responsibilities or with the orderly processes of education or which creates a hostile, intimidating, abusive, offensive, or oppressive environment; and, further, shall make reasonable efforts to assure that each individual is protected from such harassment or discrimination.

O. not make malicious or intentionally false statements about another District employee.

P. not misrepresent one's qualifications.

Q. not submit fraudulent information on any document in connection with employment.

R. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for employment.

S. self-report within forty-eight (48) hours to appropriate authorities (as determined by the District) any arrests/charges involving the abuse of a child or the sale and/or possession of a controlled substance. Such notice shall not be considered an admission of guilt nor shall such notice be admissible for any purpose in any proceeding, civil or criminal, administrative or judicial, investigatory or adjudicatory. In addition, support staff members shall self-report any conviction, finding of guilt, withholding of adjudication, commitment to a pretrial diversion program, or entering of a plea of guilty or Nolo Contendere for any criminal offense other than a minor traffic violation within forty-eight (48) hours after the final judgment. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of F.S. 943.0585(4)(c) and 943.059(4)(c).

No support staff member shall have any interest, financial or otherwise, direct or indirect; engage in any business transaction or professional activity; or incur any obligation of any nature which is in substantial conflict with the proper discharge of his/her duties in the public interest.

All District support staff members shall adhere to the principles enumerated above.

All support staff members who have direct access to students shall be required to complete training on the standards established herein upon employment and annually thereafter.

F.S. 112.313, 1001.42(6), 1012.23
F.A.C. 6B-1.001, 6B-1.006

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4211 - WHISTLEBLOWER PROTECTION

The School Board expects all its employees to be honest and ethical in their conduct, and to comply with applicable State and Federal law, Board policies and administrative procedures. Pursuant to State law, the Board expects support staff members to report any violation or suspected violation of any Federal, State or local law, policy, or regulation committed by any employee, or agent of an agency or independent contractor which is doing business with the Board, which creates and presents a substantial or specific danger to the public's health, safety, or welfare to their immediate supervisors. Additionally, pursuant to State law, support staff members are expected to report any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty committed by an employee or agent of an agency or independent contractor which is doing business with the Board.

It is the responsibility of an employee who is aware of conduct on the part of any Board member or employee that possibly violates Federal or State law, or Board policy, to call this conduct to the attention of his/her immediate supervisor. If the employee's immediate supervisor is not responsive or is the employee whose behavior is in question, the employee should report the alleged misconduct to the Superintendent.

After such a report is made, the immediate supervisor will ask that the employee's report be put in writing. Any employee making such a report shall be protected from discipline, retaliation, or reprisal for making such report as long as the employee made a reasonable and good faith effort to determine the accuracy of any information reported. Employees are subject to disciplinary action, up to and including termination, for purposely, knowingly, or recklessly making a false report under this policy. Conversely, employees are subject to disciplinary action, up to and including termination, if they are aware of a violation of Federal, State, or local law that the Board has the authority to correct and they do not make a report confirmed in writing to their immediate supervisor.

If the alleged misconduct that is reported involves a Board member or the Superintendent, the report is to be filed directly with the Board Attorney who is hereby authorized to engage outside counsel to conduct the investigation concerning the alleged misconduct.

Upon receipt of a report made by an support staff member pursuant to this policy, an investigation shall be conducted by the Superintendent or Board Attorney consistent with the procedures described in F.S. 112.3189.

F.S. 112.3187, 112.3189

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4213 - STUDENT SUPERVISION AND WELFARE

Each support staff member shall maintain a standard of care for the supervision, control, and protection of students commensurate with assigned duties and responsibilities that include but are not limited to:

A. A support staff member shall report immediately to a building administrator any accident, safety hazard, or other potentially harmful condition or situation s/he detects.

B. A support staff member shall immediately report to a building administrator any knowledge of threats of violence by students.

C. A support staff member shall not send students on any non-school related errands.

D. A support staff member shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.

E. A support staff member shall not transport students in a private vehicle without the approval of a building administrator.

F. A student shall not be required to perform work or services that may be detrimental to his/her health.

G. Staff members are discouraged from engaging students in social media and online networking media, such as Facebook, Twitter, MySpace, etc.

H. Staff members are expressly prohibited from posting any video or comment pertaining to any student on social network sites or similar forums, such as YouTube, without express permission of the students' parent(s).

I. If a student approaches a support staff member to seek advice or to ask questions regarding a personal problem related to sexual behavior, substance abuse, mental or physical health, and/or family relationships, etc., the support staff member may attempt to assist the student by facilitating contact with certified or licensed individuals in the District or community who specialize in the assessment, diagnosis, and treatment of the student's state problem. However, under no circumstances should a support staff member attempt, unless properly licensed and authorized to do so, to counsel, assess, diagnose, or treat the student's problem or behavior, nor should such support staff member inappropriately disclose personally identifiable information concerning the student to third persons not specifically authorized by law.

Since most information concerning a child in school, other than directory information described in Policy 8330 - Student Records, is confidential under Federal and State laws, any staff member who shares confidential information with another person not authorized to receive the information may be subject to discipline and/or civil liability. This includes, but is not limited to, information concerning assessments, grades, behavior, family background, and alleged child abuse.

Pursuant to the laws of the State and School Board Policy 8462 - Student Abuse and Neglect, each support staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

F.S. 119.011, 1001.51, 1002.22, 1003.32
20 U.S.C. 1232
34 C.F.R. Part 99

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4214 - SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

Pursuant to State law no support staff member shall solicit or accept anything of value to the recipient, including, but not limited to, a gift, loan, reward, promise of future employment, favor, or service, that is based upon any understanding that the vote, official action, or judgement of the support staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall be consistent with the definition of the term in F.S. 112.312(12)(a), and shall include, but not be limited to, the following:

A. real property

B. the use of real property

C. tangible or intangible personal property

D. a preferential rate or terms on a debt, loan, goods or services

E. forgiveness of an indebtedness

F. transportation, other than that provided to other employees in relation to officially approved government business, lodging, or parking

G. food or beverage

H. membership dues

I. entrance fees, admission fees, or tickets to events, performances, or facilities

J. plants, flowers, or floral arrangements

K. services provided by persons pursuant to a professional license or certificate

L. other personal services for which a fee is normally charged

M. any other similar service or thing having an attribute value

It is the policy of the School Board that support staff members may accept gifts of nominal value from students or parents in celebration of a holiday, the staff member's birthday, or at the end of a school year.

The Superintendent may approve acts of generosity to individual staff members in unusual situations.

Pursuant to State law, no support staff member of the District, or his/her spouse or minor child shall, at any time, accept compensation, payment, or anything of value when the support staff member knows, or, with the exercise of reasonable care, should know, that it was given to influence the vote or other action in which the support staff member was expected to participate

in his/her official capacity. Furthermore, support staff members shall not accept any compensation, payment or anything of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor.

In addition, support staff members who recommend purchases shall not enter into a contractual relationship with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual support staff member receives compensation, payment, or anything of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law, albeit unsolicited, from a vendor, the support staff member shall immediately notify the Fiscal Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Fiscal Officer.

Any support staff member who has knowledge of, or suspects that, this policy has been violated is expected to report this violation or suspected violation in accordance with Policy 4211 – Whistleblower Protection.

F.S. 112.313

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4215 - TOBACCO-FREE ENVIRONMENT

The School Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of paper used to roll cigarettes.

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board. The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

Signs will be posted at the main entrances to all buildings to provide notice that smoking is prohibited.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas. Further, employees shall refrain from the use of tobacco, as well as electronic, "vapor", or other substitute forms of cigarettes, clove cigarettes, or other smoking devices, in the presence of non-adult students while supervising school-sponsored activities at locations other than Board property.

Furthermore, the Board prohibits the use of tobacco in all vehicles, owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

F.S. 381.84, 386.202, 386.204, 386.209, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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4216 - STAFF DRESS AND GROOMING

The School Board believes that support staff members, like instructional staff members, set an example in dress and grooming for students to follow. Staff members who understand this precept and adhere to it enlarge the importance of this task and present an image of dignity and professionalism.

When assigned to District duty, all support staff members should dress professionally.

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4217 - WEAPONS

The School Board prohibits support staff members from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District-owned vehicle.

An exception to this policy includes weapons under the control of law enforcement personnel. Another exception to this policy would be weapons possessed and/or used by students enrolled in the District's Junior ROTC Program while under the direct supervision of District staff members.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass actions including, but not limited to, look-alike weapons and/or devices, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

Staff members shall report knowledge of dangerous weapons and/or threats of violence by students, staff members, or visitors to the Principal. Failure to report such knowledge may subject the staff member to discipline.

The Superintendent shall report any support staff member who violates this policy to the law enforcement agency having jurisdiction. The staff member shall also be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of the applicable collective bargaining agreement.

F.S. 790.001, 790.115, 1001.43
18 U.S.C. 922

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4220 - EVALUATION OF SUPPORT PERSONNEL

The continuing evaluation of support staff members is necessary to enable the School Board to monitor the effectiveness and competence of support staff members and to assist them in the improvement of their professional performance.

The work of support staff shall be evaluated annually by the supervisor, utilizing the appropriate performance appraisal system. Each evaluation shall relate to, but not be limited to, the duties specified in the job description.

A. The evaluation shall be completed and on file in accordance with the time schedule established by the Superintendent.

B. An evaluation shall be submitted at the time a support staff member leaves the District if services terminate prior to annual evaluations.

C. Support staff members may be required to take recognized examinations as the Superintendent deems necessary to evaluate their health, competence, and/or performance. Refusal to take required examinations shall be grounds for immediate dismissal. The Board shall pay the cost of the examination(s).

Bargaining unit members should refer to the collective bargaining agreement regarding evaluations.

F.S. 1012.22, 1012.34

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4231 - OUTSIDE ACTIVITIES OF SUPPORT STAFF

Support staff members should avoid situations in which their personal interests, activities, and associations conflict with the interests of the District. If such situations threaten a staff member's effectiveness within the school system, the Superintendent and/or School Board shall evaluate the impact of such interest, activity, or association upon the support staff member's responsibilities.

Staff members may not dedicate work time to an outside interest, activity, or association.

Staff members shall not use school time to solicit or accept customers for private enterprises.

Staff members may not engage in business transactions on behalf of private enterprises in which s/he profit by virtue of his/her official position or authority or benefit financially from confidential information that the staff member has obtained or may obtain by reason of his/her position or authority.

Pursuant to State law and Board Policy 4232, support staff members shall not participate in any political campaign for an elective office while on duty. Furthermore, support staff members shall not authorize the expenditure of public funds for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that are subject to a vote of the electors, unless the electioneering communication is limited to factual information.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

The constitutional right to express political and other opinions as citizens is reserved to all employees.

Staff members should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.

F.S. 104.31, 1006.32, 1012.23

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4232 - POLITICAL ACTIVITIES

Pursuant to State law, support staff members who are employed by the School Board shall not participate in any political campaign for an elective office while on duty.

Pursuant to State law and Board Policy 6480, support staff members may not expend public funds (that is, any funds under the jurisdiction or control of the District) for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including State questions that are subject to a vote of the electors.

Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed by a television station, radio station, cable television station, satellite system, newspaper, magazine, direct mail, or telephone. In order to qualify as an electioneering communication, the communication must also be characterized by the following:

A. refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate, but is susceptible to no reasonable interpretation other than an appeal or against a specific candidate;

B. is made within thirty (30) days before a primary or special primary election or sixty (60) days before any other election for the office sought by the candidate; and

C. is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

Therefore, support staff members who engage in political activities or hold public office shall not use time, facilities, or personnel of the school system to engage in such activities. Specifically, the use of copy reproduction equipment or other machinery or supplies, the use of secretarial help, or any other school facilities or personnel is strictly prohibited. Telephone use for such political activities during duty hours shall be confined to an emergency only, and then only in such manner as shall not conflict with the support staff member's school related duties. Additionally, support staff members who engage in political activities or hold public office are expected to discourage constituents, or other persons with whom they are associated with in their political capacities, from making telephone calls to them during duty hours.

Support staff who declare themselves candidates for an elective office shall notify the Superintendent immediately upon filing to run.

All candidates for public office may be granted personal leave without pay. The support staff member's request for leave shall be submitted according to the established procedure.

Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public official and public employees.

A support staff member who is a successful candidate for an office requiring a part-time responsibility shall report immediately to the Superintendent after the election and thereafter, when deemed necessary by the Superintendent or Board, to evaluate the compatibility of the dual responsibility and the need for personal leave without pay.

F.S. 104.31, 110.233
F.A.C. 60L-36.002

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4242 - STAFF DEVELOPMENT

The School Board believes that training is a prerequisite for continued growth of staff and, therefore, encourages the participation of support staff members in in-service and other training programs.

F.S. 1011.67, 1012.22, 1012.98, 1012.985

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4281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT SCHOOL

Employees may wish to bring personal property to school either for reasons associated with classified responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the School Board is not responsible for any loss, damage, or misuse of said property. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

Board employees are permitted to possess personal communication devices (e.g., cellular telephones) at work in accordance with Policy 7530.01.

The owner of the personal property brought to the worksite bears all responsibility and assumes all risk for loss, damage or misuse of said personal property while it is on Board property. This provision applies, without limitation, to trespassers, invitees, visitors, and independent contractors.

The limitation of liabilities set forth in the previous paragraphs applies to all personal property, regardless of any benefit the Board receives from its use.

Employees in bargaining units shall refer to the collective bargaining agreement.

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4310 - FREEDOM OF SPEECH IN NON-INSTRUCTIONAL SETTINGS

Support staff members, as citizens in a democratic society, have the right to speak out on issues of public concern. When those issues are related to the District, however, the support staff member's expression should be balanced against the interests of this District. Further, Federal and State law prohibit the School Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights or freedoms afforded to support staff members by the United States Constitution.

The following procedures are adopted by the Board to help clarify and, therefore, avoid situations in which the support staff member's expression might conflict with the District's interests. In such situations, s/he should:

A. state clearly that his/her expression represents personal views and not necessarily those of the School District;

B. refrain from expressions that would interfere with the maintenance of discipline by school officials;

C. not make threats or abusive or personally defamatory comments about co-workers, administrators, or officials of the District;

D. refrain from making public expressions which s/he knows to be false or are made without regard for truth or accuracy.

First Amendment, U.S. Constitution
Fla. Constitution, Article I, Section 4
F.S. 1003.4505

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4362 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board to maintain an education and work environment which is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on sex, gender, race, color, ethnicity, national origin, religion, political beliefs, military status, marital status, disability, genetic information, social or family background, or any other legally prohibited basis, and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and in those cases where legally prohibited harassment is substantiated, the Board will take immediate steps to end the harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is

defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity;

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Physical assault.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Consensual sexual relationships where such relationship leads to favoritism of a subordinate employee with whom the superior is sexually involved and where such favoritism adversely affects other employees or otherwise creates a hostile work environment.

J. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student's personal space and personal life (see AP 4362).

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance of creating an intimidating, hostile, or offensive working and/or learning environment; or with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like. Such harassment may further occur where conduct is directed at or pertains to a person's genetic information.

Reports and Complaints of Harassing Conduct

Members of the School District community and third parties are encouraged to promptly report incidents of unlawful harassing conduct to an administrator, supervisor or other School District official so that the Board may address the conduct before it becomes severe, pervasive, or persistent.

Members of the School District community or third parties who believe they have been unlawfully harassed by another member of the School District community or a third party are entitled to utilize the Board's complaint process that is set forth in Policy 4362.02 - Anti-Harassment Complaint Procedure. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false. While there are no time limits for initiating complaints of harassment under this policy, individuals should make every effort to file a complaint as soon as possible after the conduct occurs while the facts are known and potential witnesses are available.

The titles of the Anti-Harassment Compliance Officer with whom complaints of sexual and other forms of unlawful harassment should be filed are set forth in Policy 4362.02 - Anti-Harassment Complaint Procedure. The titles of this individual will be published annually in the parent and staff handbooks, in the School District Annual Report to the public, and/or on the School District's web site.

The formal and informal processes for making a charge of harassment, a process for investigating claims of harassment, and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth in Policy 4362.02 - Anti-Harassment Complaint Procedure. This policy and Policy 4362.02 - Anti-Harassment Complaint Procedure will be readily available to all members of the School District community and posted in appropriate places throughout the School

District.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report such observations to one of the Anti-Harassment Compliance Officers. Thereafter, the Compliance Officer must contact the student, if over age eighteen (18) or the student's parents if under the age eighteen (18), to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

Confidentiality

The School District will make reasonable efforts to maintain the confidentiality of the parties involved in an investigation of unlawful harassment. Confidentiality, however, cannot be guaranteed. (see Policy 8320 - Confidentiality)

Informal Process for Addressing Complaints of Harassment

An informal complaint process to provide members of the School District community or third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns is set forth in Policy 4362.02 - Anti-Harassment Complaint Procedure. Members of the School District community or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process. Those members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process. However, all complaints of unlawful harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

Formal Process for Addressing Complaints of Harassment

Policy 4362.02 - Anti-Harassment Complaint Procedure also includes a formal complaint process. While the formal complaint process may serve as the first step to resolution of a charge of unlawful harassment, it is also available in those circumstances when the informal complaint process fails to satisfactorily resolve a concern. Because of the need for flexibility, no specific time lines are established for initiating the formal complaint process; however, once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within thirty-one (31) calendar days of the complaint being received).

Members of the School District community or third parties who feel they have been unlawfully harassed should file a formal written complaint with the principal of their school building or with one of the compliance officer identified in Policy 4362.02 - Anti-Harassment Complaint Procedure. Oral complaints of harassment will be reduced to writing by the individual receiving the complaint and the complainant will be asked to verify the accuracy of the reported charge by signing the document. Complaints received by a school building principal will be immediately reported to the appropriate compliance officer identified in Policy 4362.02 - Anti-Harassment Complaint Procedure and the principal will not conduct an investigation unless directed to do so by the Compliance Officer.

The complaint process, which is set forth in Policy 4362.02 - Anti-Harassment Complaint Procedure, is not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy and Policy 4362.02 or in such other manner as deemed appropriate by the Board or its designee.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in

accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and Policy 4362.02. All training regarding this policy, Policy 4362.02, and harassment in general, will be age and content appropriate.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

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

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4362.02 - ANTI-HARASSMENT COMPLAINT PROCEDURE

Anti-Harassment Compliance Officers

The individuals who have the following positions serve as "Anti-Harassment Compliance Officers" for the School District. They are hereinafter referred to as the "Compliance Officer" or "Compliance Officers".

Director of Human Resources

850-627-9651 ext. 1247

35 MLK Boulevard
Quincy, Florida 32351

The Compliance Officers, or his/her designee, will be available during regular school/work hours to discuss concerns related to legally prohibited harassment.

The Compliance Officer, or his/her designee, is assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer, or his/her designee, will prepare, after consultation with the School Board Attorney, recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community should report incidents of unlawful harassment that are reported to them to a Compliance Officer within five (5) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any member of the School District community or third party who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below.

While there is a sixty (60) day time limit for initiating a complaint of harassment, individuals should make every effort to file an informal or a formal complaint as soon as possible after the harassing conduct occurs. Both the informal and formal procedures set forth below are established to provide a prompt and equitable process for resolving complaints of unlawful harassment.

The informal and formal procedures set forth below are not intended to interfere with the rights of a member of the School District community or a third party to pursue a complaint of legally prohibited harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a member of the School District community or third party who believes s/he has been unlawfully harassed. This informal procedure is not required as a

precursor to the filing of a formal complaint.

As an initial course of action, if a member of the School District community or third party feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the person s/he feels is harassing him/her that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officer, or his/her designee, is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the alleged harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint.

A member of the School District community or third party who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a building administrator in the building where the individual is employed; (2) to a building administrator in the building where the student attends; (3) to the Superintendent if the individual is not employed in or attending a specific school building; and/or (4) to the Compliance Officer. All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide members of the School District community and third parties who believe they are being unlawfully harassed with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the member of the School District community or third party claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the member of the School District community or third party about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer, or his/her designee, may arrange and facilitate a meeting between the member of the School District community or third party claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer, or his/her designee, will exercise his/her authority to attempt to resolve all informal complaints within two (2) weeks of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated, as part of the informal complaint process will be retained by the Compliance Officers in accordance with the Board's records retention policy. (see Policy 8310 - Public Records and Policy 8320 - Confidentiality)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the member of the School District community or third party elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

A member of the School District community or third party who believes they have been subjected to legally prohibited harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with the Compliance Officers. If a complainant informs any other employee of the School District, either orally or in writing, about any complaint of unlawful harassment, that employee must immediately report such information to the Compliance Officer.

The Compliance Officer shall determine whether or not the complaint alleges legally prohibited harassment. In making this determination the Compliance Officer shall consult with the Board Attorney. If it is determined that the complaint does not allege legally prohibited harassment, the complainant will be notified in writing that the complaint will be assigned to the appropriate administrator for appropriate disposition. If it is determined that the complaint alleges legally prohibited harassment, the complaint will be investigated in accordance with the process described herein.

Throughout the course of the process as described herein, the Compliance Officer, or his/her designee, should keep the complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or be engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; a list of potential witnesses; and, identification of the resolution which the complainant seeks.

If the complainant is unwilling to provide a written statement including the information set forth above, the Compliance Officer, or his/her designee, shall ask for such details in an oral interview. Thereafter the Compliance Officer, or his/her designee, will prepare a written summary of the oral interview that will be presented to the complainant for verification by signature.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further legally prohibited harassment or retaliation including but not limited to, a change of job assignment or a change of class schedule. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change which is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within three (3) business days of receiving a formal complaint of legally prohibited harassment, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to unlawful harassment.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within twenty-one (21) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall consult with the Board Attorney. A written report shall then be prepared and delivered to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer or designee shall consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of legally prohibited harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the complainant and the respondent. The School District will respect the privacy of the complainant (unless the complainant made the complaint with malice or with knowledge that it was false), the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of an investigation of legally prohibited harassment is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of legally prohibited harassment will be maintained by the Compliance Officer in accordance with State law and the Board's records retention policy. Any records which are considered education records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law and Policy 8330 - Student Records.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the school principal or Superintendent, who must notify the Department of Children and Family Services. If, during the course of an investigation of legally prohibited harassment, the Compliance Officers or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board Policy 8462 - Student Abuse and Neglect.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of legally prohibited harassment. While the Compliance Officer or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the investigation of legally prohibited harassment be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees to report alleged misconduct by certificated employees of the District that affects the health, safety, and welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees.

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

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4380 - THREATENING BEHAVIOR TOWARD STAFF MEMBERS

The School Board believes that a staff member should be able to work in an environment free of threatening speech or actions.

Threatening behavior consisting of any words or deeds that intimidate a staff member or cause anxiety concerning physical well-being is strictly forbidden. Any student, parent, visitor, staff member, volunteer, or agent of the Board who is found to have threatened a member of the staff will be subject to discipline or reported to the authorities.

F.S. 1006.145
20 U.S.C. 1681 et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 749 et seq.
42 U.S.C. 12101 et seq.
42 U.S.C. 2000e et seq.
Civil Rights Act 41 U.S.C. 1983

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4410 - COMPENSATION

Rates of pay for support staff employees shall be determined by the School Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

Individuals who are employed in support staff positions that are included in a bargaining unit should also refer to provisions regarding compensation in the current collective bargaining agreement for that bargaining unit.

F.S. 1011.60, 1012.22
F.A.C. 6A-1.052

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4419 - GROUP HEALTH PLANS

The School Board shall have discretion to establish and maintain group health plans for the benefit of eligible employees. These group health plans may provide health benefits through insurance or otherwise as permitted by law.

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4419.02 - PRIVACY PROTECTIONS OF FULLY INSURED GROUP HEALTH PLANS

The School Board provides coverage to eligible employees under fully insured group health plans. The Board has established the following fully insured group health plans:

A. Group Health Plan

B. Dental Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule as amended by Title I of the Genetic Information Nondiscrimination Act (GINA). Fully insured group health plans generally are exempt from many of the requirements imposed upon self-funded group health plans.

The fully insured group health plans established by the Board shall:

A. refrain from taking any retaliatory action against any individual for exercising any right under the plan, filing a complaint with Health and Human Services, participating in any proceeding under Part C of Title XI of the Social Security Act, or opposing any act or practice made unlawful by the Privacy Rule provided that the individual has a good faith belief that the practice opposed is unlawful;

B. not impose a requirement that participants waive their rights under the Privacy Rule as a condition of the provision of payment, enrollment in a health plan, or eligibility of benefits;

C. if the plan document is amended in accordance with the Privacy Rule, the plan must retain a copy of the plan as amended for six (6) years from the date of its amendment or the date when it last was in effect, whichever is later.

Fully insured group health plans established by the Board shall not create or receive protected health information, except for:

A. summary health information;

Summary health information is de-identified information that summarized claims history, claims expenses, or type of claims experienced by health plan participants.

B. information on whether an individual is participating in a group health plan, or is enrolled in or has disenrolled from a health insurance issuer or HMO offered by the plan.

F.S. 1002.02
20 U.S.C. 1232g
42 U.S.C. 1320d-2
Health Insurance Portability and Accountability Act (HIPAA)
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635

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4420 - BENEFITS

The School Board shall provide all full-time support staff members with the following benefits:

A. **Life Insurance**

All support staff will have life insurance in an amount equal to their annual salary, computed to the nearest $1,000. Additional life insurance and limited dependent coverage are options provided to support staff at a group rate.

B. **Medical Insurance**

Through a flexible benefits program, all support staff shall have the opportunity to enroll in hospitalization and medical care benefits.

C. **Employee Assistance Program**

An Employee Assistance Program which, through outside professional counseling, may provide help for support staff and their families in areas including, but not limited to, emotional disorders, chemical (alcohol or drug) abuse, and/or marital, financial, family, legal, or occupational problems. The program shall be reviewed by the Superintendent and a recommendation for these services shall be made to the Board for approval.

D. **Liability Coverage**

All support staff will have insurance covering injury and property damage liability arising from the performance of assigned duties. This policy covers the support staff's liability for negligent acts arising out of support staff activities.

E. **Workers' Compensation**

Florida State law requires Workers' Compensation to be provided to all employees and volunteers of the District. This assures support staff who sustain a work-related illness or injury both income and medical care for that injury until they are able to return to work.

Support staff who are eligible for Workers' Compensation may be paid earned sick leave benefits in addition to Workers' Compensation benefits. The sick leave amount is reduced by the amount of the Workers' Compensation benefit. In no case can total pay exceed the employee's regular at-work salary.

F. **Other Insured Employee Benefits**

Dental, vision, short term disability, long term disability, and accidental death and dismemberment group insurance plans are available to support staff members.

G. **Flexible Spending Accounts**

Through a cafeteria style flexible benefits plan accounts are available as an option for paying some medical, dental, vision, and child care costs with pre-tax dollars.

H. **Legal Services**

Legal services in tort action shall be provided for support staff at such time when action is construed to be an

outcome of duties performed for the Board.

I. **Holidays**

Holidays will be designated by the Board at the time it adopts and amends the school calendar and/or ratifies contractual agreements with employee bargaining units.

J. **Sick Leave Bank**

The sick leave bank, available to qualified support staff, is a source from which additional paid sick leave days may be granted for the support staff member's catastrophic, prolonged personal illness, accident, or injury. Membership in the sick leave bank is available to support staff after completion of at least one (1) full year of employment with the District. The *Sick Leave Bank Procedures* is incorporated by reference and is part of the policy. The procedures may be updated by the Superintendent as necessary.

K. **Retirement**

Retirement options including, but not limited to, regular disability, In-Line of Duty Disability, and the Deferred Retirement Option Program (DROP) are available to qualified employees.

A support staff member who participates in DROP will receive pay for accumulated sick leave as indicated in Policy 4420.01 - Terminal Pay. The rate of pay for such leave shall be based upon the salary rate of the support staff member at the time DROP begins. Such leave shall be paid in annual installments during each of the years of DROP participation. The initial payment will be made during the first month of DROP, with subsequent payments made during the retirement anniversary months. Leave accrued during DROP will be included in the final payment and will be at the salary rate of the retiring support staff member upon separation from service.

An employee who begins participation in DROP, but elects to cancel DROP shall, within six (6) months of the DROP cancellation, repay the Board all sick leave pay previously received as part of DROP. Such sick leave time when repair, will be returned to the account of the support staff member as if there had been no DROP participation.

Retirement procedures and all Florida Retirement Service retirement guides published by the State of Florida, Department of Management Services, Division of Retirement are incorporated by reference and are part of this Board policy.

Members of the certified bargaining unit should refer to the collective bargaining agreement.

F.S. 112.08, 112.1915, 121, 440.491, 1012.26, 1210.33, 1012.61, 1012.65
F.S. 1012.74, 1012.798

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4420.01 - TERMINAL PAY

Terminal pay for accumulated sick leave will, except as hereinafter otherwise indicated, be provided to all full-time employees at resignation without retirement, at normal retirement, when employee elects to participate in the Deferred Retirement Option Program (DROP), or to the beneficiary if such service is terminated by death. The sick leave days used in calculating the amount of such terminal pay shall not include any such days earned otherwise than in full-time service of this School District. Such terminal pay shall not exceed an amount determined as follows:

A. For the individual himself, upon separation from such service by resignation without retirement, provided that s/he must then have been in the full-time creditable service of this School District for at least twenty (20) years: the daily rate of pay of the individual at that time multiplied by 100% times the number of days of accumulated sick leave.

B. For the individual himself/herself, upon normal retirement or DROP enrollment, provided that s/he must then have been in the full-time creditable service of this School District for at least ten (10) creditable years, a sum determined by multiplying the individual's then current coverage daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. after the 10th year – fifty percent (50%)
2. after the 11th year – fifty percent (50%)
3. after the 12th year – fifty percent (50%)
4. after the 13th year – sixty-five percent (65%)
5. after the 14th year – seventy percent (70%)
6. after the 15th year – seventy-five percent (75%)
7. after the 16th year – eighty percent (80%)
8. after the 17th year – eighty-five percent (85%)
9. after the 18th year – ninety percent (90%)
10. after the 19th year – ninety-five percent (95%)
11. after the 20th year – 100%

C. For the beneficiary, upon the death of the individual in the service of this School District, a sum determined by multiplying the decedent's then current average daily rate of pay by his/her number of days of accumulated sick leave, times a percentage figure depending on his/her number of years of such service, as hereinafter indicated:

1. during the first three (3) years - thirty-five percent (35%)
2. during the next three (3) years - forty percent (40%)
3. during the next three (3) years - forty-five percent (45%)
4. during the next three (3) years - fifty percent (50%)
5. during the 13th year - sixty percent (60%)
6. during the 14th year - sixty-five percent (65%)
7. during the 15th year - seventy percent (70%)
8. during the 16th year - seventy-five percent (75%)
9. during the 17th year - eighty percent (80%)
10. during the 18th year - eighty-five percent (85%)
11. during the 19th year - ninety percent (90%)
12. during the 20th year - ninety-five percent (95%)
13. during and after the 21st year – 100%

D. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked ten (10) years or more with the District, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to sixty (60) days. For the individual himself upon resignation, normal retirement or DROP enrollment, who has worked less than ten (10) years, or the beneficiary, upon the death of such administrator, a sum determined by multiplying the individual's then current daily rate of pay by the number of days accumulated annual leave, up to twenty (20) days.

Pursuant to the above criteria, such terminal pay shall include payment for unused sick leave and annual leave upon an administrator's separation from the District.

F.S. 1001.41, 1001.43, 1012.22, 1012.23, 1012.61
F.A.C. 6A-1.052

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Bylaws & Policies

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4425 - NURSING MOTHERS

As required by Federal law, the School Board shall take steps necessary to support staff members who decide to breastfeed their infants by providing additional unpaid break time, as necessary, for lactating employees to express breast milk for their infants on District premises.

Prior to returning to work from maternity leave, it shall be the employee's responsibility to notify her supervisor of her intent to continue breastfeeding her infant(s), and of her need to express milk during work hours. Further, it shall be the responsibility of the employee to keep her supervisor informed of her needs in this regard throughout the period of lactation.

The building administrator shall designate a private area, other than a restroom, where an employee can express breast milk. The designated area shall be a space where intrusion from coworkers, students, and the public can be prevented, and one where an employee who is using this area can be shielded from view.

An employee can express milk during regularly scheduled break periods. The Principal or employee's supervisor shall make an accommodation if the time of regular breaks needs to be adjusted or if additional and/or longer breaks are needed. In the event that more breaks are needed or the break(s) need to be longer than legally required, the additional time required shall be unpaid, and the employee's work schedule or work day shall, therefore, be modified accordingly. The Principal, or the employee's supervisor, shall work with the employee to make these necessary modifications.

29 U.S.C. 207

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4430 - LEAVES OF ABSENCE

Support staff members shall not be absent from their assigned duties except as authorized by the Superintendent. A support staff member who is willfully absent from duty without leave shall forfeit compensation for the time of such absence. Appointments shall be subject to cancellation by the School Board and s/he shall be subject to immediate dismissal.

Vacation Leave

When an employee transfers from a vacation earning position to a non-vacation earning position, the employee will be paid for the accrued vacation at the time of the transfer and at the rate of pay at the time of transfer for the vacation earning position.

Unused Leave at Separation

When an employee terminates employment with the Board, the employee will be compensated for unused and earned sick leave in accordance with agency policies or the employee may have the leave transferred upon written request (within twenty (20) days of separation) to another FRS agency.

Used Unearned Sick Leave for Employees Who Resign/Retire

When an employee resigns or retires and has used credited but unearned sick leave, (four (4) days credited at the beginning of the year) the employee will have unearned leave deducted from the final compensation.

Unearned Leave from Outside the District for Employees Who Resign/Retire

When an employee has a remaining balance of sick leave transferred in from outside the District, and terminates prior to earning it in the District, the employee will forfeit the leave.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67
F.A.C. 6A-1.079, 6A-1.080

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4430.01 - FMLA LEAVE

Qualifying Reasons for FMLA and Military Family Leave

In accordance with the Family and Medical Leave Act of 1993, as amended, ("FMLA"), eligible staff members may take up to twelve (12) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, for the following reasons:

A. the birth and/or care of a newborn child of the staff member, within one (1) year of the child's birth;

B. the placement with the staff member of a child for adoption or foster care, within one (1) year of the child's arrival;

C. the staff member is needed to provide physical and/or psychological care for a spouse, child, or parent with a serious health condition;

D. the staff member's own serious health condition makes him/her unable to perform the functions of his/her position; or

E. any qualifying exigency (as defined in applicable Federal regulations) arising out of the fact that the staff member's spouse, son, daughter, or parent is on covered active duty (or has been notified of an impending call or order to covered active duty) in the Armed Forces ("Qualifying Exigency Leave"). Covered active duty means duty during deployment with the Armed Forces to a foreign country.

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member may take up to a total of twenty-six (26) work weeks of job-protected, unpaid leave, or substitute appropriate paid leave if the staff member has earned or accrued it, during a "single twelve (12) month period" to provide physical and/or psychological care for the covered service member ("Military Caregiver"). A covered service member is defined as (1) a member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or (2) a veteran who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five (5) years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a covered service member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the covered service member’s active duty and was aggravated by service in the line of duty on active duty in the Armed Forces) and that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. In the case of a veteran, the injury or illness could have manifested itself before or after the member became a veteran. The "single twelve (12) month period" for leave to care for a covered service member with a serious injury or illness begins the first day the staff member takes leave for this reason and ends twelve (12) months later, regardless of the twelve (12) month period established below for general FMLA leave. During the "single twelve (12) month period", an eligible staff member is limited to a combined total of twenty-six (26) work weeks of unpaid leave for any FMLA-qualifying reason. (Only twelve (12) of the twenty-six (26) work weeks total may be for a FMLA-qualifying reason other than to care for a covered service member.)

Eligible Employees

Staff members are "eligible" if they have worked for the School Board for at least twelve (12) months, **and** for at least 1,250 hours over the twelve (12) months prior to the leave request. All full-time support employees are deemed to meet the 1,250 hour requirement. Months and hours that members of the National Guard or Reserve would have worked if they had not been called up

for military service counts towards the staff member's eligibility for FMLA leave. While the twelve (12) months of employment need not be consecutive, employment periods prior to a break in service of seven (7) years or more will not be counted unless the break is occasioned by the staff member's fulfillment of his/her National Guard or Reserve military obligation, or a written agreement exists concerning the Board's intention to rehire the staff member after the break in service.

Twelve (12) Month Period

Twelve (12) month period is defined as the twelve (12) month period measured forward from the date the staff member's first FMLA leave begins (i.e., the "leave year" is specific to each individual staff member).

Serious Health Condition

Serious health condition is defined as an illness, injury, impairment, or physical or mental condition that involves inpatient care or continuing treatment by a healthcare provider. As utilized in this policy, the term "incapacity" means an inability to work, attend school, or perform other regular daily activities due to the serious health condition, treatment therefore, or recovery therefrom. The term "treatment" includes (but is not limited to) examinations to determine if a serious health condition exists and evaluations of the condition. (Treatment does not include routine physical examinations, eye examinations, or dental examinations.)

A. Inpatient care means an overnight stay in a hospital, hospice, or residential medial-care facility, including any period of incapacity or subsequent treatment in connection with such inpatient care.

B. Continuing treatment by a healthcare provider, includes any one or more of the following: 1.) "incapacity and treatment"; 2.) any incapacity related to pregnancy, or for prenatal care; 3.) any incapacity or treatment for such incapacity due to a chronic serious health condition; 4.) a period of incapacity that is permanent or long-term due to a condition for which treatment may not be effective (e.g., Alzheimer's, a severe stroke, terminal stages of a disease); or 5.) any period of absence to receive multiple treatments (including any period of recovery therefrom) by a healthcare provider or by a provider of healthcare services under orders of, or on referral by, a healthcare provided for a.) restorative surgery after an accident, or b.) other injury or a condition that would likely result in a period of incapacity of more than three (3) consecutive, full calendar days in the absence of medical intervention or treatment, such as cancer (chemotherapy, radiation, etc.), severe arthritis (physical therapy), or kidney disease (dialysis).

1. "Incapacity and treatment" involves a period of incapacity of more than three (3) consecutive, full calendar days, and any subsequent treatment or period of incapacity relating to the same condition, that also involves a.) treatment two (2) or more times, within thirty (30) days of the first day of incapacity, unless extenuating circumstances exist, by a healthcare provider, by a nurse under direct supervision of a healthcare provider, or by a provider of healthcare services (e.g., physical therapist) under orders of, or on referral by, a healthcare provider, or b.) treatment by a healthcare provider on at least one (1) occasion that results in a regimen of continuing treatment under the supervision of a healthcare provider.

   a. Treatment by a healthcare provider as referenced above involves an in-person visit to a healthcare provider. The first (or only) in-person treatment visit must take place within seven (7) days of the first day of incapacity. The healthcare provider is responsible for determining whether additional treatment visits or a regimen of continuing treatment is necessary within the thirty (30) day period.

   b. Regimen of continuing treatment includes a course of prescription medication (e.g. antibiotics), or therapy requiring special equipment to resolve or alleviate the health condition (e.g. oxygen).

   c. A regimen of continuing treatment that includes the taking of over-the-counter medications such as aspirin, antihistamines, or salves; or bed-rest, drinking fluids, exercise, and other similar activities that can be initiated without a visit to a healthcare provider, is not, by itself, sufficient to constitute a regimen of continuing treatment for purposes of FMLA leave.

2. A period of incapacity related to pregnancy need not involve a visit to the healthcare provider for each absence, and the absence need not last more than three (3) consecutive, full calendar days.

3. A chronic serious health condition is one that: a.) requires periodic visits (i.e., at least twice a year) for treatment by a healthcare provider, or by a nurse under direct supervision of a healthcare provider; b.) continues over an extended period of time (including recurring episodes of a single underlying condition); and c.) may cause

episodic rather than a continuing period of incapacity (e.g., asthma, diabetes, epilepsy, etc.). A visit to a healthcare provider is not necessary for each absence, and each absence need not last more than three (3) consecutive, full calendar days.

4. With regard to permanent or long-term conditions, the employee or family member must be under the continuing supervision of, but need not be receiving active treatment by, a healthcare provider.

C. Conditions for which cosmetic treatment are administered (e.g., most treatments for acne or plastic surgery) are not "serious health conditions" unless inpatient hospital care is required or complications develop. Ordinarily, unless complications arise, the common cold, the flu, ear aches, upset stomachs, minor ulcers, headaches other than migraines, routine dental or orthodontia problems, periodontal disease, etc., are conditions that do not meet the definition of a serious health condition and do not qualify for FMLA leave.

Intermittent and Reduced Schedule Leave

The Superintendent may allow a staff member to take FMLA leave intermittently (i.e., leave in separate blocks of time for a single qualifying reason) or on a reduced leave schedule (i.e., reducing the employee's usual weekly or daily work schedule) for reason (A) or (B) on page one. A staff member is entitled to take FMLA leave on an intermittent or reduced schedule leave when medically necessary as indicated in reasons (C) and (D) on page one. A staff member may also take FMLA leave on an intermittent or reduced-leave schedule for Qualifying Exigency Leave (i.e., reason (E) on page one). Finally, Military Caregiver Leave may be taken on an intermittent or reduced schedule leave when medically necessary. Regardless, the taking of FMLA leave intermittently or on a reduced schedule leave results in the total reduction of the twelve (12) or twenty-six (26) weeks only by the amount of leave actually taken. If the intermittent or reduced schedule leave is foreseeable based on planned medical treatment for the employee, a family member, or a covered service member, the Superintendent may require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave than the staff member's regular position. The alternative position shall have equivalent pay and benefits but not necessarily equivalent duties. The Superintendent may also transfer the staff member to a part-time job with the same hourly rate of pay and benefits, provided the staff member is not required to take more leave than is medically necessary. Support staff members (i.e. individuals whose principal function is to teach and instruct students in a class, a small group, or an individual setting) who request intermittent leave or a reduced schedule leave because of reasons (C) or (D) on page one or pursuant to Military Caregiver Leave and the leave would exceed twenty percent (20%) of the total number of working days over the period of anticipated leave must elect either to:

A. take leave for a period or periods of a particular duration, not greater than the duration of the planned treatment; or

B. transfer temporarily to an available alternative position offered by the Superintendent for which the support staff member is qualified, and that has equivalent pay and benefits and that better accommodates the recurring periods of leave than the staff member's regular position.

When leave is needed for planned medical treatment, the staff member must make a reasonable effort to schedule the treatment so as not to unduly disrupt the District's operations, subject to the approval of the healthcare provider.

If the Superintendent agrees to permit FMLA leave intermittently or on a reduced schedule leave for reason (A) or (B) on page one, the Board may also require the staff member to transfer temporarily, during the period the intermittent or reduced schedule leave is required, to an available alternative position for which the staff member is qualified and which better accommodates recurring periods of leave then does the staff member's regular position.

Staff Member Notice Requirements

Staff members seeking to use FMLA leave (including Military Caregiver Leave) are required to provide thirty (30) days advance notice of the need to take FMLA leave when the need is foreseeable and such notice is practicable. If leave is foreseeable less than thirty (30) days in advance, the staff member must provide notice as soon as practicable - generally, either the same or next business day. When the need for leave is not foreseeable, the staff member must provide notice as soon as practicable under the facts and circumstances of the particular case. Absent unusual circumstances, staff members must comply with the Board's usual and customary notice and procedural requirements for requesting leave. Failure to provide timely notice may result in the leave being delayed or denied, and/or possible disciplinary action.

Staff members must provide "sufficient information" for the Superintendent to determine whether the FMLA may apply to the leave

request. Depending on the situation, such information may include that the employee is incapacitated due to pregnancy, has been hospitalized overnight, is unable to perform the functions of the job, that the staff member or his/her qualifying family member is under the continuing care of a healthcare provider, that the requested leave is for a particular qualifying exigency related to a qualifying family member's covered active duty or call to covered active duty status, or that the leave due to a qualifying family member who is a covered service member with a serious injury or illness. The information may also include the anticipated timing and duration of the leave.

When a staff member seeks leave for a FMLA-qualifying reason for the first time, the staff member need not expressly assert FMLA rights or even mention the FMLA. When an employee seeks leave, however, due to a FMLA-qualifying reason for which the District has previously provided the staff member FMLA-protected leave, the staff member must specifically reference either the qualifying reason for leave or the need for FMLA leave.

Substitution of Paid Leave

If the staff member has not earned or accrued adequate paid leave to encompass the entire twelve (12) work week period of FMLA leave or twenty-six (26) work week period of Military Caregiver Leave, the additional weeks of leave to obtain the twelve (12) work weeks of FMLA leave or twenty-six (26) work weeks of Military Caregiver Leave the staff member is entitled to shall be unpaid. Whenever a staff member uses paid leave in substitution for unpaid FMLA leave/Military Caregiver Leave, such leave counts toward the twelve (12) work week/twenty-six (26) work week maximum leave allowance provided by this policy and Federal law.

District Notice Requirements

The Superintendent is directed to post the Department of Labor approved Notice explaining employees' rights and responsibilities under the FMLA. The notice must be posted prominently where it can be readily seen by employees and applicants and shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.

When a staff member requests FMLA leave or the District acquires knowledge that leave may be for a FMLA purpose, the Superintendent shall notify the staff member of his/her eligibility to take leave, and inform the staff member of his/her rights and responsibilities under the FMLA (including the consequences of failing to meet those obligations). Along with the Notice of Rights and Responsibilities, the Superintendent will attach any medical certification that may be required, and a copy of the employee's essential job functions. If Superintendent determines the staff member is not eligible for FMLA leave, the Superintendent must state at least one (1) reason why the staff member is not eligible. Such notice may be given orally or in writing and should be given within five (5) business days of the request for FMLA leave, absent extenuating circumstances. When oral notice is given, it must be followed by written notice within five (5) business days. Staff member eligibility is determined (and notice provided) at the commencement of the first instance of leave for each FMLA-qualifying reason in the applicable twelve (12) month period. All FMLA absences for the same qualifying reason are considered a single leave and staff member eligibility as to that reason for leave does not change during the applicable twelve (12) month period. If at the time a staff member provides notice of a subsequent need for FMLA leave during the applicable twelve (12) month period due to a different FMLA-qualifying reason and the staff member's eligibility status has not changed, no additional eligibility notice is required. If, however, the staff member's eligibility status has changed, the Superintendent must notify the staff member of the change in eligibility status within five (5) business days, absent extenuating circumstances.

If the specific information provided by the Notice of Rights and Responsibilities changes, the Superintendent shall, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any changes, provide written notice referencing the prior notice and setting forth any of the information in the Notice of Rights and Responsibilities that has changed.

When the Superintendent has sufficient information to determine that leave is being taken for a FMLA-qualifying reason (e.g. after receiving certification), the Superintendent shall notify the staff member whether the leave will be designated and counted as FMLA leave. Leave that qualifies as both Military Caregiver Leave and leave to care for a qualifying family member with a serious health condition (i.e. reason (C)) must be considered as Military Caregiver Leave in the first instance. This designation must be in writing and must be given within five (5) business days of the determination, absent extenuating circumstances. Additionally, when appropriate, the Superintendent shall notify the staff member of the number of hours, days and weeks that will be counted against the employee’s FMLA entitlement, and whether the employee will be required to provide a fitness-for-duty certification to return to work.

Only one Designation Notice is required for each FMLA-qualifying reason per applicable twelve (12) month period, regardless of whether the leave taken due to the qualifying reason will be a continuous block of leave or as intermittent or on a reduced schedule leave. If the Superintendent determines the leave will not be designated as FMLA-qualifying (e.g. if the leave is not for a reason covered by the FMLA or the staff member’s FMLA leave entitlement has been exhausted), the Superintendent shall notify the staff member of that determination. If the staff member is required to substitute paid leave for unpaid FMLA leave, or if paid leave taken under an existing leave plan is being counted as FMLA leave, the "Designation Notice" shall include this information.

Additionally, the "Designation Notice" shall notify the staff member if s/he is required to present a fitness-for-duty certification to be restored to employment. Further, if the fitness-for-duty certification is required to address the staff member's ability to perform the essential functions of his/her job, that will be indicated on the Designation Notice, and a list of the essential functions of the staff member's position will be included.

If the information provided to the staff member in the Designation Notice changes, the Superintendent shall provide, within five (5) business days of receipt of the staff member's first notice of need for leave subsequent to any change, written notice of the change.

In the case of intermittent or reduced-leave schedule leave, only one such notice is required unless the circumstances regarding the leave have changed.

Limits on FMLA When Both Spouses are Employed by the Board

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twelve (12) workweeks of FMLA leave during any twelve (12) month period if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition.

Where the husband and wife both use a portion of the total twelve (12) week FMLA leave entitlement for reason (A) or (B) on page, or to care for a parent, the husband and wife are each entitled to the difference between the amount s/he has taken individually and the twelve (12) weeks of FMLA leave for other purposes.

When an eligible husband and wife are both employed by the Board, they are limited to a combined total of twenty-six (26) workweeks of Military Caregiver Leave during the "single twelve (12) month period" if the leave is taken for reason (A) or (B) on page one, or to care for the staff member's parent who has a serious health condition, or to care for a covered service member with a serious injury or illness.

Certification

When FMLA leave is taken for either reason (C) or (D) on page one, the staff member must provide medical certification from the healthcare provider of the eligible staff member or his/her immediate family member. The staff member may either:

A. submit the completed medical certification to the Superintendent; or

B. direct the healthcare provider to transfer the completed medical certification directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

If the staff member fails to provide appropriate medical certification, any leave taken by the employee shall not constitute FMLA leave.

When the need for FMLA leave is foreseeable and at least thirty (30) days notice has been provided, the staff member must provide the medical certification before the leave begins. When this is not possible, the employee must provide the requested certification to the Superintendent within fifteen (15) calendar days after the staff member requests FMLA leave unless it is not practicable under the circumstances to do so despite the staff member's diligent and good faith efforts.

The Board reserves the right to require second or third opinions (at the Board's expense), and periodic recertification of a serious health condition. If a third opinion is sought, that opinion shall be binding and final. The staff member may either:

A. submit the opinion of the second healthcare provider, and the opinion of the third healthcare provider if applicable, to the Superintendent; or

B. direct the second or third healthcare provider to transfer his/her opinion directly to the Superintendent, which will generally require the staff member to furnish the healthcare provider with a HIPAA-compliant authorization.

In the event that the staff member fails to provide the medical opinion of the second or third healthcare provider, if applicable, any leave taken by the staff member shall not constitute FMLA leave.

Recertification

Recertification may be required no more often than every thirty (30) days in connection with an absence by the staff member

unless the condition will last for more than thirty (30) days. For conditions that are certified as having a minimum duration of more than thirty (30) days, the District will not request recertification until the specified period has passed, except that in all cases the staff member must submit recertification every six (6) months in connection with an absence by the employee. Additionally, the Superintendent may require a staff member to provide recertification in less than thirty (30) days if the staff member requests an extension of leave, the circumstances described in the previous certification have changed significantly, or if the District receives information that casts doubt upon the staff member's stated reason for the absence or the continuing validity of the certification. Finally, staff members must provide a new medical certification each leave year for medical conditions that last longer than one (1) year.

Staff members requesting Qualifying Exigency Leave are required to submit to the Superintendent a copy of the covered military member's active duty orders and certification providing the appropriate facts related to the particular qualifying exigency for which leave is sought, including contact information if the leave involves meeting with a third party.

Staff members requesting Military Caregiver Leave are required to submit to the Superintendent certification completed by an authorized healthcare provider or a copy of an Invitational Travel Order (ITO) or Invitational Travel Authorization (ITA) issued to any member of the covered service member's family.

The Board authorizes its healthcare provider and the leave administrator to authenticate or clarify a medical certification of a serious health condition, or an ITO or ITA (i.e. medical certification provided for reasons (C) or (D) on page one or Military Caregiver Leave). Additionally, the Superintendent is authorized to contact the individual or entity named in the Qualified Exigency Leave certification for purposes of verifying the existence and nature of the meeting.

A staff member who takes leave for reason (D) on page one, prior to returning to work, must provide the Superintendent with a fitness-for-duty certification that specifically addresses the staff member's ability to perform the essential functions of his/her job. The fitness-for-duty certification shall only apply to the particular health condition that caused the staff member's need for FMLA leave. If reasonable safety concerns exist, the Superintendent may, under certain circumstances, require a staff member to submit a fitness-for-duty certification before s/he returns to work from intermittent FMLA leave. The cost of the certification shall be borne by the staff member.

Job Restoration & Maintenance of Health Benefits

Upon return from FMLA leave, the Board shall restore the staff member to his/her former position, or to an equivalent position with equivalent pay, benefits, and other terms and conditions of employment. During FMLA leave, the Board shall maintain the staff member's current coverage under the Board's group health insurance program on the same conditions as coverage would have been provided if the staff member had been continuously working during the leave period. If the staff member was paying all or part of the premium payments prior to going on FMLA leave, the staff member must continue to pay his/her share during the leave.

Any leave or return from leave during the last five (5) weeks of an academic term shall be reviewed individually by the Superintendent to minimize disruption to the students' program.

The staff member shall not accrue any sick leave, vacation, or other benefits during a period of unpaid FMLA leave.

The use of FMLA leave shall not result in the loss of any employment benefit that the staff member earned or was entitled to before using FMLA leave. If a bonus or other payment, however, is based on the achievement of a specified goal such as hours worked or perfect attendance, and the employee does not meet the goal due to FMLA leave, payment shall be denied unless it is paid to an employee on equivalent leave status for a reason that does not qualify as FMLA leave.

A staff member shall have no greater right to restoration or to other benefits and conditions of employment than if the employee had been continuously employed.

Generally, a staff member may not be required to take more FMLA leave than necessary to resolve the circumstance that precipitated the need for leave.

A staff member who fraudulently obtains FMLA leave is not protected by this policy's job restoration or maintenance of health benefits provisions.

The Superintendent shall prepare any procedures that are appropriate for this policy and ensure that the policy is posted properly.

Copies of this policy shall be available to staff members upon request.

F.S. 110.221, 1012.61
29 U.S.C. 2601 et seq. (as amended)
29 C.F.R. Part 825

45 C.F.R. Part 160, 164
National Defense Authorization Act of 2010

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4430.02 - DOMESTIC VIOLENCE LEAVE

The School Board shall grant leave for an employee if the employee, or a family or household member, is the victim of domestic or sexual violence.

Definitions

A. "Domestic violence" means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one (1) family or household member by another family or household member.

B. "Sexual violence" means sexual violence as defined in F.S. 784.046 or any crime the underlying factual basis of which has been found by a court to include an act of sexual violence.

C. "Family or household member" means spouses, former spouses, persons related by blood or marriage, person who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

D. "Victim" means an individual who has been subjected to domestic or sexual violence.

Such leave may be for up to three (3) days in any twelve (12) month period and shall be used for the following purposes:

A. to seek protection against domestic violence or an injunction for protection in cases of repeat violence, dating violence, or sexual violence;

B. to obtain medical care and/or mental health counseling for the employee or a family or household member to address physical or psychological injuries resulting from domestic or sexual violence;

C. to obtain services from a victim-services organization, including, but not limited to, a domestic violence shelter or program or a rape crisis center as a result of the act of domestic or sexual violence;

D. to secure their home from the perpetrator of domestic or sexual violence or to seek new housing to escape the perpetrator;

E. to seek legal assistance in addressing issues arising from the act of domestic or sexual violence or to attend and prepare for court-related proceedings arising from the act of domestic or sexual violence.

The leave shall be granted without pay and is subject to the following conditions:

A. Except in cases of imminent danger to the health or safety of the employee or to the health and safety of a family or household member, the employee seeking the leave must provide appropriate advance notice along with sufficient

documentation of the act of domestic or sexual violence as required by the administrative procedures implementing this policy.

B. The employee shall not be required to have exhausted all annual or vacation leave, personal leave, and sick leave prior to utilizing this leave.

C. Pursuant to Florida statutes, the Board shall keep information concerning leave for domestic or sexual violence confidential and exempt from disclosure.

D. The Board may not discharge, demote, suspend, retaliate, or in any other manner discriminate against an employee for exercising his/her rights under the provisions of this policy. However, this does not limit the Board's right to discipline or terminate any employee for any reason, including, but not limited to, reductions in the work force or termination for cause.

F.S. 741.28, 741.313

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Bylaws & Policies

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4440 - JOB-RELATED EXPENSES

The School Board will provide for the payment of the actual and necessary expenses, including traveling expenses, of any support staff member of the district incurred in the course of performing services for the District, whether within or outside the District, under the direction of the Board and in accordance with the Superintendent's administrative procedures.

The validity of payments for job-related expenses shall be determined by the supervisor. Pre-approval for estimated travel expenses by the Deputy Superintendent is required.

The Board shall pay the expenses of support staff members when they attend meetings with prior approval in accordance with the policy of this Board and in accordance with the administrative procedures of the Superintendent.

Staff members will not be reimbursed for expenses, other than mileage, without receipts.

Support staff members are expected to exercise the same care incurring travel expenses that a prudent person would exercise if traveling on personal business and expending personal funds. Unauthorized costs and additional expenses incurred for personal preference or convenience will not be reimbursed.

Unauthorized expenses include but are not limited to alcohol, movies, supplemental insurance on rental cars, fines for traffic violations, and the entertainment/meals/lodging of spouses or guests.

This policy does not address every issue, exception, or contingency that may arise in the course of travel.

F.S. 112.061

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4470 - GRIEVANCE PROCEDURE

Support staff shall have access to a grievance procedure as authorized by the Superintendent and described in AP 4470 - Non-Bargaining Unit Personnel Grievance Procedure.

F.A.C. Chapter 6A-19
34 C.F.R. 104.7

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4531 - UNAUTHORIZED WORK STOPPAGE

The School Board is obligated and committed to provide certain basic services to students participating in District programs. Therefore, if the schools are open and the students are in attendance, those basic services will be provided.

Recognizing the fact that a District, for various reasons, could experience an unauthorized work stoppage, the Board remains committed to providing educational and related services to the schools and will fulfill its obligations to operate the schools when possible.

Support staff members who fail to perform their normal duties when so required as part of a concerted unauthorized work stoppage will be subject to loss of pay and fringe benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the laws of the State.

F.S. 447.505, 447.507

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4590 - PERSONNEL FILE

It is necessary for the orderly operation of the School District to prepare a personal information system for the retention of appropriate files bearing upon an employee's duties and responsibilities to the District and the District's responsibilities to the employee.

The School Board requires that sufficient records exist to determine an employee's qualifications for the job held, compliance with Federal, State, and local benefit programs, conformance with District rules, and evidence of completed evaluations. Such records will be kept in compliance with the laws of the State of Florida.

The term personnel file as used in this section shall mean all records, information, data, or materials maintained by a public school system, in any form or retrieval system whatsoever, with respect to any of its instructional staff, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

Only that information which pertains to the professional role of the employee and submitted by duly authorized school administrative personnel and the Board may be entered in the official record file.

A copy of each such entry shall be given to the employee by certified mail or personal delivery. The employee's signature on a copy of the materials to be filed shall be proof that such materials were given to the employee, with the understanding that such signature merely signifies receipt and does not necessarily indicate agreement with its contents.

The employee shall have access to his/her file upon request.

The related procedures manual is entitled Personnel File Procedures.

F.S. 119.011, 1012.31

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4600 - JOB DESCRIPTIONS

The School Board shall act upon written recommendations submitted by the Superintendent for positions to be filled and for the minimum qualifications for these positions. Once a position has been established it is essential for each support staff member employed in the position to be fully aware of the duties and responsibilities for that position. Job descriptions document and describe the prescribed qualifications for and essential functions of each support staff position and thereby promote organization, effectiveness, and efficiency. The Superintendent is authorized to establish and maintain job descriptions which shall include the prescribed qualifications, as well as skills, knowledge and abilities, essential functions, and physical requirements for each support position.

Job descriptions shall be defined as procedures of the Superintendent.

Support staff shall be evaluated, at least in part, against their job description.

Job descriptions shall be brief, factual, and descriptive of the positions designated by the Board.

During the hiring process, the current job description for the position for which the candidate is interviewing shall be reviewed with the candidate. The emphasis during the review shall be placed upon the essential functions of the positions.

During the revision of a job description, the Superintendent may seek input from individuals who hold that position; however, their input may or may not be reflected when the revision of said job description is completed.

Following the revision of a job description, support staff members who hold the positions for which the essential functions are described in that revised job description shall be provided access to the updated version and the opportunity to discuss the revisions therein with their immediate supervisor.

F.S. 1012.23, 1012.27

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5111.01 - HOMELESS STUDENTS

For purposes of this policy, pursuant to Federal and State law, homeless children and youth are defined as individuals who lack a fixed, regular, and adequate nighttime residence, and include those who meet any of the following criteria:

A. share the housing of other persons due to loss of housing, economic hardship, or similar reason;

B. live in motels, hotels, trailer parks, or camping grounds due to a lack of alternative adequate accommodations;

C. live in emergency or transitional shelters;

D. are abandoned in hospitals or awaiting for foster care placement;

E. have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; or

F. live in a car, park, public space, abandoned building, substandard housing, bus or train station, or similar setting.

Additionally, pursuant to Federal and State law, children or youth who are experiencing homelessness also include migratory children who are living in circumstances described in A-F above.

It is the policy of the School Board that homeless students are afforded the same free appropriate public education as provided to other students and have access to the educational and other services that they need so that they have the opportunity to meet the same challenging Florida academic achievement standards to which all students are held. Homeless preschool-aged children and their families shall have access to the educational services for which they are eligible, including preschool programs administered by the School District.

Homeless students will not be stigmatized or segregated on the basis of their status as homeless. The District shall establish safeguards that protect homeless students from discrimination on the basis of their homelessness.

The District shall remove barriers to the enrollment and retention of homeless students in schools in the District. Homeless students shall be enrolled immediately, even if they do not have the necessary enrollment documentation such as immunization and health records, proof of residency or guardianship, birth certificate, school records, and other documentation.

Further, the Homeless Liaison will assist, to the extent feasible, the homeless students and their parent(s)/guardian(s) or unaccompanied homeless students in their efforts to provide documentation to meet State and local requirements for entry into school. No Board policy, administrative procedure, or practice will be interpreted or applied in such a way as to inhibit the enrollment, attendance, or school success of homeless children.

The District will keep homeless students in the school of origin, that is, the school that the child or youth attended when permanently housed or last enrolled, or will be assigned to the school serving the grade in which the student will be placed in the attendance zone where the child or youth currently resides.

Homeless students will be provided services comparable to other students in the District including:

A. transportation services;

B. educational services for which the homeless student meets eligibility criteria including services provided under Title I, Part A of the Elementary and Secondary Education Act or similar State and local programs, educational programs for children with disabilities and gifted students, and educational programs for students with limited English proficiency;

C. programs in vocational and technical education;

D. school nutrition programs;

E. before- and after-school programs;

F. medical assistance (immunizations);

G. educational school supplies and materials; and

H. assistance in obtaining birth certificates.

The Board recognizes that homeless students have the right to remain in their school of origin and the right to dispute their school assignment, if their assignment is other than their school of origin. The Board requires that these rights and the dispute process be communicated to the parent or guardian of the homeless student or unaccompanied youth. According to the child's or youth's best interest, a homeless student will either remain in the school of origin for the duration of homelessness, or be enrolled in the school in the attendance zone where the student currently resides. The school of origin is the school that student attended when permanently housed or last enrolled.

In determining the best interest of the student, the District shall, to the extent feasible, keep the student in the school of origin, except when doing so is contrary to the wishes of the homeless student's parent/guardian or the unaccompanied youth. If the student is sent to a school other than the school of origin or a school requested by the parent/guardian, a written explanation, including a statement regarding the right to appeal, will be provided to the homeless student's parent/guardian or the unaccompanied youth. Each school in the District shall post public notice of educational rights of children and youth experiencing homelessness.

At the request of the parent/guardian, or in the case of an unaccompanied youth, or the local Homeless Liaison, transportation shall be provided for a homeless student to and from the school of origin as follows:

A. If the homeless student continues to live in the School District in which the school of origin is located, transportation will be provided.

B. If the homeless student moves to an area served by another district, though continuing his/her education at the school of origin, the district of origin and the district in which the student resides must agree upon a method to apportion responsibility and costs for transportation to the school of origin. If the districts cannot agree upon such a method, the responsibility and costs must be shared equally.

The Superintendent will appoint a Liaison for Homeless Children who will perform the duties as required by law, as well as additional duties that may be assigned by the Superintendent. Additionally, the Liaison will coordinate and collaborate with the State Coordinator for the Education of Homeless Children and Youth as well as with community and school personnel responsible for the provision of education and related services to homeless children and youth.

42 U.S.C. 11431 et seq.

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5111.02 - EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

Children of an active duty member of the United States armed services shall be entitled to all of the rights and protections afforded under the Interstate Compact on Educational Opportunity for Military Children (Compact).

The intent of this policy is to minimize the potential challenges to educational success for children of military families because of frequent moves and deployment of their parents by:

A. facilitating the timely enrollment and placement of children of military families in educational and other school programs and activities;

B. facilitating the on-time graduation of children of military families; and

C. providing for the uniform collection and sharing of information between and among schools and military families.

The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.

The guidelines shall apply to children of military families within the state as well as between member states.

Interstate Compact on Educational Opportunity for Military Children
F. S. 1000.36

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5112 - ENTRANCE REQUIREMENTS

The School Board shall establish entrance age requirements for students which are consistent with statute and sound educational practice and which ensure the equitable treatment of all eligible children.

Pursuant to State law, all children who have attained the age of six (6) years or who will have attained the age of six (6) years by February 1st of any school year or who are older than six (6) years of age but who have not attained the age of sixteen (16) years, except as otherwise provided in Florida statute, are required to attend school regularly during the entire school term. Further, all children enrolling in a District school shall meet the immunization requirements set forth in F.S. 1003.22, as well as provide evidence of a physical exam as required by State law.

Kindergarten

Children entering kindergarten in this District for the first time must comply with F.S. 1003.21 regarding entry age. A child must be five (5) years old on or before September 1st, in order to meet the Florida age requirement for kindergarten. A child under age six (6) who is enrolled in kindergarten will be considered of compulsory school age.

First Grade

Children entering first grade in this District for the first time must comply with F.S. 1003.21. Any child who has attained the age of six (6) years on or before September 1st of the school year and who has been enrolled in a public school or who has attained the age of six (6) years on or before September 1st and has satisfactorily completed the requirements for kindergarten in a non-public school, or who otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades, shall progress according to the District's student progression plan.

Students transferring to first grade from a kindergarten program other than the one offered by the District will need written verification of satisfactory completion of kindergarten from the public or non-public school attended. Home education is not an option. Verification forms are available at each elementary school.

Initial Entry

A. Children entering the District for the first time must comply with F.S. 1003.21 and with the District's S*tudent Progression Plan*. Students must have an immunization record on file at the school. Any student who does not have the proper immunization shall be temporarily excluded from attendance until compliance has been documented.

B. Upon a child's initial entry to a District school, the principal shall require evidence of a physical examination performed within one (1) year prior to the date of entry. An appointment for a physical examination by a county health officer, licensed physician, or chiropractor may be accepted provided the principal is given evidence of the physical examination within one (1) week of such examination. Students transferring into the District from a school within the State of Florida who have completed physical examination form as part of their school record need not be re-examined. Examinations taken out-of-state may be accepted if performed within one (1) year of entry and include documentation and reported on the official forms of the physician.

C. A child may be exempt from the required physical examination and/or immunization upon written request of the parent or guardian of such child stating objection to examination and/or immunization on religious grounds or for medical reasons certified by a competent medical authority.

Verification of Residence

Verification of a parent or guardian's residence shall be required at the time the child registers in a District school. Verification of residence may also be required at any other time at the discretion of the Superintendent or designee.

Notification of in Loco Parentis

In cases in which a student is temporarily not residing with his/her parents or legal guardian for a short period of time, the parent or legal guardian of the student shall designate in writing that adult person with whom the student resides who stands in loco parentis to the student in order for him/her to be admitted or continue in school. This statement shall be notarized and presented to the principal.

F.S. 1003.01, 1003.21, 1003.22
F.A.C. 6A-1.098, 6A-1.0985

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5113 - SCHOOL OF CHOICE OPTIONS PROVIDED BY THE NO CHILD LEFT BEHIND ACT

The School Board acknowledges that the Federal No Child Left Behind Act of 2001 ("NCLBA") provides that the parents of students enrolled in a Title I school that has been listed for "School Improvement" for two (2) or more years, have the right to transfer their children to another school in the District, provided there is a school that provides instruction at the student's grade level(s) and such school has not been identified as being in the process of school improvement, corrective action, or restructuring. If there is not another school in the District offering instruction at the student's grade level(s) that has not been identified as needing improvement, the Superintendent shall contact the neighboring counties and request that they permit students to transfer to a school in one (1) of those counties. The Superintendent shall also offer Supplemental Educational Services (SES) if a transfer within the District is not possible.

Additionally, students attending a "persistently dangerous" school, as defined by State law, have the right to transfer to another "safe" school in the District. If there is not another "safe" school in the District providing instruction at the student's grade level(s), the Superintendent shall contact neighboring counties and request that they permit students to transfer to a school in one (1) of those counties.

Furthermore, a student who is a victim of a "violent crime" on school property also has the right to transfer to another school. If there is not another school in the District providing instruction at the student's grade level, the Superintendent shall contact neighboring counties and request that they permit that student to transfer to a school in one (1) of those counties providing instruction at the student's grade level.

The Superintendent shall develop, and revise as necessary, administrative procedures necessary to implement this policy. Furthermore, the Board authorizes such transfers in accordance with the administrative procedures.

Children who transfer in accordance with this policy will be permitted to remain at the school of transfer until completing the highest grade at the school.

P.L. 107-110
F.S. 1002.20, 1002.38

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5114 - FOREIGN STUDENTS

The School Board recognizes the positive cultural benefits to the students, staff, and the community in meeting students from other countries and in having foreign students as members of the student body of this District.

Foreign exchange students (J1s) may be enrolled on a space available, principal approval basis. A tuition fee is not required.

The Superintendent shall prepare administrative procedures to ensure that these programs function effectively.

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Replaced with GCSB Policies 5.20 and 5.23

5120 - ASSIGNMENT WITHIN DISTRICT

The School Board shall establish residential attendance zones for each school. All students, unless otherwise provided by Board rule or authorized by the Board's order, shall attend the school serving the student's residential attendance zone. A student's residence is the residence of his/her parent(s), as defined by Florida statutes.

The Superintendent shall periodically review existing attendance areas and recommend to the Board such changes as may be justified.

No student shall be permitted to transfer, enroll, or be admitted to a school when s/he has been expelled from another school district. This prohibition shall be effective for the period of time in which the student was expelled from another district. Such student shall be accorded the same appeals procedures that is available to District students.

No assignment to schools or attendance schedules shall discriminate against students on the basis of gender, race, religion, disability, or national origin.

The parent of siblings who are assigned to the same grade level and school may request that the school place the siblings in the same classroom or in separate classrooms. This request must be made no later than five (5) days before the first day of school each school year or five (5) days after the first day of attendance of the students if the students are enrolled in school after the school year commences. The school is not required to meet the request if there is factual evidence indicating a specific placement is better for the student than that requested by the parent.

The Principal shall assign students in his/her school to appropriate grades, classes, or groups. This action shall be based on consideration of the needs of the student as well as the administration of the school.

Request For Out-Of-Area Assignment

A student may be permitted to attend a school other than the school serving the parents' residential area by completing a Request for Out-of-Zone Assignment Form and submitting the form for the approval or disapproval of the Principal.

Request for Out-of-District Assignment

Any student whose legal residence is outside the boundaries of the county may not be enrolled in any District school without the recommendation of the Superintendent and the approval of the Board, except under the provisions of Florida statutes.

No student shall be permitted to cross District lines for the purpose of attending school in the School District or outside the School District, except under a written agreement as provided in Florida statutes. Any such agreement between the Board and any other Florida school district shall be duly recorded in the official Board minutes. Such transfers shall be on a nondiscriminatory basis and shall not result in reducing desegregation in either school district or in reinforcing the dual school system.

A. The assigned school for an out-of-district student shall be designated on the basis of space available. Such assignment shall not occur after the February FTE (full-time equivalency) count, except under the provisions of the contract with another district school system or upon recommendation of the Superintendent and approval of the Board.

B. The Board shall specify conditions for admitting students from other Florida school districts.

Any student(s), who has been attending a school that has been designated with a grade of "D" or "F" failing to make adequate progress for two (2) school years in a four (4) year period, may choose to attend a higher performing school in the District or an adjoining district consistent with Florida statutes and State Board of Education rule.

Pursuant to Policy 5111.01 - Homeless Students, any child in Gadsden County whose primary nighttime residence is in a supervised publicly or privately operated shelter for temporary accommodations, or in a public or private place not designated for, or ordinarily used for, continuing human habitation, shall be entitled to enrollment in the District.

F.S. 1000.05, 1000.21, 1001.41, 1001.42, 1001.43, 1001.51, 1002.20, 1002.31
F.S. 1002.38, 1003.06

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5130 - WITHDRAWAL FROM SCHOOL

The School Board affirms that, while statute requires attendance of each student from six (6) years of age, or five (5) years of age if enrolled in kindergarten, and not formally withdrawn, until eighteen (18) years of age, it is in the best interests of both students and the community that they complete the educational program that will equip them with skills and increase their chances for a successful and fulfilling life beyond the schools. A child enrolled in kindergarten is deemed to be of compulsory school age unless the child's parent or guardian, at the parent or guardian's discretion and in consultation with the child's teacher and principal, formally withdraws the child from kindergarten.

The Board directs that whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the resources of the District should be used to assist the student in reaching his/her career goals. Prior to withdrawal of the student, an exit interview shall be provided and a Department of Education survey completed to determine reasons for withdrawal and actions that could be taken to keep the student in school. The student must be informed of opportunities to continue his/her education. In addition, the student must complete a survey in a format prescribed by the Department of Education to provide data on student reasons for terminating enrollment and actions taken by the District to keep students enrolled. No student under the age of eighteen (18) will be permitted to withdraw without the written consent of a parent and in compliance with State law.

Whenever a student under the age of eighteen (18), withdraws from school without moving out of State, transferring to another approved school, being granted an age and schooling certificate, or enrolling in and attending an approved program, the Superintendent shall notify the Registrar of Motor Vehicles and the Judge of the Juvenile Court.

Such notification is to be given within two (2) weeks after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

When a student withdraws from school, the Principal shall make available the following:

A. make counseling services for any student who wishes to withdraw;

B. assistance with helping the student define his/her own educational life goals and help plan the realization of those goals;

C. information regarding alternative programs;

D. Information regarding the student's right to return prior to their twenty-second (22nd) birthday;

E. a time to return of all District-owned supplies and equipment in the possession of the student.

In accordance with Policy 5610 - Suspension and Expulsion of Students, the Superintendent shall initiate expulsion proceedings against a student who has committed an act that warrants expulsion under Board policy even if the student withdraws from school prior to the hearing or decision to impose the expulsion. Any resulting expulsion shall be imposed for the same duration it would have been had the student remained enrolled.

F.S. 1002.20, 1003.21

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5136 - WIRELESS COMMUNICATION DEVICES

The School Board is aware that wireless communication devices (WCDs) are used by students and parents to communicate with each other. However, the use of wireless communication devices (WCDs) on school grounds must be appropriately regulated to protect students, staff, and the learning environment. This policy sets forth the District's policy with respect to WCDs.

Students may possess wireless communication devices (WCDs) in school, on school property, during after school activities (e.g. extra-curricular activities) and at school-related functions, provided that during school hours and on school vehicles the WCDs are powered completely off (i.e., not just placed into vibrate or silent mode) and concealed and secured in lockers or vehicles and stored out of sight.

A "wireless communication device" is a device that emits an audible signal, vibrates, displays a message, or otherwise summons or delivers a communication to the possessor. The following devices are examples of WCDs: cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), BlackBerries/Smartphones, WiFi-enabled or broadband access devices, two-way radios or video broadcasting devices, laptops, and other devices that allow a person to record and/or transmit, on either a real time or delayed basis, sound, video or still images, text, or other information. Students may not use WCDs on school property or at a school-sponsored activity to access and/or view Internet web sites that are otherwise blocked to students at school.

Also, during after school activities when directed by the administrator or sponsor, WCDs shall be powered completely off (not just placed into vibrate or silent mode) and stored out of sight.

The requirement that WCDs must be powered completely off will not apply in the following circumstances when the student obtains prior approval from the building principal:

A. The student is a member of a volunteer fire company/department, ambulance or rescue squad.

B. The student has a special health circumstance (e.g. an ill family member, or his/her own special health condition).

The student is using the WCD for an educational or instructional purpose (e.g. taking notes, recording a class lecture, writing papers) with the teacher's permission and supervision. However, the use of any communication functionality of the WCD is expressly prohibited. This includes, but is not limited to, wireless Internet access, peer-to-peer (ad-hoc) networking, or any other method of communication with other devices or networks. In no circumstances shall the device be allowed to connect to the District's network. The preceding prohibitions do not apply to Board-owned and issued laptops, PDAs or authorized assistive technology devices.

Students are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e., pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit, written consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal. Students who violate this provision and/or use a WCD to violate the privacy rights of another person may have their WCD confiscated and held until the parent is contacted and picks up the device from the school.

"Sexting" is prohibited at any time on school property or at school functions. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity. Such conduct not only is potentially dangerous for the involved students, but can lead to unwanted exposure of the messages and images to others, and could result in criminal violations related to the transmission or

possession of child pornography. Such conduct will be subject to discipline and possible confiscation of the WCD.

The use of WCDs that contain built-in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms and/or bathrooms and other areas where there is an expectation of privacy.

No expectation of confidentiality will exist in the use of WCDs on school premises/property.

Students are prohibited from using a WCD in any way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated. See Policy 5517.01 – Bullying and Harassment. In particular, students are prohibited from using their WCDs to: (1) transmit material that is threatening, obscene, disruptive, or sexually explicit or that can be construed as harassment or disparagement of others based upon their race, national origin, sex, sexual orientation, age, disability, religion, or political beliefs; and (2) send, share, view or possess pictures, text messages, e-mails or other materials of a sexual nature (i.e., sexting) in electronic or any other form. As set forth in State law, sexting is the knowing transmission or distribution to another minor by a computer or similar device any photograph or video of any person that depicts nudity and is harmful to minors. Sexting also includes possessing a photo of any person that was transmitted or distributed by another minor that depicts nudity and is harmful to minors. Violation of these prohibitions shall result in disciplinary action. Furthermore, such actions will be reported to local law enforcement and child services as required by law.

Students are also prohibited from using a WCD to capture and/or transmit test information or any other information in a manner constituting fraud, theft, cheating, or academic dishonesty. Likewise, students are prohibited from using their WCDs to receive such information.

Possession of a WCD by a student is a privilege that may be forfeited by any student who fails to abide by the terms of this policy, or otherwise engages in misuse of this privilege.

Violations of this policy may result in disciplinary action and/or confiscation of the WCD. The building principal may also refer the matter to law enforcement if the violation involves an illegal activity (e.g. child pornography). Discipline will be imposed on an escalating scale ranging from a warning to an expulsion based on the number of previous violations and/or the nature of or circumstances surrounding a particular violation. If the WCD is confiscated, it will be released/returned to the student's parent/guardian after the student complies with any other disciplinary consequences that are imposed. In particular egregious offenses involving the invasion of another person's privacy, the Board reserves the right to confiscate the WCD and hold it. A confiscated device will be marked in a removable manner with the student's name and held in a secure location in the building's central office until it is retrieved by the parent/guardian. WCDs in District custody will not be searched or otherwise tampered with unless school officials reasonably suspect that the search is required to discover evidence of a violation of the law or other school rules. Any search will be conducted in accordance with Policy 5771 – Search and Seizure. If multiple offenses occur, a student may lose his/her privilege to bring a WCD to school for a designated length of time or on a permanent basis.

A person who discovers a student in possession of or using a WCD in violation of this policy is required to report the violation to the building principal.

Students are personally and solely responsible for the care and security of their WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

Parents/Guardians are advised that the best way to get in touch with their child during the school day is by calling the school office.

Students may use school phones to contact parents/guardians. Students may use their WCDs after the school day has ended.

F.S. 847.0141, 1006.07(2)

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5200 - ATTENDANCE

The educational program offered by this District is predicated upon the presence of the student and requires continuity of instruction and classroom participation. Attendance shall be required of all students enrolled in the schools during the days and hours that the school is in session. School attendance shall be the responsibility of parents and students. Absences shall be reported to the school attendance office by the parent or adult student as soon as practicable.

In accordance with statute, the Superintendent shall require, from the parent of each student of compulsory school age or from an adult student who has been absent from school or from class for any reason, a statement of the cause for such absence. The School Board reserves the right to verify such statements and to investigate the cause of each single absence.

In addition, educators shall have the responsibility of encouraging regular attendance of students, maintaining accurate attendance records, and following reporting procedures prescribed by the Superintendent.

Provision shall be made for promoting school attendance through adjustment of personal problems, education of parents, and enforcement of the compulsory attendance laws and related child-welfare legislation. Accordingly:

A. teachers shall record absentees each period of the school day and report those absences;

B. parents should be notified each time their child is absent insofar as possible;

C. when a student has been absent three (3) consecutive days and the school has been unable to ascertain the reason for the absences, the absences shall be investigated or at any other time if deemed necessary by the school principal.

D. absences must be reported to the school by the parent or adult student as soon as practicable. Failure to report and explain the absence(s) shall result in unexcused absence(s). The final authority for determining acceptability of the reason for the absence(s) shall rest with the principal.

School-Based Intervention Procedures for Truant Students

The Board requires that the following school-based intervention procedures be adhered to for truant students:

A. After three (3) days of unexcused absences, within a ninety (90) day period, a parent/guardian/student contact/conference is conducted by teacher/school designee.

B. After five (5) days of unexcused absences, within a ninety (90) day period, a referral is made to the principal to send a certified letter to parents/guardians and possibly to convene a student study team. NOTE: Student study team is to convene when a student misses five (5) unexcused absences within thirty (30) calendar days, or when a student misses ten (10) days within ninety (90) calendar days.

C. After ten (10) days of unexcused absences within a ninety (90) day period, the student is referred to the visiting teacher.

D. After fifteen (15) unexcused absences within a ninety (90) day period, the student is considered "habitually truant,"

pursuant to F.S. 1003.27(b).

The Florida Legislature enacted requirements that school districts report to the Department of Highway Safety and Motor Vehicles (DHSMV) the names, birthdates, sex, and social security numbers of minors who attain the age of fourteen (14) and accumulate fifteen (15) unexcused absences in a period of ninety (90) calendar days. The legislation further provides that those minors under age eighteen (18) who thus fail to satisfy attendance requirements or drop out of (voluntarily withdraw from) school will be ineligible for driving privilege. Additional information about procedures and waivers is available from the school administration or guidance office.

Chronic truancy or deliberate nonattendance in excess of fifteen (15) school days within a semester shall be sufficient grounds for withdrawal of students sixteen (16) years of age or older, who are subject to compulsory school attendance under F.S. 1003.21.

Excused Absence

If the absences are excused, all educational requirements for the course shall be met before a passing grade and/or credit is assigned. The student shall have a reasonable amount of time, up to ten (10) school days, to complete make-up work for excused absences. Principals may grant extensions to the make-up time limit for extenuating circumstances. Regarding make-up of the work missed as a result of unexcused absences, each principal shall establish site-specific policies that encourage both regular attendance and high academic achievement, and shall review and modify these policies from time-to-time as required to maintain and improve their effectiveness.

The Board considers the following factors to be reasonable excuses for time missed at school:

A. Personal illness of the student (medical evidence may be required by the principal or designee for absences exceeding five (5) consecutive days).

B. Court appearance of the student.

C. Medical appointment of the student.

D. An approved school activity (absences recorded but not reported).

E. Insurmountable problems. Prior permission by principal or designee is required except in the case of an emergency.

F. Other absences with prior approval of the Principal.

G. Attendance at a center under Children and Families Services supervision.

H. Significant community events with prior permission of the principal. When more than one (1) school is involved, the Area Superintendent will determine the status of the absence.

I. Religious holiday (See Policy 5225).

J. Death in the immediate family.

Absences not included in excused absences listed above shall be unexcused.

Pursuant to State law unexcused tardiness or absences shall not be grounds for suspension from school, but may result in other disciplinary consequences, such as detention or placement in existing alternative programs.

Any student who fails to attend any regularly scheduled class and has no excuse for absence should be referred to the appropriate administrator. Disciplinary action should include notification to parents or guardians.

The Superintendent shall develop administrative procedures that:

A. provide the student and his/her parents with the opportunity to challenge the attendance record prior to notification

and that such notification complies with applicable Board rules;

B. govern the keeping of attendance records in accordance with the rules of the State Board;

C. identify the habitual truant, investigate the cause(s) of his/her behavior, and consider modification of his/her educational program to meet particular needs and interests;

D. require that students whose absence has been excused have an opportunity to make up work they missed and receive credit for the work, if completed;

E. require that any student who, due to a specifically identifiable physical or mental impairment, exceeds or may exceed the District's limit on excused absence, is referred for evaluation for eligibility either under the Individuals with Disabilities Education Act (IDEA) or Section 504 of the Rehabilitation Act of 1973 or other appropriate accommodation.

Such regulations should provide that a student's grade in any course is based on his/her performance in the instructional setting and is not reduced for reasons of conduct. If a student violates the attendance or other rules of the school, s/he should be disciplined appropriately for the misconduct, but his/her grades should be based upon what the student can demonstrate s/he has learned.

Whenever any student has a total of fifteen (15) days of unexcused absence from school during any semester, s/he will be considered habitually absent. The Board authorizes the Superintendent to inform the student and his/her parents of the record of excessive absences as well as the District's intent to notify the Registrar of Motor Vehicles, if appropriate, and the Judge of the Juvenile Court of the student's excessive absences.

Students may not be given excused absences to remain out of school for the purpose of working, unless the job is an integral part of the student's instructional program.

F.S. 1002.20, 1003.21, 1003.24, 1003.26, 1003.27, 1006.09

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5215 - MISSING AND ABSENT CHILDREN

It is the interest of this School Board to cooperate with local, State, and National efforts to decrease the number of missing children.

The Superintendent is instructed to establish administrative procedures to provide for admittance of a student lacking records into the school followed by notification of the police rather than refusing entrance and notification of authorities. Such a procedure may reduce the risk of removal of the student from the area.

F.S. 937.025

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5223 - ABSENCES FOR RELIGIOUS INSTRUCTION

It is the policy of the School Board to cooperate with those parents who wish to provide for religious instruction for their children but also recognizes its responsibility to enforce the attendance requirements set forth in the State-mandated Student Progression Plan.

Upon receipt of a signed, written request (Form 5223 F1) from the parent/guardian or adult student, the Board will grant permission and allow exceptions to the student's attendance at school for religious instruction outside the school building by a religious group, church, or denomination. The signed, written request shall include the following:

A. a statement attesting that the religious instruction is not provided at a time that does not conflict with the student's attendance at school

B. a statement of acceptance by the parent/guardian or adult student for any liability that might arise as a result of the student's conduct while on this release

C. a statement indemnifying and holding harmless the District and District personnel for any liability arising from conduct by the student that does not occur on property under the District's control

Upon receipt of the signed, written request and provided the religious group, church, or denomination responsible for the religious instruction submits evidence, in writing, of the student's registration for religious instruction, as well as written weekly records documenting the student's attendance at such instruction for each day of release, the student shall be considered to have an excused absence during such release for religious instruction.

Prior to approving the request, the principal shall confirm that the student is enrolled in sufficient courses to allow for promotion or graduation and that the student's grades are adequate for promotion or graduation.

The principal may terminate the student's permission for non-attendance. The parent/guardian or adult student may appeal the principal's decisions to terminate permission for the student to be released for religious instruction to the Superintendent.

The religious instruction shall be the responsibility of the religious group, church, or denomination and transportation shall be the responsibility of the parent/guardian, adult student, or the religious institution.

No solicitation for attendance at religious instruction shall be permitted on District premises. No staff member shall encourage or discourage participation in any religious instructional program.

F.S. 1003.21
F.A.C. 6A-1.09514

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5225 - ABSENCES FOR RELIGIOUS HOLIDAYS

It is the policy of the School Board that absences from school for observance of a religious holiday or because the tenets of a student's religion forbid secular activity during a school day or portion thereof shall be excused subject to compliance with this policy.

The following religious holidays for which student absence will be excused:

A. In August

1. Fast in Honor of the Holy Mother of Lord Jesus
2. Lammas
3. Raksha Bandhan
4. Transfiguration of the Lord
5. Krishna Janmashtami
6. Laylat as-Qadr
7. Dormition of the Theotokos
8. Feast of the Assumption of the Blessed Virgin Mary
9. Eid al Fitr

B. In September

1. Ecclesiastical Year
2. His Holiness Sakya Trizin's Birthday
3. Nativity of Mary
4. The Elevation of the Holy Cross
5. Feast of Trumpets
6. Rosh Hashanah

7. Ganesha Chaturthi
8. Nativity of the Theotokos
9. Mabon
10. Yom Kippur
11. Day of Atonement

C. In October

1. Sukkot
2. Feast of Tabernacles
3. Shemini Atzeret
4. Last Great Day
5. Simchat Torah
6. Navaratri
7. Birth of B'ab
8. Installation of the Scriptures of Guru Granth
9. Hajj Day
10. Duserra
11. Eid al Adha

D. In November

1. All Saints' Day
2. Samhain-Beltane
3. All Souls' Day
4. Birth of Baha'u'llah
5. Diwali [Deepavali]
6. Al Hijra - 1st Muharram
7. Advent/Nativity Fast
8. The Presentation of the Theotokos to the Temple
9. Guru Tegh Bahadur Martyrdom

10. Day of Covenant
11. Guru Nanak Dev Sahib Birthday
12. Ascension of 'Abdu'l Baha

E. In December

1. First Sunday of Advent
2. Bodhi Day
3. Immaculate Conception
4. Hanukkah
5. Yule
6. Christmas
7. The Nativity of Christ
8. Zarathosht Diso

F. In January

1. Gantan-sai
2. Birthday of Guru Gobind Singh Sahib
3. Epiphany
4. Feast of Theophany
5. Nativity of Christ
6. Feast of Epiphany
7. Feast of the Nativity
8. Maghi
9. Makar Sankranti
10. World Religion Day
11. Mawlid an Nabi
12. Tu B'shvat

G. In February

1. The Presentation of Our Lord to the Temple
2. Imbolic-Candlemas
3. Chinese New Year
4. Shrove Tuesday
5. Ash Wednesday
6. Nirvana Day
7. Vasant Panchami
8. Purim
9. Intercalary Days

H. In March

1. Maha Shivaratri
2. L. Ron Hubbard's Birthday
3. Clean Monday
4. Ostara
5. Narouz
6. Naw Ruz
7. The Annunciation/The Annunciation of the Virgin Mary
8. Passover
9. Khordad Sal
10. First Day of Unleavened Bread
11. Days of Unleavened Bread
12. Pesach
13. Lord's Evening Meal
14. Holy Thursday
15. Hola Mohalla
16. Good Friday

17. Easter

I. In April

1. Last Day of Unleavened Bread
2. Easter Monday
3. Chandramana Yugadi
4. Baisakhi
5. Souramana Yugadi
6. Yom Ha'Azmaut
7. Rami Navami
8. First Day of Ridvan
9. Lazarus Saturday
10. Palm Sunday
11. Hanuman Jayanti
12. The 11th Panchen Lama's Birthday
13. Mahavir Jayanti
14. Theravadin New Year
15. Holi
16. Lag B'Omer
17. Ninth Day of Ridvan

J. In May

1. Beltane
2. Twelfth Day of Ridvan
3. Holy Friday
4. Pascha
5. Shavuot
6. Buddha's Birthday

7. Pentecost

8. Declaration of the Bab

9. Buddha Day - Visakha Puja

10. Ascension of Baha'u'llah

K. In June

1. Lailat al Miraj

2. Ascension of Our Lord

3. Martyrdom of Guru Arjan Dev Sahib

4. Litha

5. Pentecost

L. In July

1. Martyrdom of the Bab

2. Asalha Puja Day

3. Lailat al Bara'ah

4. Ulambana/Oban

5. Ramadan

6. Tisha B'Av

Periodically, the Superintendent shall consult with religious institutions and leaders in the community with regard to modification of the above list of religious holidays. The Board, however, is not bound by the information provided to the Superintendent by religious institutions and leaders.

The Superintendent shall establish procedures and time limits to be observed:

A. by students, teachers, and administrators in making available to each student, so excused, an opportunity to make up any examination, study, or work assignment which has been missed;

B. by a student's parent(s) or guardian when giving prior notice of the student's intended absence; and

C. when giving affected students and parents an opportunity to be heard in connection with the decision not to excuse an absence on a day or portion thereof which is not included in the above list of religious holidays.

F.S. 1003.21
F.A.C. 6A-1.09514

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5230 - LATE ARRIVAL AND EARLY DISMISSAL

It is necessary that a student be in attendance throughout the school day in order to benefit fully from the educational program of the District.

The School Board recognizes, however, that from time-to-time compelling circumstances require that a student be late to school or dismissed before the end of the school day.

As the agent responsible for the education of the children of this District, the Board shall require that the school be notified in advance of such absences by request of the student's parent, which shall state the reason for the tardiness or early dismissal. Justifiable reasons shall be determined by the principal.

No student shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than a school employee, a police officer with judicial authority, a court official, or the parents of the student unless the permission of the parent or guardian of record be first secured. Parents or guardians may have access to the student or may grant permission to allow the student to leave school prior to dismissal unless the school has been provided with evidence that there is a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary. The parent of primary residential custody shall determine in writing, the individual(s) the student may be released into the care of, unless otherwise stated in or by a court order.

No student shall be sent from school grounds to perform an errand or act as a messenger except with the approval of the principal and only for urgent and necessary school business and with the consent of the student's parents or guardians.

No student who has a medical disability that may be incapacitating may be released without a person to accompany him/her.

No student shall be released to anyone who is not authorized such custody by the parents.

F.S. 1001.43

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5310 - HEALTH SERVICES

The School Health Services Program shall be coordinated and cooperatively planned by the Superintendent and the local health department.

The Superintendent shall be responsible for the development and distribution of policies and procedures describing all aspects of the District's School Health Services Program. These shall include procedures for on-site management, aid to ill and injured students, and supervision and training of persons providing aid to ill and injured students.

The District and the Gadsden County Health Department shall jointly develop and implement a school health services plan approved by the School Board (School Health Services Act F.S. 381.0056). Further, the District and the local health department shall jointly facilitate the development of the School Health Advisory Committee that shall participate in the development of the school health services plan.

The principal, in cooperation with the Gadsden County Health Department, shall be responsible for the health and safety of students and for following the statutory requirements and District policies and procedures.

The principal shall annually notify the staff, students, and parents of the school's health services and provide for the training necessary to implement the program.

The principal shall have the responsibility of establishing and maintaining a school health room consistent with statutory requirements and District policies and procedures.

The District shall distribute annually to parents/guardians of all students the Emergency and Medical Information (EMI) Card. In the event emergency medical treatment for a student is necessary, the District shall adhere to the instructions on the EMI, which will be kept in a secure file at each school.

The District may provide or request parents to provide:

A. general physical examinations for athletics;

B. dental examinations;

C. tests for communicable disease;

D. vision and/or audiometric screening;

E. scoliosis tests.

If the School District chooses to provide nonemergency physical exams or screenings, the Board shall directly notify the parents of students, at least annually at the beginning of the school year, of the specific or approximate dates during the school year when any non-emergency, invasive physical examination or screening is scheduled or expected to be scheduled for students if examination or screening is: (1) required as a condition of attendance; (2) administered by the school and scheduled by the school in advance; and (3) not necessary to protect the immediate health and safety of a specific student, or other students.

The term "invasive physical examination" means any medical examination that involves the exposure of private body parts, or any act during such examination that includes incision, insertion, or injection into the body, but does not include a hearing, vision, or

scoliosis screening.

The Superintendent shall develop and update as needed administrative procedures to implement this policy.

Unless the physical examination or screening is permitted or required by an applicable State law, parents may refuse to allow the Board to administer a nonemergency, invasive physical examination or screening upon written notification to the Board within ten (10) school days after receipt of the Board's annual public notice.

20 U.S.C. 1232(h)
F.S. 381.0056

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5320 - IMMUNIZATION

In order to safeguard the school community from the spread of certain communicable diseases and in recognition that prevention is a means of combating the spread of disease, the School Board requires all students to be immunized against poliomyelitis, measles, diphtheria, rubella (German measles), pertussis, tetanus, mumps, Hepatitis B, varicella (chicken pox), and others legally designated in accordance with State statutes, unless specifically exempt for medical or other reasons. This policy pertains to both students who currently attend school in the District and those eligible to attend.

The Superintendent may exempt a student from being immunized against either or both measles and mumps if the student presents a signed statement from a parent or physician indicating s/he has had measles or mumps and does not need to be immunized. The student will be allowed to attend school only if a physician's statement indicates there is no danger of contagion. In case of an outbreak of the disease for which the student has not been immunized or an epidemic, the Superintendent shall not allow the student to attend school.

The Superintendent may also exempt a student from immunization if a physician certifies in writing that immunization from a particular disease is medically contraindicated.

The Board shall refuse admittance to any student entitled to admittance to prekindergarten, kindergarten, or any other initial entrance into grades 1 through 12 and shall temporarily exclude from attendance any current student who is not in compliance with immunization requirements, as documented by the presence of a certificate of immunization for the prevention of communicable diseases on a form approved by the Department of Health on file with the school, unless:

A. the parent of the child objects in writing that the administration of immunizations conflicts with his/her religious tenets; or

B. a physician licensed under the provisions of F.S. Chapter 458 or 459, certifies in writing on a form approved and provided by the Department of Health that the child should be permanently exempted from the required immunization for medical reasons; or that the child has received as many immunizations as are medically indicated at the time and is in the process of completing necessary immunizations; or

C. the Department of Health determines that, according to recognized standards of medical practice, any required immunization is unnecessary or hazardous; or

D. an authorized school official issues a temporary exemption for up to thirty (30) days to permit a student who transfer into the District to attend class until his/her records can be obtained; or

E. children or youth experiencing homelessness or are known to the Department of Children and Families, as defined in State law and as such, are required to be given a temporary exemption of thirty (30) days; or

F. the student is entering a juvenile justice program in the District and is issued an exemption for thirty (30) days until his/her records or the immunizations can be obtained; or

G. pursuant to the applicability provisions set forth in AP 5111.02 - Educational Opportunity for Military Children, children shall be provided thirty (30) days to obtain or provide proof of State required immunizations.

The certificate of immunization for the prevention of communicable diseases shall become part of the student's permanent record, to be transferred when the student transfers, is promoted, or changes schools.

The District shall provide to the local health department administrator annual reports of compliance with immunization requirements. When the presence of a communicable disease occurs in a school, those children identified as not being immunized against a disease for which an emergency has been declared by the local health department administrator shall be temporarily excluded from school by the Board until such time as is specified by the local health department administrator.

No member of the Board, or any of its employees, shall be liable for any injury caused by the administration of a vaccine to any student who is required to be so immunized.

F.S. 39.0016, 1003.22

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5330 - USE OF MEDICATIONS

The School Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication, nonprescribed drugs (over-the-counter/OTC) and/or medically-prescribed treatments to a student during school hours will be permitted only when failure to do so would jeopardize the health of the student, the student would not be able to attend school if the medication or treatment were not made available during school hours, or if the child is disabled and requires medication to benefit from his/her educational program.

For purposes of this policy, "medication" shall include all medicines including those prescribed by a physician and any nonprescribed (over-the-counter) drugs, preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures that require special training, such as catheterization.

Before any prescribed medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician accompanied by the written authorization of the parent. Before any nonprescribed/OTC medication or treatment may be administered, the Board shall require the prior written consent of the parent along with a waiver of any liability of the District for the administration of the medication. These documents shall be kept in the office of the Principal, and made available to the persons designated by this policy as authorized to administer medication or treatment. No student is allowed to provide or sell any type of over-the-counter medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention and of the Student Code of Conduct/Discipline Code.

Only medication in its original container; labeled with the date, if a prescription; the student's name; and exact dosage will be administered. The Superintendent shall determine a location in each building where the medications to be administered under this policy shall be stored, which shall be a locked storage place, unless the medications require refrigeration in which case they shall be stored in a refrigerator not commonly used by students. Parents or students authorized in writing by physician and parents, may administer medication or treatment but only in the presence of another adult.

For prescription medication or treatment that is to be self-administered by the student, the child's physician must authorize in writing, by completing the Authorization for Carrying Medication Form (Form 5330 F3), any self-medication/treatment to be administered by the student, and the Board shall require the prior written consent of the parent on the Authorization for Carrying Medication Form (Form 5330 F3), along with a waiver of any liability of the District, before self-administration of the medication or treatment occurs. No other medication shall be carried on a student's person in the school. Furthermore, no student is allowed to provide or sell any type of prescription or OTC medication to another student. Violations of this rule will be considered violations of Policy 5530 - Drug Prevention, Policy 5330.01 - Self-Administered Medication, Policy 5600 - Student Discipline, and of the Student/Parent Handbook.

For prescription medication, only medication, in its original container, labeled with the student's name, name of the medication, exact dosage to be given, route of medication (mouth, eyes, ears, injection, etc.), time to be administered, and date prescribed, if a prescription will be administered. Requests for the school to administer prescription medication classified as narcotics will be reviewed by the Principal, in consultation with the parent/guardian, the student's physician, if a parent release is signed, and the local health department, to determine if possible side effects of the prescription narcotic could result in potential safety concerns for the student at school. If potential safety concerns exist, the student may be excluded from school until the student is no longer being administered the medication.

For OTC medication for a temporary medical condition (i.e. cough and cold medicines, pain relievers, allergy medications, skin conditions, etc.), a written health care provider order is not required for the first five (5) days of medication administration. After the initial five (5) days of administration, a written health care provider’s order is required. Dosage shall not exceed the recommended dosage printed on the container and/or package. Such medication shall be provided in its original container/package labeled with the student’s name.

Prescription and OTC medication, unless approved for self-administration by a student, shall be transported to and from school by the parent/guardian. Medications, other than those approved for self-administration, may not be transported by students unless an exception to this rule is approved by the Principal due to special hardships.

The principal will designate person(s) to be responsible for accepting, counting, and administering the medication. The designated person(s) will complete a medication administration log for each student when medication is administered. Medication will be counted weekly and stored properly in the original container under lock and key. Parents/Guardians shall pick up unused medication within one (1) week after the course of medication is over. Proper disposal of unused medication left at school after this time shall be the responsibility of the Principal with assistance of the local health department. All medication to be administered to a student on a regular basis (by mouth, inhaler, injection, patch, etc.) either daily or as needed shall be listed on the student's Emergency and Medical Information (EMI) Care (Form 5341 F1).

The principal shall designate personnel to assist with any and all administration of medication, including administration required during school, on the bus, and at school-sponsored events, and shall require each designee to complete medication training conducted by a registered nurse, earn certification in Cardiopulmonary Resuscitation (CPR), Automated External Defibrillators (AED), and First Aid, and for some cases, child specific training, prior to being assigned to assist with such administration. For all school-sponsored events occurring off campus, to include field trips, for which medication must be administered, the principal shall require that at least one trained and certified medication administration designee is in attendance.

Additionally the Board shall permit the administration by a licensed nurse or other authorized staff member of any medication requiring intravenous or intramuscular injection or the insertion of a device into the body when both the medication and the procedure are prescribed by a physician and the nurse/staff member has completed any and all necessary training.

Students who may require administration of an emergency medication may have such medication, identified as aforenoted, stored in the school health room and/or student clinic office and administered in accord with this policy.

All dental disease prevention programs, sponsored by the Florida Department of Health and administered by school employees, parents, volunteers, employees of local health districts, or employees of the Florida Department of Health, which utilize prescription drugs for the prevention of dental disease and which are conducted in accordance with the rules and regulations of the Florida Department of Health are exempt from all requirements of this policy.

There shall be no liability for civil damages as the result of administration of such medication or medical treatment where the person administering the medication acts as a reasonably prudent person would have acted under the same or similar circumstances.

F.S. 1006.062

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5330.01 - SELF-ADMINISTERED MEDICATION

A student may carry and self-administer a metered dose inhaler, epinephrine auto-injector, prescribed pancreatic enzyme supplement and/or may carry diabetic supplies and equipment to manage and care for their diabetes provided the student's parent or guardian provides the following:

A. For self-administration of a metered dose inhaler, the parent or guardian must provide the District with a written authorization that is signed and dated by both the parent or guardian and physician. The written approval by the physician must include the following:

1. name of the medication in the metered dose inhaler;
2. the prescribed dosage;
3. the times or the special circumstances under which the medication is to be administered; and
4. any other special related information regarding the administration of the metered dose inhaler.

B. For self-administration of an epinephrine auto-injector, the parent or guardian must provide the District with a written authorization that is signed and dated by both the parent or guardian and the physician. The written approval by the physician must include:

1. the times or the special circumstances under which the medication is to be administered; and
2. any other special related information regarding the administration of the epinephrine auto-injected.

C. For self-administration of prescribed pancreatic enzyme supplements, the parent or guardian must provide the District with a written authorization that is signed and dated and provide the prescription label containing the following:

1. name of the medication;
2. the prescribed dosage;
3. the times or the special circumstances under which the medication is to be administered; and
4. any other special related information regarding the administration of the medication.

D. For the use of a diabetic supplies and equipment, the parent or guardian must submit written authorization from the student's physician, containing the following:

1. an identification of the diabetic supplies and equipment the student is authorized to carry;

2. a description of which activities the child is capable of performing without assistance;

3. the times or the special circumstances under which the medication is to be administered;

4. any other special related information regarding the administration of the medication.

The School District and its employees are not liable for damages as a result of any injury arising from a student's self-administration of metered dose inhaler, epinephrine auto-injector, prescribed pancreatic enzyme supplements and/or for the use of diabetic supplies and equipment.

F.S. 985.04, 1002.20, 1002.221

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5335 - CARE OF STUDENTS WITH CHRONIC HEALTH CONDITIONS

Students with chronic health conditions will be provided with a free appropriate public education. If their impairment does not require specially designed instruction for them to benefit educationally, they will be eligible for accommodations/modifications/interventions of the regular classroom, curriculum, or activity (i.e. the school setting) so that they have the same access to an education as students without disabilities. Such accommodations/modifications/interventions may be provided pursuant to a Section 504 Plan (Form 2260.01 F13).

Chronic health conditions, for the purposes of this policy, shall include, but not be limited to the following:

A. "peanut" and other food allergies;

B. allergies;

C. asthma; and

D. diabetes.

All information regarding student identification, health care management, and emergency care shall be safeguarded as personally identifiable information in accordance with Policy 8330 - Student Records and Policy 8350 - Confidentiality.

The District will coordinate school health practices for management of a chronic health conditions.

School health practices shall provide students with chronic health conditions the opportunity for:

A. full participation in physical activities when students are well;

B. modified activities as indicated by the student's health care action plan, 504 plan, or Individualized Education Plan (IEP);

C. access to preventative medications before activity (as prescribed by their medical providers) and immediate access to emergency medications during activity;

D. communication regarding student health status between parents, physicians, teachers (particularly physical education teachers), and coaches; and

E. access to dietary modifications and substitutions, provided parent submits forms authorizing such modifications as required by United States Department of Agriculture Regulations and Policy 5335.01 - Dietary Modifications.

Healthcare management activities shall include:

A. procedures to obtain, maintain, and utilize written health care action plans, signed by the child's parents and physician, for each student with a chronic health condition;

B. a standard emergency protocol in place for students experiencing a distress reaction if they do not have a written health care action plan on site;

C. established communication strategies for students to use to tell an adult they may be having a health-related problem;

D. procedures for students to have immediate access to medications in accordance with Policy 5330 and AP 5330 that allow students to self-care and self-administer medications, inhalers, and Epi-pens, as prescribed by a medical professional and approved by parents/guardians;

E. prevention strategies to avoid causal elements;

F. case management for students with frequent school absences, school health office visits, emergency department visits, or hospitalizations due to chronic health conditions;

G. management and care of the student's chronic health condition in the classroom, in any area of the school or school grounds, or at any school related activity or event;

H. procedures to obtain, maintain, and utilize forms documenting a life threatening food allergy and requesting a substitution of specific food/designated food items, signed by the child's parents and physician, for each student with a chronic health condition.

Staff will be trained about chronic health conditions and their control at least annually in each school in which there is a student with a chronic health condition.

The principal shall maintain a copy of the training program and the records of training completed by school employees.

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5335.01 - DIET MODIFICATIONS

The School Board recognizes that some students need dietary modifications.

Students with a food allergy classified as a disability under Section 504 of the Rehabilitation Act or Part B of IDEA (Individuals with Disabilities Education Act) are entitled to receive appropriate substitutions of food items when the allergen could result in severe, life-threatening (anaphylactic) reaction.

Substitutions to the standard meal requirements shall be made, at no additional charge, for students who are certified by a licensed physician to have a disability which restricts his/her diet, in accordance with the criteria set forth in 7 C.F.R. 15(b)(3). To qualify for such substitutions the medical certification must identify:

A. the student's disability and the major life activity affected by the disability;

B. an explanation of why the disability affects the student's diet; and

C. the food(s) to be omitted from the student's diet, and the food or choice of foods that must be substituted (e.g., caloric modifications or use of liquid nutritive formula).

On a case-by-case basis, substitutions to the standard meal requirements may be made, at no additional charge, for students who are not "disabled persons", but have a signed statement from a qualified medical authority that the student cannot consume certain food items due to medical or other special dietary needs. To qualify for such consideration and substitutions the medical statement must identify:

A. the medical or dietary need that restricts the student's diet; and

B. the food(s) to be omitted from the student's diet and the food(s) or choice of foods that may be substituted.

For non-disabled students who need a nutritional equivalent milk substitute, only a signed requested by a parent or guardian is required.

The parent shall contact the Food and Nutrition Services Department to obtain the appropriate form required to document the need for a dietary modification, provide verification from a licensed health care provider, and request the substitution of food items.

7 C.F.R. Part 15b, USDA Regulations

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5340 - STUDENT ACCIDENTS

The School Board believes that school personnel have certain responsibilities in case of accidents that occur in school. Said responsibilities extend to the administration of first aid by persons trained to do so, summoning of medical assistance, notification of administrative personnel, notification of parents, and the filing of accident reports.

Employees should administer first aid within the limits of their knowledge of recommended practices. All employees should make an effort to increase their understanding of the proper steps to be taken in the event of an accident.

The following procedures shall be followed when a student is injured at school:

A. First aid shall be administered by the nearest person with first-aid training.

B. The student's parent(s) or legal guardian shall be notified immediately.

C. The family physician shall be notified and his/her instructions followed if the parent(s) or legal guardian, or a responsible adult member of the family cannot be reached.

D. A physician who has agreed to handle school emergencies shall be called if the parent(s) or legal guardian, adult member of the family, or the family physician cannot be reached.

E. A student shall be taken to the emergency room of the nearest hospital when a life threatening situation occurs. Discretion shall be used in moving a critically injured student without medical advice.

F. A serious injury to a student shall be reported immediately to the principal who shall make a prompt report by telephone to the Superintendent or designee.

G. An accident report shall be filed when an injury occurs, including a detailed description of the accident and a list of witnesses.

H. An insurance report shall be prepared if an injury is covered by insurance.

F.S. 381.0056, 1001.41, 1001.42, 1001.43, 1006.07, 1006.08

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5350 - STUDENT SUICIDE PREVENTION

The School Board recognizes that suicide is one of the leading causes of death for Florida's youth. The Statewide strategy for suicide prevention includes school intervention since schools, in partnership with families and communities, are in a position to identify youth at risk of suicide. Pursuant to State law, the Board will provide access to suicide prevention educational resources, as approved by the Florida Office of Suicide Prevention, to all instructional and administrative staff as part of the District's professional development program. The District will provide suicide prevention and awareness training and resources to all students and staff.

Further, all school personnel should be alert to signs of suicide ideation, that is, the process of fantasizing, planning, practicing, and motivating oneself to commit suicide, and to students who threaten or attempt suicide. Any such signs or the report of such signs from another student or staff member should be taken with the utmost seriousness.

The Superintendent shall develop and implement administrative procedures whereby members of the student personnel services staff, administration, instructional staff understand how to use an intervention procedure which includes the following:

Step 1 - Stabilization

Step 2 - Assessment of the Risk

Step 3 - Use of Appropriate Risk Procedure

Step 4 - Communication with Appropriate Parties

Step 5 - Follow-up

Throughout any intervention, it is essential that Board policies and District procedures regarding confidentiality be observed at all times.

F.S. 14.201, 14.20195, 1001.42(6), 1006.07(7), 1012.01(2)(b)

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5410 - STUDENT PROGRESSION

The School Board shall provide for the placement, acceleration, and progression of students through adopted comprehensive student progression plans that must, at a minimum:

A. provide standards for evaluating each student's performance, including how well s/he masters the performance standards approved by the State Board of Education;

B. provide specific levels of performance in reading, writing, science, and mathematics for each grade level, including the levels of performance on Statewide assessments as defined by the commissioner, below which a student must receive remediation or be retained within an intensive program that is different from the previous year's program and that takes into account the student's learning style;

C. provide appropriate alternative placement for a student who has been retained two (2) or more years;

D. list the student eligibility and procedural requirements established by the School District for whole-grade promotion, midyear promotion, and subject-matter acceleration that would result in a student attending a different school, pursuant to F.S. 1002.3105;

E. notify parents and students of the District's process by which a parent may request student participation in whole-grade promotion, midyear promotion, or subject-matter acceleration that would result in a student attending a different school, pursuant to F.S. 1002.3105;

F. advise parents and students that additional ACCEL options may be available at the student's school, pursuant to F.S. 1002.3105;

G. advise parents and students to contact the principal at the student's school for information related to student eligibility requirements for whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered by the principal, pursuant to F.S. 1002.3105;

H. advise parents and students to contact the principal at the student's school for information related to the school's process by which a parent may request student participation in whole-grade promotion, midyear promotion, and subject-matter acceleration when the promotion or acceleration occurs within the principal's school; virtual instruction in higher grade level subjects; and any other ACCEL options offered by the principal, pursuant to F.S. 1002.3105;

I. advise parents and students of the early and accelerated graduation options pursuant to State law and Policy 5464 - Accelerated Graduation Options;

J. list, or incorporate by reference, all dual enrollment courses contained within the dual enrollment articulation agreement established pursuant to F.S. 1007.271.

F.S. 1002.3105, 1003.4156, 1003.428, 1003.4281, 1003.429, 1003.43
F.S. 1007.271, 1008.25

F.A.C. 6A-1.094222

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5410.01 - PROMOTION, ACCELERATION, PLACEMENT, AND RETENTION

The School Board recognizes that the personal, social, physical, and educational growth of children will vary and that they should be placed in the educational setting most appropriate to their needs at the various stages of their growth.

It shall be the policy of the Board that each student be moved forward in a continuous pattern of achievement and growth that is in harmony with his/her own development. Such pattern should coincide with the system of grade levels established by this Board and the instructional objectives established for each.

A student will be promoted to the succeeding grade level when s/he has:

A. completed the course and State-mandated requirements at the presently assigned grade;

B. in the opinion of the instructional staff, achieved the instructional objectives set for the present grade;

C. demonstrated sufficient proficiency to permit him/her to move ahead in the educational program of the next grade;

D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the next grade.

Further, a student who has been retained in third grade, due to a reading deficiency, shall be promoted mid-year if the student has demonstrated mastery of the State-mandated requirements in reading.

A student may be accelerated when his/her demonstrated achievement, as well as measured ability, significantly exceeds that of his/her grade level peers. Consideration may be given to promoting him/her to a grade other than the next succeeding one, or permitting him/her to enroll in a course other than the next one in the academic sequence. A student will be accelerated in this manner when s/he has:

A. achieved the grade/course objectives and State-mandated requirements, if applicable, for the grade/course in which s/he is presently enrolled as well as for the grades(s)/course(s) that will be skipped;

B. in the opinion of the instructional staff, achieved the instructional objectives set for the present grade/course as well as the succeeding one(s);

C. demonstrated sufficient proficiency to permit him/her to be accelerated in the educational program;

D. demonstrated the degree of social, emotional, and physical maturation necessary for a successful learning experience in the grade/course to which s/he will be promoted or enrolled.

A student may be retained at his/her current grade level when s/he has:

A. in the opinion of the instructional staff, failed to demonstrate proficiency in the core subjects of language arts, reading, mathematics and science;

B. in the opinion of the instructional staff, failed to achieve the instructional objectives set forth at the current grade level that are requisite for success at the succeeding grade level; or

C. scored at the below basic level on any State-mandated proficiency test.

A student may be placed at the next grade level when retention would no longer serve any good purpose.

A student in grades nine through twelve must have an annual review of the electronic personal education plan created pursuant to Florida statute.

The Superintendent shall develop administrative procedures for promotion, acceleration, placement, and retention of students that:

A. require the recommendation of the relevant staff members for promotion, acceleration, placement, or retention;

B. require that parents are informed in advance of the possibility of retention of a student at a grade level;

C. require that the parent(s) give their consent to the acceleration of their child;

D. require that efforts will be made to remediate the student's difficulties before s/he is retained;

E. assign to the principal the final responsibility for determining the promotion, acceleration, placement, or retention of each student;

F. provide parents the opportunity to request the acceleration, assignment, or retention of their child;

G. provide parents the opportunity to appeal the decision about their child's acceleration, assignment, or retention.

F.S. 1003.4156, 1008.25
F.A.C. 6A-1.094222

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5420 - REPORTING STUDENT PROGRESS

The School Board believes that the cooperation of school and home is a vital ingredient to the growth and education of the whole child. It recognizes its responsibility to keep parents informed of student welfare and progress in school.

The Board directs the establishment of a system of reporting student progress which shall include written reports, parent conferences with teachers, and shall require all appropriate staff members to comply with such a system as part of their professional responsibility.

The Superintendent, in conjunction with appropriate staff members, shall develop procedures for reporting student progress to parents that:

A. require that both student and parent receive ample warning of a pending grade of "failure" or one that would adversely affect the student's status;

B. enable the scheduling of parent-teacher conferences at such times and in such places as will ensure the greatest degree of participation by parents;

C. specify the issuance of report cards at intervals of not more than nine (9) weeks;

D. require a continual review and improvement of methods of reporting student progress to parents.

F.S. 1003.33

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5421 - GRADING

The School Board recognizes its responsibility for providing a system of grading student achievement that can help the student, teachers, and parents judge properly how well the student is achieving the goals of the District's program.

The Board believes that the District's grading system should be a reliable system and one that ensures each student's grades signify accurately his/her degree of accomplishment of those expected learning outcomes which are to be stated for each program at every grade level, kindergarten through twelve.

The Superintendent shall develop procedures for grading whereby the instructional staff:

A. develops clear, consistent criteria and standards particularly when grades are based on subjective assessment;

B. helps each student understand in each course or program what behavior and/or achievement is needed to earn each grade as well as what will produce a failing grade;

C. provides frequent opportunities for each student to obtain information as to his/her progress toward the learning goals of his/her courses or programs;

D. provides students the opportunity to assess both their own achievements and their areas of difficulty.

The grading system should not inhibit the instructional staff member from learning the strengths and weaknesses of each student on an individual basis.

The grading system should be subject to continual review by staff, students, and parents. Revisions shall be made only when such changes will assure a clearer, more valid, or more reliable system of grading.

F.S. 1001.42, 1003.437

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5440 - STUDENT PROGRESS THROUGH MASTERY LEARNING

The School Board recognizes that circumstances beyond the control of individuals and/or the District could prevent students in any grade from meeting the State requirement of 180 days of instruction, and/or students in grades 9-12 from meeting the State requirement of 135 clock hours of instruction.

To the extent permitted by the Emergency Management Act and pursuant to an executive order issued by the Governor's office under the authority provided by said act, the Board shall determine, upon the recommendation of the Superintendent, whether or not such circumstances pertain to the School District. In such matters the Board's decision shall be final.

The Board further recognizes, however, that, despite such circumstances, it is the responsibility of the District to provide an instructional program the enables the students to acquire the knowledge and skills presented in the curriculum of this District.

If the Superintendent determines that such circumstances pertain to the District, it shall be the policy of the Board that students through grade 1-8 shall be provided the opportunity to earn promotion to the next grade by demonstrating mastery of established performance standards for their grade level, and students in grades 9-12 shall be provided the opportunity to earn credit for each course in which they are enrolled by demonstrating mastery of established performance standards on end-of-course examinations or similar evaluations.

F.S. 252.921 et seq.

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5451 - STUDENT RECOGNITION

The School Board values excellence and seeks to develop in students the desire to do their best in all things. It shall be the policy of this Board, therefore, to recognize outstanding accomplishment in curricular, co-curricular, and extra-curricular areas.

The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

Pursuant to State law, District funds may be budgeted and expended to purchase awards to be presented to students in recognition of their achievements and/or service. These awards may include, but are not limited to, certificates, plaques, medals, ribbons, and photographs.

The cost of an award presented to an individual pursuant to this policy shall not exceed $100.

Further, in order to provide public acknowledgement for academic achievement, Academic Scholarship Signing ceremonies shall be scheduled annually in April to honor, as well as call attention to, those students at the District's high schools who sign a letter of intent to accept an academic scholarship offered by a postsecondary institution.

F.S. 1001.43(14), 1012.22(g)

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5460 - GRADUATION REQUIREMENTS

It shall be the policy of the School Board to acknowledge each student's successful completion of the instructional program appropriate to the achievement of District goals and objectives as well as personal proficiency by the awarding of a diploma at a fitting graduation ceremony.

High School Diploma

The Board shall award a standard high school diploma to every student enrolled in this District who meets the requirements of graduation established by this Board or who properly completes the goals and objectives specified in their Individualized Education Program (I.E.P.) including either the exemption from or the requirement to complete the State-mandated tests and the recommendation of the I.E.P. Team.

Each student's standard high school diploma will include, as applicable, a designation reflecting completion of four (4) or more accelerated college credit courses in Advanced Placement, International Baccalaureate, Advanced International Certificate of Education, or dual enrollment courses; a designation reflecting career education certification; a designation reflecting the attainment of one or more industry certifications from the list approved by Workforce Florida, Inc.; and/or a designation reflecting a Florida Ready to Work Credential.

Honorary Diploma

An honorary diploma may be awarded in the case of such unfortunate circumstances as the severe disability or death of a student prior to graduation. The student must have been a senior in good standing to meet the requirements of graduation established by the Board at the time of the disability/death.

Early Admission Program

High school graduation by means of the Early Admission to College Program is an alternative for the college-bound student during the normal senior year in high school. When the prescribed District conditions as set forth in the student handbook have been met, the student shall be awarded a high school diploma with the regular high school graduating class. The official college transcript shall be made a part of the student's high school permanent record file.

When students leave high school as Early Admission to College Program students, they may participate in graduation exercises with their graduation class and may be ranked in the class pursuant to Policy 5430.

Early High School Graduation

For the purposes of this policy, the term "early graduation" means graduation from high school in less than eight (8) semesters or the equivalent by completion of the required number of credits.

Course credit shall be awarded to a student who is not enrolled in a course, or who has not completed a course, if the student attains a passing score on the corresponding Statewide, standardized end-of-the-course assessment. The student shall take the standardized end-of-the-course assessment during the regular administration of the assessment.

The District shall notify the parent of a student who is eligible to graduate early. (See Policy 5464 – Accelerated Graduation Options.)

A student who graduates early may continue to participate in school activities and social events and to attend and participate in

graduation events with the student's cohort. The student will be included in class ranking, honors, and award determinations for the student's cohort. The student must comply with Board rules and policies regarding access to the school facilities and grounds during normal operating hours.

High School Equivalency Diploma

The Board shall offer the high school equivalency diploma examination and the subject area examinations to all candidates pursuant to the rules of the State Board of Education. To be eligible to be a candidate for a high school equivalency diploma, a student must be at least eighteen (18) years of age on the date of the examination. However, if the student resides or attends school in the District, the student may take the examination after reaching the age of sixteen (16). All high school equivalency diplomas have equal status with other high school diplomas. A student may be awarded a standard high school diploma pursuant to Florida Department of Education rules.

Certificate of Completion

A student who completes the minimum number of credits and other requirements for graduation but cannot earn a passing score on the FCAT, achieve a cumulative grade point average of 2.0 on a 4.0 scale or its equivalent, or complete all other applicable requirements prescribed by the Board pursuant to Florida statutes shall be awarded a certificate of completion in a form prescribed by the State Board of Education.

A student who is entitled to a certificate may elect to remain as a full-time student or a part-time student for up to one (1) additional year and receive special instruction designed to remedy the student's identified deficiencies.

Commencement Exercises

Commencement exercises will include only those students who have successfully completed requirements for a standard high school diploma, Early Admission to College Program, a special diploma, or a certificate of completion for graduation as certified by the high school principal. No student who has completed the requirements for graduation shall be denied a diploma as a disciplinary measure. A student may be denied participation in the ceremony of graduation when personal conduct so warrants.

F.S. 1003.428, 1003.4281, 1003.4285, 1003.429, 1003.43, 1003.433, 1003.435
F.S. 1003.438

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5460.01 - GRADUATION REQUIREMENTS FOR OUT-OF-STATE OR OUT-OF-COUNTRY TRANSFER STUDENTS

An eleventh or twelfth grade student transferring to the District from out-of-state or from another country shall be permitted to graduate on schedule and receive a standard high school diploma with fewer than the prescribed number of units provided the following conditions are met. The student shall:

A. have successfully completed the normal requirements of the school district, state, or country from which s/he is transferring;

B. have taken and successfully completed a full schedule of courses, including as many required courses as possible, during the period of attendance at the graduating school;

C. have earned a 2.0 grade point average; and

D. have demonstrated proficiency in Reading and Mathematics by either earning passing scores on the Grade 10/Retake FCAT Reading and Mathematics tests or through a standardized test score that is concordant with the passing score on the FCAT as set forth in State law.

F.S. 1003.428, 1003.43, 1003.433

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5461 - GUARANTEE OF EMPLOYABILITY COMPETENCIES

It shall be the policy of the School Board to acknowledge each student's successful completion of those elements of the District's instructional program which provide for the knowledge and skills appropriate for entering the world of work and for participating productively in further education and training programs provided by an employer.

Each graduate from the regular program of the District shall be issued, in addition to a diploma, the School District's Employability Competency Guarantee (Industry Certification). The guarantee may be in the form of a Florida Ready to Work Certificate and Portfolio. The student receiving this certificate shall have completed a program that includes identification of workplace skills, a pre-instructional assessment to identify mastery level on the specific workplace skills and a targeted instructional program. The purpose is to assure any potential employer that a graduate from this School District has demonstrated satisfactory performance of the basic knowledge and skills described in the guarantee.

F.S. 1003.491, 1004.99, 1006.02

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5463 - CREDITS FROM OTHER SCHOOLS

It is the responsibility of the District to uphold the minimum educational standards of the State of Florida. The District shall place the student in the appropriate sequential courses.

F.S. 1003.25, 1003.413, 1003.436, 1007.24
F.A.C. 6A-1.09941

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5464 - ACCELERATED GRADUATION OPTIONS

The School Board acknowledges that some students are pursuing educational goals that include graduation from high school at an earlier date than their designated class.

Annually, students in grades 6-12 will be provided with information describing the three (3) year and four (4) year graduation options as set forth in State law, including the respective curriculum requirements for each option. These options and the curriculum requirements for each are included in the *Gadsden School Board Student Progression Plan* (High School Graduation Program Overview). A student and parent may select one of the graduation options set forth in State law at anytime during grades 9-12. If the student and parent fail to select one of the accelerated high school graduation options, the student shall be considered to have selected the general requirements for high school graduation and the four (4) year graduation option.

However, before selecting a three (3) year graduation option, the student and his/her parent(s) must meet with the designated school personnel so that the requirements set forth in law for, as well as the advantages and disadvantages of, each option can be reviewed. Written consent of the student's parent is required for participation in a three (3) year accelerated high school graduation option. If an effort to meet with the student's parent(s) fails and is documented by the designated school personnel, then the student may select a three (3) year accelerated high school graduation option with the written consent of the student's parent. If the student is eighteen (18) years of age or older, the student may select a three (3) year accelerated high school graduation option with or without the written consent of his/her parent.

If, at the end of any grade, a student is not on track to meet the credit, assessment, and/or grade-point-average requirements set forth in State law, then the Principal shall notify the student and parent of the requirements currently not being met, the specific performance necessary in grade 11 for the student to meet the accelerated graduation requirements, and of the student's right to change to the four (4) year graduation option as set forth in State law.

A student, who does not exercise his/her option to change to a four (4) year graduation option, will be automatically moved to a four (4) year graduation program under the following circumstances:

A. If the student fails to earn five (5) credits by the end of grade 9 or fails to earn eleven (11) credits by the end of grade 10;

B. If the student does not achieve a score of three (3) or higher on the grade 10 FCAT Writing assessment; or

C. If, by the end of grade 11, the student does not meet the requirements set forth in F.S. 1003.429.

A student who meets all requirements of the Accelerated High School Graduation Options set forth in Florida statute shall be awarded a standard diploma in a form prescribed by the State Board of Education.

The student may participate in the graduation ceremonies with his/her designated class.

F.S. 1003.428, 1003.429, 1003.43

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5465 - GENERAL EDUCATION DEVELOPMENT (GED) TESTS

A person who is at least sixteen (16) years of age and not enrolled in an elementary or secondary school may be permitted to take the General Education Development (GED) tests upon submission of a statement of justification recommended by the Superintendent's designee and approved by the Superintendent. The statement of justification shall be based on at least one of the following circumstances:

A. The candidate justifies a need to be employed which would prevent school attendance; or

B. The candidate is a parent who does not have access to child care; or

C. The candidate justifies health condition(s) that would prevent school attendance.

F.S. 1004.02, 1004.93, 1003.43

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5500 - STUDENT CONDUCT

Respect for law and for those persons in authority shall be expected of all students. This includes conformity to school rules as well as general provisions of law affecting students. Respect for the rights of others, consideration of their privileges, and cooperative citizenship shall also be expected of all members of the school community.

Respect for real and personal property; pride in one's work; achievement within the range of one's ability; and exemplary personal standards of courtesy, decency, and honesty shall be maintained in the schools of this District.

The School Board has zero tolerance for conduct that poses a serious threat to school safety. Zero tolerance policies must apply equally to all students, and are not intended to be rigorously applied to petty acts of misconduct and misdemeanors. This zero tolerance policy does not require the reporting of petty acts of misconduct and misdemeanors to a law enforcement agency. Petty acts of misconduct, include, but are not limited to, disorderly conduct, disrupting a school function, simple assault or battery, verbal abuse or use of profanity, cheating, theft of less than $300, trespassing, and vandalism of less than $1,000, possession or use of tobacco, and other school-based offenses delineated in the Student Code of Conduct.

Florida law requires that students found to have committed one of the following offenses:

A. bringing a firearm or weapon, as defined in F.S. Chapter 790, to school, to any school function, or onto any school-sponsored transportation, or possessing a firearm at school; or

B. making a threat or false report, as defined by F.S. 790.162 and 790.163, involving school or school personnel’s property, school transportation, or a school-sponsored activity;

shall be expelled, with or without continuing educational services, from the student’s regular school for a period of not less than one (1) full year, and that the student shall be referred to the criminal justice or juvenile justice system.

The Superintendent may consider the one (1) year expulsion requirement on a case-by-case basis and request that the Board modify the requirement by assigning a student to a disciplinary program or second chance school. The Superintendent's request for modification must be in writing, and the Board may approve the request if it is determined to be in the best interest of the student and the school system. If a student committing either of the offenses enumerated above is a student who has a disability, the Board shall comply with applicable State Board of Education rules for discipline of such students.

The District shall enter into agreements with local law enforcement specifying procedures so that acts that pose a serious threat to school safety, whether committed by a student or adult, are reported to a law enforcement agency having jurisdiction.

Those acts that pose a serious threat to school safety include, but are not limited to,:

A. possession of firearms or other weapons

B. placing, discharging, or throwing an explosive item or noxious substance or making threats to do so

C. arson

D. felony assault

E. violations of the rules regarding possession of alcohol and/or illegal drugs in the Board-adopted Student Code of Conduct

Notwithstanding any other provision of Board policy, pursuant to F.S. 1006.13(5), any student found to have committed an act of assault or aggravated assault, or battery or aggravated battery, on any elected official of the School District, teacher, administrator, or other School District personnel, shall be recommended for expulsion or placement in an alternative school setting, as appropriate, for a minimum period of one (1) year. Upon being charged with such offense, the student shall be removed from the classroom immediately and placed in an alternative school setting pending disposition.

The Code of Student Conduct that is adopted annually shall provide for review of a decision to suspend or expel a student pursuant to this policy and the Code, consistent with F.S. 1006.07.

Furthermore, if the Board receives notice from the Department of Juvenile Justice, as required by law, that a student enrolled in the District has been adjudicated guilty of or delinquent for, or is found to have committed, regardless of whether adjudication is withheld, or pleads guilty or *nolo contendere* to, a felony violation as set forth in F.S. 1006.13(6)(a), the Board shall, pursuant to State law and the adopted cooperative agreement with the Department of Juvenile Justice, require that any no contact order entered by a court be enforced and that all of the necessary steps be taken to protect the victim of the offense, or a sibling of the victim.

The principal, a teacher, or any other staff member may temporarily detain and question a student when circumstances indicate that such student has committed, is committing, or is about to commit a violation of Florida statutes or Board rules. Any activity involving student detention, search, and seizure shall be in accordance with procedures set forth in the *Code of Student Conduct*. Students may be subject to discipline for violation of the *Code of Student Conduct* even if that conduct occurs on property not owned or controlled by the Board but that is connected to activities or incidents that have occurred on property owned or controlled by the Board, or conduct that, regardless of where it occurs, is directed at a Board official or employee, or the property of such official or employee.

The principal shall ensure that all school personnel are properly informed at to their responsibilities regarding crime reporting, that appropriate delinquent acts and crimes are properly reported, and that actions taken in cases with special circumstances are properly taken and documented.

Student conduct shall be governed by the rules and provisions set forth in the *Code of Student Conduct* that is reviewed and adopted annually in accordance with F.S. Chapter 120.

F.S. 1006.07, 1006.13

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5511 - DRESS AND GROOMING

The School Board recognizes that each student's mode of dress and grooming is a manifestation of personal style and individual preference. The Board will not interfere with the right of students and their parents to make decisions regarding their appearance, except when their choices interfere with the educational program of the schools. The Superintendent will recommend and the Board shall adopt a dress code for students in grades pre-K through twelve (12). The dress code may include a required school uniform in grades pre-K through eight (8) after one (1) month's notice to parents in order to promote a safe and healthy school setting and enhance the educational environment. The dress code shall be incorporated into the Code of Student Conduct.

Accordingly, the Superintendent shall establish such grooming procedures as are necessary to promote discipline, maintain order, secure the safety of students, and provide a healthy environment conducive to academic purposes. Such procedures shall prohibit student dress or grooming practices which:

A. present a hazard to the health or safety of the student himself/herself or to others in the school;

B. materially interfere with school work, create disorder, or disrupt the educational program;

C. cause excessive wear or damage to school property;

D. prevent the student from achieving his/her own educational objectives because of blocked vision or restricted movement.

Such procedures shall establish the dress requirements for members of the athletic teams, bands, and other school groups when representing the District at a public event.

The Superintendent shall develop administrative procedures to implement this policy that:

A. designate the principal as the arbiter of student dress and grooming in his/her building;

B. invite the participation of staff, parents, and students in the preparation of a dress code which may specify prescribed dress and grooming practices, but may not amplify the rationale for prohibition established by Board policy;

C. encourage staff members to demonstrate by example and precept wholesome attitudes toward neatness, cleanliness, propriety, modesty, and good sense in attire and appearance;

D. require that all rules implementing this policy in grades nine (9) through twelve (12) impose only minimum and necessary restrictions on the exercise of the student's taste and individuality.

Students who violate the foregoing rules will not be admitted to class and may be may be suspended from school.

F.S. 1001.43

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5512 - TOBACCO-FREE ENVIRONMENT

The School Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any facility owned or leased or contracted for by the Board.

The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

Contractors and vendors wishing to do business with the School District shall refrain, and have their representatives refrain, from using tobacco products in the presence of students while on any school campus or facility. No contract or agreement shall be entered into until the contractor and/or vendor assents to the above request.

Employees shall refrain from the use of tobacco in the presence of non-adult students while supervising school-sponsored activities at locations other than Board property.

The Superintendent shall develop administrative procedures designed to provide evidenced-based curricula regarding health hazards of the use of tobacco products to students as part of in-school and after-school programs and to provide counseling to students regarding smoking cessation.

In addition, pursuant to State law, the Superintendent shall develop and update procedures as necessary to include tobacco education and tobacco prevention.

F.S. 381.84, 386.202, 386.204, 386.206, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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5513 - CARE OF SCHOOL PROPERTY

The School Board believes that the schools should help students learn to respect property and develop feelings of pride in community institutions.

The Board charges each student with responsibility for the proper care of school property and the school supplies and equipment entrusted to his/her use.

Students who cause damage to school property shall be subject to disciplinary measures, and their parents shall be financially liable for such damage to the extent of the law except that students eighteen (18) years of age or older shall also be liable for damage they cause.

The Board authorizes the imposition of fines for the loss, damage, or destruction of school equipment, apparatus, musical instruments, library material, textbooks, and for damage to school buildings and reserves the right to withhold a report card from any student whose payment of such fine is in arrears.

The Board may report to the appropriate juvenile authorities any student whose damage of school property has been serious or chronic in nature.

A reward may be offered by the Board for the apprehension of any person who vandalizes school property.

F.S. 1006.42

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5514 - USE OF BICYCLES

The School Board regards the use of bicycles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Board will not be responsible for bicycles that are lost, stolen, or damaged.

F.S. 1001.43

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5515 - USE OF MOTOR VEHICLES

The School Board regards the use of motor vehicles for travel to and from school by students as an assumption of responsibility on the part of those students -- a responsibility in the care of property, in the observation of safety rules, and in the display of courtesy and consideration toward others.

The Superintendent shall develop administrative procedures for the operation and parking of motor vehicles that shall include that students are licensed drivers and have adequate liability insurance.

The Board shall not be responsible for motor vehicles that are lost, stolen, or damaged.

F.S. 1001.43

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5516 - STUDENT HAZING

Hazing activities of any type are inconsistent with and disruptive to the educational process, and prohibited at any time in school facilities, on school property, and/or off school property if the misconduct is connected to activities or incidents that have occurred on school property. No administrator, faculty member, or other School Board employee shall encourage, permit, authorize, condone, or tolerate any hazing activities. No student shall plan, encourage, or engage in any hazing.

Hazing is defined as performing any act or coercing another, including the victim, to perform any act that causes or creates a substantial risk of causing mental or physical harm. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating State or Federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective. Permission, consent, or assumption of risk by an individual subjected to hazing shall not lessen the prohibitions contained in this policy.

Administrators, faculty members, and other employees of the Board shall be alert particularly to possible situations, circumstances, or events that might include hazing. If hazing or planned hazing is discovered, the students involved shall be informed by the discoverer of the prohibitions contained in this policy and shall be ordered to end all hazing activities or planned activities immediately. All hazing incidents shall be reported immediately to the Superintendent. Students, administrators, faculty members, and other employees who fail to abide by this policy may be subject to disciplinary action and may be held personally liable for civil and criminal penalties in accordance with law.

The Superintendent shall distribute this policy to all students and Board employees, and shall incorporate it into building, staff, and student handbooks. It shall also be the subject of discussion at employee staff meetings or in-service programs.

Administrators, staff members, and volunteers shall not intentionally remain ignorant of hazing or potential hazing activities.

F.S. 1001.43, 1006.135

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5517 - ANTI-HARASSMENT

General Policy Statement

It is the policy of the School Board to maintain an educational and work environment that is free from all forms of unlawful harassment, including sexual harassment. This commitment applies to all School District operations, programs, and activities. All students, administrators, teachers, staff, and all other school personnel share responsibility for avoiding, discouraging, and reporting any form of unlawful harassment. This policy applies to unlawful conduct occurring on school property, or at another location if such conduct occurs during an activity sponsored by the Board.

The Board will vigorously enforce its prohibition against harassment based on the traits of sex, race, color, national origin, religion, or disability that are protected by Federal civil rights laws (hereinafter referred to as unlawful harassment), and encourages those within the School District community as well as third parties, who feel aggrieved to seek assistance to rectify the problems. The Board will investigate all allegations of unlawful harassment and in those cases where unlawful harassment is substantiated, the Board will take immediate steps to end such unlawful harassment. Individuals who are found to have engaged in unlawful harassment will be subject to appropriate disciplinary action.

For purposes of this policy, "School District community" means students, administrators, teachers, staff, and all other school personnel, including Board members, agents, volunteers, contractors, or other persons subject to the control and supervision of the Board.

For purposes of this policy, "third parties" include, but are not limited to, guests and/or visitors on School District property (e.g., visiting speakers, participants on opposing athletic teams, parents), vendors doing business with, or seeking to do business with, the Board, and other individuals who come in contact with members of the School District community at school-related events/activities (whether on or off School District property).

Other Violations of the Anti-Harassment Policy

The Board will also take immediate steps to impose disciplinary action on individuals engaging in any of the following prohibited acts:

A. Retaliating against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation.

B. Filing a malicious or knowingly false report or complaint of unlawful harassment.

C. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful harassment, when responsibility for reporting and/or investigating unlawful harassment charges comprises part of one's supervisory duties.

Definitions

Bullying

Bullying rises to the level of unlawful harassment when one or more persons systematically and chronically inflict physical hurt or

psychological distress on one (1) or more students or employees and that bullying is based upon sex, race, color, national origin, religion, or disability, that is, characteristics that are protected by Federal civil rights laws. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, 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; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. cyberbullying;

G. physical violence;

H. theft;

I. sexual, religious, or racial harassment;

J. public humiliation; or

K. destruction of property.

Harassment

Harassment means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

Sexual Harassment

Pursuant to Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972, "sexual harassment" is defined as:

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when:

A. Submission to such conduct is made either implicitly or explicitly a term or condition of an individual's employment, or status in a class, educational program, or activity.

B. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual.

C. Such conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability

to participate in or benefit from a class or an educational program or activity.

Sexual harassment may involve the behavior of a person of either gender against a person of the same or opposite gender.

Prohibited acts that constitute sexual harassment may take a variety of forms. Examples of the kinds of conduct that may constitute sexual harassment include, but are not limited to:

A. Unwelcome sexual propositions, invitations, solicitations, and flirtations.

B. Physical and/or sexual assault.

C. Threats or insinuations that a person's employment, wages, academic grade, promotion, classroom work or assignments, academic status, participation in athletics or extra-curricular programs or events, or other conditions of employment or education may be adversely affected by not submitting to sexual advances.

D. Unwelcome verbal expressions of a sexual nature, including graphic sexual commentaries about a person's body, dress, appearance, or sexual activities; the unwelcome use of sexually degrading language, jokes or innuendoes; unwelcome suggestive or insulting sounds or whistles; obscene telephone calls.

E. Sexually suggestive objects, pictures, videotapes, audio recordings, or literature, placed in the work or educational environment, which may embarrass or offend individuals.

F. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.

G. A pattern of conduct, which can be subtle in nature, that has sexual overtones and is intended to create or has the effect of creating discomfort and/or humiliation to another.

H. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.

I. Inappropriate boundary invasions by a District employee or other adult member of the School District community into a student’s personal space and personal life.

Not all behavior with sexual connotations constitutes unlawful sexual harassment. Conduct must be sufficiently severe, pervasive, and persistent such that it adversely affects an individual's employment or education, or such that it creates a hostile or abusive employment or educational environment.

NOTE: Any teacher, administrator, coach, or other school authority who engages in sexual conduct with a student may also be guilty of a crime.

Race/Color Harassment

Prohibited racial harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's race or color and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working, and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's race or color, such as racial slurs, nicknames implying stereotypes, epithets, and/or negative references relative to racial customs.

Religious (Creed) Harassment

Prohibited religious harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's religion or creed and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is

directed at the characteristics of a person's religious tradition, clothing, or surnames, and/or involves religious slurs.

National Origin Harassment

Prohibited national origin harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's national origin and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's national origin, such as negative comments regarding customs, manner of speaking, language, surnames, or ethnic slurs.

Disability Harassment

Prohibited disability harassment occurs when unwelcome physical, verbal, or nonverbal conduct is based upon an individual's disability and when the conduct has the purpose or effect of interfering with the individual's work or educational performance; of creating an intimidating, hostile, or offensive working and/or learning environment; or of interfering with one's ability to participate in or benefit from a class or an educational program or activity. Such harassment may occur where conduct is directed at the characteristics of a person's disabling condition, such as negative comments about speech patterns, movement, physical impairments or defects/appearances, or the like.

Reports and Complaints of Harassing Conduct

Students and all other members of the School District community, as well as third parties, are encouraged to promptly report incidents of unlawful harassing conduct to a teacher, administrator, supervisor, or other District employee or official so that the Board may address the conduct before it becomes severe, pervasive, or persistent. Any teacher, administrator, supervisor, or other District employee or official who receives such a complaint shall file it with the District's Anti-Harassment Compliance Officer at his/her first convenience.

Members of the School District community, which includes students, or third parties who believe they have been unlawfully harassed by a student are entitled to utilize the Board's complaint process that is set forth below. Initiating a complaint, whether formally or informally, will not adversely affect the complaining individual's employment or participation in educational or extra-curricular programs unless the complaining individual makes the complaint maliciously or with knowledge that it is false.

If, during an investigation of reported act of bullying and/or harassment in accordance with Policy **5517.01** - Bullying and Harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one of the Compliance Officers who shall investigate the allegation in accordance with this policy.

Anti-Harassment Compliance Officer

The following individual serves as "Anti-Harassment Compliance Officer" for the District. S/He is hereinafter referred to as the "Compliance Officer".

Name:	Dr. Pink Hightower
Address:	35 Martin Luther King, Jr. Boulevard Quincy, Florida 32351
Phone:	850-627–9651, extension 1247

The name, title, and contact information of this individual will be published annually in the parent and staff handbooks, in the School District Annual Report to the public, and/or on the School District's web site.

A Compliance Officer will be available during regular school/work hours to discuss concerns related to unlawful harassment, to assist students, other members of the School District community, and third parties who seek support or advice when informing another individual about "unwelcome" conduct, or to intercede informally on behalf of the student.

Any Board employee who directly observes unlawful harassment of a student is obligated, in accordance with this policy, to report

such observations to the Compliance Officer within two (2) business days. Thereafter, the Compliance Officer or his/her designee must contact the student, if age eighteen (18) or older, or the student's parents if under the age of eighteen (18), within two (2) business days, to advise s/he/them of the Board's intent to investigate the alleged misconduct, including the obligation of the compliance officer or designee to conduct an investigation following all the procedures outlined for a formal complaint.

The Compliance Officer is assigned to accept complaints of unlawful harassment directly from any member of the School District community or a visitor to the District, or to receive complaints that are initially filed with a school building administrator. Upon receipt of a complaint either directly or through a school building administrator, the Compliance Officer will begin either an informal or formal process (depending on the request of the member of the School District community alleging harassment), or the Compliance Officer will designate a specific individual to conduct such a process. In the case of a formal complaint, the Compliance Officer will prepare recommendations for the Superintendent or will oversee the preparation of such recommendations by a designee. All members of the School District community must report incidents of harassment that are reported to them to the Compliance Officer within two (2) calendar days of learning of the incident.

Investigation and Complaint Procedure

Any student who believes that s/he has been subjected to unlawful harassment may seek resolution of his/her complaint through either the informal or formal procedures as described below. Further, a process for investigating claims of harassment and a process for rendering a decision regarding whether the claim of legally prohibited harassment was substantiated are set forth below.

Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. Once the formal complaint process is begun, the investigation will be completed in a timely manner (ordinarily, within fifteen (15) calendar days of the complaint being received).

The informal and formal procedures set forth below are not intended to interfere with the rights of a student to pursue a complaint of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

Informal Complaint Procedure

The goal of the informal complaint procedure is to stop inappropriate behavior and to investigate and facilitate resolution through an informal means, if possible. The informal complaint procedure is provided as a less formal option for a student who believes s/he has been unlawfully harassed. This informal procedure is not required as a precursor to the filing of a formal complaint.

Students, other members of the School District community, or third parties who believe that they have been unlawfully harassed may initiate their complaint through this informal complaint process, but are not required to do so. The informal process is only available in those circumstances where the parties (alleged target of harassment and alleged harasser(s)) agree to participate in the informal process.

Students, other members of the School District community or third parties who believe that they have been unlawfully harassed may proceed immediately to the formal complaint process and individuals who seek resolution through the informal procedure may request that the informal process be terminated at any time to move to the formal complaint process.

However, all complaints of harassment involving a District employee or any other adult member of the School District community against a student will be formally investigated.

As an initial course of action, if a student feels that s/he is being unlawfully harassed and s/he is able and feels safe doing so, the individual should tell or otherwise inform the harasser that the conduct is unwelcome and must stop. The complaining individual should address the allegedly harassing conduct as soon after it occurs as possible. The Compliance Officers is available to support and counsel individuals when taking this initial step or to intervene on behalf of the individual if requested to do so. An individual who is uncomfortable or unwilling to inform the harasser of his/her complaint is not prohibited from otherwise filing an informal or a formal complaint. In addition, with regard to certain types of unlawful harassment, such as sexual harassment, the Compliance Officer may advise against the use of the informal complaint process.

A student who believes s/he has been unlawfully harassed may make an informal complaint, either orally or in writing: (1) to a teacher, other employee, or building administrator in the school the student attends; (3) to the Superintendent or other District-level employee; and/or (3) directly to one of the Compliance Officers.

All informal complaints must be reported to the Compliance Officer who will either facilitate an informal resolution as described below on his/her own, or appoint another individual to facilitate an informal resolution.

The School District's informal complaint procedure is designed to provide students, other members of the School District community and third parties who believe they are being unlawfully harassed by a student with a range of options designed to bring about a resolution of their concerns. Depending upon the nature of the complaint and the wishes of the student claiming unlawful harassment, informal resolution may involve, but not be limited to, one or more of the following:

A. Advising the student about how to communicate the unwelcome nature of the behavior to the alleged harasser.

B. Distributing a copy of the anti-harassment policy as a reminder to the individuals in the school building or office where the individual whose behavior is being questioned works or attends.

C. If both parties agree, the Compliance Officer may arrange and facilitate a meeting between the student claiming harassment and the individual accused of harassment to work out a mutual resolution.

While there are no set time limits within which an informal complaint must be resolved, the Compliance Officer or his/her designee will exercise his/her authority to attempt to resolve all informal complaints within fifteen (15) days of receiving the informal complaint. Those members of the School District community or third parties who are dissatisfied with the results of the informal complaint process may proceed to file a formal complaint.

All materials generated as part of the informal complaint process will be retained by the Compliance Officer or his/her designee in accordance with the Board's records retention policy. (See Policy **8310** and Policy **8320**)

Formal Complaint Procedure

If a complaint is not resolved through the informal complaint process, or if the student elects to file a formal complaint initially, the formal complaint process as described below shall be implemented.

This formal complaint process is not intended to interfere with the rights of a student, other member of the School District community, or third party to pursue a compliant of unlawful harassment with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

A student who believes s/he has been subjected to offensive conduct/harassment hereinafter referred to as the "complainant", may file a formal complaint, either orally or in writing with a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or other District employee who works at another school or at the District level. Due to the sensitivity surrounding complaints of unlawful harassment, time lines are flexible for initiating the complaint process; however, individuals should make every effort to file a complaint within thirty (30) days after the conduct occurs while the facts are known and potential witnesses are available. If a complainant informs a teacher, principal, or other District employee at the student's school, the Compliance Officer, Superintendent, or other District employee, either orally or in writing, about any complaint of harassment, that employee must report such information to the Compliance Officer or designee within two (2) business days.

Throughout the course of the process as described herein, the Compliance Officer should keep the complainant informed of the status of the investigation and the decision making process.

All formal complaints must include the following information to the extent it is available: the identity of the individual believed to have engaged in, or engaging in, offensive conduct/harassment; a detailed description of the facts upon which the complaint is based; and a list of potential witnesses.

If the complainant is unwilling or unable to provide a written statement including the information set forth above, the Compliance Officer shall ask for such details in an oral interview. Thereafter the Compliance Officer will prepare a written summary of the oral interview, and the complainant will be asked to verify the accuracy of the reported charge by signing the document.

Upon receiving a formal complaint, the Compliance Officer will consider whether any action should be taken in the investigatory phase to protect the complainant from further harassment or retaliation including but not limited to a change of class schedule, or possibly a change of school. In making such a determination, the Compliance Officer should consult the complainant to assess his/her agreement to any action deemed appropriate. If the complainant is unwilling to consent to any change that is deemed appropriate by the Compliance Officer, the Compliance Officer may still take whatever actions s/he deem appropriate in consultation with the Superintendent and/or Board Attorney.

Within two (2) business days of receiving a formal complaint, the Compliance Officer will inform the individual alleged to have engaged in the harassing conduct, hereinafter referred to as the "respondent", that a complaint has been received. The respondent

will be informed about the nature of the allegations and a copy of these administrative procedures and the Board's anti-harassment policy shall be provided to the respondent at that time. The respondent must also be informed of the opportunity to submit a written response to the complaint within five (5) business days.

Within five (5) business days of receiving the complaint, the Compliance Officer or a designee will initiate a formal investigation to determine whether the complainant has been subject to offensive conduct/harassment. A principal will not conduct an investigation unless directed to do so by the Compliance Officer.

Although certain cases may require additional time, the Compliance Officer or a designee will attempt to complete an investigation into the allegations of harassment within fifteen (15) calendar days of receiving the formal complaint. The investigation will include:

A. interviews with the complainant;

B. interviews with the respondent;

C. interviews with any other witnesses who may reasonably be expected to have any information relevant to the allegations;

D. consideration of any documentation or other evidence presented by the complainant, respondent, or any other witness which is reasonably believed to be relevant to the allegations.

At the conclusion of the investigation, the Compliance Officer or the designee shall prepare and deliver a written report to the Superintendent which summarizes the evidence gathered during the investigation and provides recommendations based on the evidence and the definition of unlawful harassment as provided in Board policy and State and Federal law as to whether the complainant has been subject to unlawful harassment. The Compliance Officer's recommendations must be based upon the totality of the circumstances, including the ages and maturity levels of those involved. The Compliance Officer may consult with the Board Attorney before finalizing the report to the Superintendent.

Absent extenuating circumstances, within ten (10) business days of receiving the report of the Compliance Officer or the designee, the Superintendent must either issue a final decision regarding whether or not the complaint of harassment has been substantiated or request further investigation. A copy of the Superintendent's final decision will be delivered to both the complainant and the respondent.

If the Superintendent requests additional investigation, the Superintendent must specify the additional information that is to be gathered, and such additional investigation must be completed within ten (10) business days. At the conclusion of the additional investigation, the Superintendent must issue a final written decision as described above.

The decision of the Superintendent shall be final.

If the complainant is not satisfied with the Superintendent's decision, the complainant will have an additional sixty (60) days to file a complaint with the United States Department of Education Office of Civil Rights, Florida Commission on Human Relations, or the Equal Educational Opportunity Commission.

The Board reserves the right to investigate and resolve a complaint or report of unlawful harassment regardless of whether the member of the School District community or third party alleging the unlawful harassment pursues the complaint. The Board also reserves the right to have the formal complaint investigation conducted by an external person in accordance with this policy or in such other manner as deemed appropriate by the Board or its designee.

Confidentiality

The School District will make all reasonable efforts to protect the rights of the complainant and the respondent. The School District will respect the privacy of the complainant, the respondent, and all witnesses in a manner consistent with the School District's legal obligations under State and Federal law. Confidentiality cannot be guaranteed however. All complainants proceeding through the formal investigation process should be advised that their identities may be disclosed to the respondent.

During the course of a formal investigation, the Compliance Officer or his/her designee will instruct all members of the School District community and third parties who are interviewed about the importance of maintaining confidentiality. Any individual who is interviewed as part of a harassment investigation is expected not to disclose any information that s/he learns or that s/he provides during the course of the investigation.

All public records created as a part of an investigation of a complaint of harassment will be maintained by the Compliance Officer in accordance with the Board's records retention policy. Any records which are considered student records in accordance with the *Family Educational Rights and Privacy Act* will be maintained in a manner consistent with the provisions of the Federal law.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Allegations Constituting Criminal Conduct: Child Abuse/Sexual Misconduct

State law requires any teacher or school employee who knows or suspects that a child under the age of eighteen (18) is a victim of child abuse or neglect to immediately report that knowledge or suspicion to the Department of Children and Family Services. If, during the course of a harassment investigation, the Compliance Officer or a designee has reason to believe or suspect that the alleged conduct reasonably indicates abuse or neglect of the complainant, a report of such knowledge must be made in accordance with State law and Board policy.

If the Compliance Officer or a designee has reason to believe that the complainant has been the victim of criminal conduct as defined under Florida law, such knowledge should be reported to local law enforcement.

Any reports made to the local child protection service or to local law enforcement shall not terminate the Compliance Officer's or a designee's obligation and responsibility to continue to investigate a complaint of harassment. While the Compliance Officers or a designee may work cooperatively with outside agencies to conduct concurrent investigations, in no event shall the harassment investigation be inhibited by the involvement of outside agencies without good cause after consultation with the Superintendent.

Mandatory Reporting of Misconduct by Certificated Employees

The Superintendent is required by State law and Board Policy **8141** to report alleged misconduct by certificated employees of the District that affects the health, safety, or welfare of a student. In accordance with Board policy and State law, the Superintendent shall investigate each allegation of such conduct and, if confirmed, shall report such misconduct pursuant to Policy **8141**.

Sanctions and Monitoring

The Board shall vigorously enforce its prohibitions against unlawful harassment. While observing the principles of due process, a violation of this policy may result in disciplinary action up to and including the discharge of an employee or the suspension/expulsion of a student. All disciplinary action will be taken in accordance with applicable State law and the terms of the relevant collective bargaining agreement(s). When imposing discipline, the Superintendent shall consider the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved. In those cases where unlawful harassment is not substantiated, the Board may consider whether the alleged conduct nevertheless warrants discipline in accordance with other Board policies, consistent with the terms of the relevant collective bargaining agreement(s).

Where the Board becomes aware that a prior remedial action has been taken against a member of the School District community, all subsequent sanctions imposed by the Board and/or Superintendent shall be reasonably calculated to eliminate such conduct in the future.

Education and Training

In support of this policy, the Board promotes preventative educational measures to create greater awareness of unlawful discriminatory practices. The Superintendent shall provide appropriate training to all members of the School District community related to the implementation of this policy and Policy 5517.02. All training regarding this policy, Policy 5517.02, and harassment in

general will be age and content appropriate.

Retaliation

Any act of retaliation against a person who has made a report or filed a complaint alleging unlawful harassment, or who has participated as a witness in a harassment investigation is prohibited.

F.S. 110.1221, 1000.05, 1006.07
42 U.S.C. 2000d et seq.
42 U.S.C. 2000e et seq.
29 U.S.C. 621 et seq.
29 U.S.C. 794
42 U.S.C. 12101 et seq.
20 U.S.C. 1681 et seq.
42 U.S.C. 1983
National School Boards Association Inquiry and Analysis – May 2008

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The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

5517.01 - BULLYING AND HARASSMENT

The School Board is committed to providing an educational setting that is safe, secure, and free from bullying and harassment for all students and employees.

The Board will not tolerate unlawful bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited:

A. during any education program or activity conducted by the District;

B. during any school-related or school-sponsored program or activity or on a school bus of the District

C. through the use of data or computer software that is accessed through a computer, computer system, or computer network within the scope of the District; or

D. through the use of data or computer software that is accessed at a nonschool-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the District or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by the District or school or substantially disrupts the education process or orderly operation of a school.

This policy has been developed in consultation with District students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies as prescribed in F.S. 1006.147 and in conformity with the Florida Department of Education (FLDOE) revised Model Policy (July 2013).

The Superintendent shall develop a comprehensive plan intended to prevent bullying and harassment and to cultivate the school climate so as to appropriately identify, report, investigate, and respond to situations of bullying and harassment as they may occur on school grounds, at school-sponsored events, and through school computer networks. Implementation of the plan will be ongoing throughout the school year and will be integrated with the school curriculum, District disciplinary policies, and violence prevention efforts.

Definitions

"Bullying" includes "cyberbullying" and means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees. It is defined as any unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, 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; and may involve:

A. teasing;

B. threats;

C. intimidation;

D. stalking;

E. cyberstalking;

F. physical violence;

G. theft;

H. sexual, religious, or racial harassment;

I. public or private humiliation; or

J. destruction of property; and

K. social exclusion.

"Cyberbullying" means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one (1) person or the posting of material on an electronic medium that may be accessed by one (1) or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.

"Cyberstalking" means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

"Harassment" means any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:

A. places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;

B. has the effect of substantially interfering with a student's educational performance, opportunities, or benefits; or

C. has the effect of substantially disrupting the orderly operation of a school.

"Bullying" and **"harassment"** also encompass:

A. Retaliation against a student or school employee by another student or

school employee for asserting or alleging an act of bullying of harassment. Reporting an act of bullying or harassment that is not made in good faith is considered retaliation.

B. Perpetuation of conduct listed in the definition of bullying and/or harassment by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student or school employee by:

1. incitement or coercion;

2. accessing or knowingly and willingly causing or providing access to data or computer software through a computer, computer system, or computer network within the scope of the District school system; or

3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

"Harassment" also means electronically transmitted acts (i.e., internet, e-mail, cellular telephone, personal digital assistance (PDA), or wireless hand-held device) that a student(s) or a group of students exhibits toward another particular student(s) and the behavior both causes mental and physical harm to the other student and is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for the other student(s).

"Within the scope of the District" means regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity.

Expected Behavior

The District expects students to conduct themselves in keeping with their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.

Such behavior is essential in maintaining an environment that provides each student the opportunity to obtain a high quality education in a uniform, safe, secure, efficient, and high quality system of education.

The standards for student behavior shall be set cooperatively through interaction among students, parents/guardians, staff and community member, producing an atmosphere that encourages students to grow in self-discipline. The development of such an atmosphere requires respect for self and others, as well as for District and community property on the part of students, staff, and community members. School administrators, faculty, staff, and volunteers serve as role models for students and are expected to demonstrate appropriate behavior, treating others with civility and respect, and refusing to tolerate harassment or bullying.

Students are expected to conform to reasonable standards of socially acceptable behavior; respect the person, property, and rights of others; obey constituted authority; and respond to those who hold that authority.

The District shall provide for appropriate recognition and positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

Consequences

Consequences and appropriate remedial action for students who commit acts of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment may range from positive behavioral interventions up to and including suspension or expulsion, as outlined in the Code of Student Conduct.

Consequences and appropriate remedial action for a school employee found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall include discipline in

accordance with District policies, administrative procedures, and the collective bargaining agreement. Egregious acts of harassment by certified educators may result in a sanction against an educator's State-issued certificate. (See the Principles of Professional Conduct of the Education Profession in Florida - F.A.C. 6B-1006)

Consequences and appropriate remedial action for a visitor or volunteer found to have committed an act of bullying or harassment or found to have wrongfully and intentionally accused another as a means of bullying or harassment shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

Procedure for Reporting

The Board designates the principal as the person responsible for receiving all complaints of bullying. Any student or student's parent/guardian who believes s/he has been or is the victim of bullying or harassment should immediately report the situation to the school principal. Complaints against the principal should be filed with the Superintendent. Complaints against the Superintendent should be filed with the Board Chair.

All school employees are required to report alleged violations of this policy and alleged acts of bullying and harassment to the principal or as described above. The alleged violations and acts must be reported by school employees to the principal within twenty-four (24) hours.

All other members of the school community, including students, parents, volunteers, and visitors, are encouraged to report any act that may be a violation of this policy to the principal or as described above.

Written and oral reports shall be considered official reports. Reports may be made anonymously, but formal disciplinary action may not be based solely on the basis of an anonymous report.

The principal shall establish and prominently publicize to students, staff, volunteers, and parents the procedure for reporting bullying and how such a report will be acted upon. A victim of bullying and/or harassment, anyone who witnessed the act, and anyone who has credible information that an act of bullying and/or harassment has taken place may file a report.

Procedure for Investigation

The investigation of a reported act of bullying or harassment is deemed to be a school-related activity and begins with a report of such an act. All complaints about bullying and/or harassment that may violate this policy shall be promptly investigated by an individual, designated by the principal, who is trained in investigative procedures. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately and shall be confidential. The investigator may not be the accused perpetrator or victim. At no time shall the accused perpetrator and victim be interviewed together. The investigator shall collect and evaluate the facts including, but not limited to, the following:

A. a description of the incident, the nature of the behavior, and the context in which the incident occurred;

B. how often the conduct occurred;

C. whether there were past incidents or past continuing patterns of behavior;

D. the relationship between the parties involved;

E. the characteristics of the parties involved;

F. the identity of the alleged perpetrator, including whether the individual was in a position of power over the individual allegedly subjected to bullying or harassment;

G. the number of alleged bullies/harassers;

H. the age of the alleged bully/harasser;

I. where the bullying and/or harassment occurred;

J. whether there have been other incidents in the school involving the same or other students;

K. whether the conduct adversely affected the student's education or educational environment;

L. the date, time, and method in which the parent(s) of all parties involved were contacted.

In accordance with State law, District staff may monitor as part of any bullying or harassment investigation any nonschool-related activity, function, or program.

If, during an investigation of reported acts of bullying and/or harassment, the principal or his/her designee believes that the reported misconduct may have created a hostile learning environment and may have constituted unlawful discriminatory harassment based on sex, race, color, national origin, religion, or disability, the principal or his/her designee will report the act of bullying and/or harassment to one (1) of the Compliance Officers so that it may be investigated in accordance with the procedures set forth in Policy 5517 - Anti-Harassment.

Upon the completion of the investigation to determine whether or not a particular action or incident constitutes a violation of the policy, the designated individual who has conducted the investigation shall make a determination based on all the facts and surrounding circumstances and shall include:

A. a recommendation of remedial steps necessary to stop the bullying and/or harassing behavior; and

B. a written report to the principal.

A maximum of ten (10) days should be the limit for the completion of the investigative procedural steps and submission of the incident report. While ten (10) days is the expectation for completion of the investigative procedural steps, more time may be needed based on the nature of the investigation and the circumstances affecting that investigation. The investigator shall document in his/her report the reasons for needing additional time beyond ten (10) days. The highest level of confidentiality possible shall be provided regarding the submission of a complaint or a report of bullying and/or harassment and for the investigative procedures that are employed.

The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action initiated pursuant to this policy.

Scope

The investigator will provide a report on the results of the investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of District authority. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated. If the action is within the scope of the District, District procedures for investigating bullying and/or harassment shall be followed. If the action is outside the scope of the District, and believed to be a criminal act, the action shall be referred to the appropriate law enforcement agency. If the action is outside the scope of the District and believed not a criminal act, the principal shall inform parents/guardians of all minor parties.

Parent Notification

The principal shall report the occurrence of an incident of bullying as defined by District policy to the parent/guardian of all students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone or by personal conference and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). The notice shall advise the individuals involved of their respective due process rights including the right to appeal any resulting determination or action to the State Board of Education.

If the bullying incident results in the perpetrator being charged with a crime, the principal shall inform by first class mail or by telephone the parent/guardian of the identified victim(s) involved in the bullying incident about the Unsafe Schools Choice Option (No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 9532) that states, in pertinent part, as follows:

> "….a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school."

Upon the completion of the investigation and if criminal charges are to be pursued against the perpetrator, the appropriate law enforcement agencies shall be notified by telephone and/or in writing.

Counseling Referral

The District shall provide a referral procedure for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure will include:

A. a process by which the teacher or parent may request informal consultation with school staff (e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern;

B. a referral process to provide professional assistance or services that may includes a process by which school personnel or parent/guardian may refer a student to the school intervention team (or equivalent school-based team with a problem-solving focus) for consideration of appropriate services(parent/guardian involvement is required at this policy); or

   If a formal discipline report or formal complaint is made, the principal must refer the student(s) to the school intervention team for determination of counseling support and interventions (parent/guardian is required at this policy).

C. a school-based action to address intervention and assistance as determined appropriate by the intervention team that includes:

   1. counseling and support to address the needs of the victim(s) of bullying or harassment;

   2. interventions to address the behavior of students who bully and harass others (e.g., empathy training, anger management, etc.);

   3. interventions which include assistance and support for parents,

as may be deemed necessary or appropriate.

Data Report

The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data as prescribed. If a bullying (including cyberbullying) and/or harassment incident occurs it will be reported in SESIR, coded appropriately using the relevant incident code and the related element code. Discipline and referral data will be recorded in Student Discipline/Referral Action Report and Automated Student Information System. In a separate section, the District shall include each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding such incidents.

The District will provide bullying incident, discipline, and referral data to the Florida Department of Education (FLDOE) in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment, and threat/intimidation incidents as well as any bullying-related incidents that have as a basis sex, race, or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.

Training and Instruction

Students, parents, teachers, school administrators, counseling staff, and school volunteers shall be provided training and instruction, at least annually, on the District's policy and administrative procedures regarding bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as information about how to effectively identify and respond to bullying in schools. Instruction regarding bullying, harassment, and the District's violence prevention and school safety efforts shall be integrated into District curriculum at the appropriate grade levels. The training and instruction shall include recognizing behaviors that lead to bullying and harassment and taking appropriate preventative action based on those observations.

Victim's Parent Reporting

The principal shall report the occurrence of an incident of bullying as defined herein to the parent/guardian of students known to be involved in the incident on the same day an investigation of the incident has been initiated. Notification shall be by telephone and in writing by first-class mail and shall be consistent with the student privacy rights under applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA). According to the level of infraction, the victim's parents will be notified by telephone and/or in writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident.

Policy Publication

At the beginning of each school year, the Superintendent shall, in writing, inform school staff, parents/guardians/other persons responsible for the welfare of a student of the District's student safety and violence prevention policy.

The District shall provide notice to students and staff of this policy in the Code of Student Conduct, employee handbooks, and via the District's official website. The Superintendent will also provide such notification to all District contractors.

Each principal shall implement a process for discussing, at least annually, the District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages will be displayed, as appropriate, at each school and at District facilities.

Immunity

A school employee, school volunteer, students, parent/guardian, or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate school official and who makes this report in compliance with the procedures set forth in District policy is immune from a cause of action for damages arising out of the reporting itself or any failure to remedy the reported incident.

Submission of a good faith complaint or report of bullying or harassment will not affect the complainant or reporter's future employment, grades, learning or working environment, or work assignments. Such immunity from liability shall not apply to any school employee, school volunteer, student, parent/guardian, or other person determined to have made an intentionally false report about harassment, intimidation, and/or bullying.

Privacy/Confidentiality

The School District will respect the privacy of the complainant, the individual(s) against whom the complaint is filed, and the witnesses as much as possible, consistent with the Board's legal obligations to investigate, to take appropriate action, and to conform with any discovery or disclosure obligations. All records generated under this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

Nothing in this policy shall be construed to abridge the rights of students or school employees that are protected by the First Amendment to the Constitution of the United States.

F.S. 110.1221, 784.048, 1002.20, 1006.13, 1006.147
Florida Department of Education Revised Model Policy (July 2013)
No Child Left Behind (NCLB), Title IX, Part E, Subpart 2, Section 9532

Adopted 12/16/14

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5520 - DISORDER AND DEMONSTRATION

The School Board recognizes the right of each student to attend school for the purpose of receiving an education. The disruption of the educational program of the schools by disorder or any other purposeful activity will not be countenanced.

For purposes of this policy, disorder shall be any deliberate activity by an individual or a group, whether peaceful or violent, that interferes with the normal operation of the school.

The Board, having the responsibility for providing an educational program for the students of this District, shall have the authority to preserve order for the proper functioning of that program.

Students shall not be disturbed in the exercise of their constitutionally guaranteed rights to assemble peaceably and to express ideas and opinions, privately or publicly, provided that such exercise does not infringe on the rights of others and does not interfere with the operation of the schools.

This policy shall apply not only during school hours, but at any time students in good standing, teachers, employees and other such persons are on the school campus or school grounds, and shall also apply for all school activities that are held after school hours.

Individuals who enter Board property for the purpose of creating a disturbance, or refuse to leave the property when asked by the principal or person in charge, are subject to criminal penalty as provided in Florida statutes. The principal shall contact appropriate law enforcement officials in cases of disruptive activity or refusal to leave the school grounds and take appropriate action to have the offender punished as prescribed by law. The Superintendent shall be notified immediately of any such action.

Pursuant to State law and Board policies, no person, except law enforcement and security officers, may have in his/her possession any weapon, illegal substance, or dangerous substance while on school property or at school-sponsored events.

F.S. 1001.43, 1006.145

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5530 - DRUG PREVENTION

The School Board recognizes that the misuse of drugs is a serious problem with legal, physical, and social implications for the whole school community.

As the educational institution of this community, the schools should strive to prevent drug abuse and help drug abusers by educational, rather than punitive, means.

For purposes of this policy, "drugs" shall mean:

A. all dangerous controlled substances as so designated and prohibited by Florida statute;

B. all chemicals which release toxic vapors;

C. all alcoholic beverages;

D. any prescription or patent drug, except those for which permission to use in school has been granted pursuant to Board policy;

E. anabolic steroids; and

F. any substance that is a "look-alike" to any of the above.

The Board prohibits the use, possession, concealment, or distribution of any drug or any drug-related paraphernalia as the term is defined by law, or the misuse of a product containing a substance that can provide an intoxicating or mood-altering effect on school grounds, on school vehicles, and/or at any school-sponsored event.

It further establishes a drug-free zone within 1000 feet of any facility used by the District for educational purposes.

The Superintendent shall prepare procedures for the identification, amelioration, and regulation of drug use in the schools. Such procedures shall:

A. emphasize the prevention of drug use;

B. provide for a comprehensive, age-appropriate, developmentally-based drug and alcohol education and prevention program which:

1. addresses the legal, social, psychological, and health consequences of drug and alcohol use;

2. provides information about effective techniques for resisting peer pressure to use illicit drugs and alcohol;

3. assists students to develop skills to make responsible decisions about substance abuse and other important health issues;

4. promotes positive emotional health, self-esteem, and respect for one's body;

5. meets the minimal objectives as stated in the essential performance objectives for health education as established by the State Department of Education;

C. include a statement to students that the use of illicit drugs and the unlawful possession and use of alcohol is wrong and harmful;

D. provide standards of conduct that are applicable to all students and which clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students on school premises or as a part of any school activity;

E. include a clear statement that disciplinary sanctions, up to and including expulsion and referral for prosecution, will be imposed on students who violate the school standards of conduct and a description of those sanctions;

The sanctions may include, together with punitive action, voluntary referral to appropriate persons or agencies for screening and assessment. Such referral may only be made to qualified and properly licensed individuals or programs.

F. provide information about any drug and alcohol counseling and rehabilitation and reentry programs available to students and provide procedures to direct students and their parents to the appropriate programs;

G. require that all parents and students be given a copy of the standards of conduct regarding the unlawful possession, use, or distribution of illicit drugs and alcohol by students;

H. require the notification to parents and students that compliance with the standards of conduct is mandatory;

I. provide a biennial review of the School District's program to determine its effectiveness and implement changes as needed and to ensure that disciplinary sanctions are consistently enforced;

J. provide for a student assistance program which includes procedures for prevention, intervention, referral, treatment, and after-care;

Such a program must be comprehensive in nature addressing all issues affecting students' academic, social, and emotional well being in the educational setting which may negatively affect behavior and interfere with their ability to learn.

K. establish means for dealing with students suspected of drug use or suspected of possessing or distributing drugs in school and ensure that the District's policy and administrative procedures on Search and Seizure Policy 5771, Suspension and Expulsion Policy 5610 and AP 5610, and Permanent Exclusion Policy 5610.01 are complied with fully.

F.S. 1001.43, 1006.07
Public Law 101 - Drug-Free Schools and Communities Act of 1986
20 U.S.C. 3171 et seq.
20 U.S.C. 3224A

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5531 - STUDENT ASSISTANCE PROGRAMS

In keeping with its concern for the safety and well-being of both students and staff and for maintaining a school environment that is conducive to learning, the School Board has adopted policies related to student conduct in the school setting and has authorized disciplinary measures for the violation of these policies.

The Board seeks to maintain a balance between maintaining a proper educational environment and a compassion for students who suffer from or are victims of intemperate, immoral, or illegal behavior. Educational programs have been established to promote healthful, productive living, and discipline shall be maintained to protect students and staff from actions that disrupt teaching and learning. However, the Board recognizes that students may experience difficulties that educational programs and sound discipline may not prevent, and that other forms of assistance need to be available through the school.

The Superintendent is authorized to establish one (1) or more assistance programs for students that provide for effective intervention in areas such as substance abuse, crisis situations, and other situations that have impact on students' emotional, mental, and/or social well-being and affect their ability to benefit from educational experiences. Administrative procedures are to be prepared which will ensure that:

A. the rights of both parents and students are protected;

B. staff members are properly trained and skilled for their roles and participate in ways that comply with their certification or licensing and job description as well as with Board policies and administrative procedures;

C. outside resource people and agencies are properly certified or licensed to provide services and have a history of effective assistance.

F.S. 397.951, 1001.43

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5540 - THE SCHOOLS AND INVESTIGATIONS INVOLVING STUDENTS

The School Board recognizes that all employees and agents of the Board have an affirmative duty to cooperate with law enforcement agencies and the Department of Children and Family Services and comply with investigations relating to child abuse, abandonment, and neglect, or an alleged unlawful sexual offense involving a child. As provided herein, building administrators may also assist authorities in their investigations of other violations of law in which students are alleged to be involved.

When law enforcement authorities or officials from the Department of Children and Family Services arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and expressing their desire to question a student or students.

Investigation of Child Abuse/Neglect Under the Child Protection Act by a Public Children's Service Agency

Every employee and agent of the Board who, in connection with his/her position, knows or has reasonable cause to suspect child abuse, abandonment, or neglect must immediately report that knowledge or suspicion online at https://abuse-report-bc.dcf.state.fl.us/AbuseWebReport/AddReporterinfo.aspx or by calling the abuse hotline at 1-800-962-2873, or TDD (Telephone Device for the Deaf): 1-800-453-5145. If the situation constitutes an emergency, the employee should call 911 first and then call the abuse hotline number. (see also Board Policy 8462)

An official of the Department of Children and Family Services or law enforcement agency on its behalf may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

The building administrator shall attempt to contact the parent prior to questioning, unless directed no to do so. The building administrator must not attempt to contact the parent without first advising the investigator of his/her intent to do so.

The building administrator or designated guidance counselor shall request to remain in the room during questioning of the student. However, it is up to the investigator whether to allow a school staff member who is known by the child to be present during the initial interview, and will only make such allowance if:

A. the investigator believes that the school staff member could enhance the success of the interview by his/her presence; and

B. the child requests or consents to the presence of the school staff member at the interview.

Investigations of Child Abuse/Neglect by Law Enforcement Agencies

A law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non-school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place

immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

If a student is to be questioned as a witness or a victim in an alleged violation of law, the building administrator shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency. Although, in such circumstances, the principal is lawfully acting in loco parentis, the parent should be informed.

Before the student(s) is (are) questioned as a suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during questioning unless compelling reasons for exclusion are provided by the law enforcement agency. In the event prior contact was not successful, the parent shall be notified subsequent to the questioning.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall be documented.

When an authorized law enforcement officer or the Department of Children and Family Services removes a student, the building administrator shall also notify the parent(s) and the Superintendent. No school official may release personally identifiable student information in education records to the police or the Department of Children and Family Services without prior written permission of the parent, a lawfully-issued subpoena, a court order or a health or safety emergency. (See Board Policy 8330 - Student Records).

Fla. Const. Art. I, Sect. 9
F.S. 1006.061

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5600 - STUDENT DISCIPLINE

The School Board acknowledges that conduct is closely related to learning -- an effective instructional program requires an orderly school environment and the effectiveness of the educational program is, in part, reflected in the behavior of students.

The Board believes that the best discipline is self-imposed and that students should learn to assume responsibility for their own behavior and the consequences of their actions. The Board has zero tolerance of violent, disruptive, or inappropriate behavior by its students.

The Board shall require each student of this District to adhere to the Student Code of Conduct adopted by the Board and to submit to such disciplinary measures as are appropriately assigned for infraction of those rules. Such rules shall require that students:

A. conform to reasonable standards of socially-acceptable behavior;

B. respect the person and property of others;

C. preserve the degree of order necessary to the educational program in which they are engaged;

D. respect the rights of others;

E. obey constituted authority and respond to those who hold that authority.

The Student Code of Conduct designates sanctions for the infractions of rules, excluding corporal punishment, which shall:

A. relate in kind and degree to the infraction;

B. help the student learn to take responsibility for his/her actions;

C. be directed, where possible, to reduce the effects of any harm which may have been caused by the student s misconduct.

Students may be prohibited by authorized school personnel from participating in all or part of co-curricular and/or extra-curricular activities without further notice, hearing, or appeal rights. A student who has been disorderly on a school bus may be suspended from transportation services consistent with Board policy and the Student Code of Conduct/Student Discipline Code.

The Superintendent shall publish to all students and their parents the rules of this District regarding student conduct and the sanctions which may be imposed for breach of those rules.

The Superintendent shall inform the Board periodically of the methods of discipline imposed by this District and the incidence of student misconduct in such degree of specificity as shall be required by the Board.

The Superintendent, principals, and other administrators shall have the authority to assign discipline to students, subject to the Student Code of Conduct and, where required by law, to the student's due process right to notice, hearing, and appeal.

Teachers, school bus drivers, and other employees of this Board having authority over students may take such action as may be

necessary to control the disorderly conduct of students in all situations and in all places where such students are within the jurisdiction of this Board and when such conduct interferes with the educational program of the schools or threatens the health and safety of others.

Discipline on Board vehicles shall be the responsibility of the driver on regular bus runs. When Board vehicles are used for field trips and other Board activities, the teacher, coach, advisor, or other Board employee shall be responsible for student discipline. If a student becomes a serious discipline problem on a vehicle, the Superintendent may suspend the transportation privileges of the student providing such suspension conforms with due process.

The procedures for suspension are set forth in the Student Code of Conduct, Policy 5610 – Removal, Suspension, and Expulsion of Students, and Board Policy 5611 - Due Process Rights.

No student is to be detained after the close of the regular school day unless the student's parent has been contacted and informed that the student will be detained. If a parent cannot be contacted, the student should be detained on another day.

F.S. 1001.43, 1002.20, 1003.31, 1003.32, 1006.07, 1006.08, 1006.09, 1106.10

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5605 - DISCIPLINE OF STUDENTS WITH DISABILITIES

The *Code of Student Conduct* and any revisions shall be approved and adopted by the School Board.

The adopted *Code of Student Conduct* shall be consistent with Federal and State laws regarding the discipline of students with disabilities.

F.S. 1006.07, 1006.09
F.A.C. 6A-1.0404(3), 6A-6.03311
Section 504, 1973 Rehab. Act
34 C.F.R. 300.520 et seq.
U.S. Supreme Court, Honig v Doe, 56 USLW 4091

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5610 - REMOVAL, SUSPENSION, AND EXPULSION OF STUDENTS

The School Board recognizes that exclusion from the educational program of the schools, whether by emergency removal, suspension, or expulsion, is the most severe sanction that can be imposed on a student in this District, and one that cannot be imposed without due process.

No student is to be removed, suspended, expelled, or excluded from an activity, program, or a school unless his/her behavior represents misconduct as specified in the *Code of Student Conduct* that is adopted by the Board. The Code shall also specify the procedures to be followed by school officials.

For purposes of this policy and the Superintendent's administrative procedures, the following shall apply:

A. "Emergency removal" shall be the exclusion of a student who poses a continuing danger to District property or persons in the District or whose behavior presents an on-going threat of disrupting the educational process provided by the District.

B. "Suspension" shall be the temporary exclusion of a student from the District's program for a period not to exceed ten (10) school days.

C. "Expulsion" shall be the exclusion of a student from the schools of this District for a defined period of time up to the number of school days remaining in a semester or term in which the incident that gives rise to the expulsion takes place and one (1) additional school year.

REMOVAL FROM CLASS

A. When a teacher sends a disruptive student to the office, the Principal will provide oral and/or written feedback to the teacher with regard to present and/or future action concerning the student's behavior. Disruptive behavior will include, but not be limited to, the following:

1. assault on staff or students,

2. threat(s) or violence,

3. willful disregard of a teacher's directions,

4. malicious vandalism,

5. possession of weapons of any type,

6. continuing use of profane language or obscene gestures, and

7. instigation of violence or mass disobedience to legitimate directions.

The teacher may request a conference with the Principal and the student's parent(s)/guardian(s) prior to the student being returned to his/her classroom. A disruptive student will not normally be returned to the classroom where he/she exhibited the disruptive behavior until the teacher has received the feedback.

B. Pursuant to F.S. 1003.32, a teacher may remove a student from his/her class whose behavior the teacher determines interferes with the teacher's ability to effectively communicate with other students in the class or with the ability of the student's classmates to learn.

The principal may not return a student who has been removed by a teacher from the teacher's class without the teacher's consent, unless the Placement Review Committee established herein determines that such placement is the best or only available alternative.

The teacher and the Placement Review Committee must render decisions within five (5) working days of the removal of the student from the classroom.

In accordance with State law, each school shall establish a Placement Review Committee(s) to determine if a student is to be returned to a teacher's class after that student has been removed by the teacher and the teacher has withheld consent for that student to be returned to the teacher's class. Committee membership shall be as set forth in State law. The Placement Review Committee(s) will be selected during preschool planning.

A teacher, who removed a student from his/her class and who has withheld consent for the return of that student to his/her class, shall not serve on the committee when the committee makes its decision regarding the return of the student.

SUSPENSION FROM SCHOOL OR FROM RIDING SCHOOL BUS

A. When a student's actions are disruptive to himself/herself or to the school as to violate law or offenses set forth in the Board-adopted *Code of Student Conduct*, the student may be suspended by the Principal. Suspension dictates that the student shall not be allowed to attend his/her regular classes or school-sponsored activities for a prescribed number of days not to exceed ten (10). The Principal may refer the student during the period of the suspension to in-school suspension, a center for special counseling or shall remand the student to the custody of his/her parent or guardian. Prior to suspending a student, except in emergencies, the Principal shall make an effort to employ parental assistance or alternative methods of dealing with the student and shall document such efforts.

B. In no case shall a bus driver suspend a student from riding a school bus.

C. Prompt notice of a suspension shall be given by telephone to the student's parent or guardian, if possible. Formal written notification to the student's parent or guardian and the Superintendent shall be initiated within twenty-four (24) hours of the time the student is informed of the suspension.

D. Except in the event of emergencies or disruptive conditions which require immediate suspension or in the case of a serious breach of conduct that is defined as willful disobedience, open defiance of authority of a member of the school staff, violence against persons or property, or any other act which substantially disrupts the orderly conduct of the school, all out-of-school suspensions shall not begin prior to the beginning of the next school day following the infraction unless the parents or guardians have been notified.

E. Prior to the suspension, the student shall be given an informal and impartial hearing before the principal and shall be informed of the charge(s) against him/her that may result in suspension. If the student denies the charge(s), s/he shall be given an explanation of the evidence, and an opportunity to present his/her version of the case, and notification of the action taken by the principal. In cases of extremely disruptive or dangerous behavior persons or groups involved may be immediately suspended and ejected from the school campus without the necessity of a prior hearing. In such instances, each student shall be afforded an informal hearing before the principal prior to the expiration of the third day of suspension.

F. The principal may suspend a student from school and/or from riding the school bus for a period not to exceed ten (10) days. Students shall be given the opportunity to make up school work and course requirements missed while absent due to out-of-school suspension. The student shall have a reasonable amount of time up to five (5) school days following suspension to complete the school work missed and shall do so on his/her own initiative.

G. When Board action on a recommendation for the expulsion of a student is pending, the superintendent may extend the suspension assigned by the principal beyond ten (10) school days if such suspension expires before the next regular or special meeting of the Board.

H. In the case of students with disabilities, suspensions shall be pursuant to the procedures outlined in the *Code of Student Conduct*.

WAIVER OF SUSPENSION

The Superintendent may grant to a principal the approval to waive mandatory suspension policies if the principal has submitted a request for the waiver and has an existing educational alternative program. Students at schools without alternative programs may attend alternative programs at another school with the approval of both principals and area superintendent.

EXPULSION

A. A principal may recommend to the superintendent the expulsion of a

student. The principal shall provide the superintendent an adequate history of the student's actions and alternative measures taken relevant to the recommendation. When the superintendent makes a recommendation for expulsion to the Board, written notice shall be given to the student and his/her parent or guardian of the recommendation setting forth the charges against the student and advising the student and his/her parent or guardian of their right of due process.

B. Expulsion is the removal of the right and obligation of a student to attend a public school for a period of time and under conditions set by the Board not to exceed the remainder of the term or school year and one (1) additional year of attendance.

D. All students who are candidates for expulsion shall undergo screening to determine if they qualify for exceptional education programs.

E. **Application Requirements for Earned Return of Expelled and/or Students Whose Expulsion is Held in Abeyance.**

Any student who has been expelled for violent behavior (acts of assault, violence, intimidation, or fighting), possession of weapons, or the sale or transfer of alcoholic beverages, narcotics, illegal drugs and/or prohibited substances as defined in Board Policy 5500 shall not be considered eligible for an earned return under this rule.

Students expelled from school and eligible for earned return may apply for re-admission in accordance with this rule. Applicants must provide documentation of the following:

1. The student has made successful progress in a State-approved rehabilitation and/or counseling treatment program.

2. During the expulsion period the student has demonstrated continued academic progress in the District-approved off-site abeyance alternative program or other Board-approved program.

3. A controlled urine screen immediately prior to application to verify s/he is medically clean of drugs, if requested.

The parent(s)/guardian of a student eligible for earned return may complete one or more parenting classes. The classes and the parent/guardian's involvement in the process are to be considered by the principal in making a recommendation.

A student and parent(s) or guardian may apply for return to the regular school program commencing the semester following completion of the requirements for earned return of expelled students. The student shall return to school at the beginning of the semester or summer session following final approval of the application. Application can be made in the same semester or term that the expulsion occurs. The application for earned return shall be submitted to the principal of the school where the student was last enrolled and expelled. It shall be accompanied by a

written conduct agreement between the principal/designee, the student and the parent(s)/guardian delineating responsibilities if the student is re-admitted to the regular school program. Such agreement shall outline conditions of the earned return and may include provisions such as, use of periodic controlled urine screening, student responsibility for attendance, school performance, discipline procedures, special services, or other provisions. It shall include a provision stating that if a student does not meet the requirements of this contract, the original expulsion order remains effective. If a final order of expulsion has not been entered by the Board, the student will return to the off-site abeyance program.

The principal and superintendent shall review the application and approve or disapprove.

If a student is expelled for more than twenty (20) school days or for any period of time that extends into the next school year, the superintendent shall provide the student and his/her parents with the names, addresses, and telephone numbers of those public or private agencies in the community that offer programs or services that help to rectify the student's behaviors and attitudes that contributed to the incident(s) that caused the expulsion.

The superintendent is authorized to establish a training program for parents of students who have been suspended or expelled for violations of the *Code of Student Conduct*. Notification of the time, date, and location of the training program is to be provided with the notice of intent to suspend or expel. If a parent fails to attend or complete the training program, the Superintendent shall report the parent to law enforcement authorities for parent education neglect, a fourth degree misdemeanor if found guilty.

The principal may suspend a student from any or all co-curricular or extra-curricular activities for violations of the *Code of Student Conduct*.

The Board authorizes the superintendent to provide for options to suspension/expulsion of a student from school which may include alternative educational options.

The Board authorizes the Superintendent to delay the admission of a student who has been suspended by another public or private school for an act that would have been grounds for suspension according the Board-adopted *Code of Student Conduct* for a period equal to that of the suspension.

Upon the recommendation of the Superintendent, the Board may deny the admission of a student who has been expelled by any in-state or out-of-state public district school board or private school for a period equal to that of the expulsion for an act that would have been grounds for expulsion according to the Board-adopted *Code of Student* Conduct. Prior to recommending the denial of admission, the Superintendent shall offer the student an opportunity for a hearing to review the circumstances of the expulsion and any other factors the Superintendent determines to be relevant.

If the Superintendent recommends and the Board approves the denial of the student’s admission, a final order of expulsion shall be recorded in the records of the District, and the student and his/her parents shall be advised of the final order of expulsion.

The Board will hear the appeal of an expulsion.

A copy of this policy is to be made available to students and parents upon request. Key provisions of the policy should also be included in the *Code of Student Conduct*.

F.S. 1002.20, 1003.02, 1006.07, 1006.09
F.A.C. 6A-6.03312
18 U.S.C. Section 921
20 U.S.C. 8921

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5610.02 - IN-SCHOOL DISCIPLINE

It is the purpose of this policy to allow for an alternative to out-of-school suspension. The availability of in-school discipline options is dependent upon the financial ability of the School Board to support them.

In-school discipline will only be offered at the discretion of the Principal for offenses found in the *Code of Student Conduct*.

As long as the in-school disciplinary alternatives are served entirely in the school setting, they will not require any notice, hearing, or appeal rights.

F.S. 1006.07

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5610.03 - DETENTION OF STUDENTS

A student may be detained up to one (1) hour after school is dismissed. An effort shall be made to notify one of the student's parents prior to the detention. Transportation of students following detention is the responsibility of the parent.

F.S. 1006.07

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5610.04 - SUSPENSION OF BUS RIDING/TRANSPORTATION PRIVILEGES

Students on a bus or other authorized School Board transportation vehicles are under the authority of and directly responsible to the bus/vehicle driver. The driver has the authority to enforce the established regulations for bus/vehicle conduct. Disorderly conduct or refusal to submit to the authority of the driver will be sufficient reason for refusing transportation service to any student.

A student may be suspended from school bus/vehicle riding privileges for all or part of a school year for any violation of established regulations for bus conduct and/or for conduct occurring on the bus/vehicle in violation of the Student Code of Conduct/Student Discipline Code.

Before a suspension from bus/vehicle riding privileges is imposed, the Superintendent or other designated District personnel will provide a student with notice of an intended suspension and an opportunity to appear before the Superintendent or other designated District personnel. Disciplinary suspension periods will be commensurate with the infraction(s) committed as determined by the Superintendent or designated District personnel.

Any additional procedures regarding conduct on school buses/vehicles, as well as general information about the school transportation program, will be made available to all parents and students and posted in a central location.

F.S. 1006.07, 1006.10

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5610.05 - PROHIBITION FROM PARTICIPATION IN EXTRA-CURRICULAR ACTIVITIES

Participation in extra-curricular activities, including interscholastic sports, is a privilege and not a right. Therefore, the School Board authorizes the Superintendent, principals, and assistant principals and other authorized personnel employed by the District to supervise or coach a student activity program, to prohibit a student from participating in any particular or all extra-curricular activities of the District for offenses or violations of the *Code of Student Conduct* for a period not to exceed the remainder of the school year in which the offense or violation of the *Code of Student Conduct* took place.

In addition, student athletes are further subject to the FHSAA rules and may be prohibited from participating in all or part of any interscholastic sport for violations therein.

Students prohibited from participation in all or part of any extra-curricular activity are not entitled to further notice, hearing, or appeal rights.

This policy shall be available to students upon request.

F.S. 1006.07, 1006.15, 1006.20

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5611 - DUE PROCESS RIGHTS

The School Board recognizes the importance of safeguarding a student's constitutional rights, particularly when subject to the District's disciplinary procedures.

So that appropriate due-process is provided a student, the Board establishes the following regulations:

A. **Students subject to suspension:**

A student must be given both written notice of his/her suspension and the reasons therefore and the opportunity to appear and respond to the charges against him/her prior to the suspension. An appeal may be addressed to the principal whose decision will be final.

B. **Students subject to expulsion:**

A student and his/her parent or guardian must be given written notice of the intention to expel and the reasons therefore, and an opportunity to appear with a representative before the Superintendent to answer the charges.

The student and/or his/her parent or guardian shall also be provided a brief description of the student's rights and of the hearing procedure. The Board shall act on any appeal to an expulsion.

The Superintendent shall require that all members of the staff use the above regulations when dealing with students. In addition, this statement of due process rights is to be placed in the *Code of Student Conduct* in a manner that will facilitate understanding by students and their parents.

F.S. 1006.07, 1006.09, 1001.51, 1002.20

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5630 - CORPORAL PUNISHMENT AND USE OF REASONABLE FORCE AND RESTRAINT

A teacher or other member of the staff shall assume such authority for the control of students who are assigned to him/her by the principal or designee and shall keep good order in the classroom.

Corporal Punishment

The use of corporal punishment is prohibited. Alternative disciplinary procedures, which may include timeout, peer review, or other forms of positive reinforcement should be used to bring about appropriate student classroom behavior.

Reasonable Force and Restraint

Instructional staff as well as support staff, within the scope of their employment, may use and apply reasonable force and restraint to quell a disturbance threatening physical injury to others, to obtain possession of weapons or other dangerous objects upon or within the control of the student, in self-defense, or for the protection of persons or property.

Furthermore, administrators, instructional staff members, and support staff members shall not be criminally or civilly liable for any action carried out in conformity with State Board rule and/or School Board policies regarding the control, discipline, suspension, and expulsion of students, including, but not limited to, any exercise of authority granted by this policy.

F.S. 1003.02, 1003.32, 1006.09, 1006.11

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5710 - STUDENT COMPLAINTS

The School Board recognizes that, as citizens, students have the right to request redress of grievances. Further, the Board believes that the inculcation of respect for lawful procedures is an important part of the educational process. Accordingly, individual and group complaints should be provided for and appropriate appeal procedures implemented.

For purposes of this policy, a student complaint shall be any such that arises out of actions, procedures, and policies of this Board or its employees or the lack of such policy or procedure.

The Board or its employees will hear the complaints of the students of this District provided that such complaints are made according to procedures established by Board Policy 9130.

F.S. 1002.20, 1012.796

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5722 - SCHOOL-SPONSORED PUBLICATIONS AND PRODUCTIONS

The School Board sponsors student publications and productions as means by which students learn, under adult direction/supervision, the rights and responsibilities inherent when engaging in the public expression of ideas and information in our democratic society.

For purposes of this policy, "school-sponsored student media" shall include both student publications and productions. "Student publications" shall include any written materials, (including, but not limited to, banners, flyers, posters, pamphlets, notices, newspapers, playbills, yearbooks, literary journals, books, and t-shirts and other school-sponsored clothing), as well as material in electronic or on-line form (including, but not limited to, websites, web logs ("blogs"), video or audio clips, and newsletters or announcements transmitted by e-mail, wireless broadcast or other similar distribution/dissemination). "Student productions" shall include vocal and theatrical performances, impromptu dramatic presentations, or any electronic media (including, but not limited to, radio and television programs, podcasts, and other video or audio productions that are recorded for re-broadcast or broadcast in real time using any available broadcast technology). Further, the term "publication" shall include distribution and dissemination of a student publication; and the term "performance" shall include presentation and broadcast of a student production.

The following speech is unprotected and prohibited in all school-sponsored student publications and productions: speech that is defamatory, libelous, obscene or harmful to juveniles; speech that is reasonably likely to cause substantial disruption of or material interference with school activities or the educational process; speech that infringes upon the privacy or rights of others; speech that violates copyright law; speech that promotes activities, products or services that are unlawful (illegal) as to minors as defined by State or Federal law; and speech that otherwise violates school policy and/or State or Federal law. The Board authorized the administration to engage in prior review and restraint of school-sponsored publications and productions to prevent the publication or performance of unprotected speech.

All school-sponsored student publications and productions are nonpublic forums. While students may address matters of interest or concern to their readers/viewers, as nonpublic forums, the style and content of the student publications and productions can be regulated for legitimate pedagogical, school-related reasons. School officials shall routinely and systematically review and, if necessary, restrict the style and/or content of all school-sponsored student publications and productions prior to publication/performance in a reasonable manner that is neutral as to the viewpoint of the speaker. Legitimate pedagogical concerns are not confined to academic issues, but include the teaching by example of the shared values of a civilized social order, which consists of not only independence of thought and frankness of expression but also discipline, courtesy/civility, and respect for authority. School officials may **further** prohibit speech that is ungrammatical, poorly written, inadequately researched, biased or prejudice, vulgar or profane, or unsuitable for immature audiences.

The Board expressly authorizes the publication/performance of student media outside the school community (i.e. to the general public). See Board Policy **9160**.

Students shall not be disciplined and/or retaliated against for exercising and/or asserting their free speech rights as defined in this policy. Nothing in this policy, however, restricts the Board's ability to impose post-publication/performance discipline related to a student engaging in the impermissible publication and/or performance of unprotected speech.

Advertising is permitted in school-sponsored student publications/productions, if approved by the Principal.

The Principal shall review advertisements that are submitted to determine if they are appropriate for juveniles. The Superintendent retains the final authority to determine whether an advertisement is appropriate and will be included in a publication/production. Advertisements may be rejected for legitimate pedagogical school-related reasons unrelated to the viewpoint of the advertiser (e.g., the advertisement encourages action that would endanger the health and safety of students).

General Prohibitions

Regardless of their status as non-public or limited-purpose public *forums*, the Board prohibits publications, productions and advertisements that:

A. promote, favor, or oppose any candidate for election or the adoption of any bond issue, proposal, or question submitted at any election;

B. fail to identify the student or organization responsible for the publication/performance;

C. solicit funds for nonschool organizations or institutions when such solicitations have not been approved by the Board.

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5724 - PREPARATION FOR VOTER REGISTRATION

The School Board believes that preparing students to assume the responsibilities which our democratic society places on each of its citizens is an important function of the schools. Supplying our high school students with all pertinent information regarding voter registration is one crucial means of meeting this goal.

Accordingly, the Superintendent, using such resources as the high school administration, faculty and student body, local officials, and others can provide, shall develop a nonpartisan, voter education program for the high school.

The administration of the high schools shall offer, to all students who reach the age of majority, the opportunity to register as voters.

F.S. 1003.42

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5730 - EQUAL ACCESS FOR NONDISTRICT-SPONSORED, STUDENT CLUBS AND ACTIVITIES

The School Board will not permit the use of school facilities by nondistrict-sponsored student clubs and activities or District-sponsored, noncurriculum-related clubs and activities during instructional hours. During noninstructional time, however, no group of students, regardless of the size of the group, will be denied an opportunity to meet on the basis of the religious, political, philosophical, or other content of the activity.

An application for permission for nondistrict-sponsored student clubs and activities to meet on school premises shall be made to the Principal, who shall grant permission provided that s/he determines that:

A. the activity has been initiated by students;

B. attendance at the meeting is voluntary;

C. no agent or employee of the District will promote, lead, or participate in the meeting;

D. the meeting does not materially and substantially interfere with the orderly conduct of instructional activities in the school;

E. nonschool persons do not direct, conduct, control, or regularly attend the activity.

A student-initiated group granted permission to meet on school premises shall be provided the same rights and access and shall be subject to the same administrative procedures that govern the meetings of student organizations sponsored by this Board, except as provided by this policy. Participation in a student-initiated meeting must be available to all students who wish to attend and cannot be denied on the basis of a student's race, color, creed, religion, gender, national origin, disability, or social or economic status.

The Board will not permit the organization of a fraternity, sorority, or secret society. The Superintendent may exclude nonstudents from directing, controlling, or attending any meetings of students.

An instructional staff member may be assigned to attend a student-initiated meeting in a custodial capacity but shall not participate in the activity. No instructional staff member shall be compelled to attend a student-initiated meeting if the content of the speech at the meeting is contrary to his/her beliefs.

The Principal may take such actions as may be necessary to maintain order and discipline on school premises and to protect the safety and well-being of students and staff members.

F.S. 1006.14
20 U.S.C. 4071 et seq., Equal Access Act of 1984
42 U.S.C. 12101, et seq., Americans with Disabilities Act of 1990
42 U.S.C. 2000e, Civil Rights Act of 1964

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5751 - PARENTAL-MARRIED STATUS OF STUDENTS

No student, whether married or unmarried, who is otherwise eligible to attend school in the District shall be denied an educational program solely because of pregnancy, childbirth, pregnancy-related disabilities, or actual or potential parenthood.

These students and students who are parents shall receive the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a class or program suited to their special needs. The District will provide information on alternative programs.

The School Board reserves the right to require as a prerequisite for attendance in the regular classes of the schools and the co-curricular and extra-curricular programs of the schools that each pregnant student present to the principal her physician's written statement that such activity will not be injurious to her health nor jeopardize her pregnancy.

For students participating in teenage parent programs, absences related to pregnancy or parenting are excused absences pursuant to Policy 5200 - Attendance, but the student will be required to make up work missed due to absence.

F.S. 1003.54

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5771 - SEARCH AND SEIZURE

The School Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The Principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

F.S. 901.21, 933.07, 1006.09(9)
Fla. Const. Art. I, Sec. 2
U.S. Constitution, 4th Amendment

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5772 - WEAPONS

The School Board prohibits students from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle without the permission of the Superintendent.

Weapons and firearms as defined in F.S. 790.001 and include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

For purposes of this policy, the term "weapon" also means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.

This policy shall also encompass such actions as look-alike items, false fire alarms, bomb threats, or intentional calls to falsely report a dangerous condition.

The Superintendent is authorized to establish administrative procedures on weapons which require students to immediately report knowledge of weapons and threats of violence by students and staff to the building principal. Failure to report such knowledge may subject the student to immediate suspension and potential expulsion from school.

The Superintendent will refer any student who violates this policy to the student's parents or guardians and to the criminal justice or juvenile delinquency system. The student may also be subject to disciplinary action, up to and including expulsion.

Items pre-approved by the building principal as part of a class or individual presentation or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. Working firearms and any ammunition will never be approved as part of a presentation.

F.S. 790, 790.001, 1001.43(1)(a), 1006.07
20 U.S.C. 7151

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5780 - STUDENT/PARENT RIGHTS

The School Board recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, s/he may authorize those school matters previously handled by his/her parents, but s/he also assumes the responsibility for his/her performance in school, attendance, and compliance with school rules.

F.S. 1002.20, 1003.4505

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5830 - STUDENT FUND-RAISING

The School Board acknowledges that the solicitation of funds from students by students must be limited since compulsory attendance laws make the student a captive donor and since such solicitation may disrupt the program of the schools.

For purposes of this policy "student fund-raising" shall include student solicitation and collection of money for any purpose including collection of money in exchange for tickets, papers, or any other goods or services.

The Board will permit student fund-raising in school, on school property, or at any school-sponsored event only when the profit therefrom is to be used for school purposes or for an activity connected with the schools. Payments for these fund-raising events will be the responsibility of the principal unless specifically approved by the Board.

All student fund-raising events must be approved by the principal and the Superintendent. Student fund-raising by approved school organizations off school grounds may be permitted under the administrative procedures of the Superintendent.

These administrative procedures should:

A. specify the times and places in which funds may be collected;

B. describe permitted methods of solicitation which do not place undue pressure on students;

C. limit the kind and amount of advertising for solicitation.

Advisors for approved school organizations shall not accept any form of compensation from vendors that might influence their selection on a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser. Furthermore, advisors for approved school organizations shall not accept any compensation from a vendor after a decision has been made regarding a fundraising activity or a product that will be sold as a fund-raiser. In addition, advisors for approved school organizations who make the selection of a vendor that will provide a fund-raising activity or a product that will be sold as a fund-raiser shall not enter into a contractual arrangement whereby an advisor receives compensation in any form from the vendor that provides a fund-raising activity or a product that will be sold as a fund-raiser.

Such compensation includes, but is not limited to, cash, checks, or any form of securities, and gifts such as televisions, microwave ovens, computers, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that an advisor of an approved school organization receives such compensation, albeit unsolicited, from a vendor, the individual shall notify the Assistant Superintendent for Business and Finance, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the Assistant Superintendent for Business and Finance at his/her earliest opportunity so that it can be returned.

The Superintendent shall distribute this policy and the procedures which implement it to each student organization granted permission to solicit funds.

F.S. 1001.43

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5840 - STUDENT GROUPS

It is the policy of the School Board that student groups be recognized as authorized school organizations only if they are approved by the school administration, sponsored by school-approved personnel, composed of members of the current student body, hold the majority of their meetings at school, and have established aims which are educational in nature.

Membership or participation in the organization or operation of any fraternity, sorority, or other secret group as described by law is prohibited throughout the School District. In particular, the Board shall not tolerate any type of gang or gang-related activity to occur on District property or while students are under the auspices of the Board.

No school group may make a public appearance without the Principal's approval.

Requests for any school group or organization to make a public appearance shall be directed to the principal for approval (For Field Trips see Policy 2340 – Field and Other District-Sponsored Trips).

School groups may be used for school activities, civic programs, and community benefit programs.

F.S. 1001.41, 1001.42, 1006.14

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5845 - STUDENT ACTIVITIES

Junior high/middle school bands, orchestra, and choral groups may participate only in activities within the School District and/or sanctioned by the FMEA and FHSAA. School bands and/or performing groups may be requested for special civic or government functions when school is not in session. Transportation costs to nonschool functions may be paid by the sponsoring agency. No music group shall participate in a commercial project or partisan political events.

Uniforms shall be restricted to garments comparable to normal street wear in order that the same can be provided by parents with little or no extra cost.

Activities for other performing groups such as cheerleaders, pom-poms, drill teams, majorettes, etc., shall be limited to the School District. However, the Superintendent may annually approve a group to attend activities out of the School District, but within the State of Florida. Activities outside of the State of Florida are discouraged. Requests for trips outside of Florida must be merited by outstanding performance and must be approved by the Superintendent and the School Board. No performing group shall participate in a commercial project or partisan political events.

The Board grants any school the right to organize a school safety patrol. Such a group shall have authority only to instruct, direct, and control students at street crossing in or near the school, on school grounds, or within the building.

F.S. 1006.15

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5850 - SCHOOL SOCIAL EVENTS

The School Board recognizes the value of student social events in enhancing and enriching the school experience for the children of this community.

The Board will make school facilities available and provide appropriate staff for the conduct of those social events within the school facilities that have been approved by the Superintendent, and for those social events that take place outside school facilities that have been approved by the Board upon the recommendation of the Superintendent.

As voluntary participants in school social events, students shall be held responsible for compliance with rules set forth in the *Code of Student Conduct*, and infractions of those rules will be subject to the same disciplinary measures as are applied during the regular school program.

Participation in school events is not a right and may be denied to any student who has demonstrated disregard for the rules of the school.

The Superintendent shall develop administrative procedures for the conduct of student social events that shall include the following:

A. the designation of a staff member who shall be the Board employee responsible for the event;

B. the provision of adequate chaperonage, adult supervision, or police protection as required by the circumstances of the event.

F.S. 1006.15

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5855 - STUDENT ATTENDANCE AT SCHOOL EVENTS

The School Board encourages students to attend as many school events held after school as possible, without interfering with their school work and home activities. Enthusiastic spectators help to build school spirit and encourage those students who are participating in the event.

However, in order to provide that students attending as nonparticipants are properly safe-guarded, the Board recommends that all elementary and pre-high school students be accompanied by a parent or adult chaperone when they arrive at the event and throughout its duration. The Board will not be responsible for students if they attend without an adult chaperone.

The Board will continue to provide adequate supervision for all students who are participants in District-sponsored events.

F.S. 1001.43, 1002.20

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5860 - SAFETY PATROL

The School Board recognizes the value of a student safety patrol as an essential part of the school program to instruct the students of this District in good safety habits and to provide opportunities for leadership training.

The Board authorizes the formation of a school safety patrol of students in grades Kindergarten through eight (8) who shall serve without recompense.

All students eligible by grade level may apply for service on the safety patrol; selection among them will be made on consideration of qualities of:

A. responsibility and good citizenship;

B. leadership capacity;

C. maturity;

D. academic proficiency; and

E. parent permission.

F.S. 1001.43, 1006.07

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5880 - PUBLIC PERFORMANCES BY STUDENTS

The School Board recognizes the value to students of sharing their talents and skills with the community through participation and performances in public events.

The Board endorses such performances when:

A. they constitute a learning experience which contributes to the educational program;

B. the circumstances of the event do not pose a threat to the health, safety, and well-being of the students who will be involved; and

C. the performance is consistent with the requirements of Policy 5840 - Student Groups.

All requests for public performances by students require the approval of the Superintendent upon the recommendation of the principal.

The Superintendent shall develop administrative procedures to implement this policy which include the requirement that parental permission is sought and received before students participate and that the interests of our students are to be protected and guarded against exploitation.

F.S. 1001.43, 1002.20, 1006.15

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6100 - UNIFORM RECORDS AND ACCOUNTS

The School Board and the Superintendent shall provide for keeping or having kept accurate records of all financial transactions and the making of all needed or required reports in the proper form as required by law (Federal and State), Administrative Rules of the State Board, and additional records and reports as approved by the Board. Sound business principles and procedures are to be observed.

A. **Method of Accounting**

The District's system of accounting shall comply with all requirements of the Governmental Accounting Standards Board, Statement No. 54 (GASB 54). In accordance with GASB 54, the District will report its fund balance in the following categories:

1. *Nonspendable fund balance* - that is, amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund).

2. *Restricted fund balance* - amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation.

3. *Committed fund balance* - amounts constrained to specific purposes by the Board; to be reported as committed, amounts cannot be used for any other purpose unless the Board takes action to remove or change the constraint.

4. *Assigned fund balance* - amounts the Board intends to use for a specific purpose; intent can be expressed by the Board or by an official or committee to which the Board delegates the authority.

5. *Unassigned fund balance* - amounts that are available for any purpose; these amounts are reported only in the general fund.

The Board authorizes the auditors and directs its administrative staff to take all steps necessary to comply with the requirements of GASB 54. All revenue and funds will be designated to one of the above categories.

B. **Audits**

School internal funds shall be audited at least annually by an independent CPA firm. These audits shall be based on generally accepted auditing standards, Federal and State laws and regulations, and Board policies.

C. **Inventory**

All fixed assets shall be inventoried annually.

F.S. 1001.42, 1001.51

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6105 - AUTHORIZATION TO USE FACSIMILE SIGNATURE

The School Board authorizes the Board Chair and Superintendent to prepare and utilize a facsimile signature, in lieu of their manual signature.

As set forth in State law, a facsimile signature means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.

Before using a facsimile signature, the authorized individuals must file manual signatures with the Department of State and certify those signatures under oath. Following the registration and certification of the manual signature, such facsimile signature may be affixed to the following:

A. any public security or instrument of conveyance, provided that at least one signature required or permitted to be placed thereon shall be manually subscribed;

B. any instrument of payment; and/or

C. any official order, proclamation, or resolution.

Said checks, drafts, warrants, vouchers, or other instruments for the payment of money may be drawn or relate to the accounts of the District with various financial institutions (depositories/banks) with which the District conducts business.

The actual facsimile signature(s) should be maintained under the care, custody and control of the Finance Department.

The individuals holding the positions specified in this policy may affix their manual or facsimile signature to the instruments, orders, proclamations, resolutions, and other documents identified herein so long as they continue to act as such officers/employees.

F.S. 116.34 (Uniform Facsimile Signature of Public Officials Act)

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6107 - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE(S), AND MAKE ELECTRONIC FUND TRANSFERS

Electronic Records and Electronic Signatures

Unless a provision of law enacted after July 1, 2000, specifically prohibits the use of an electronic record for the specified purpose, the School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from District staff and other persons, as well as between District staff members. Additionally, the Board further authorizes District staff to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.

The Superintendent shall consult with the State of Florida's Agency for Enterprise Information Technology (Agency) regarding the District's authorized acceptance and distribution of electronic records and electronic signatures. After giving due consideration to security, the Agency may specify the following:

A. The manner and format in which the electronic records must be created, generated, sent, communicated, received, and stored and the systems established for those purposes.

B. If electronic records must be signed by electronic means, the type of electronic signature that is required, the manner and format in which the electronic signature must be affixed to the electronic record, and the identity of, or criteria that must be met, by any third party used by a person filing a document to facilitate the process.

C. Control processes and procedures as appropriate to ensure adequate preservation, disposition, integrity, security, confidentiality, and auditability of electronic records.

D. Any other required attributes for electronic records which are specified for nonelectronic records or reasonably necessary under the circumstances.

The Superintendent shall require District staff to comply with all provisions of the Uniform Electronic Transaction Act when creating, generating, communicating, storing, process, using, and relying upon electronic records. Further, the Superintendent shall require District staff and other persons who use electronic signatures to do so in compliance with State law.

Electronic Fund Transfers

The Board authorizes electronic fund transfers (EFTs) for any purpose including direct deposit, wire transfer, withdrawal, investment, or payment, provided such EFTs are consistent with the provision of F.S. Chapter 668. Upon the recommendation of the Superintendent, the Board shall approve the financial institutions that are authorized to receive monetary transactions through electronic or other medium.

Upon the recommendation of the Superintendent, the Board shall then approve written agreements with financial institutions with whom EFTs will be made.

Such agreements shall set forth internal controls required by State law and State Board Rule that will provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

A. the official title of the bank account(s) subject to the agreement and each type of transaction approved, such as

deposits, disbursements or transfers, shall be specified;

B. the manual signatures of the Board Chairman, Superintendent, and the employees authorized to initiate EFTs shall be contained therein;

C. a requirement that the District maintain documentation signed by the initiator and authorizer of the EFTs to confirm the authenticity of the EFTs;

D. a requirement that, when funds are properly delivered to the receiving institution, that institution agrees to become responsible for prompt and diligent processing of the funds;

E. a requirement that written or printed documentation from the financial institution acknowledging such transactions, including but not limited to deposit slips, debit and credit memos, trust receipts, transfer acknowledgements, or cancelled warrants, shall be provided so that it may be kept in the official files of the School District, which shall be maintained in a manner which facilitates easy review and validation of transactions.

F.S. 668.001 et seq., 668.50, 1010.11
F.A.C. 6A-1.0012

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6110 - GRANT FUNDS

It is the objective of the School Board to provide equal educational opportunities for all students within the District. Government agencies, as well as foundations, businesses, and individuals, periodically offer to the School District both human and material resources that would be of benefit to the students in this school system. Therefore, it is the intent of the Board to revise and evaluate grant proposals and applications, for their potential to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

The Board regards available grant funds provided to the District as a public trust. It forbids the use of public monies for partisan political activities and any use that would not be in accordance with the policies on discrimination.

The Superintendent shall review grant opportunities and authorize development of proposals.

Grant Proposal Development

A. All grant proposals must support at least one (1) Board goal or priority.

B. For projects where grant funds will not cover the entire cost of project implementation, additional fund sources must be identified, documented, and approved during the internal review process.

Grant Proposal Internal Review

A. Each grant proposal shall be reviewed by all District departments affected by the grant proposal, and approved by the Superintendent prior to submission to the funding source.

B. The Superintendent may identify a project director prior to proposal submission.

C. The Superintendent shall promptly present the following proposals to the Board for approval:

1. government-funded proposals, regardless of amount;

2. proposals with budgets exceeding $25,000; or

3. multi-school or District-wide proposals.

D. The Superintendent may accept private funded or foundation grants of less than $1,000 for individual schools.

Grant Administration

A. The administration of grants will adhere to all applicable Federal, State, and grantor rules and regulations as well as School District policies and procedures.

B. The Superintendent and/or Board Chairman are authorized to sign related documents for grant administration,

including documents required for submittal of grant proposals.

C. Written amendments shall be approved by the Superintendent and Board.

D. Employee positions established through the use of grant funding shall terminate if and when the related grant funding ceases.

E. Program reports including but not limited to audit, site visits, and final reports shall be provided to the Superintendent for review.

F. The Finance Department will confirm closure of all grants to the Superintendent.

G. All Federal funds received by the District will be used in accordance with the applicable Federal law. Each draw of Federal monies shall be equal in magnitude as closely as administratively feasible, to the magnitude of the related program expenditures.

Compliance Supplement for Single Audits of State and Local Governments
F.S. 1001.42, 1001.51

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6120 - SAFETY DEPOSIT BOX

The School Board may maintain at least one safety deposit box at a bank selected by the Superintendent. The Board authorizes the Superintendent to sign the signature card for access to each safety deposit box.

F.S. 1001.43, 1001.51, 1011.18

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6140 - PUBLIC DEPOSITORY

All public funds shall be deposited in a qualified public depository, unless exempt under the laws of the State.

F.S. 136.01, 1011.18
F.A.C. 6A-1.0012

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6144 - INVESTMENTS

Based upon a written system of internal controls and operational procedures the Superintendent shall invest temporarily idle funds to earn the maximum return for the period available. Highest priority shall be placed on the safety and liquidity of funds. Funds may be placed in the following types of investments:

A. bids from qualified depositories;

B. certificates of deposits;

C. time deposits;

D. securities of the United States Government including obligations of the United State Treasury; or,

E. investment pools managed and directed by an approved agency of the State.

The principal shall invest temporarily idle internal account funds in qualified depositories at the best available return subject to the advice of District staff trained in investment practices and procedures.

A periodic audit review of the written internal controls and operational procedures for investment of funds shall be conducted by an independent certified public accountant in conjunction with required District financial audits.

Other investments may not be made unless specifically authorized by law.

F.S. 1001.32, 1001.42, 1001.43, 1011.09, 1011.18
F.A.C. 6A-1.0012, 6A-1.085

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6145 - BORROWING

Upon the initiative of the School Board, the Superintendent shall prepare the data and applications regarding the borrowing of revenue anticipation notes, tax anticipation notes, and other such debt instruments. Once prepared, a recommendation shall be made to the Board for approval.

Funds shall be borrowed from the responsible organization offering the most favorable terms, as approved by the Board.

F.S. 1011.12, 1011.13

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6152 - STUDENT FEES, FINES, AND CHARGES

The School Board will provide the necessary instructional materials required for core courses of mathematics, language arts, social studies, science, reading, and literature for its students. The Board may need to levy certain charges to students to facilitate the utilization of other appropriate materials for curricular as well as co-curricular and extra-curricular, noncredit activities. Such charges would be made on expendable items such as magazines, workbook materials, paperback selections, and laboratory supplies, and materials, for clubs, independent study or special projects, and District-sponsored trips. Any waiver of fees shall be made pursuant to Policy 6152.01.

Fees

For the purposes of this policy, "school fees" or "fees" means any monetary charge collected by the District from a student or the parent(s) or guardian of a student as a prerequisite for the student's participation in any curricular or extra-curricular program of the District.

Fines

When school property, equipment, or supplies are damaged, lost, or taken by a student, a fine will be assessed. The fine will be reasonable, seeking only to compensate the school for the expense or loss incurred.

Any fees, fines, and/or other charges collected by members of the staff shall be remitted to the School Office Manager within one (1) business day after collection.

Failure to pay fees and fines may result in the denial of participation in the graduation ceremony. In the event the above course of action does not result in the fee being collected, the Board authorizes the Superintendent to take the student and/or his/her parents to Small Claims Court for collection.

Nothing in this policy restricts the right of access of a parent or student to school records or to receive copies of such records, as required by Federal and State laws.

F.S. 1001.43, 1006.28, 1006.40
F.A.C. 6A-6.084

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6152.01 - WAIVER OF SCHOOL FEES

The School District shall waive fees assessed by the District only for students whose parent(s) or guardian are unable to afford them. The Superintendent may, as deemed necessary, establish additional procedures to supplement the procedures established in this policy regarding the requests for the waiver of fees.

Eligibility Standards

Students eligible for a waiver of school fees include, but are not limited to, the following:

A. Students who qualify for free lunches or breakfasts under the School Free Lunch Program Act.

B. Students who are eligible to receive reduced price lunch or breakfast.

C. Students whose families have suffered very significant losses of income due to severe illness or injury in the family or unusual expenses including, but not limited to, fire, flood, or storm damage.

D. Other good and just reasons.

Notification to Parents

A. Annually the substance of this policy shall be communicated in writing to the parent(s) or guardian of all students in the District.

B. The first bill or notice sent to parents or guardians who owe fees shall state:

1. The District will waive fees for persons unable to afford them in accordance with its policy.

2. The procedure for applying for a fee waiver, and the name, address and telephone number of the person to contact for information concerning a fee waiver.

Procedures for Resolution of Disputes

A. A parent(s) or guardian who cannot pay school fees may write a letter requesting a waiver of fees to the Superintendent. The letter must contain the following:

1. name(s) of student(s)

2. name of parent(s) or guardian(s)

3. address of parent(s) or guardian(s)

4. phone number of parent(s) or guardian(s)

5. school where child(ren) attend(s)

6. reason for request for waiver of fees

The Superintendent shall have the authority to review the waiver request and request such further information, if any, as s/he deems necessary in order to make a decision on that request.

B. No fee shall be collected from any parent(s) or guardian who is seeking a fee waiver in accordance with the District's policy until the District has acted on the initial request or appeal (if any is made), and the parent(s) or guardian have been notified of the decision.

C. If the Superintendent denies a request for fee waiver, then a copy of the decision shall be mailed to the parent(s) or guardian within fifteen (15) school days of receipt of the request. The decision shall state the reason for the denial and shall inform the parent(s) or guardian of the right to appeal, including the process and timelines for that action. The denial notice shall also include a statement informing the parent(s) or guardian that reapplication may be made for a waiver any time during the school year, if circumstances change.

D. The decision of the Superintendent is final.

Nondiscrimination

The Board expects all staff members to exercise the utmost care to see that, as a result of their actions or comments, students cannot differentiate between those students whose parents are unable to purchase required instructional materials or pay required fees and those whose parents can.

F.S. 1006.06, 1009.26

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6210 - FISCAL PLANNING

The School Board shall collect and assemble the information necessary to discharge its responsibility for the fiscal management of the School District and to plan for the financial needs of the educational program. The Board shall also maintain both short and long range projections of District financial requirements.

Pursuant to Florida statutes and Policy 6220, the Board shall develop, advertise, and then approve a budget for each fiscal year. The budget shall provide for the equitable distribution of resources. A summary of the tentative budget, the tentative budget, and the official budget of the Board shall be posted on the District's official website.

In addition, the Board shall also develop a Five (5) Year Capital Work Program.

Costs shall be contained, where possible, so that annual expenditures do not exceed the annual resources. Furthermore, the Board shall strive to maintain a fund balance in its operating funds that are not classified pursuant to Policy 6100 - Uniform Records and Accounts as restricted, committed, non-spendable, or assigned equal to three percent (3%) of the annual revenues; any use of such funds to satisfy projected District obligations, such as funding provisions of a union contract or supplementing the capital work program, shall be approved by the Board. Therefore, recurring revenue estimates from existing sources shall serve as the ceiling for the Superintendent's recommended annual budget.

Capital expenditures shall be funded from a local millage levy of one and one-half (1 1/2) mills and State capital outlay sources, unless the Board specifically directs otherwise in advance of drafting the budget.

As required by Florida statutes and Board Policy 8310 - Public Records, all records related to the annual budget and the Five (5) Year Capital Work Program shall be open to the public for inspection.

It is understood that the District's records and financial statements shall be audited by the Auditor General, State of Florida.

F.S. 11.45, 218.39, 1001.42, 1010.30, 1011.035, 1013.35

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6220 - BUDGET PREPARATION

The District's operation and educational plan is reflected in its budget. The financial activities of the District shall be carried out in accordance with the budget that is recommended by the Superintendent and adopted by the School Board.

The budget shall be prepared in the form recommended by the State Department of Education. Adjustments to the original budget shall be made in accordance with the rules of the Board and in accordance with F.A.C. 6A-1.006.

As required by Policy 6210 – Fiscal Planning, the budget shall include budgeted reserves.

Furthermore, the School Food Services Fund shall be operated on a self-supporting basis utilizing Federal and State revenues, as well as customer revenues. The prices for meals shall, therefore, be maintained at a level adequate to sustain a balanced budget.

The Superintendent shall present the budget for review and adoption in accordance with the Truth in Millage (TRIM) calendar. After approval by the Board, the budget shall be submitted to the State Department of Education.

The District shall adhere to a policy of full and open public disclosure of its financial activities.

F.S. 1001.42, 1011.01
F.A.C. 6A 1.002, 6A-1.006

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6233 - DISTRICT BUDGET

A. **Preparation**

The budget shall be prepared and administered in accordance with Florida statutes and in accordance with Policy 6220.

B. **Implementation of Budget**

Implementation of the official District budget shall give appropriations and reserves therein the force and effect of fixed appropriations and reserves, and the same shall not be altered, amended, or exceeded except as authorized.

Expenditures may exceed the amount budgeted by function or object provided the School Board approves the expenditures and amends the budget no later than the annual due date established by the State Department of Education for submitting the District's annual financial report.

Pursuant to State law, if the Board finds and declares in a resolution adopted at a regular meeting of the Board that the funds received for any of the following categorical appropriations are urgently needed to maintain Board specified academic classroom instruction, the Board may consider and approve an amendment to the School District operating budget transferring the identified amount of the categorical funds to the appropriate account for expenditure:

1. funds for student transportation;

2. funds for safe schools;

3. funds for supplemental academic instruction;

4. funds for research-based reading instruction;

5. funds for instructional materials.

Such a transfer can only be recommended by the

Superintendent and approved by the Board if all instructional materials necessary to provide update materials aligned to Next Generation Sunshine State Standards and benchmarks and that meet statutory requirements of content and learning have been purchased for that fiscal year, and such a transfer is recommended by the Superintendent and approved by the Board no sooner than March 1st of the fiscal year. Pursuant to State law, funds for instructional materials available after March 1st may be used to purchase hardware for student instruction.

The Board shall monitor the budget on a monthly basis.

C. General Fund Ending Fund Balance

The Constitution of the State of Florida requires that the District operate under a balanced budget. The Board understands that there may be unforeseen circumstances that can result in increases or decreases in revenue and/or expenditures. These circumstances would thereby impact the financial stability of the District.

As required by Florida statute, the Board shall maintain a General Fund ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget that is sufficient to address normal contingencies.

1. Any time the portion of the General Fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget is projected to fall below five percent (5%) of projected General Fund revenues during the current fiscal year, the Superintendent shall develop and submit to the Board for approval a plan to restore the ending fund balance to five percent (5%) of the projected General Fund revenues.

2. The Superintendent shall provide written notification to the Board and the Commissioner of Education any time the portion of the General Fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget is projected to fall below three percent (3%) of projected General Fund revenues during the current fiscal year.

   The Superintendent shall submit to the Board for approval a plan to avoid a financial emergency as determined pursuant to F.S. 218.503.

3. The Superintendent shall provide written notification to the Board and the Commissioner of Education any time the portion of the General Fund's ending fund balance not classified as restricted, committed, or nonspendable in the District's approved operating budget is projected to fall below two percent (2%) of projected General Fund revenues during the current fiscal year.

The Superintendent shall also submit to the Commissioner of Education the Board-approved plan to avoid a financial emergency as determined pursuant to F.S. 218.503.

D. **Loans to Other Funds**

The Board authorizes the Superintendent to make loans between funds for cash flow purposes as long as these loans are repaid.

F.S. 1001.42, 1001.43, 1011.01, 1011.051, 1011.62
F.A.C. 6A-1.002, 6A-1.006

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6234 - USE OF DISCRETIONARY LOTTERY FUNDS

The proviso language of the annual General Appropriations Act requires that each School District establish policies and procedures that define enhancement; and identify the types of expenditures that will be considered consistent with the definition.

DEFINITION

"Enhancement" shall be defined as the expenditure of funds to increase the instructional opportunities and to improve the behavioral patterns of students in grades Pre-Kindergarten through the post-secondary level as well as to preserve these activities within limited funding sources.

EXAMPLES OF QUALIFYING EXPENDITURES

The following items are intended to represent, but not limit, the types of expenditures that are consistent with the definition of enhancement:

A. funds appropriated to schools for school improvement initiatives

B. school level personnel positions supplemented in accordance with the teacher contract

C. personnel involved with curriculum development and implementation at the school level

D. maintenance of the ratio of students to certified professionals at or below the State average

E. any other program or position consistent with the definition

PROCEDURE

Upon the recommendation of the Superintendent, the Board shall annually appropriate lottery funds consistent with the definition and these examples and shall comply with all reporting requirements of the State.

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6320 - PURCHASING AND CONTRACTING FOR GOODS AND SERVICES

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Scope

This policy shall generally apply to the District's purchase of products and services, except it shall not apply to:

A. employment contracts;

B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services;

C. acquisition of auditing services pursuant to F.S. 218.391;

D. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants and other business or operational consultants, which shall be governed by Policy 6540 - Consultant Agreements;

E. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below.

Definitions

A. "Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.

B. "Invitation to bid" means a written solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically

defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

C. "Invitation to negotiate" means a written solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.

D. "Proposer" means those vendors submitting bids or responses to a competitive solicitation.

E. "Request for proposals" means a written solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.

F. "Superintendent" means the "Superintendent or designee".

G. "Request for Quotations" means an informal process to solicit three (3) or more price quotes on items, commodities or services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.

Standards and Specifications

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

Competitive Solicitation Requirements for Goods and Services Other Than Construction Contracting

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than $15,000.00.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

A. **Bid Solicitation**

The Superintendent is authorized to issue invitations for bids.

B. **Bid Publication**

Notice of the invitation for bids or requests for proposals shall be

published at least once in a newspaper of general circulation within the District, and may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

C. **Bid Responses**

The invitations to bid must be responded to by three (3) or more qualified vendors/bidders. Exceptions must be approved by the Board.

D. **Bid Opening**

Bids will be opened in the office designated in the bid advertisement with the Superintendent's designee and at least one (1) other District employee present.

E. **Bid Rejection**

The Board may reject any or all bids and request new bids.

F. **Bid Award**

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;

2. the financial condition;

3. the conduct and performance on previous contracts (with the

District or other agencies);

4. the bidder's facilities;

5. management skills;

6. the ability to execute the contract properly;

7. a signed affidavit ensuring that neither the bidder nor any subcontractor has entered into an agreement with any labor organization regarding the public improvement project.

Award of a bid by the Board shall only represent an indication by the Board that a bid represents the lowest responsive bid from a responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid. Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract.

Identical/Tie Low Bids

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

A. Has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.

B. Provides customer access at the business location.

C. Holds any required business license through a jurisdiction in the District.

D. Employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

A. drug-free workplace program in accordance with Florida law

B. minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity

C. veteran business enterprise, certified by the State of Florida Department of Management Services

D. by lot or other method the Board may select

When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful

bidder.

Exception to Competitive Bidding Requirements

Notwithstanding anything herein to the contrary, there shall be no requirement to solicit bids and any such requirement is expressly waived for the following:

A. Purchases made at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other school boards, community colleges, or State university system cooperative bid agreements when the bidder awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices awarded in such contract, and such purchases are to the economic advantage of the Board.

B. Purchases made from prices established by the Department of Management Services, Division of Purchasing through its State negotiated agreement price schedule.

C. Pool purchases made as provided in F.S. 1006.27.

D. Purchase by the Board of professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540.

E. The purchase by the Board of educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution.

F. The requirements for requesting competitive solicitations for making purchases for commodities and contractual services as set forth in this section are hereby waived as authorized by F.S. 1010.04(4)(a), when the following conditions have been met by the Board:

1. Competitive solicitations have been requested in the manner prescribed by this policy.

2. The Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and

conditions as the Board determines to be in its best interests.

G. If fewer than two (2) responsive proposals for commodity or contractual services are received, the Board may negotiate on the best terms and conditions or decide to reject all proposals. The Board shall document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.

H. Acquisition of information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(15), may be by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.

I. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services.

J. Purchases of food products, required by the Board's food service program and other ancillary food operations, which are exempt pursuant to F.A.C. 6A-7-0411(2)(i)(2).

K. Emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.

L. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board shall electronically post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description must include a request that prospective vendors provide information regarding their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in F.S. 120.57(3), and may negotiate on the best terms and conditions with the single source vendor.

M. Direct purchases of construction project material by the District, on behalf of the awarded construction contractor/manager, directly from vendors to take advantage of the District's "sales tax" exempt status.

N. A contract for commodities or contractual services may be awarded

without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

O. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

Contract Approval

Contracts shall be approved and executed as follows:

A. **Superintendent/Designee Authority**

The Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than $15,000.00 so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, policies, and law. For purposes of this policy, any group of contracts purchase orders to the same provider that are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of goods or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to $15,000.00.

B. **Emergency Purchases**

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than $15,000.00, the Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount greater than $15,000.00 when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action.

C. **Board Approval**

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving expenditure of public funds in an amount greater than $15,000.00.

Purchase Order Approval

A. **Bids/Exceptions**

The Superintendent is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed the

applicable appropriation within the District budget. The Superintendent shall inform the Board of the approval of all purchase orders greater than $10,000, as soon as reasonably possible by a written report issued to the Board at a public meeting. This paragraph shall not be construed to require Board approval of purchase orders.

B. **Contracts**

The approval of a contract in accordance with this policy authorizes the Superintendent to approve and issue any purchase order required to fulfill the District's obligation under the approved contract without further action of the Board. Further, the Board authorizes payment of an invoice received, pursuant to an approved purchase order, in the amount not to exceed an additional fifteen percent (15%) of the approved purchase order. The Superintendent shall inform the Board of the approval of all purchase orders greater than $7,500.00, as soon as reasonably possible by a written report issued to the Board at a public meeting.

This section shall not be construed to require Board approval of purchase orders.

Debarment

The Director of Purchasing shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

A. **Cause of Debarment**

The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are not limited to the following:

1. conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in performance of such contract

2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor

3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals

4. violation of contract provisions, including:

   a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and

   b. a recent record of failure to perform, or of unsatisfactory

performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment

5. refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response

6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received

7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section

8. violation of the ethical standards set forth in State law

9. providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of contract or purchase items from a contractor

10. existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered

11. any other cause the Director of Purchasing determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

B. **Notice of Recommended Decision**

The Director of Purchasing or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

1. state the reason(s) for the action taken; and

2. inform the vendor of its right to petition the Board for reconsideration.

C. **Right to Request a Hearing**

Any person who is dissatisfied or aggrieved with the notification of the

determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

D. **Hearing Date**

The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Director of Purchasing should be overturned. All parties shall be given notice of the hearing date.

F.S. 255.05, 255.0516, 255.0518, 287.084, 287.087, 295.187, 1001.43, 1010.04
F.S. 1010.07(2), 1010.48
F.A.C. 6A-1.012

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The School Board of Gadsden County

Bylaws & Policies

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6324 - CONE OF SILENCE

A cone of silence is hereby established for all competitive selection processes including Invitations for Bids (IFB), Request for Proposals (RFP), and Invitations to Negotiate (ITN) for the provision of goods and services. The cone of silence is designed to protect the integrity of the procurement process by shielding it from undue influences prior to the recommendation of contract award. This cone of silence shall be imposed on these procurements after advertisement of same.

The cone of silence prohibits any communication regarding a particular IFB, RFP, or ITN between:

A. a potential vendor, service provider, bidder, lobbyist, or consultant and the staff of the District, including school principals; and

B. a potential vendor, service provider, bidder, lobbyist, or consultant and any one (1) or more of the Board members or member-elects.

Unless specifically provided otherwise in the applicable IFB, RFP, or ITN the cone of silence does not apply to the following:

A. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the District's purchasing department.

B. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the District's planning and construction department, when said communication pertains to competitive acquisitions administered by that department (e.g., Architect/Engineer (A/E) selection, capital projects).

C. Communications between a potential vendor, service provider, bidder, lobbyist, or consultant and the District's staff attorney or School Board attorney.

D. Communications at duly noticed pre-bid meetings and site visits prior to bid opening or post bid-opening meetings and site visits, which are administered by either the purchasing department or the planning and construction department, prior to issuance of a written recommendation of contract award.

The cone of silence commences after the advertisement of the IFB, RFP, or ITN. Competitive procurements are advertised in the newspaper of general circulation and on the webpage of the department issuing the IFB, RFP, or ITN.

The cone of silence terminates at the time the Board acts on a written recommendation from the department issuing the IFB, RFP, or ITN regarding contract award; provided, however, that communications are permitted when the Board receives public comment at the meeting when the recommendation is presented.

The purchasing department and planning and construction department shall ensure that all solicitations include provisions describing the requirements and prohibitions of the cone of silence, including how a potential vendor, service provider, bidder, lobbyist, or consultant may communicate with District personnel.

Any person, whether employed by the District or not, who knowingly violates a provision of this policy shall be prohibited from serving on a District competitive selection committee.

Violation of this policy by a particular bidder, proposer, respondent, and/or representative may, at the discretion of the District, result in rejection of said bidder, proposer, respondent, and/or representative's bid, proposal, or offer and may render any contract award to said bidder, proposer, or respondent voidable.

In addition to any other penalty provided by law, violation of this policy by a District employee shall subject said employee to disciplinary action up to and including dismissal from service.

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6326 - BID PROTESTS

Bid protests shall be resolved under procedures set forth in this policy and in conformity with the requirements of F.S. 120.57(3) and the Uniform Rules at F.A.C. Chapters 28-106 and -110.

Definitions

"Decision or intended decision" means:

A. the contents of a solicitation, including addenda;

B. a determination that a specified procurement can be made only from a single source;

C. rejection of a response or all responses to a solicitation; or

D. intention to award a contract as indicated by a posted solicitation tabulation or other written notice.

"Filed" means that a document has been physically received and time/date stamped by Office of the Director of Purchasing within the time required by this policy.

All documents that are required to be filed within a stated number of days must be filed not later than 4:30 p.m. of the last day for filing. Saturdays, Sundays, and legal holidays observed by the School Board shall be excluded in the computation of any seventy-two (72) hour time period provided by this policy.

Filing of a notice of protest or a formal written protest by facsimile will not be permitted.

"Person" means an individual and also includes company, corporation, partnership, limited partnership, joint venture or any other legally recognized business entity.

Notice of Decision

The Superintendent will give notice of a decision or intended decision by posting on the Board's website. All such notices shall contain the following statement "Failure to file a protest within the time prescribed in F.S. 120.57(3), shall constitute a waiver of proceedings under F.S. Chapter 120."

Notice of Protest

Any person who claims to be adversely affected by a proposed award of a bid and who has standing to protest an award of a bid, may file a written notice of protest not later than seventy-two (72) hours after the time of the posting of the bid tabulation. For a protest of the terms, conditions and specifications contained in a solicitation, the notice of protest shall be filed in writing within seventy-two (72) hours after the posting of the solicitation. The notice of protest must be filed with the Director of Purchasing.

Formal Written Protest

In addition to filing a notice of protest, a protesting bidder must file a formal written protest.

The formal written protest must be filed with the Director of Purchasing within ten (10) days following the day of filing of the notice of protest. Failure to file the formal written protest within the time prescribed by F.S. 120.57(3), shall constitute a waiver of proceedings under F.S. Chapter 120 and a waiver of the protest.

The Formal Written Protest shall state with particularity the facts and law upon which the protest is based and shall be in petition form, as required by F.A.C. 28-110.004(2).

Failure to file a notice of intent to protest, or failure to file a formal written protest, within the times prescribed in section F.S. 120.57(3), shall constitute a waiver of proceedings under F.S. Chapter 120.

Protest Bond

A protesting bidder shall post, at the time of filing the formal written protest, a bond payable to the Board in an amount of $25,000 or two percent (2%) of the lowest accepted bid, whichever is greater, for projects values aver $500,000; and five percent (5%) of the lowest accepted bid for all other projects. The bond shall be conditioned upon the payment of all costs that may be adjudged against the protester in the administrative hearing and in any subsequent appellate court proceeding. If, after completion of the administrative hearing process and any appellate court proceedings, the Board prevails, it shall recover all costs and charges, which shall be included in the final order or judgment, including charges made by the Division of Administrative Hearings and attorney's fees. If the protester prevails, s/he shall recover from the District all costs and charges which shall be included in the final order of judgment, and attorney's fees. The bid protest bond may be secured by a certified check drawn on an approved financial institution or a surety licensed to conduct business in the State of Florida by the Florida Department of Insurance.

Bid Protest Resolution

The Board shall provide an informal meeting with the protestor to attempt to resolve the protest. Such meeting will be held within seven (7) days, excluding Saturdays, Sundays and legal holidays, from the day of the filing of the formal written protest.

If the protest is not resolved by mutual agreement within seven (7) days of the filing of the formal written protest, and if there is no disputed issue of material fact, the Board shall conduct an informal proceeding pursuant to F.S. 120.57(2).

If the protest is not resolved by mutual agreement within seven (7) days of the filing of the formal written protest, and if there is a disputed issue of material fact, the Superintendent shall refer the bid protest to the Division of Administrative Hearings for a formal hearing, pursuant to F.S. 120.569 and 120.57(3), and F.A.C. Chapter 28-110.

The Board shall enter its final order within thirty (30) days from the date of the entry of the recommended order, unless otherwise agreed to by the parties to the bid protest.

Stay of Proceedings

The filing of a formal written protest shall act to suspend the Board’s contract award process until the protest is resolved. However, the Board may set forth in writing particular facts and circumstances which require the continuance of the contract award process without delay, in order to avoid an immediate or serious danger to public health, safety, or welfare. In such event, the Board will only purchase supplies or commodities that are necessary to the operation of any school or the maintenance of any service without causing an immediate or serious danger to the health, safety, or welfare of students, employees, of the general public.

In the event of a conflict, the applicable provisions of F.S. Chapter 120 and F.A.C. Chapter 28-110 shall prevail over the provisions of this policy.

F.S. 120.57(3), 255.0516, 1001.42, 1001.43
F.A.C. Ch. 28-106, -110

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6330 - ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING, LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES

The School Board is authorized to employ procedures to contract for the construction of new facilities, or for additions, remodeling, renovation, maintenance, or repairs to existing facilities by licensed professionals pursuant to F.S. 287.055, The Consultants' Competitive Negotiation Act ("CCNA").

A. **Definitions**

1. "Professional Services" means those services within the scope of the practice of architecture, professional engineering, landscape architecture, or registered land surveying, as defined by the laws of the State, or those performed by any architect, professional engineer, landscape architect, or registered land surveyor and mapper in connection with his/her professional employment or practice.

2. "School Board" means the School Board of Gadsden County, Florida, and describes an agency as defined in State law.

3. "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice architecture, engineering, or land surveying in the State.

4. "Compensation" means the total amount paid by the Board for professional services.

5. "PSAC" shall mean the Professional Service Advisory Committee.

6. "Project" means that fixed capital outlay study or planning activity described in the public notice pursuant to Section C herein. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may include:

   a. determination of a project which constitutes a grouping of minor construction, rehabilitation, or renovation activities.

   b. determination of a project which constitutes a grouping of substantially similar construction, rehabilitation, or renovation activities.

7. A "Continuing Contract" is a contract for professional services entered into in accordance with all the procedures of the CCNA between the Board and a firm whereby the firm provides professional services to the Board for projects in which construction costs do not exceed $500,000; for study activity when the fee for such professional services does not exceed $25,000; or for work of a specified nature as outlined in the contract required by the Board with the contract being for a fixed term or with no time limitation except that the contract must provide a termination clause.

8. A "design-build firm" means a partnership, corporation, or other legal entity that:

a. is certified under F.S. 489.119 to engage in contracting through a certified or registered general contractor or a certified or registered building contractor as the qualifying agent; or

b. is certified under F.S. 471.023 to practice or to offer to practice engineering; certified under F.S. 481.219 to practice or to offer to practice architecture; or certified under F.S. 481.319 to practice or to offer to practice landscape architecture.

9. A "design-build contract" means a single contract with a design-build firm for the design and construction of a public construction project.

10. A "design criteria package" means concise, performance-oriented drawings or specifications of the public construction project. The purpose of the design criteria package is to furnish sufficient information to permit design-build firms to prepare a bid or a response to the Board's request for proposal, or to permit an agency to enter into a negotiated design-build contract. The design criteria package must specify performance-based criteria for the public construction project, including the legal description of the site, survey information concerning the site, interior space requirements, material quality standards, schematic layouts and conceptual design criteria of the project, cost or budget estimates, design and construction schedules, site development requirements, provisions for utilities, stormwater retention and disposal, and parking requirements applicable to the project.

11. A "design criteria professional" means a firm who holds a current certificate of registration under F.S. Chapter 481, to practice architecture or landscape architecture or a firm who holds a current certificate as a registered engineer under F.S. Chapter 471, to practice engineering and who is employed by or under contract to the Board for professional architect services, landscape architect services, or engineering services in connection with the preparation of the design criteria package.

12 ;"Negotiate" or any form of that word means to conduct legitimate, arms length discussions and conferences to reach an agreement on a term or price. For purposes of this policy, the term does not include presentation of flat-fee schedules with no alternatives or discussion.

B. Professional Service Advisory Committee

1. The PSAC shall be comprised of one (1) Board member, one (1) designee of the Superintendent, the Director of Facilities or his/her designee, one (1) representative from operation services, one (1) program/staff representative, as well as any additional members deemed appropriate by the Superintendent.

   a. The Board shall annually appoint one (1) of its members to serve on the PSAC, and shall also designate one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot.

   b. The Superintendent shall appoint his/her designee, the representative of operations services, the program/staff representative.

   c. The Superintendent shall appoint additional members as s/he deems appropriate given a particular project.

2. The Director of Facilities, or his/her designee, shall chair the PSAC.

C. Public Announcement and Qualification Procedures

1. The Board shall publicly announce, in a uniform and consistent manner, each occasion when professional services are required to be purchased for a project the basic construction cost of which is estimated by the Board to exceed the maximum amount established in State law for CATEGORY FIVE, which is $350,000, or for planning or study activity when the fee for professional services exceeds the maximum amount established in

State law for CATEGORY TWO, which is $35,000, except in cases of valid public emergencies so certified by the Board. The public notice shall include a general description of the project and shall indicate how interested consultants may apply for consideration.

2. Local contractors are encouraged to submit proposals, and contractors are encouraged to offer bidding opportunities to local subcontractors.

3. The Board shall encourage firms engaged in the lawful practice of their professions that desire to provide professional services to the Board to submit annually statements of qualifications and performance data. Failure to submit an RFQ (Request for Qualifications) shall not preclude the Board from purchasing services from any firm engaged in the lawful practice of its profession.

4. Any firm or individual desiring to provide professional services to the Board must first be certified by the Board as qualified pursuant to law and the regulations of the Board. The Board shall make a finding that the firm or individual to be employed is fully qualified to render the required service. Among the factors to be considered in making this finding are the capabilities, adequacy of personnel, past record, and experience of the firm or individual.

5. The Superintendent shall develop administrative procedures for the evaluation of professional services, including, but not limited to, capabilities, adequacy of personnel, past record, experience, whether the firm is a certified minority business enterprise as defined by the Florida Small and Minority Business Assistance Act of 1985, and such other factors as may be determined by the Board to be applicable to its particular requirements. When securing professional services, the Board shall endeavor to meet the minority business enterprise procurement goal set forth in F.S. 287.042.

6. The public shall not be excluded from these proceedings.

D. Competitive Selection

1. For each proposed project, the PSAC shall evaluate current statements of qualifications and performance data on file, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with, and may require public presentations by, no fewer than three (3) firms, regarding their qualifications, approach to the project, and ability to furnish the required services.

2. The PSAC shall select in order of preference no fewer than three (3) firms deemed to be the most highly qualified to perform the required services. In determining whether a firm is qualified, the PSAC shall consider such factors as the ability of professional personnel; whether a firm is a certified minority business enterprise; past performance; willingness to meet time and budget requirements; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board, with the object of effecting an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms. The Committee may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations under section E below.

3. This section does not apply to a professional service contract for a project, the basic construction cost of which is estimated by the Board to be not in excess of $350,000 or for a planning or study activity when the fee for professional services is not in excess of $35,000. These amounts shall increase along with the thresholds defined in F.S. 287.017 for CATEGORY FIVE and/or CATEGORY TWO. However, if, in using another procurement process, the majority of the compensation proposed by firms is in excess of the appropriate threshold amount, the Board shall reject all proposals and reinitiate the procurement pursuant to statute. (F.S. 287.055(4)(c)).

4. The Board shall evaluate qualifications of a minimum of three (3) finalists by considering the written materials submitted by the applicants, performance data on file with the District, materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, such evaluation shall not be binding on the Board. The Board retains the authority to re-rank the three (3)

finalists.

5. Nothing in this rule shall be construed to prohibit a continuing contract between a firm and Board.

E. Competitive Negotiation

1. A tentative contract shall be negotiated with the most qualified firm for professional services at compensation which the Board's designee(s) determine(s) is fair, competitive, and reasonable. In making such determination, the Board's designee(s) shall conduct a detailed analysis of the cost of the professional services required in addition to considering their scope and complexity. For any lump-sum or cost-plus-a-fixed-fee professional service contract that exceeds the maximum amount established by State law for CATEGORY FOUR, which is $195,000, the Board shall require the firm receiving the award to execute a truth-in-negotiation certificate stating that wage rates and other factual unit costs supporting the compensation are accurate, complete, and current at the time of contracting. Any professional service contract under which such a certificate is required shall contain a provision that the original contract price and any additions thereto shall be adjusted to exclude any significant sums by which the Board determines the contract price was increased due to inaccurate, incomplete, or non-current wage rates and other factual unit costs. All such contract adjustments shall be made within (1) year following the end of the contract.

2. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with the firm considered to be the most qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable negotiations with that firm shall be formally terminated. The Board's designee(s) shall then undertake negotiations with the second most qualified firm. Failing tentative accord with the second most qualified firm, the Board's designee(s) shall terminate negotiations. The Board's designee(s) shall then undertake negotiations with the third most qualified firm.

3. Should the Board's designee(s) be unable to negotiate a satisfactory tentative contract with any of the selected firms, the Board's designee(s) shall select additional firms in the order of their competence and qualification and continue negotiations in accordance with this subparagraph until a tentative agreement is reached or shall be readvertised.

4. When the Board's designee(s) successfully negotiates a tentative contract with a firm considered to be fully qualified at a price the Board's designee(s) determines to be fair, competitive, and reasonable, the tentative contract will be presented to the Superintendent for his/her review and recommendation to the Board. The Board shall either approve or disapprove the tentative contract. Upon Board approval, the approved contract shall be duly executed.

F. Prohibition Against Contingent Fees

Each contract entered into by the Board for professional services shall contain a prohibition against contingent fees as required by F.S. 287.055(6).

G. Design-Build Contracts

The Board will award design-build contracts by the use of a competitive proposal selection process as described in this section, or by the use of a qualifications-based selection process pursuant to sections C, D, and E above, for entering into a contract whereby the selected firm will, subsequent to competitive negotiations, establish a guaranteed maximum price and guaranteed completion date. If the Board elects the option of qualifications-based selection, during the selection of the design-build firm the Board will employ or retain a licensed design professional appropriate to the project to serve as the Board’s representative.

Procedures for the use of a competitive proposal selection process must include as a minimum the following:

1. The preparation of a design criteria package for the design and construction of the public construction project.

   The design criteria package must be prepared and sealed by a design criteria professional employed by or retained by the Board. If the Board elects to enter into a professional services contract for the preparation of the design criteria package, then the design criteria professional must be selected and contracted with under the

requirements of sections D and E above. A design criteria professional who has been selected to prepare the design criteria package is not eligible to render services under a design-build contract executed pursuant to the design criteria package.

2. The qualification and selection of no fewer than three (3) design-build firms as the most qualified, based on the qualifications, availability, and past work of the firms, including the partners or members thereof.

3. The criteria, procedures, and standards for the evaluation of design-build contract proposals or bids, based on price, technical, and design aspects of the public construction project, weighted for the project.

4. The solicitation of competitive proposals, pursuant to a design criteria package, from those qualified design-build firms and the evaluation of the responses or bids submitted by those firms based on the evaluation criteria and procedures established prior to the solicitation of competitive proposals.

5. For consultation with the employed or retained design criteria professional concerning the evaluation of the responses or bids submitted by the design-build firms, the supervision or approval by the Board of the detailed working drawings of the project; and for evaluation of the compliance of the project construction with the design criteria package by the design criteria professional.

6. In the case of public emergencies, the Board may declare an emergency and authorize negotiations with the best qualified design-build firm available at that time.

H. Reuse of Existing Plans

Notwithstanding any other provisions of this policy, there shall be no public notice requirement or utilization of the selection process as provided in this policy for projects in which the Board is able to reuse existing plans from a prior project. However, public notice for any plans which are intended to be reused at some future time shall contain a statement which provides that the plans are subject to reuse in accordance with the provisions of F.S. 287.055(10).

I. Protest Procedure

The protest procedure will be as described in Policy 6326 - Bid Protests.

F.S. 287.055, 1001.43, 1013.46

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6423 - USE OF CREDIT CARDS

The School Board recognizes the value of a corporate credit card as an efficient method of payment and record keeping for certain expenses.

The Board, therefore, authorizes the use of District corporate credit cards. The authorization, handling, and use of credit cards has been established to provide a convenient and efficient means to purchase goods and services from vendors. Credit cards, however, shall not be used in order to circumvent the general purchasing procedures established by State law and Board policy. The Board affirms that credit cards shall only be used in connection with Board-approved or school-related activities and that only those types of expenses that are for the benefit of the District and serve a valid and proper public purpose shall be paid for by credit card. However, under no circumstances shall credit cards be used for personal purchases or the purchase of alcoholic beverages regardless of whether the purchase of such beverages is made in connection with a meal.

The Superintendent shall specify those authorized to use credit cards, the types of expenses that can be paid by credit cards, and their proper supervision and use. The credit card may never be used for personal items or services. Inappropriate or illegal use of the credit card and/or failure to strictly comply with the limitations and requirements set forth in the administrative procedures may result in a loss of credit card privileges, disciplinary action, up to and including termination, personal responsibility for any and all inappropriate charges, including finance charges and interest assessed in connection with the purchase, and/or possible referral to law enforcement authorities for prosecution.

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6440 - COOPERATIVE PURCHASING

The School Board recognizes the advantages of centralized purchasing in that volume buying tends to maximize value for each dollar spent. The Board, therefore, encourages the administration to seek advantages in savings that may accrue to this District through joint agreements for the purchase of supplies, equipment, or services with the governing body(ies) of other governmental units.

The Board authorizes the Superintendent to negotiate such joint purchase agreements for services, supplies, and equipment which may be determined to be required from time to time by the Board and which the Board may otherwise lawfully purchase for itself, with governmental contracting units as may be appropriate in accordance with State law, the policies of this Board, and the dictates of sound purchasing procedures.

Cooperative or joint purchases require an agreement approved by the Board and the participating contracting body(ies) which shall specify the categories of equipment and supplies to be purchased; the manner of advertising for bids and of awarding contracts; the method of payment by each participating party and such other matters as may be deemed necessary to carry out the purposes of the agreement. Such agreements are subject to all legal bidding requirements.

F.S. 1001.43, 1010.04
F.A.C. 6A-1.013

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6450 - LOCAL PURCHASING

The School Board recognizes its position as a major purchaser in this community, and while it is the intention of the Board to purchase materials and supplies of quality at the lowest possible cost through widespread competition, if all other considerations are equal, the Board prefers to purchase within Gadsden and immediately adjacent counties established local merchants.

The Superintendent is authorized to approve purchases from local vendors when the amount of the purchase does not exceed the Superintendent's purchasing authority prescribed in Policy 6320 - Purchasing and Contracting for Goods and Services, does not exceed the applicable appropriation in the District budget, and purchases made consistent with the procedural requirements set forth in Policy 6320 - Purchasing and Contracting for Goods and Services.

Further, the Superintendent may recommend and the Board may approve the purchase of commodities or contractual services from local vendors for an amount that exceeds the Superintendent's spending authority established in Policy 6320 when the purchase is the result of a competitive solicitation conducted in accordance with law and Policy 6320 - Purchasing and Contracting for Goods and Services.

Preference for Florida Businesses in Awarding Printing Contracts

When awarding a contract to have materials printed, the District shall grant a preference to the lowest responsible and responsive vendor having a principal place of business in Florida. The preference shall be five percent (5%) if the lowest bid is submitted by a vendor whose principal place of business is located outside of Florida and if the printing can be performed in Florida at a level of quality comparable to that obtainable from the vendor submitting the lowest bid located outside of Florida.

F.S. 283.35, 287.084, 1001.43, 1010.04
F.A.C. 6A-1.091, 6A-1.012

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6460 - VENDOR RELATIONS

The School Board shall not enter into a contract knowingly with any supplier of materials, supplies and services to this District that any Board member or the Superintendent has any financial interest, direct or indirect, whatsoever. This prohibition shall not prevent any person from receiving royalties upon the sale of any educational material of which s/he is the author and which has been properly approved for use in the schools of this District.

Board members and school personnel shall not accept any form of compensation, payment, or thing of value from vendors that might influence their recommendations on the eventual purchase of equipment, supplies, or services. Furthermore, Board members and school personnel shall not accept any compensation, payment, or thing of value from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, pursuant to Policy 1113, Policy 3113, and Policy 4113, Board members or school personnel shall not enter into a contractual relationship with a vendor seeking to do business with the District, or a vendor with whom the District is doing business, whereby an individual Board member or member of the school staff receives compensation, payment, or thing of value for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts as defined in State law and Policy 1214, Policy 3214, and Policy 4214. In the event that a Board member or member of the school staff receives such compensation, payment or thing of value, albeit unsolicited, from a vendor, the Board member or school staff member shall notify the Superintendent, in writing, that s/he received such compensation, payment or thing of value and shall thereafter promptly return said compensation to the vendor at his/her earliest opportunity.

All sales persons, regardless of product, shall clear with the Superintendent's office before contacting any teachers, students, or other personnel of the School District. Purchasing personnel shall not show any favoritism to any vendor. Each order shall be placed in accordance with policies of the Board on the basis of quality, price, and delivery with past service a factor if all other considerations are equal.

F.S. 112.313, 1001.43

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6470 - PAYMENT OF CLAIMS

Payment of invoices shall be made by warrants or wire transfers. Authorization for such payments shall be deemed approved by the School Board if within amounts approved in the Board-adopted District budget or amendment thereto. In cases of expenditures exceeding approved purchasing limits, specific Board approval is required and shall be reflected in Board minutes. Approval of individual warrants themselves by the Board shall not be required.

Payments for supplies, equipment, and services will be made on invoices submitted by the vendors. Invoices will be checked and compared with receiving reports for accuracy in billing. The originator of the purchase order shall verify that acceptable goods were received or satisfactory services were rendered and the date of receipt.

All invoices for supplies, equipment, and services will be approved for payment by a designated member of the finance department before settlement is made.

The finance department shall pay promptly all properly authorized accounts payable which are ready for payment. All warrants are to be signed by the Chair of the Board and the Superintendent. Facsimile signatures may be used.

Payments to construction contractors will comply with State law as well as the Board approved contract.

All other professional contract payments shall be governed by the respective contract.

F.S. 217.735, 1001.43, 1011.10

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6480 - EXPENDITURES

Expenditures from District and all other funds available for the public school program shall be authorized by law and procedures prescribed by the School Board. Furthermore, pursuant to State law, the District, or any person acting on behalf of the District, may not expend public funds (that is, any funds under the jurisdiction or control of the District) for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including State questions, that is subject to a vote of the electors. This statutory prohibition does not apply to electioneering communications that are limited to factual information.

A. **Accounts Payable**

The payment of purchase orders, contracts, invoices, and utilities shall be made in accordance with the approved budget and pursuant to State statutes.

B. **Payroll Procedures**

1. No payment shall be made except to properly authorized and approved personnel and shall begin at the time employment is authorized.

2. Payments shall be based upon a Board-adopted salary schedule for each position.

3. Employees shall be paid on a monthly basis.

4. Salary adjustments shall be paid on subsequent payroll periods. Persons terminating shall be paid their full salary or wage balance on the regular payroll period following their termination. An extreme exception must be approved by the Superintendent or his/her designated representative in writing.

5. Principals and department heads shall be responsible for submitting accurate payroll records in accordance with established time schedules and procedures.

C. **Overtime Payment**

1. Authorization to work overtime must be by prior approval of the department head or principal.

2. Overtime compensation shall be paid as approved by the Board.

F.S. 1001.43, 1001.51, 1012.22
F.A.C. 6A-1.014, 6A-1.057

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6510 - PAYROLL AUTHORIZATION

The most substantial payment of public funds for the operation of the School District is that which is made to the employees of the School Board for services rendered. To ensure that each person so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered, this policy is promulgated.

Employment of all District personnel whether by the year, term, month, week, day, or hour in contract or temporary form must be approved by the Board, except where authority to appoint certain personnel of the District has been delegated to the Superintendent in Policy 1120, Employment of Administrators; Policy 3120 Employment of Instructional Staff; and Policy 4120 Employment of Support Staff.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, the effective date of employment, the funding source, and the position number. Salaries of all employees shall be determined by the Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

F.S. 1001.51, 1012.22
F.A.C. 6A-1.052

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6520 - PAYROLL DEDUCTIONS

The District shall make all legally required payroll deductions and such deductions do not require School Board approval.

To the extent permitted by law and consistent with the specific provisions of any applicable negotiated agreement, voluntary payroll deductions will be made if approved by the Board and authorized, in writing, by the employee.

A. Payroll deductions shall be based on an amount divided into equal payments and shall continue for the duration of the payroll request.

B. The employee may cancel noncompulsory deductions on written notice meeting payroll requirements.

C. Payroll deductions for the exclusive bargaining agent(s) shall be in accordance with Florida statutes and negotiated agreements.

F.S. 1012.31

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6521 - TAX SHELTERED ANNUITY PLANS AND ACCOUNTS

Tax sheltered annuity plans and accounts for employees of the District shall be available and administered in accordance with procedures established by the Superintendent.

F.S. 1012.685

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6530 - UNEMPLOYMENT COMPENSATION

The School Board recognizes that it has a responsibility to comply fully with statutes pertaining to the State of Florida's Unemployment Compensation Tax. Accordingly, the Chief Payroll Clerk shall submit the required quarterly reports to the Internal Revenue Service, Social Security Administration, and the State of Florida Department of Revenue to ensure said statutory compliance.

When an employee applies for unemployment compensation, the Superintendent may investigate and provide documentation to the Florida Department of Revenue that will enable the Department to approve or deny the benefit.

F.S. 443.036, 443.191

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6540 - CONSULTING SERVICES

Upon the identification of a funding source, the recommendation of the Superintendent and approval of the School Board, the District may contract for consultants to provide staff development and for professional consulting services to assist the administration.

A contract shall be executed prior to the rendering of services.

For purposes of this policy, "professional consulting services" shall include but not be limited to services of lawyers, accountants, financial consultants, public relations consultants, marketing consultants, advertising consultants, and other business or operational consultants.

The contract must be signed by the consultant and the Superintendent.

F.S. 1012.22, 1012.98, 1012.985

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6550 - TRAVEL AND PER DIEM

A. **In-County Travel**

Travel on official business performed within Gadsden County by District employees and authorized persons shall be reimbursed in accordance with the In-County Mileage Chart and at the rate approved by the School Board as established by F.S. Chapter 112.061. Board members and the superintendent shall receive a monthly allowance, as recommended by the Superintendent and approved by the Board, for in-county travel on official Board business.

B. **Out-of-County Travel**

1. When approved in advance by the Superintendent, expenses for out-of-county travel for employees and authorized representatives of the District shall be paid at the rate set forth in State law. Copies of receipts for lodging, transportation, tolls, registration fees, and parking must be attached to the traveler's request for reimbursement.

2. Reimbursable out-of-county and out-of-state travel for employees and authorizes representatives of the District should be approved in advance by the Superintendent.

F.S. 112.061, 1001.39
F.A.C. 6A-1.056

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6610 - INTERNAL FUNDS

Internal funds are those used by a school that are not under the direct supervision of the District through regular county school budget sources. They are administered by each individual school in accordance with policies of the School Board, Florida Administrative Code, Florida statutes, and specifically Chapter 7 of the *Financial and Program Cost Accounting and Reporting for Florida Schools*.

A. **Uniform Records and Accounts**

The principal of each school shall be responsible for the safe and proper handling of all monies collected and disbursed within the school and shall keep all accounts in accordance with regulations of the Board and State Board of Education. A complete and accurate record of each and every transaction and a suitable classification (chart of accounts) of all receipts and expenditures shall be kept on approved forms.

B. **Receipts of Monies Collected**

All funds collected within the school for any purpose shall be deposited with the Principal together with such substantiating records as may be required.

C. **Safekeeping of Monies, Certificates, and Bonds**

All monies received shall be promptly deposited in a qualified public depository and provisions shall be made for the adequate safekeeping of all monies and other financial assets that may come into the possession of the school.

1. Funds shall be deposited in the qualified public depository. Schools shall make deposits at least weekly.

2. All funds received shall be recorded, banked, and reconciled to the proper receipts and accounts.

D. **Expenditures**

All expenditures from school funds shall be made by check. Invoices or other approved substantiating evidence shall be required for all payments from school funds. All checks are to be signed by two (2) persons, the principal and designee.

1. **Overspending Limitations**

School expenditures from internal funds shall not exceed the cash balance of resources of that school during any fiscal year without written approval of the Superintendent or Board.

2. **Regulations Concerning Expenditures**

a. Where expenditures require prior approval, the school should anticipate needs in time to permit processing and proper clearance of written authorization requests. Expenditures shall not be made until approved in writing by the principal.

b. Authorization for expenditures expire one (1) year after date of approval.

c. No school internal fund shall be obligated for any student or teacher expenditure not previously approved in writing by the principal. A principal shall be responsible for any expenditures made or approved by him/her which are not permissible under the laws and regulations of the State or policies of the Board.

3. **Expenditures Requiring Prior Approval**

The following is a list of expenditures requiring prior written authorization from the Superintendent:

a. All equipment which is to be attached to the buildings, or requires remodeling, including the installation of utility service other than that which presently exists in the building. Examples of such purchases are as follows: air-conditioning, ice machines, equipment which uses 220 current where only 110 service exists, those that require the installation of water or sewage lines, etc.

b. Buildings, permanent attachments to buildings, or other structures.

c. Bleachers or equipment involving risk to users.

d. Services and purchases made for any employee of the District.

e. Membership in and contributions to any noneducational organization.

4. **Expenditures Prohibited from Internal Funds**

The following is a list of expenditures which cannot be made from internal funds.

a. Professional books and magazines, except school professional libraries and personal memberships in professional organizations when purchased through trust funds to which employees contribute.

b. Articles or services for personal use of Board employees or other persons.

c. Equipment, supplies, and services for rooms and areas not used primarily for student body benefit, unless raised specifically through employees or other persons or authorized by a student organization.

d. Wages or supplements to any persons engaged in regular part-time or temporary employment except as provided by the Board.

e. Loans, credits, or accommodations to Board employees or other persons, including students except as provided in Policy 6550 - Travel and Per Diem.

5. **Promotion and Public Relations Funding**

The principal is authorized to expend funds from a designated internal account for the purpose of promoting the school and for public relations.

Funds derived from auxiliary enterprises and undesignated gifts shall be disbursed in accordance with rules of the Board for such purposes as are deemed to be for the benefit of the District. Funds from auxiliary enterprises are defined as profits from enterprise type activities of the District, excluding food service activities, which may include, but are not limited to, vending machines, school stores, and other internal account fund profits not specifically designated for student or school level purposes and from funds received from other agencies making purchases in excess of the actual costs to the District.

E. **Fund Raising**

All fund-raising projects and activities promoted by the school or any group within or connected with or in the name of the school, are to be conducted in accordance with Policy 5830 - Student Fund-Raising.

F. **Student Travel**

1. **Advance Arrangements**

When travel by students is necessary in the pursuance of an approved student activity, advance travel arrangements shall be made when possible. Advance arrangements shall include transportation, meals, registration or entrance fees, and lodging. Checks may be prepared in advance for the exact amount and payable to the corporation or proprietor providing the service. The faculty sponsor accompanying the students shall be the temporary custodian of the checks and responsible for obtaining an invoice for the exact amount of the check from the corporation or proprietor upon presentation of the check.

2. **Advance to Sponsor**

When advance arrangements for meals or lodging are impractical because service to be rendered is en route, or the student group is of such number to make prior knowledge of the exact number impossible, advancement may be made to the faculty sponsor for distribution to the students. Each student shall sign a signature sheet certifying that s/he received their meal or lodging allowance. In such situations, students are to be made aware of the amount of the allowances at least twenty-four (24) hours prior to travel departure so as to permit them to make adequate financial arrangements personally or with their parents.

3. **Limits**

Under no circumstances may the amount paid from District or internal funds be in excess of rates established in F.S. 112.

F.S. 1011.18
F.A.C. 6A - 1.085, 6A-1.087

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6621 - CHANGE FUND

The School Board recognizes the convenience of a change fund in the day-to-day operation of the School District.

The Board authorizes the establishment of a change fund to be in the care of the Principal, who shall be responsible for providing change as needed.

F.S. 1001.43

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6661 - INSTRUCTIONAL MATERIALS ALLOCATION

Pursuant to State law, the School Board shall purchase current instructional materials so that each student has access to adequate instructional materials (as defined in Policy 2520 - Selection of Instructional Materials and Equipment) as a major tool of instruction in core courses of the appropriate subject areas of mathematics, language arts, science, social studies, reading, and literature for grades K-12.

Such purchases shall be for instructional materials included on the State-adopted list, except as otherwise provided in State law, and shall be made within the first two (2) years of the adoption cycle.

Pursuant to State law, up to fifty percent (50%) of the annual allocation may be used to purchase instructional materials, including library and reference books and non-print material, not on the adopted list as well as to provide other teaching accessories and aids as are needed for the District's educational program.

Furthermore, if, after March 1st, the Superintendent recommends and the Board adopts a resolution certifying that all instructional material purchases necessary to provide updated materials to align to the Next Generation Sunshine State Standards and benchmarks have been completed for the fiscal year, the Superintendent may recommend and the Board may approve a budget amendment so that a specified amount of the balance of the instructional materials allocation may be used to purchase hardware for student instruction.

The Board requires the maximum use of instructional materials by District students.

F.S. 1006.28, 1006.40, 1011.62(6)

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6670 - TRUST AND AGENCY FUND

The School Board directs the establishment of a Trust and Agency Fund for the financial administration of scholarship and other trusts operated for the benefit of students and duly approved by the Board.

The Superintendent shall be responsible for the administration of the Trust and Agency Fund. The Fund will be audited annually and will be administered under appropriate accounting controls. The books of account will record income and expenses separately for each approved area.

F.S. 1009.53

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Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

6685 - FUNDING FOR PROMOTION, PUBLIC RELATIONS, AND HOSPITALITY

The School Board authorizes the expenditure of funds that are derived from auxiliary enterprises and undesignated gifts, up to the limit set by the of State Board of Education Rules, for the purpose of promotion, public relations, and hospitality of business guests provided such purpose is designed to be directly beneficial to and in the best interest of the District.

Such activities may include but not be limited to:

A. activities involving graduation;

B. visiting committees;

C. orientation and work conferences;

D. recruitment of employees;

E. official meetings and receptions;

F. guest speakers;

G. accreditation studies;

H. other developmental activities, awards or other types of recognition for meritorious performance.

Pursuant to State Board of Education regulations, funds from auxiliary enterprises will be defined as profits from enterprise type activities of the District, excluding food service activities, which may include, but are not limited to, vending machines, supply stores, and other internal account funds profits not specifically designated for student or school-level purposes.

F.A.C. 6A-1.0143

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6700 - FAIR LABOR STANDARDS ACT (FLSA)

It is the School Board's policy to comply with the provisions of the Fair Labor Standards Act (FLSA) and its implementing regulations, unless the terms of an applicable collective bargaining agreement provide for greater rights to its employees. To that end, the Board shall pay at least the minimum wage required by the FLSA to all covered, non-exempt employees. Further, the Board recognizes the safe and efficient operation of the District may occasionally require covered, non-exempt employees to work more than forty (40) hours during a given work week. Work week is defined as a fixed and regularly recurring period of 168 hours (i.e., seven (7) consecutive twenty-four (24) hour period). Covered, non-exempt employees who work (i.e., perform work on behalf of or for the benefit of the Board) more than forty (40) hours in a given work week will receive premium pay (i.e., one and one-half (1 1/2) times the employee's regular hourly rate of pay) for all hours worked in excess of forty (40).

The Superintendent shall determine the necessity and availability of overtime work. Overtime must be authorized only by a supervisor and should be used primarily to address circumstances of an emergency or temporary nature. Non-exempt employees who work overtime without prior approval from the Superintendent or a supervisor may be subject to disciplinary action up to and including termination.

Exempt employees are individuals who are exempt from the FLSA minimum wage and overtime provisions. These employees include persons employed in bona fide executive, administrative, and professional positions, and certain computer employees. To qualify for the exemption, employees generally must meet certain tests regarding their job duties and be paid on salary basis at not less than $455 per week. The salary requirement does not apply to teachers. Exempt computer employees may be paid at least $455 on a salary basis or on an hourly basis at a rate not less than $27.63 an hour. Being paid on a "salary basis" means an employee regularly receives a predetermined amount of compensation each pay period on a weekly, or less frequent, basis. Additionally, the predetermined amount cannot be reduced because of variation in the quality or quantity of the employee's work. Subject to the exceptions listed below, an exempt employee must receive the full salary for any work week in which the employee performs any work, regardless of the number of days or hours worked.

Notwithstanding the fact that exempt school employees continue to meet the salary basis requirements and are not disqualified from exemption even if the employee's pay is reduced or the employee is placed on a leave without pay for absences for personal reasons or because of illness or injury of less than one (1) work-day because accrued leave is not used for specific reasons, the Board reserves the right to make deductions from the pay of otherwise exempt employees under the following circumstances:

A. the employee is absent from work for one (1) or more full days for personal reasons other than sickness or disability

B. the employee is absent from work for one (1) or more full days due to sickness or disability if the deduction is made in accordance with a bona fide plan, policy or practice of providing compensation for salary lost due to illness

C. to offset amounts employees receive as jury or witness fees, or for military pay

D. for unpaid disciplinary suspensions of one (1) or more full days imposed in good faith for workplace conduct rule infractions

E. for penalties imposed in good faith for infractions of safety rules of major significance

The Board shall also not be required to pay the full salary in the initial or terminal week of employment, or for weeks in which an exempt employee takes unpaid leave under the Family & Medical Leave Act.

The Board recognizes that with limited legally permissible exceptions, no deductions should be taken from the salaries of exempt employees. If an exempt employee believes that an improper deduction has been made to his/her salary, the employee should immediately report this information to the Chief Payroll Clerk, or his/her immediate supervisor. Reports of improper deductions will be promptly investigated. If it is determined that an improper deduction has occurred, the employee will be promptly reimbursed for any improper deduction made, and the Board will make a good faith commitment to avoid any recurrence of the error.

This policy shall be distributed to over-time eligible employees upon initial hire, and made available to all over-time eligible employees on an annual basis.

29 U.S.C. 201 et seq.
29 C.F.R. Part 541

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6830 - AUDIT

The School Board requires, after the close of the fiscal year (June 30th), that an audit of all accounts of the District be made annually by the Office of the Auditor General. The audit examination shall be conducted in accordance with generally-accepted auditing standards and shall include all funds over which the Board has direct or supervisory control.

If an audit contains any finding as determined by the State Auditor's Office, the Board shall conduct an audit overview during a public meeting, and, in so doing, shall discuss the finding(s) made by the Auditor General. Upon review and discussion of the finding(s), the Board will direct that a plan of action be developed and implemented to address the finding(s).

The Office of the Auditor General will prepare and publish an audited statement of the financial condition of the District on or before March 31st of the next succeeding fiscal year.

F.S. 11.45, 218.39, 1001.42, 1001.453, 1010.30, 1010.33
F.A.C. 6A-1.087
OMB A-133

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7100 - FACILITIES PLANNING

The School Board recognizes that careful, prudent planning is essential to the efficient operation of the schools and that planning must be grounded on accurate data. In order to assure that future District construction supports the educational program and responds to community needs, the Board will prepare a capital construction plan and will revise that plan periodically thereafter. The plan shall include a thorough description and analysis of local and regional demographic factors that influence general population growth and public school enrollments.

In order to apprise the Board of the continuing relevance of the Board's capital construction plan, the Superintendent shall:

A. annually report to the Board on the number of resident students attending school;

B. report to the Board on the enrollment by grades during the school year at least annually;

C. conduct a "kindergarten roundup" each spring of the number of students who will be enrolled in the schools of the District in September of the year in which the estimate is made and report the results to the Board;

D. prepare student enrollment projections every year and compare the actual enrollment figures to the previously projected figures to detect early, for the benefit of the Board, any changes in enrollment trends.

In planning for the enlargement or modification of its facilities, the Board shall consider not only the number of children whose educational needs must be met, but also the physical requirements of the program it deems best suited to meet those needs. The District shall provide suitable accommodations to carry out the educational program of the school including provision for the disabled, pursuant to law and regulation.

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7101 - BUILDING PERMITS AND CODE ENFORCEMENT

Pursuant to the Florida Building Code, the School Board subcontracts for code enforcement services. The approved project plans will be reviewed for code compliance, permits issued, and the work inspected.

A. **Annual Facility Maintenance Permits:**

Each school or facility will be issued an annual facility maintenance permit to facilitate routine maintenance, emergency repairs, building refurbishment, and minor renovations of systems or equipment. Qualifiers for this type of permit will be the Operation and Maintenance Director and/or his/her designee. Permits will be issued in their names. The amount expended per maintenance project may not exceed $200,000. A facility maintenance permit is valid for one (1) year. A detailed log of alterations and inspections must be maintained and annually submitted to the BCA. The BCA retains the right to make inspections at the facility site as s/he considers necessary.

B. **Building Permits:**

Building permits are required for new construction, additions, remodeling, renovations, site work, structural modifications, major mechanical and electrical upgrades, roofing, re-roofing, and demolition. District project managers and/or their contractors will submit application for a permit to the Code Enforcement Office. District project managers will have Phase III documents reviewed by licensed architect/engineer as required by F.S. 1013.38. Upon review by the BCA, a permit will be issued and work inspected. When the work is deemed complete, the BCA will issue a Certificate of Occupancy.

C. **Design Services:**

The Board or volunteer service organization which under takes any project that includes new construction, addition, remodeling, and structural modifications shall have plans and specifications prepared by a licensed design professional as required by State Requirements for Education Facilities 4.1(2).

Board approved projects will be governed by the standard District contracts. Volunteer project sponsor(s) will submit a standard partnership agreement for project approval prior to commencement of work.

D. **Contractors:**

All construction on Board-owned property including volunteer or service organization projects, shall be performed by State-certified or licensed general contractors and subcontractors, or locally registered subcontractors where their registration is valid, as required by State Requirements for Education Facilities 4.1(5) and shall follow approved processes as described under Florida statute.

F.S. 1013.37, 1013.38
F.A.C. 104.1.1

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7217 - WEAPONS

The School Board prohibits visitors from possessing, storing, making, or using a weapon, including a concealed weapon, in a school safety zone and any setting that is under the control and supervision of the District for the purpose of school activities approved and authorized by the District including, but not limited to, property leased, owned, or contracted for by the District, a school-sponsored event, or in a District vehicle.

The term "weapon" means any object which, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons. Weapons include, but are not limited to, firearms, guns of any type, including air and gas-powered guns (whether loaded or unloaded), knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.

The Superintendent shall refer a visitor who violates this policy to law enforcement officials and may take any necessary steps to exclude the visitor from District property and District sponsored events, regardless of whether such visitor possesses a valid concealed weapon license.

The Board directs the Superintendent to post notices prohibiting the carrying and possession of concealed weapons in a school safety zone, including schools and school buildings, on school premises and school buses, and at school activities.

The Superintendent shall conspicuously post such notices at each entrance of a school and/or school building and in areas inside the building where visitors are required to report. Notices shall also be posted at each entrance leading into a school activity (particularly those activities held outside of the school building) and parcel of land. Further, notices shall be posted in each school bus and other Board-owned vehicle, including a school van.

F.S. 790.115, 1001.43 (1)(a), 1006.07
18 U.S.C. 922

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7230 - GIFTS TO THE SCHOOL DISTRICT

The Superintendent is authorized to accept gifts or donations to the School District, on behalf of the School Board, of money, equipment, supplies, and materials. The Superintendent may accept the terms and conditions of any such gift or donation, as deemed appropriate, and shall have the discretion to accept or deny the gift or donation on the basis of those terms and conditions. Lists of such gifts or donations shall be compiled semi-annually.

Any equipment donated to the District may not be repaired or maintained until it has been formally accepted. Further, any equipment donated must meet established District standards before it will be accepted.

Any gift conveying title shall be submitted to the School Board for individual acceptance.

The principal or director of a school or center is authorized to accept individual gifts or donations of money for field trips, student donations, and spontaneous donations of up to $500 for each such gift. If an individual gift or donation exceeds $500, its acceptance shall be in accordance with the paragraph above.

Gifts or donations from such groups or organizations as classes, affiliated clubs, and booster groups, shall be accepted and handled in accordance with this policy.

If a donor does not specify how the gift or donation is to be used, the use shall then be at the discretion of the principal or director.

Any monetary gift or donation shall be properly receipted and processed in accordance with applicable District procedures.

At the Superintendent's discretion, a gift or donation may be presented to or recognized by the Board.

Permanent structures shall have utilitarian value in the operation of the school or be erected in memory of a person who has been associated with the school either as a student or employee, or an organization that has made some outstanding contribution to the school or District.

The Board shall not accept a gift of art unless the cost of installation, operation, and maintenance is consistent with the value of the gift to the school. This gift will require approval of a committee approved by the Superintendent and shall include at least one (1) person trained in the field of art.

Articles of equipment donated to the schools by individuals, groups, or organizations may be accepted if they contribute to the operation of the school program. Donors shall be notified that the title of this gift shall be in the name of the Board.

F.S. 112.312, 1001.32(2), 1001.41, 1001.42, 1001.43

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7240 - SITE ACQUISITION

It is the policy of the School Board that real property acquisition price be based on a true value with regard for fair remuneration to the seller but not on enhancement of the value of the site to the seller. The presence of a school to service a potential development in itself enhances the profit potential to a developer. It is the Board's sole purpose to provide a service to the residents in a development at the least possible cost to the taxpayers.

The Superintendent shall be responsible for site acquisition negotiations. Negotiations for site acquisition shall be conducted as much as possible within the following procedures:

A. Purchase price shall be based on the last transaction price, taxes on the property after platting, and a reasonable interest earning on the investment based on the current cost of money.

B. Roadways and utility costs to be shared will be calculated on a front footage basis of the proposed site and shall be included only where actual installation has occurred.

C. The Board shall not share such development costs as engineering, earthmoving, litigation, etc., in determining the fair value of the site to be purchased.

Discussion of possible school sites may be carried on in an executive session of the Board, but all official actions must be taken in an open, public meeting. Official Board action is required to execute a valid contract, and a record of that action must be a part of the minutes of the Board. The process used in acquiring real property must be in accordance with law. Any deviation from the strict requirements of the law may render the transaction void.

F.S. 1013.14

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7250 - COMMEMORATION OF SCHOOL FACILITIES

From time-to-time, the School Board may wish to commemorate a school or District facility by means of a plaque or naming the facility after a person. Such commemoration should be reserved only for those individuals who have made a significant contribution to the enhancement of education generally or the District in particular or to the well-being of the District, community, State, or nation.

Any employee of the District thus honored must be deceased or no longer employed by the District prior to the Board's selection of his/her name for a plaque or for the naming of a facility.

School(s) - Naming and Renaming

The Superintendent, with the assistance of individuals in the community and/or community organizations, if any, shall submit proposed name(s) for school(s) to the Superintendent for his/her subsequent recommendation to the Board for final approval. Names for schools shall be considered in accordance with the following procedures:

A. If the school(s) is to be named by its location in the community, the name(s) proposed should be descriptive and of reasonable length.

B. If the school(s) is to be named for an individual, the name(s) proposed should be that of an outstanding civic or educational leader, living or deceased, of local, State, or National prominence and, if living, and also an elected official, shall have left public office for a period of time not less than five (5) years.

C. The name of a new or existing school(s) once adopted by the Board shall be considered permanent. However, should the Board subsequently initiate, or be called upon to consider, a name change of an existing previously named school(s), then in that event the Board shall allow a period of time of not less than eighteen (18) months from said date for community involvement, deliberation, discussion, and debate, prior to its taking action.

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7300 - PROPERTY CUSTODIANSHIP

Responsibility of the Superintendent

A. All real and tangible personal property shall become the direct responsibility of the Superintendent, including its care, custody, safekeeping, and accounting of all property.

B. The Superintendent shall cause to be established such procedures and measures necessary to provide accurate information in regard to the nature, condition, location, and value of all major school property, to safeguard tangible school property against undue damage, loss depreciation; to attempt to recover and restore to useful service any tangible school property which may be lost, stolen, or damaged; and to do all other things necessary to insure the proper maintenance and safekeeping of school property.

C. The Superintendent shall place in operation procedures that include those services and activities that provide that students may attend school without sanitation or physical hazards and provide for necessary heat, lights, water, power, and other supplies and utilities necessary for the operation of the schools.

D. The Superintendent shall place into operation procedures for preserving and keeping the building, grounds, and equipment in a satisfactory state of maintenance, and which include repairs, replacements, renovations, and adjustments.

Responsibility of the Principal

The principal of each school shall be the property custodian of all real and tangible property located at and charged to the school.

Responsibility of Directors and Coordinators

The director and/or coordinator shall be the property custodian of all real and tangible property purchased through or assigned to their division and/or department.

F. S. 1001.42, 1001.51

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7305 - EASEMENTS

The School Board receives regular requests from private and public companies (as well as other governmental entities) to grant easements on Board property. This rule establishes the procedure that shall be followed when requesting an easement on Board property.

Companies (or other governmental entities) that desire an easement shall submit an application packet to the Superintendent that includes, but is not limited to, a description of the type of easement sought; a legal description of the parcel for which the easement is sought; architectural drawings and elevations for any structure that would be constructed on the parcel, if applicable; and a description of the benefits that the District will receive in consideration for granting said easement. This application shall be submitted at least thirty (30) days prior to the date Board approval is desired.

Such easements, if granted, are an interest in the property for perpetuity. Therefore, the Board shall give careful consideration to the type of easement sought and whether or not it shall hinder or inhibit the educational program provided on that property or shall present a safety concern for the students who attend school on that property. The Board shall also consider the benefits that the District shall realize if the easement is granted.

F.S. 704.01

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7310 - DISPOSITION OF SURPLUS PROPERTY

The School Board requires the Superintendent to review the property of the District periodically and to dispose of that material and equipment which is no longer usable in accordance with the terms of this policy.

A. **Instructional Material**

The District shall review instructional materials (i.e. textbooks, library books, manuals, support materials, etc.) periodically to determine the relevance of such materials to the present world and current instructional programs. The following criteria will be used to review instructional materials for redistribution and possible disposal:

1. concepts or content that do not support the current goals of the curriculum
2. information that may not be current
3. worn beyond salvage

B. **Equipment**

The District shall inspect the equipment used in the instructional program periodically, to determine the condition and usability of such equipment in the current educational program. Should the equipment be deemed no longer serviceable or usable, the following criteria will be used to determine possible disposal:

1. repair parts for the equipment no longer readily available
2. repair records indicate equipment has no usable life remaining
3. obsolete and/or no longer contributing to the educational program
4. some potential for sale at a school auction
5. creates a safety or environmental hazard

C. **Disposition**

No Board property can be disposed of without the recommendation of the Superintendent and the approval of the Board. The disposition of property may be by selling it to the highest bidder, by donation to appropriate parties, or by proper waste removal. Disposal of surplus property purchased with Federal funds shall be disposed of in accordance with Federal procedures.

F.S. 1006.44

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7320 - ACQUISITION, REMOVAL, DISPOSAL, SALE, OR EXCHANGE OF MAJOR TANGIBLE PROPERTY

Acquisition

All property shall be acquired through proper purchasing procedures either through the county or internal funds, or through donations from outside sources. All property, however, including vehicular equipment shall be in the name of the School Board of Gadsden County, Florida and under its full control. All property acquired from sources other than county school funds, such as PTA donations, shall be reported promptly, in accordance with procedures established for property accountability.

Removal of Property

A. Property shall not be taken from any school building or premises for private use. Property may be lent to employees, outside agencies, or organizations only with the prior written approval of the principal or department head.

B. Major property items shall not be exchanged between schools or departments except upon the written approval of division and/or department heads affected. Final approval of the Superintendent is required.

Disposal, Sale, or Exchange

The Board believes that the efficient administration of the District requires disposition of any major tangible personal-property no longer necessary for the educational programs or the operation of the District.

Property which is not suitable for School District use shall be disposed of in accordance with State statutes.

School Memorials and Gifts

A. No individual, group, or organization shall be permitted to erect an honor roll, memorial, or structure of any kind upon school grounds except by approval of the Superintendent and Board. Memorials shall be limited to a plaque and/or appropriately displayed portrait in the media center, office, etc. Also, a simple landscape project would be acceptable (i.e. planting of a tree, small flower garden), provided there is little or no maintenance and is consistent with the Board's master plan.

B. Permanent structures shall have utilitarian value in the operation of the school or be erected in memory of a person who has been associated with the school either as a student or employee, or an organization that has made some outstanding contribution to the school or School District.

C. The Board shall not accept a gift of art unless the cost of installation, operation, and maintenance is consistent with the value of the gift to the school. This gift will require approval of a committee approved by the Superintendent and shall include at least one (1) person trained in the field of art.

D. Articles of equipment donated to the schools by individuals, groups, or organizations may be accepted if they contribute to the operation of the school program. Donors shall be notified that the title of this gift shall be in the name of the Board.

F.S. 287.14, 287.16, 1001.42, 1010.04

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7410 - MAINTENANCE

The School Board recognizes that the fixed assets of this District represent a significant investment of this community and their maintenance is of prime concern to the Board.

The Board directs the conduct of a continuous program of inspection, maintenance, and rehabilitation for the preservation of all school buildings and equipment. Wherever possible and feasible, maintenance shall be preventive.

The Superintendent shall develop, for implementation by the custodial (and maintenance) staff, a maintenance program which shall include:

A. a regular summer program of facilities repair and conditioning;

B. the maintenance of a critical spare parts inventory;

C. an equipment replacement program;

D. a long-range program of building modernization;

E. repair or replacement of equipment or facilities for energy conservation, safety, or other environmental factors;

F. a preventive maintenance program for equipment and components;

G. an in-house technical training program for tradespersons.

The Superintendent shall develop and promulgate to the custodial (and maintenance) staff such procedures as may be necessary for the ongoing maintenance and good order of the physical plant and for the expeditious repair of those conditions which threaten the safety of the occupants or the integrity of the plant.

F.S. 1001.51

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7420 - SANITATION AND HOUSEKEEPING

The School Board recognizes that the health and physical well-being of employees and students as well as visitors, depends in large measure upon the sanitation and housekeeping of District schools and facilities.

The Board directs that a program of sanitation and housekeeping be instituted in all schools and facilities and be explained annually to all staff members.

The Superintendent shall direct the development and implementation of a program for sanitation and housekeeping of school and facility buildings, grounds, and equipment pursuant to law.

The Superintendent or Site Administrator is responsible for the sanitation and cleanliness of their school or facility.

The Director of Facilities shall develop a program and procedures to minimize or eliminate employee and student, as well as visitor, exposure to blood or other potentially infectious materials, pursuant to law.

F.S. 1001.51

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7430 - RISK REDUCTION PROGRAM

The School Board believes that the employees and students of this District, as well as visitors, are entitled to function in an environment as free from hazards as can reasonably be provided. In this regard and in accordance with law, the Board will provide reasonable and adequate protection to the lives, safety, and health of its employees and students, in compliance with Federal and State laws and regulations.

The Superintendent shall be responsible for the maintenance of standards in the facilities to prevent accidents and to minimize their consequences. S/He shall designate an employee who shall conduct periodic audits of health and safety conditions within the facilities of the District and take appropriate action on any violations thereof to the Superintendent.

The Superintendent shall ascertain that the employees and students of this District are aware of their rights to an environment free of recognized hazards, that they are properly trained in safety methods, that protective devices and equipment are available to meet safety standards, and that proper rules and records are maintained to meet the requirements of the law.

In the event an inspection is made by a representative of the State, the Superintendent shall report the results thereof to the Board at the meeting following the receipt of the State report.

F.S. 1013.12

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7434 - TOBACCO-FREE ENVIRONMENT

The School Board is committed to providing students, staff, and visitors with a tobacco-free environment. The negative health effects of tobacco use for both users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a tobacco-free environment is consistent with the role-modeling responsibilities of teachers and staff for our students.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, smokeless tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco, and the possession of papers used to roll cigarettes.

To protect students and staff who choose not to use tobacco from an environment noxious to them, and because the Board does not condone the use of tobacco, the Board prohibits the use of tobacco within any indoor facility owned or leased or contracted for by the Board and used to provide education or library services to children.

The Board also prohibits the use of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes, or other smoking devices.

The Board also prohibits the use of tobacco anywhere on the campus of any facility owned or leased or contracted for by the Board, including, but not limited to, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, and all open areas.

Furthermore, the Board prohibits the use of tobacco in all vehicles owned or operated by the Board, including, but not limited to, school buses, vans, trucks, station wagons, and cars.

F.S. 381.84, 386.202, 386.204, 386.212
20 U.S.C. 6081 et seq., 20 U.S.C. 7182

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Bylaws & Policies

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7440 - SECURITY OF DISTRICT FACILITIES

Buildings constitute the greatest financial investment of the District. It is in the best interest of the School Board to protect the District's investment adequately. The buildings and equipment owned by the Board shall be protected from theft and vandalism in order to maintain the optimum conditions for carrying out the educational programs.

The Superintendent shall develop and supervise a program for the security of the school buildings, school grounds, and school equipment pursuant to statute and rules of the State. Such a program may include but is not limited to, video surveillance equipment, security alarm devices, or monitoring devices in appropriate public areas in and around the schools and other District facilities.

Every effort shall be made to apprehend those who knowingly cause serious physical harm to District property and to require such persons to rectify the damage or pay a fee to cover repairs. A reward may be offered for apprehending such persons.

Appropriate authorities may be contacted in the case of serious offenses.

The Superintendent is authorized to install metal detectors and other security devices that would assist in the detection of guns and dangerous weapons on District property.

The Superintendent shall report to the Board each major case of vandalism and the extent of the damage.

F.S. 1001.51

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7440.01 - PROTECTION OF PERSONNEL AND PROPERTY

It shall be the responsibility of the School Board to provide safety and security for all students and employees of the Board.

A. **Environmental Health and Safety Program**

The Superintendent shall direct the development, implementation, and enforcement of an environmental health and safety program, compliant with applicable laws and regulations, designed to prevent injury and illness to employees, students, and the general public, and damage to property or the environment arising from the District's operations. The program shall include, at a minimum, loss prevention, employee training, facility inspections, and corrective maintenance.

The principal or facility manager is responsible for the environmental health and safety program at their school or facility and for correction of "operation of plant" deficiencies within the time period specified.

B. **Fire Exit Drills**

Carefully planned and executed fire exit drills shall be conducted at the beginning of each semester, at times designated by the principal, following instruction of all classes regarding exits to be used in case of fire. At least one (1) fire exit drill shall be conducted every month school is in session. Any emergency evacuation drill (e.g., "crisis event"), completely performed, may be substituted for a required fire exit drill in a given month. All drills and all deficiencies affecting egress shall be documented in writing.

C. **Casualty, Sanitation, Fire-Safety, and Other Inspections**

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year by the Board and once by the local fire official (for fire safety). Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the final official appointed by the Board, fire-safety inspections of each educational and ancillary plant located on property owned or leased by the Board, or other educational facilities operated by the Board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

Pursuant to State law, a copy of the fire safety inspection report shall be submitted within ten (10) business days after the date of the inspection to the appropriate authority providing fire protection services to the school facility.

F.S. 1001.41, 1001.42, 1013.12
F.A.C. 69A-58.004

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7440.02 - VANDALISM, DAMAGE, LOSS, AND MALICIOUS MISCHIEF

The principal or administrator shall report any damage, loss, vandalism, or malicious mischief immediately to the Superintendent. When appropriate the proper law enforcement agency will be contacted and provided all available information.

By Students

A student who willfully damages school property shall be properly disciplined and his/her parent(s) or legal guardian, if the student is a minor, shall be requested, in writing, to restore or to replace any damaged property in accordance with the true value as determined by the principal, the responsible District department head, or in extreme circumstances the Superintendent and/or School Board. In extreme cases of vandalism, a student shall be subject to suspension or expulsion from school under the charge of serious misconduct. The *Code of Student Conduct* shall identify disciplinary procedures for students who abuse school property. An adult student involved in the destruction of school property shall be held solely responsible for the damages.

A civil action against the student's parent(s) or legal guardian may be instituted by the Board in an appropriate action to recover damages in an amount not to exceed the limit prescribed by Florida statues if vandalism or theft of school property is known to have been committed by a minor and the parent(s) or legal guardian refuses to restore or replace the property.

By Persons Other Than Students

In case of willful or negligent damage of property belonging to the Board, whether real or personal, the user shall be responsible for the payment or replacement of such damage in accordance with the true value as established by the Superintendent.

By Organizations Under Use Permits

An organization granted a permit for the use of property belonging to the Board shall be responsible for any undue damage to the buildings, equipment, or grounds beyond that which would be considered normal wear and tear and shall repay any such damage in accordance with the true value as established by the Superintendent. Failure to comply with such payment shall cause the individual, group, or organization to lose eligibility for further use of Board-owned property and such legal action as the Board deems proper to recover the amount of damages.

F.S. 1013.22

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7450 - PROPERTY INVENTORY

The School Board recognizes that efficient management and full replacement upon loss requires accurate inventory and properly maintained property records.

A complete inventory of all District owned tangible personal property shall be conducted annually and submitted to the Board. A complete inventory shall also be conducted when there is a change in the designated property custodian (see Policy 7300 - Property Custodianship) at a school or department location.

The Principal shall obtain a police report for any District-owned tangible personal property when such property is found missing or stolen from the location's inventory. A copy of the police report shall be submitted to the Superintendent. Failure to timely report missing inventory may result in disciplinary action up to and including termination.

For purposes of this policy "tangible personal property" shall mean any tangible personal property, of a nonconsumable nature, with a life expectancy of one (1) year or more which has a capitalized value equal to or greater than the value established in Policy 7455 - Accounting System for Fixed Assets.

The Superintendent shall enforce the procedures established to implement the intent of this policy.

F.S. 274.02, 1001.43

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7455 - ACCOUNTING SYSTEM FOR FIXED ASSETS

The School Board shall maintain a fixed-asset accounting system. The fixed-asset system shall maintain sufficient information to permit the following:

A. the preparation of year-end financial statements in accordance with generally-accepted accounting principles;

B. adequate insurance coverage;

C. control and accountability.

Fixed assets are defined as those tangible assets of the District (including leased fixed assets) with a useful life in excess of one (1) year and an initial cost equal to or exceeding the amount defined in F.A.C. 69I-73.002.

Fixed assets shall be recorded at actual, or if not determinable, estimated purchase price or fair market value at the time of acquisition.

The Superintendent shall develop administrative procedures to require proper purchase, transfer, and disposal of fixed assets.

F.S. 274.02, 1001.43

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7460 - CONSERVATION OF NATURAL AND MATERIAL RESOURCES

The increasing costs of natural energy resources coupled with the growing need to inhibit pollution mandate the District implement strategies that will conserve all forms of energy used and/or ensure proper recycling of re-usable materials.

The School Board directs the Superintendent to develop and implement both immediate and long range plans to meet these concerns. It expects that the administrative procedures established will be properly observed by all members of the staff and strongly supported both in the educational program and in staff interactions with students.

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7510 - USE OF DISTRICT FACILITIES

The School Board believes that the grounds and facilities of this District should be made available for community purposes, provided that such use does not infringe on the original and necessary purpose of the property or interfere with the educational program of the schools.

The principal may approve the use of school property, facilities, and equipment for any group provided herein. The use of school property, facilities and equipment shall not interfere with the educational program of the school. The principal shall be responsible for safeguarding the school property, facilities, and equipment, enforcing and informing groups of Board rules, executing proper forms, and collecting payments.

District grounds and facilities shall be available for the below-listed uses. When there are competing interests, approval will be given according to the following priorities:

A. uses directly related to the schools and the operations of the schools

B. uses and groups indirectly related to the schools

C. meetings of employee associations

D. uses for voter registration and elections

E. departments or agencies of the municipal government

F. other governmental agencies

G. community organizations or groups of individuals

H. commercial or profit-making organizations or individuals offering services for profit

Should all or any part of the District's community be struck by a disaster, the Board shall make District grounds and/or facilities available, at no charge, for the housing, feeding, and care of victims or potential victims when requested by local, State, or Federal authorities. The Superintendent should meet with the Gadsden County Emergency Management Coordinator to establish a disaster preparedness plan so that proper procedures are established to minimize confusion, inefficiency, and disruption of the educational program.

Use of School Property Without Charge

The Superintendent may authorize the use of school facilities without charge, except as may be required for supervision or clean-up. If the principal is unsure about the eligibility of the organization to use facilities without charge, the matter shall be referred to the Superintendent for resolution. School facilities may be made available to:

A. national youth groups operating under the sponsorship of a county organization or groups officially sanctioned by the Boy Scouts of America or groups officially sanctioned by any other Title 36 Youth Group, provided the group is properly supervised;

District use agreements may be executed with the community organization for all schools or for an individual school.

B. the Supervisor of Elections for voting precincts in any election provided the election does not interfere with the school's operation; or

C. any governmental or community agency when specifically approved by the Board as being in the public interest.

Use of Facilities With a Charge

The principal may permit the use of school facilities by a civic, religious, or other organization for non-school activities on a specific, temporary, or short-term basis not to exceed one (1) year with specific Board approval. The following conditions shall apply:

A. The payment of the fee shall be in accordance with the fee schedule as recommended by the Superintendent and approved by the Board.

B. Board approval, upon the Superintendent's and principal's recommendations, shall be required for repetitious use for a period of more than six (6) months.

C. Sufficient supervision and adequate custodial service of the school facility shall be determined by the principal. School personnel/custodial staff must be present at all times when the facility is being rented.

D. The use of the cafeteria shall require permission from the principal. The use of school food service facilities shall require that the kitchen be operated by a Board food service employee(s) or Board employee.

Fees

The amount of rental fee will be based on a schedule of fees recommended by the Superintendent and approved by the Board.

If the facility or equipment is being used for commercial or private gain and an admission or attendance fee is being charged, a rental fee will be charged for the use of the facility and equipment, the Board authorizes the Superintendent to establish the amount of an additional charge on a case-by-case basis.

Fees shall be paid in advance for use of facilities. Full reimbursement for custodial, supervisory, and other required services or for damages to the facility, furnishings, or equipment shall be paid within ten (10) days of billing. Checks shall be made payable to the individual school.

Liability and Insurance Coverage

Each organization utilizing school facilities shall:

A. agree to hold the Board harmless from any liability which may accrue the Board as a result of use;

B. provide general liability insurance coverage in the amount of at least $1,000,000.00 naming the Board as an additional insured; and,

C. execute a form of indemnity agreement as prescribed by the Superintendent.

Proof of insurance coverage on the building must be in possession of the principals at least five days before facility is to be used.

Prohibited Uses of School Facilities

School property, facilities, and equipment shall not be used for the following purposes:

A. programs involving any form of gambling or other illegal activity;

B. private teaching for personal gain; and

C. programs in violation of Florida statutes or Board Policy.

Special Provisions

The following special provisions shall apply:

A. Restrooms shall be made available for all organizations using the school facilities.

B. Any school or community event sponsor or vendor who uses school facilities shall notify the local public health unit not less than three (3) days prior to a scheduled school carnival, fair, or other celebration involving the sale or preparation of food or beverages.

C. The principal has the right to require a group to provide security for a function if s/he feels security would provide for a safe and secure environment.

Appeals to the Superintendent

A person who feels that his/her organization was improperly denied use of school facilities or that an improper charge or fee was assessed may file a written appeal with the Superintendent for resolution.

F.S. 106.15, 509.032, 509.232, 1001.32, 1001.33, 1001.42, 1001.43, 1001.51
F.S. 1013.10

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7530 - LENDING OF BOARD-OWNED EQUIPMENT

No item of Board-owned equipment shall be loaned for nondistrict school use off school property without Board approval. If equipment is required for the use of those granted permission to use District facilities, it may be loaned in accordance with School Board policy and administrative procedures. Interlocal agreements made with other government agencies may include the use of District equipment.

The Board may lend specific items of equipment on the written request of the user and approval granted by the Superintendent and only when such equipment is unobtainable elsewhere.

The user of Board-owned equipment shall be fully liable for any damage or loss occurring to the equipment during the period of its use, and shall be responsible for its safe return. The use of Board-owned equipment off school property is subject to the same rules and conditions of use that are in effect when the equipment is used on school property.

District equipment may be removed from District property by students or staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. The consent of the Superintendent or Principal is required for such removal.

Individuals authorized to use Board-owned equipment off school property may not allow anyone else to use the equipment (e.g., spouses, children, relatives, friends, etc., may not use Board-owned equipment, which is sanctioned for use by a specific person).

A Board employee may use Board-owned technology including cellular telephones; personal digital assistants ("pdas"); laptop computers; and other technology devices for school use off of school property. Technology devices owned by the Board may contain personally identifiable information about District students and/or staff. Federal and State laws prohibiting disclosure of such personally identifiable information apply to electronic records stored on technology devices. Board employees are advised to exercise caution when transferring personally identifiable information onto disks, flash drives, and other technology devices. A Board employee who loses or misuses student or staff personally identifiable information will be subject to disciplinary action as determined by the Board.

Personal use of Board equipment or facilities by staff or students will be in accordance with the Superintendent's administrative procedures.

Removal of Board equipment from District property for personal use is prohibited by staff or students.

F.S. 1001.43, 1001.51

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7530.01 - STAFF USE OF WIRELESS COMMUNICATION DEVICES

The School Board will provide wireless communication devices ("WCDs") (i.e. cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs) BlackBerries/Smartphones, WiFi-enabled or broadcast access devices, etc.) to employees who by the nature of their job have a routine and continuing business need for the use of such devices for official Board business. WCDs are provided as a tool to conduct Board business and to enhance business efficiencies. WCDs are not a personal benefit and shall not be a primary mode of communication, unless they are the most cost-effective means to conduct Board business (i.e. because some wireless services plan are billed on a time-used basis, Board-owned WCDs should not be used if a less costly alternative method of communication is safe, convenient and readily available).

On an annual basis, the Superintendent will recommend and the Board will approve the staff members who will be issued a Board-owned WCD and provided with a wireless service plan.

The Superintendent or his/her designee is responsible for verifying:

A. the need for each Board-owned WCD and wireless service plan is clearly justified for Board business purposes;

B. alternative solutions for work production and communication are considered;

C. employees provided with wireless service plans are notified of the purpose and limitations of usage;

D. wireless service plan invoices outlining the details of usage are received and reviewed for conformance with this policy;

E. employees reimburse the Board for non-business use; and

F. a Board-owned WCD is returned and the corresponding wireless service plan is terminated when it is no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has demonstrated a disregard for the limitation of this policy.

In deciding which staff members should receive a Board-owned WCD, the Superintendent will consider whether their jobs:

A. require them to spend a considerable amount of time outside of their assigned office or work area during normal working hours and have regular access to telephone and/or Internet connections while outside their office or assigned work area;

B. require them to be accessible outside of scheduled or normal working hours or to be contacted and respond in the event of an emergency; or

C. consistently require timely and business critical two (2) way communication for which there is not reasonable alternative technology. (This is not intended to include occasional, incidental access or purely voluntary access such as checking e-mail from home).

D. safety requirements indicate having a WCD is an integral part of meeting the requirements of the employee's job

description;

E. more than fifty percent (50%) of the employee's work is conducted outside the employee's assigned office or work area;

F. the employee is required to be contacted on a regular basis outside normal work hours;

G. the employee is required to be on-call 24/7; or

H. the employee's job requirements include critical District-wide decision-making.

Wireless service plans are expected to be set at the minimum level that fulfills the business need for the position in question. The wireless service plan that is selected for an employee should be the one that provides a combination of services including number of minutes, coverage, and local call zone most nearly matching the employee's recurring business needs as well as whether or not the service plan includes text messaging, instant message and/or e-mail capability, and ability to access the Internet. If the wireless plan is based on minutes used for calls made or includes a charge regarding e-mail or instant messages, the smallest plan available to accommodate the particular business need shall be utilized.

The Board shall approve the Superintendent's recommendation regarding the type and level of wireless service appropriate for each staff member. In all cases, the Superintendent shall take the steps necessary to secure the most economical and responsible service available.

Thereafter, an annual review of the service plans available shall be made to determine if the District's wireless service plans are the most economical and responsible available. Additionally, at least once annually, the Superintendent shall review the employee's actual usage (i.e. type and level of service) with the employee and, if warranted, authorize the acquisition of a different WCD and/or selection of a different wireless service plan that more nearly matches the employee's recurring business needs. Any such change in provider and/or necessary adjustments to individual staff member's devices and/or service plans shall be presented to the Board for consideration and approval.

Possessing a Board-owned WCD is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of WCD use by utilizing assigned landline and/or designated computers as available and appropriate. Employees should know that using a WCD to place calls outside the immediate area might result in roaming charges, in addition to long distance and regular charges, and that the Board is charged for both outgoing and incoming calls.

In order to continue to be eligible to receive a Board-owned WCD, staff members are required to answer all calls on his/her WCD and promptly respond to any messages.

Employee safety is a priority of the Board, and responsible use of WCDs includes safe use.

Using a WCD while operating a vehicle is strongly discouraged. Employees should plan accordingly so that calls are placed, text messages, instant messages or e-mails sent/read, and/or the Internet browsed either prior to traveling, while on rest breaks, or after arriving at their destination. In the interest of safety for both Board employees and other drivers, employees are required to comply with all applicable laws while driving.

Duty to Maintain Confidentiality of Student Personally Identifiable Information; Public and Student Record Requirements

Employees are subject to all applicable policies and guidelines pertaining to protection of the security, integrity and availability of the data stored on their Board-owned WCDs.

Wireless communications, including calls, text messages, instant messages, and e-mails sent from WCDs may not be secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Additionally, wireless communications, including text messages, instant messages and e-mails sent and/or received by a public employee or school official using their Board-owned WCD may constitute public records if the content of the message concerns District business, or an education record if the content includes personally identifiable information about a student. Wireless communications that are public records are subject to retention and disclosure, upon request, in accordance with Policy 8310 - Public Records. Wireless communications that are student records should be maintained pursuant to Policy 8330 – Student

Records. Finally wireless communications and other electronically stored information (ESI) stored on the staff member's Board-owned WCD may be subject to a Litigation Hold pursuant to Policy 8315 – Information Management. Staff are required to comply with District requests to produce copies of wireless communications in their possession that are either public records or education records, or that constitute ESI that is subject to a Litigation Hold.

Except in emergency situations, employees are prohibited from using WCDs to capture, record or transmit the words (i.e. audio) and/or images (i.e. pictures/video) of any student, staff member or other person in the school or while attending a school-related activity, without express prior notice and explicit consent for the capture, recording or transmission of such words or images. Using a WCD to take or transmit audio and/or pictures/video of an individual without his/her consent is considered an invasion of privacy and is not permitted, unless authorized by the building principal or Superintendent.

At no time may any WCD be utilized by an employee in a way that might reasonably create in the mind of another person an impression of being threatened, humiliated, harassed, embarrassed or intimidated.

Employee's Responsibilities

Employees are responsible for the safekeeping, care and custody of the WCDs assigned to them. Further, employees are responsible for the cost of misuse, intentional damage or reckless loss of the WCDs provided to them. The District does not provide or purchase insurance to allow for loss or damage to its WCDs.

Reasonable precautions should be taken to prevent unauthorized use/access to, or loss, damage, theft and/or vandalism to said devices. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the WCD for return or inspection. Employees unable to present the device in good working condition within the time period requested (e.g. twenty-four (24) hours) will be expected to bear the cost of a replacement. Employees who separate from employment with outstanding debts for equipment loss or unauthorized charges will be considered to have left employment on unsatisfactory terms. The Board will take all legally permissible steps to recover its loss.

WCDs may not be transferred to any other employee without prior notification and approval of the Superintendent. Employees provided with a WCD understand that the WCD is owned by the Board. Any alteration or switching of WCDs must be approved in advance by the Superintendent.

Cellular telephone numbers provided by the Board, via contract with a wireless service provider/vendor, are considered business numbers of the District which shall remain and belong to the Board for its use, unless otherwise changed by the service provider/vendor or as mandated by the Federal Communications Commission. Employees are not allowed to transfer/port a previous personal cellular telephone number to a Board-owned WCD.

The Board reserves the right to audit all Board-owned WCDs, which will include but not be limited to, a review of the detailed monthly statement upon submission after the requisite review by the employee. The detailed monthly service statements for all Board-owned WCDs as well as invoices and payment documents related to these accounts are public records and, as such, may be subject to disclosure and review.

Privacy Issues

The use of WCDs that contain built-in cameras (i.e. devices that take still or motion pictures, whether in a digital or other format) is prohibited in locker rooms, bathrooms and other areas where there is an expectation of privacy.

Use of Board-owned WCDs for Personal Calls

The Board recognizes that in rare circumstances it may be necessary for an employee to use a Board-owned WCD for personal business. The Board generally prohibits such conduct as emphasized by this policy, but realizes there may be limited situations when such use is justified. Employees are advised not to take advantage of this provision and that repeated use of a Board-owned WCD for personal business will result in disciplinary action.

If unforeseen circumstances develop where employees must use their Board-issued WCD for personal reasons (i.e. to let family know that the employee will be home late, etc.) it is up to the Superintendent or his/her designee to determine whether the employee should reimburse the Board.

Use of a Personal WCD While at Work

Board employees may carry personal WCDs with them while on Board time and/or while operating Board equipment, but are subject to the following restrictions:

A. Excessive use of a WCD for personal business during work hours is considered outside the employee's scope of employment and may result in disciplinary action.

B. Employees are responsible for operating Board-owned vehicles and potentially hazardous equipment in a safe and prudent manner, and therefore, employees are prohibited from using WCDs while operating such vehicles or equipment.

C. Employees are personally and solely responsible for the care and security of their personal WCDs. The Board assumes no responsibility for theft, loss, damage, or vandalism to WCDs brought onto its property, or the unauthorized use of such devices.

D. When authorized in writing by the Superintendent the cost of using a personal WCD for official business may be reimbursed to the employee. Having a personal WCD is a choice the employee makes, and if the device is used for business purposes, any reimbursement will be for reasonable costs in excess of the base service plan plus any additional charges such as roaming fees or other fees and taxes incurred as a direct result of the business use. In no instances will the employee be reimbursed more than the monthly cost to the employee. To receive the reimbursement, the employee must document the inbound/outbound telephone number, name of person called, texted, or e-mailed or the individual who called, texted or e-mailed the employee, and the date and purpose of the communication along with the original service plan bill.

Potential Disciplinary Action/Cancellation of Board-Owned WCD

Violation of this policy may constitute just cause for disciplinary action up to and including termination. Use of the WCD in any manner contrary to local, State or Federal laws will constitute misuse, and will result in the Board immediately canceling the employee's privilege to use a Board-owned WCD and return of the device.

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7540 - COMPUTER TECHNOLOGY AND NETWORKS

The School Board is committed to the effective use of technology to both enhance the quality of student learning and the efficiency of Board operations.

The Superintendent shall develop and implement a written District Technology Plan (DTP). Procedures for the proper acquisition of technology shall be set forth in the DTP. The DTP shall also provide guidance to staff and students about making safe, appropriate, and ethical use of the District's network(s), as well as inform both staff and students about disciplinary actions that will be taken if Board technology and/or networks are abused in any way or used in an inappropriate, illegal, or unethical manner.

Further, safeguards shall be established so that the Board's investment in both hardware and software is achieving the benefits of technology and inhibits negative side effects. Accordingly, students shall be educated about appropriate online behavior including, but not limited to, using social media to interact with others online; interacting with other individuals in chat rooms or on blogs; and, recognizing what constitutes cyberbullying, understanding cyberbullying is a violation of District policy, and learning appropriate responses if they are victims of cyberbullying.

Social media shall be defined as internet-based applications (such as Facebook, MySpace, Twitter, etc.) that turn communication into interactive dialogue between users. The Board prohibits any access and use of social media by students and staff members from the District's network.

The Superintendent shall review the DTP and report any changes, amendments, or revisions to the Board annually.

F.S. 1001.43

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7540.01 - TECHNOLOGY PRIVACY

The School Board recognizes its staff members' right to privacy in their personal lives. The Board has established this policy to inform staff members of the Board's position with respect to staff member privacy in the workplace and to protect the Board's interests.

All computers, telephone systems, electronic mail systems, and voice mail systems are the District's property and are to be used primarily for business purposes. The District retains the right to access and review all electronic and voice mail, computer files, data bases, and any other electronic transmissions contained in or used in conjunction with the District's computer system, telephone system, electronic mail system, and voice mail system. Staff members should have no expectation that any information contained on such systems is confidential or private.

Review of such information may be done by the District with or without the staff member's knowledge. The District retains the right to access information in spite of a password.

Computers, electronic mail, and voice mail are to be used for business purposes. Personal messages via District-owned technology should be limited in accordance with the Superintendent's regulations. Staff members are encouraged to keep their personal records and personal business at home. In addition, staff members shall be advised that computers, electronic mail, and voice mail are subject to the provisions of Florida's Sunshine Law.

Staff members are prohibited from sending offensive, discriminatory, or harassing computer, electronic, or voice mail messages.

Review of computer files, electronic mail, and voice mail will only be done in the ordinary course of business. If a staff member's personal information is discovered, the contents of such discovery will not be reviewed by the District, except to the extent necessary to determine if the District's interests have been compromised.

The administrators and supervisory staff members authorized by the Superintendent have the authority to search and access information electronically.

All computers and any information or software contained therein are property of the District. Staff members shall not remove or communicate any such information in any form for their personal use or for the use of others. In addition, staff members may not copy software on any District computer and may not bring software from outside sources for use on District equipment without the prior approval of the Superintendent. Such pre-approval will include a review of any copyright infringements or virus problems associated with such outside software.

F.S. 119.011

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7540.02 - DISTRICT WEB PAGE

The School Board authorizes staff members to create web pages/sites that will be hosted on Board-approved servers and published on the Internet. The web pages/sites must reflect the professional image of the District, its employees, and students. The content of all pages must be consistent with the Board's Mission Statement and staff-created web pages/sites are subject to review and approval of the Superintendent. The creation of web pages/sites by students must be done under the supervision of a professional staff member.

The purpose of web pages/sites hosted on the Board's servers is to educate, inform, and communicate. The following criteria shall be used to guide the development of such web pages/sites:

A. **Educate**

Content should be suitable for and usable by students and teachers to support the curriculum and the Board's goals and objectives.

B. **Inform**

Content may inform the community about the schools, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

C. **Communicate**

Content may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be affected by District matters.

The information contained on the Board's web site should reflect and support the Board's mission statement, educational philosophy, and the school improvement process.

When the content includes a photograph or information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

All links included on web pages must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, Children's Internet Protection Act, and the Americans with Disabilities Act).

Under no circumstances is a web site to be used for commercial purposes, advertising, lobbying for candidates for public office, or to provide financial gains for any individual. Included in this prohibition is the fact no web pages contained on the District's web site may: (1) include statements or other items that support or oppose a candidate for public office, the investigation, prosecution or recall of a public official, or passage of a tax levy or bond issue; (2) link to a web site of another organization if the other web site includes such a message; or (3) communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organizations. In addition, before any statement that supports a tax referendum proposed by the District is posted on the District website, or on any web pages linked to the District web site, the Board shall adopt a resolution at a public meeting declaring that such statement serves a public purpose. Nothing in this paragraph shall prevent the Board from linking on the District's web site to recognized news/media outlets (e.g., local newspapers' web sites, local television stations' web sites).

Under no circumstances is a staff member-created web page/site, including personal web pages/sites, to be used to post student progress reports, grades, or any other similar class-related material. The Board maintains its own web site that employees may use

for the purpose of conveying information to students and/or parents.

Staff members are prohibited from requiring students to go to the staff member's personal web pages/sites (including, but not limited to, their Facebook or MySpace pages) to check grades, obtain class assignments, and/or class-related materials, and/or to turn in assignments.

If a staff member creates a web page/site related to his/her class, it must be hosted on Board-approved servers.

Pages should reflect an understanding that both internal and external audiences will be viewing the information.

School web sites must be located on Board-approved servers.

The Superintendent shall prepare procedures defining the rules and standards applicable to the use of the Board's web site and the creation of web pages/sites by staff.

The Board retains all proprietary rights related to the design of web sites and/or pages that are hosted on Board-approved servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's web site must have written parent permission and expressly license its display without cost to the Board.

Prior written parental permission is necessary for a student to be identified by name on the Board's web site.

F.S. 104.31(1)(a), 110.233(2), 110.233(4), 112.313(6), 1001.32(2), 1001.42
H.R. 4577
P.L. 106-554, Children's Internet Protection Act of 2000
People Against Tax Revenue Mismanagement v. County of Leon, 583 So. 2d 1373 (Fla. 1991); Commission on Ethics: In Re: Patty Lynch, Case No. 2068EC (1994)

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7540.03 - STUDENT NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Internet. The District is pleased to provide Internet services to its students. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The District has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Student use of the District's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and the Student Code of Conduct. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The District encourages students to utilize the Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The instructional use of the Internet will be guided by the Board's policy on instructional materials.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges.

First, and foremost, the District may not be able to technologically limit access, to services through the District's Internet connection, to only those that have been authorized for the purpose of instruction, study, and research related to the curriculum. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness, access to the Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and students to electronic information resources which have not been screened by educators for use by students of various ages.

The District has implemented technology protection, utilizing software and hardware measures which monitor, block, and filter Internet access to visual displays that are obscene, child pornography, or harmful to minors. Nevertheless, parents/guardians are advised that a determined user may be able to gain access to services on the Internet that the School Board has not authorized for educational purposes. In fact, it is impossible to guarantee students will not gain access through the Internet to information and communications that they and/or their parents/guardians may find inappropriate, offensive, objectionable, or controversial. Parents/guardians assume risks by consenting to allow their child to participate in the use of the Internet. Parents/guardians of minors are responsible for setting and conveying the standards that their children should follow when using the Internet.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges.

Pursuant to Federal law, students shall receive education about the following:

A. safety and security while using e-mail, chat rooms, social media, and other forms of electronic communications;

B. the dangers inherent with the online disclosure of personally identifiable information; and,

C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying, and other unlawful or inappropriate activities by students online.

Site managers are responsible for providing training so that Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Internet, and will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions; or use of specific monitoring tools to review browser history and network, server, and computer logs.

All Internet users (and their parents if they are minors) are required to sign a written agreement annually, or at the time of enrollment to abide by the terms and conditions of this policy and its accompanying procedures.

Students and staff members are responsible for good behavior on the District's computers and the Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Internet are often public in nature. General school rules for behavior and communication apply. The Board does not sanction any use of the Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures.

Students shall not access social media for personal use from the District's network, but shall be permitted to access social media for educational use in accordance with their teacher's approved plan for such use.

Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Internet through the District's computers assume personal responsibility and liability, both civil and criminal, for uses of the Internet not authorized by this Board policy and its accompanying procedures.

The Board designates the Superintendent as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to students' use of the Network.

F.S. 1001.43, 1001.51
H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
47 U.S.C. 254(h),(1), Communications Act of 1934, as amended
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,
as amended
20 U.S.C. 6777, 9134 (2003)
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246
76 F.R. 56295, 56303

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7540.04 - STAFF NETWORK AND INTERNET ACCEPTABLE USE AND SAFETY

Advances in telecommunications and other related technologies have fundamentally altered the ways in which information is accessed, communicated, and transferred in society. Such changes are driving the need for educators to adapt their means and methods of instruction, and the way they approach student learning, to harness and utilize the vast, diverse, and unique resources available on the Network/Internet. The District is pleased to provide Network/Internet service to its staff. The District's Internet system has a limited educational purpose. The District's Internet system has not been established as a public access service or a public forum. The Board has the right to place restrictions on its use to assure that use of the District's Internet system is in accord with its limited educational purpose. Staff use of the District's computers, network and Internet services ("Network") will be governed by this policy and the related administrative guidelines, and any applicable employment contracts and collective bargaining agreements. The due process rights of all users will be respected in the event there is a suspicion of inappropriate use of the Network. Users have a limited privacy expectation in the content of their personal files and records of their online activity while on the Network.

The District encourages staff to utilize the Network/Internet in order to promote educational excellence in our schools by providing them with the opportunity to develop the resource sharing, innovation, and communication skills and tools that are essential to both life and work. The District encourages the faculty to develop the appropriate skills necessary to effectively access, analyze, evaluate, and utilize these resources in enriching educational activities. The instructional use of the Network/Internet will be guided by the District's policy on instructional materials.

The Internet is a global information and communication network that provides an incredible opportunity to bring previously unimaginable education and information resources to our students. The Internet connects computers and users in the District with computers and users worldwide. Through the Internet, students and staff can access up-to-date, highly relevant information that will enhance their learning and the education process. Further, the Internet provides students and staff with the opportunity to communicate with other people from throughout the world. Access to such an incredible quantity of information and resources brings with it, however, certain unique challenges.

First, and foremost, the District may not be able to technologically limit access to services through the District's Network/Internet connection to only those that have been authorized for the purpose of instruction, study, and research related to the District related business. Unlike in the past when educators and community members had the opportunity to review and screen materials to assess their appropriateness, access to the Network/Internet, because it serves as a gateway to any publicly available file server in the world, will open classrooms and staff to electronic information resources.

The Board has implemented the use of a Technology Protection Measure, which is a specific technology that will protect against (e.g., filter or block) access to visual displays/depictions that are obscene, child pornography, and materials that are harmful to minors, as defined by the Children's Internet Protection Act. At the discretion of the Board or Superintendent, the Technology Protection Measure may also be configured to protect against access to other material considered inappropriate for students to access. The Technology Protection Measure may not be disabled at any time that students may be using the Network, if such disabling will cease to protect against access to materials that are prohibited under the Children's Internet Protection Act. The Superintendent may temporarily or permanently unblock access to sites containing appropriate material, if access to such sites has been inappropriately blocked by the Technology Protection Measure. The determination of whether material is appropriate or inappropriate shall be based on the content of the material and the intended use of the material, not on the protection actions of the Technology Protection Measure.

The District utilizes software and/or hardware to monitor online activity of staff members to restrict access to child pornography and other material that is obscene, objectionable, inappropriate, and/or harmful to minors. The Superintendent may disable the Technology Protection Measure to enable access for bona fide research or other lawful purposes.

Staff members will participate in professional development programs in accordance with the provisions of law and this policy.

Training shall include:

A. the safety and security of students while using e-mail, chat rooms, social media and other forms of direct electronic communications;

B. the inherent danger of students disclosing personally identifiable information online;

C. the consequences of unauthorized access (e.g., "hacking"), cyberbullying and other unlawful or inappropriate activities by students or staff online; and,

D. unauthorized disclosure, use, and dissemination of personal information regarding minors.

Furthermore, staff members shall provide instruction for their students regarding the appropriate use of technology and online safety and security as specified above, and staff members will monitor students' online activities while at school.

Monitoring may include, but is not necessarily limited to, visual observations of online activities during class sessions and/or use of specific monitoring tools to review browser history and network, server, and computer logs.

The disclosure of personally identifiable information about students online is prohibited.

Site administrators are responsible for providing training so that Network/Internet users under their supervision are knowledgeable about this policy and its accompanying procedures. The School Board expects that staff members will provide guidance and instruction to students in the appropriate use of the Network/Internet. All Network/Internet users are required to sign a written agreement annually or at the time of employment to abide by the terms and conditions of this policy and its accompanying procedures.

Staff members are responsible for good behavior on District's computers/network and the Network/Internet just as they are in classrooms, school hallways, and other school premises and school sponsored events. Communications on the Network/Internet are often public in nature. General school rules for behavior and communication apply. The District does not sanction any use of the Network/Internet that is not authorized by or conducted strictly in compliance with this policy and its accompanying procedures. Users who disregard this policy and its accompanying procedures may have their use privileges suspended or revoked, and disciplinary action taken against them. Users granted access to the Network/Internet through the District's computers assume personal responsibility and liability, both civil and criminal, for uses of the Network/Internet not authorized by this policy and its accompanying procedures.

Staff members shall not access social media for personal use on the District’s network, and shall access social media for educational use only after submitting a plan for that educational use and securing the Principal’s approval of that plan in advance.

An employee's personal or private use of social media, such as Facebook, Twitter, MySpace, blogs, etc., may have unintended consequences. While the Board respects its employees' First Amendment rights, those rights do not include permission to engage in conduct that violates Board policies, the Code of Ethics of the Education Profession in Florida, the Principles of Professional Conduct for the Education Profession in Florida, or any other state of Federal laws, and may result in disciplinary action. This warning includes staff members' online conduct that occurs off school property including from the employee's private computer.

Staff members retain rights of communication for collective bargaining purposes and union organizational activities.

Federal and State law forbids schools and their employees from using or disclosing student education records without parental consent. (See Policy **8330** – Student Records) Posting personally identifiable information about students in any way on the Internet is, therefore, prohibited. Staff members, who violate State and Federal law, as well as Board policy, related to the disclosure of personally identifiable information about students might be disciplined. Further, Staff members who similarly violate State and Federal law, as well as Board policy, related to the disclosure of confidential employee information might also be disciplined.

The Board designates the Superintendent as the administrator responsible for initiating, implementing, and enforcing this policy and its accompanying procedures as they apply to staff members' use of the Network.

F.S. 1001.41, 1012.32
H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000
P.L. 110-385, Title II, Protecting Children in the 21st Century Act
47 U.S.C. 254(h),(1), Communications Act of 1934, as amended
20 U.S.C. 6801 et seq., Part F, Elementary and Secondary Education Act of 1965,

as amended
20 U.S.C. 6777, 9134 (2003)
18 U.S.C. 2256
18 U.S.C. 1460
18 U.S.C. 2246
76 F.R. 56295

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7540.05 - ELECTRONIC MAIL

The School Board is committed to the effective use of electronic mail by all employees of the District in conduct of their official duties. The intent is to assist employees in using electronic messages. It is not meant to limit or discourage the use of electronic mail for conducting business. Rather, it is to establish a framework for the proper use of electronic mail as an official business tool.

As required by State law, the following statement shall be posted in a conspicuous location on the District's website:

> "Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail regarding official business to the District or any of its employees. Instead, contact the District or individual employee by phone or in writing."

The District complies with all Federal and State laws pertaining to electronic mail. State and Federal law exempts certain documents and information within documents from disclosure, no matter what their form. Before electronic mail is released pursuant to a public records request, all exempt information in it must be redacted.

The Board does not authorize the use of its proprietary computers and computer network ("network") to accept, transmit, or distribute unsolicited bulk e-mail sent from the Internet to network e-mail accounts. In addition, Internet e-mail sent, or caused to be sent, to or through the network that makes use of or contains invalid or forged headers, invalid or non-existent domain names, or other means of deceptive addressing will be deemed to be counterfeit. Any attempt to send or cause such counterfeit e-mail to be sent to or through the network is not authorized by the District and is prohibited by Part III of Chapter 668 of State law. Similarly, e-mail that is relayed from any third party's mail servers without the permission of that third party, or which employs similar techniques to hide or obscure the source of the e-mail, is also an unauthorized use of the network, and is prohibited by Part III of Chapter 668 of State law. Further, the District does not authorize the harvesting or collection of network e-mail addresses for the purposes of sending unsolicited e-mail.

The District reserves the right to take all legal and technical steps available to prevent unsolicited bulk e-mail or other unauthorized e-mail from entering, utilizing, or remaining within the network. Nothing in this policy is intended to grant any right to transmit or send e-mail to, or through, the District's network. The District's failure to enforce this policy in every instance in which it might have application does not amount to a waiver of District rights.

Unauthorized use of the network in connection with the transmission of unsolicited bulk e-mail, including the transmission of counterfeit e-mail, may result in civil and criminal penalties against the sender.

F.S. 119.011, 257.05, 668.60 et seq., 668.701 et seq.

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7542 - NETWORK ACCESS FROM PERSONALLY-OWNED COMPUTERS AND/OR OTHER WEB-ENABLED DEVICES

School Board members, employees, students, as well as contractors, vendors, and/or agents, of the District may use their personal computer or web-enabled device of any type to access the District's server and internal network while they are on-site at any District facility, provided the computer and web-enabled device meets the established standards for equipment used to access said server and network, and the individual granted access complies, without exception, with the established standards for appropriate use of the District's server and network.

The necessary standards for connecting to the District's server and network shall be developed. Access to the standards for connecting to the District's server and network using a personal computer or web-enabled device of any sort shall be provided upon request for all to whom this policy applies.

Establishment, and subsequent enforcement, of the standards is intended to minimize the potential exposure to the District from damages, including, but not limited to, the loss of sensitive District data, illegal access to confidential data, damage to the District's intellectual property, damage to the District's public image, and damage to the District's critical internal systems, from unauthorized use.

Any Board member, employee, student, contractor, vendor, and/or agent of the District who violates the established standards, who violates the District's Acceptable Use policy, or who accesses the server and network without authorization may be subject to disciplinary action, up to and including expulsion, if a student, termination of employment if a District employee, denial of access if a School Board member, or cancellation of the contract with the District if a contractor, vendor or agent. Further, the Board member, employee, student, contractor, vendor, and/or agent of the District who violates the established standards or who violates the District's Acceptable Use policy may be denied access to the District's server and network in the future.

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7543 - UTILIZATION OF THE DISTRICT'S WEBSITE AND REMOTE ACCESS TO THE DISTRICT'S NETWORK

Access to the District's Website (www.gcps.k12.fl.us) is encouraged.

The following resources shall be available on the District's website:

A. the District's calendar of events

B. summary of the budget and the approved budget for the current fiscal year

C. School Board agendas and minutes

D. District Improvement Plan

E. Student Progression Plan

F. general information about the District

The School Board encourages employees, parents, students, and community members to check the District's website regularly for changes to these resources and for the addition of other resources. Some resources may require a user name and password, or a login procedure due to the personally identifiable nature of the information provided through that resource (e.g., e-mail system).

Access to the District Network through Server

District employees, as well as contractors, vendors, and/or agents of the District, are permitted to use their personally-owned or District-owned computer or workstation and/or web-enabled devices of any type to remotely (i.e. away from District property and facilities) access the District's server and thereby connect to the District's Network. This policy is limited to remote access connections that are used to do work on behalf of or for the benefit of the District, including, but not limited to, reviewing District-provided intranet web resources.

Each individual granted remote access privileges pursuant to this policy must adhere to the following standards and regulations:

A. his/her device computer/device must have, at the minimum, the anti-virus software specified in the District's standards for remote access and connection

B. the individual may only access the Network using his/her assigned user name and password

The individual must not allow other persons, including family members, to use his/her user name and password to login into the Network. The user may not go beyond his/her authorized access.

C. his/her device may not be connected to any other network at the same time s/he is connected to the Network, with the exception of personal networks that are under the complete control of the user

D. the individual may not access non-District e-mail accounts (e.g. Hotmail, Gmail, Yahoo, AOL, and the like) or other

external resources while connected to the Network

E. his/her device may not, at any time while the individual is using remote access to connect to the Network, be reconfigured for the purpose of split tunneling or dual homing

F. use of the Network is contingent upon the individual abiding by the terms and conditions of the District's Network and Internet Acceptable Use and Safety policy and procedures

Users may be required to sign the applicable agreement form (Form 7540.03 F1 or Form 7540.04 F1) prior to being permitted to use remote access.

Additional standards and regulations for remotely accessing and connecting to the District network shall be developed and published in AP 7543 - Standards and Regulations for Remote Access and Connection.

Any user who violates this policy may be denied remote access and connection privileges.

Any employee who violates this policy may be disciplined, up to and including termination, and any contractor, vendor, or agent who violates this policy may have his/her contract with the District terminated.

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8100 - INTERLOCAL AGREEMENTS

F.S. 187.201 provides that it is a goal of the State that Florida governments economically and efficiently provide the amount and quality of services required by the public. It is a policy of the State to encourage greater cooperation between, among, and within the levels of Florida government through the use of appropriate interlocal agreements and mutual participation for mutual benefit.

F.S. 163.01, 1003.02, 1006.261

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8141 - MANDATORY REPORTING OF MISCONDUCT BY CERTIFICATED EMPLOYEES

The School Board recognizes its responsibilities to effectively address employee misconduct and, where determined appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to certificated and/or certificated professional staff members, matters of misconduct, including conviction of certain crimes enumerated by law and/or conduct which is unbecoming to the teaching profession, will be reported by the Superintendent to the Florida Department of Education.

Reporting Professional Misconduct

District staff are required to report to the Superintendent alleged misconduct by District employees which affects the health, safety, or welfare of a student.

If the alleged misconduct to be reported is regarding the Superintendent, the District employee shall report the alleged misconduct to the Board attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)). The report shall be made in accordance with Policy 9130 - Public Complaints.

The Superintendent shall investigate any allegation of misconduct by District employees which affects the health, safety, or welfare of a student, and shall report the alleged misconduct to the Department of Education as required in F.S. 1012.796, 1001.51(12)(b), 1001.42(7)(b).

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

Filing a Complaint with the Department of Education

If it is alleged that an instructional staff member or administrator has committed a violation as provided in F.S. 1012.795, and defined by rule of the State Board of Education, the Superintendent shall file with the Department of Education a legally sufficient complaint within thirty (30) days after the date on which the subject matter of the complaint came to the attention of the Superintendent. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in F.S. 1012.795 and defined by rule of the State Board of Education. The Superintendent shall include all known information relating to the complaint with the filing of the complaint. This paragraph does not limit or restrict the power and duty of the Department of Education to investigate complaints, regardless of the District's untimely filing, or failure to file, complaints and follow-up reports (F.S. 1012.796(e)).

Report of Resignation or Termination

If the Superintendent determines that misconduct by an instructional staff member or an administrator who holds a certificate issued by the Florida Department of Education affects the health, safety, or welfare of a student and the misconduct warrants termination, the staff member may resign or be terminated and the Superintendent must report the misconduct to the Department of Education in the format prescribed by the Department. The Department shall maintain each report of misconduct as a public record in the instructional personnel's certification files (F.S. 1012.796(d)).

Transmittal of False or Incorrect Report

The Superintendent shall not knowingly sign and transmit to any State official a report that the Superintendent knows to be false or incorrect.

Pursuant to F.S. 1001.42(7), a Board member may not knowingly sign and transmit to any State official a report of alleged

misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student which the Board member knows to be false or incorrect.

Requirement of Disclosure of Employee Misconduct

The Board, Superintendent, or any other District employee, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel with employment references or discuss the personnel's performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced (F.S. 1001.42(6)).

Posting Requirements

Pursuant to F.S. 1006.061(2), this policy shall be posted in a prominent place at each school site and on each school's internet website, so that the policy and procedures for reporting alleged misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student; the contact person to whom the report is made; and the penalties imposed on instructional personnel or school administrators who fail to report suspected or actual child abuse or alleged misconduct by other instructional personnel or school administrators is effectively communicated to all.

F.S. 1001.42(6), 1001.42(7)(b), 1001.51(12)(b), 1006.061(2), 1012.795
F.S. 1012.796, 1012.796(d), 1012.796(e)

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The School Board of Gadsden County

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8210 - SCHOOL CALENDAR

The School Board recognizes that the preparation of a calendar for the instructional program of the schools is necessary for orderly educational planning and for the efficient operation of the District. Accordingly, the Board shall develop and approve the standard school year calendar.

The school calendar shall be developed in accordance with the following set of rules that will be adhered to every year in a consistent manner. These rules take into account all State requirements and negotiated holidays.

Length of the Standard School Year

A. The school year consists of 180 days of class for students and 196 days of employment for teachers.

B. The opening date for schools in the District may not be earlier than fourteen (14) days before Labor Day each year.

C. The school year shall be divided into two (2) semesters approximately equal in length, with the first semester ending prior to winter vacation.

Holidays and Vacations

A. The following negotiated holidays are incorporated into the standard year calendar: Labor Day, Veterans' Day, Thanksgiving Day, Christmas Day, New Year's Day, Martin Luther King, Jr.'s Birthday, Good Friday, Memorial Day, and Independence Day.

When any of these occasions, except Veterans' Day, falls on a Saturday or Sunday, the preceding Friday or subsequent Monday, respectively, is taken as the school holiday.

B. Thanksgiving vacation consists of Thanksgiving Day and the following Friday.

C. Winter vacation is based on the holidays of Christmas Day and New Year's Day. Other days are included in such a way that the vacation is not less than ten (10) school days.

D. Spring vacation is a full Monday-through-Friday week.

Teacher Inservice Days and Workdays

A. **First Semester**

1. Teachers will report five (5) workdays before the first student school day. The first five (5) days at the beginning of the regular teacher contract period are preplanning days, one (1) being a building inservice day.

2. The State/building inservice day will coincide with the designated State inservice day in October.

3. The first day after winter vacation will be designated as a teacher workday.

4. The first semester will have ninety-nine (99) contract days for teachers. These contract days will include paid holidays.

B. **Second Semester**

1. There will be at least one (1) day of post planning following the last scheduled student school day.

2. Appropriate adjustments to the school calendar will be made when necessary to ensure that high school graduation ceremonies can be held on the weekend prior to the last day for students.

Summer School Standard Calendar

Length of Summer Session

The days and hours per day of the summer session~~s~~ shall be established annually. Calendar dates will be planned to minimize the number of FTE survey counts.

Exceptions to Standard School Year Calendar

A. Exceptions to the standard school year calendar, such as year round school, may be developed.

Such exceptions shall take into account all State and District requirements, negotiated holidays, and vacation periods as specified in this policy.

B. Exceptions to the standard school year calendar, such as year round school, shall be approved by the Board.

F.S. 1001.42, 1001.43, 1003.43

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8220 - SCHOOL DAY

The School Board authorizes the school day to be arranged and scheduled by the administration. It will offer the maximum education for the time spent within the limitations of school facilities and the laws and regulations of the State.

Florida statutes define a minimum regular school day for students as three (3) net hours for nursery and kindergarten, four (4) net hours for the first three grades, and five (5) net hours above the third grade. The Superintendent shall annually establish the hours of the school day. The Superintendent may authorize exceptions from the regular school day.

The Superintendent may close the schools, delay the opening of school, or dismiss school early when such alteration in the regular session is required for the protection of the health and safety of students and staff members. S/He shall prepare administrative procedures for the proper and timely notification of concerned persons in the event of any emergency closing of the schools.

F.S. 1001.42, 1001.43, 1001.51

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8310 - PUBLIC RECORDS

The School Board recognizes its responsibility to maintain the public records of this District and to make such records available for inspection and reproduction.

Exemptions from Public Records

"Public records" generally means all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business of the School Board. Due to the growing number of exemptions set forth in Florida law, it is impracticable for the School Board to provide an all-inclusive list of every document that may be exempt from the definition of "public records." However, "public records" do not typically include student records, medical records, documents containing genetic information, trial preparation records, and confidential law enforcement investigatory records, all of which are exempt from public disclosure. The determination of whether a particular document is exempt will be made upon receipt of a request for release of said document as a public record.

Personally identifiable information of a dependent child of a current or former officer or employee of the School District, who is insured by a group insurance plan provided by the District, is also exempt from public records requirements as set forth in the State Constitution and State statutes. This exemption applies to all personally identifiable information held by the District.

Further, the home addresses, telephone numbers, dates of birth, and photographs of current or former human resource, labor relations, or employee relations directors, assistant directors, managers, or assistant managers whose duties include hiring and firing employees, labor contract negotiations, administration, or other personnel-related duties, as well as the names, home addresses, telephone numbers, dates of birth, and places of employment of the spouses and children of such personnel, and the names and locations of schools and day care facilities attended by the children of such personnel, are exempt from F.S. 119.07(1) and Section 24(a), Article 1 of the State Constitution.

Lastly, the identity of a school or postsecondary educational institution, the personally identifiable information of any District personnel, or any specific allegations of misconduct obtained or reported pursuant to an investigation of a testing impropriety conducted by the Department of Education are confidential and exempt from the constitutional public records provisions until the conclusion of the investigation or until such time as the investigation ceases to be active.

Access to Public Records

Pursuant to State law, the Superintendent shall appoint a Records Management Liaison Officer (RMLO), who shall serve as the primary point of contact between the District and the Division of Library and Information Services of the Florida Department of State, which is the agency responsible for the State's records management program. The Superintendent may also appoint a Custodian of Records for the District who shall be responsible for implementing the requirements in State law and the State's records management program regarding the public records maintained by the District.

Any individual may inspect and request copies of public records of this District during the regular business hours of the office in which such records are maintained. The District may not require requests for public records to be in writing, nor may the person requesting the information be required to disclose name, address, or phone number unless specifically required to do so by law. The Superintendent is authorized to grant or refuse access to the records of this District in accordance with the intent of this policy and applicable law.

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision of the custodian of public records.

A District employee who has custody of public records may designate another District employee to permit the inspection and copying of public records, but must disclose the identity of the designee to the person requesting to inspect or copy the public records.

A custodian of public records and/or his/her designee must promptly acknowledge, in writing, requests to inspect or copy records promptly and respond to such requests in good faith. A good faith response includes making reasonable efforts to determine from other officers or employees of the School District whether such a record exists, and, if so, the location at which the record can be accessed. Upon determination that the requested record exists, it must be reviewed to determine whether it contains any information that would be statutorily exempt from public inspection or copying as provided by law. See Policy 8350 – Confidentiality.

Duplicated copies or certified copies of the District's public records shall be provided upon payment of the appropriate fee set forth in the Florida statutes. If the nature or volume of the public records requested will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by District personnel, a special service charge attributable to the extensive use of the information technology resources and/or the labor cost of the personnel providing the service will be collected as permitted by State law.

In addition, the actual cost of duplication will be collected for copies of the District's public records in a form other than a duplicated copy. The special service charge will also be collected if the requested copies of the public records in a form other than duplicated copy will require extensive use of information technology resources or more than fifteen (15) minutes of clerical or supervisory assistance by District personnel as permitted by State law.

If the request for copies of a public record in any form could result in the collection of a special service charge, an estimate of the fee that will be due and payable shall be provided to the requestor. The duplication of the requested records will commence upon payment of the estimated fee by the requestor.

No public record may be removed from the office in which it is maintained, except by a Board employee in the course of the performance of his/her duties.

All District records will be maintained in accordance with general records schedules GS1-SL and GS7, as established by the Department of State.

F.S. Chapter 119, 257.36(5)(a)), 286.011, 1002.221
F.S. 1003.25(1)
20 U.S.C. 1232g
42 U.S.C. 2000ff et seq., The Genetic Information Nondiscrimination Act
29 C.F.R. Part 1635
Article I, Section 24, State Constitution
F.A.C. 1B-24.001, 1B-24.003, 1B-26.0021, 1B-26.003

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8315 - INFORMATION MANAGEMENT

The School Board recognizes its responsibility, in certain circumstances, to maintain information created, maintained or otherwise stored by the District outside the "Records Retention Schedule" in AP 8310A. In such situations, a "Litigation Hold" procedure will be utilized to identify and preserve information relevant to a specific matter. "Information" includes both paper documents and electronically stored information ("ESI"). When implementing the "Litigation Hold," the District will identify individuals in possession or custody of paper documents, ESI and electronic media containing ESI, and inform them of their obligation to preserve the documents and ESI outside the "Records Retention Schedule" in AP 8310A. The District will also identify third parties with custody or control over paper documents, ESI, or electronic media storing ESI, and request them to preserve that information. All information falling within a "Litigation Hold," which is under the control of the District, must be preserved in a readily accessible form and cannot be disposed of under the "Records Retention and Disposal" requirements of AP 8310E. Failure to comply with a Litigation Hold notice shall result in disciplinary action, up to and including possible termination.

Instances where the Board must maintain information outside the "Records Retention Schedule" in AP 8310A include:

A. when the Board has specific information and/or written notice from an individual, parent or student of an intent to file an appeal of student discipline to State court;

B. when the Board has specific information and/or written notice that litigation is imminent even though the litigation has not yet been filed in Federal or State court;

C. when the Board is served with litigation, including, but not limited to, notice of a lawsuit in Federal or State court, or notice of a student disciplinary appeal to State court;

D. when the Board receives specific information and/or written notification from an employee, labor union, or other person of an intent to file a claim against the Board, its members, employees or agents at an administrative agency such as the Equal Employment Opportunity Commission, Florida Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

E. when the Board receives specific information and/or written notification from an administrative agency such as the Equal Employment Opportunity Commission, Florida Employment Relations Commission, U.S. Department of Education Office for Civil Rights, State Personnel Board of Review, or a Civil Service Commission regarding a claim against the Board, its members, employees or agents;

F. when the Board receives written notification from a third party requesting that the Board maintain information that could be at issue in litigation or potential litigation against that third party;

G. when the Superintendent recommends the termination of an employee to the Board pursuant to a labor contract;

H. when the Board explores, contemplates or initiates litigation.

Definitions

"Documents" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any medium from which information can be obtained or translated if necessary.

"ESI" includes, but is not limited to, writings, drawings, graphs, charts, photographs, blueprints, sound recordings, images and other data or data compilations stored in any electronic media from which information can be obtained or translated if necessary. It includes, but is not limited to, e-mails, e-mail attachments, instant messages, word processing files, spreadsheets, pictures, application program and data files, databases, data files, metadata, system files, electronic calendar appointments, scheduling program files, TIFF files, PDF files, MPG files, JPG files, GIF files, network share files, internal websites, external websites, newsgroups, directories, security and access information, legacy data, audio recordings, voice mails, phone logs, faxes, internet histories, caches, cookies or logs of activity on computer systems that may have been used to process or store electronic data.

"Electronic media" includes, but is not limited to, hard drives (including portable hard disk drives "HDD's"), floppy drives, disaster recovery media, and storage media (including DVD's, CD's, floppy discs, Zip discs/drives, Jazz discs/drives, USB memory drives, jump disc/drives, flash discs/drives, keychain discs/drives, thumb discs/drives, smart cards, micro-film, backup tapes, cassette tapes, cartridges, etc.), accessed, used and/or stored on/in/through the following locations: networks and servers; laptop and desktop work computers; home and personal computers; other computer systems; backup computers or servers; archives; personal digital assistants ("PDAs" – including Palm, Blackberry, cellular phone, tablet PC, etc.); pagers; firewalls; audit trails and logs, printers; copiers; scanners; digital cameras; photographic devices; and video cameras and devices. Electronic media shall also include any item containing or maintaining ESI that is obtained by the District for Board member or employee usage or that an employee uses for such purpose (even if privately owned by the Board member or employee) from the date this policy is adopted into the future.

Initiation and Removal of a "Litigation Hold"

The Board or the Superintendent may initiate a "Litigation Hold" under this policy. If the Superintendent initiates a "Litigation Hold," s/he or the Board's legal counsel will notify the Board of the reason the Litigation Hold was instituted and its scope. When implementing a Litigation Hold, the Board or Superintendent may utilize an Electronically Stored Information Team ("ESI Team"). The Board's legal counsel shall be involved in implementation of the "Litigation Hold Procedure" outlined in AP 8315.

A "Litigation Hold" shall remain in place until removed by the Board. A "Litigation Hold" may be removed when the litigation or administrative agency matter has been resolved or can no longer be initiated. Any information maintained under this policy shall fall back under the "Records Retention Schedule" in AP 8310A once the "Litigation Hold" is removed.

The Superintendent shall develop administrative procedures outlining the procedures to be followed by Board members and employees when initiating and implementing a "Litigation Hold." This policy and its related administrative procedures shall be posted and distributed in the manner described in AP 8315.

Federal Rules of Civil Procedures 34, 37f

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8320 - RECORDS MANAGEMENT

The superintendent is charged by law with the responsibility of maintaining the office having public records and is the custodian thereof.

The Bureau of Archives and Records Management

The Bureau of Archives and Records Management establishes standards for controlling, retaining, destroying, and preserving public records. The superintendent must adhere to these standards.

Records Management Responsibilities

The superintendent has the responsibility to comply with State statutes, and designate a Records Management Liaison Officer (RMLO) for the District. The Records Management Liaison Officer functions as the primary point of contact between the District and the Bureau of Archives and Records Management.

Records Retention Schedule

Each School District is required by law to submit a request for records retention to the Bureau of Archives and Records Management for all record series being used by the District. Each records retention schedule is analyzed by the Bureau to determine the document value and thus establish a period of time for which the documents are to be retained. In addition, the records retention schedule is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. Once approved by the Bureau, the records retention schedule becomes the submitting District's official retention schedule for the record. The Records Management Liaison Officer has the responsibility of maintaining existing records retention schedules and submitting new and updated requests to the Bureau.

Records Disposition/Destruction

The Superintendent shall develop administrative procedures regarding records disposition and destruction.

Report and Form Control Management Systems

The Superintendent shall also establish a reports and forms control management system. The designated Records Management Liaison Officer shall develop and operate the records and forms control management system. The School District's report control management system shall have a procedure for reviewing and disseminating reports to appropriate District staff; and the form control management system shall have a functional and current forms listing.

F.S. 119.011, 1002.22

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8330 - STUDENT RECORDS

In order to provide appropriate educational services and programming, the School Board must collect, retain, and use information about individual students. Simultaneously, the Board recognizes the need to safeguard students' privacy and restrict access to students' personally identifiable information.

Maintenance of Student Records

The Board is responsible for the records of all students who attend or have attended schools in this District. Only records mandated by the State or Federal government and necessary and relevant to the function of the School District or specifically permitted by this Board shall be compiled by District employees.

Each school shall maintain a permanent cumulative record for each student enrolled in the school which shall contain the data as prescribed by Administrative Rule F.A.C. 6A-1.0955 and this policy. Each student's cumulative record shall include the following types of data:

A. **Category A Records, Permanent Information**

1. Student's full legal name.
2. Authenticated birthdate, place of birth, race, ethnicity, and sex.
3. Last known address of the student.
4. Name(s) of the student's parent(s) or guardian(s).
5. Name and location of last school attended.
6. Number of days present and absent, date enrolled, date withdrawn.
7. Courses taken and record of achievement, such as grades, credits, or certification of competence.
8. Date of graduation or date of program completion.
9. Records of requests for access to and disclosure of personally identifiable information from the student's educational records.

B. **Category B Records, Temporary Information**

1. Health information, family background data, standardized test scores, State-mandated achievement test scores, educational and vocational plans, honors and activities, work experience reports, and teacher/counselor comments.

2. Reports of student services or exceptional student staffing committees including all information required by F.S. 1001.42.

3. Correspondence from community agencies or private professionals.

4. Driver education certificate.

5. A list of schools attended.

6. Written agreements of corrections, deletions, or expunctions as a result of meetings or hearings to amend educational records.

7. Written requests to waive access to confidential records.

8. Written requests to restrict the release of directory information.

9. Court orders of relevance.

10. Records of major student discipline actions, suspension, and/or expulsion records.

11. Home language survey.

12. Student Limited English Proficiency (LEP) Plans.

13. Such other records of educational importance as the school shall deem necessary.

14. Records designated for retention by the Florida Department of State in General Records Schedule GS7 for *Public Schools Pre-K - 12, Adult and Vocational/Technical*.

Category A and B records shall be maintained in compliance with the approved District records retention schedule.

Individual exceptional student records shall be kept separate from regular cumulative records. These records shall be sent to each succeeding school the student attends in the District and shall be maintained in accordance with the approved District records retention plan.

Periodic review for elimination of outdated information in student records by the custodian or designees shall be made in accordance with F.S. 1001.52, and the approved District records retention plan. The custodian of the student records shall be responsible for maintaining the accuracy of information by purging student records in accordance with the General Records

Schedule for Public Schools (GS-7). Explanations placed in the education record and the record of access shall be maintained for as long as the education record to which it pertains is maintained. This procedure must be implemented before records are released to any vocational-technical centers, community colleges, or institutions of higher learning in which the student seeks or intends to enroll.

Type Record	Location	Custodian	Address
Active and inactive student records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory
Inactive student cumulative records (Category A) as specified in the current Student Records Manual for the District	Central District office	Superintendent or designee	Records Management Educational Services Facility
Individual exceptional student education records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory
Individual student psychological records as specified in the current Student Records Manual for the District	Last school attended	Principal of last school attended	As shown in local directory

Fingerprints

No report or record relative to a student that includes a copy of the student's fingerprints will be maintained by the District.

The Superintendent or designee will be responsible for the privacy and security of records that are not under the supervision of the school principal.

Access to Student Records

The rights of students and their parents with respect to education records created, maintained, or used by the District must be protected in accordance with FERPA, State law, and the implementing regulations and rules issued pursuant thereto. Students and their parents have the right to access their education records, including the right to inspect and review those records, have the right to waive their access to their education records in certain circumstances, have the right to challenge the content of education records, have the right of privacy with respect to such records and reports, and receive notice of their rights with respect to education records.

In addition to students and their parents and eligible students, student records shall be available only to designated school officials and personnel, to such other persons as the parent or eligible student authorizes in writing, a court of competent jurisdiction or to other individuals or organizations as permitted by law. The term "parents" includes legal guardians or other persons standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the welfare of the child). The term "eligible student" refers to students who are eighteen (18) years of age or older, or who are enrolled in a postsecondary institution, regardless of age.

Schools may, without consent of parents, guardians, or eligible students, provide access to school officials to perform an administrative, supervisory, or instructional task, or to perform a service or benefit for the student or the student's family, and psychologists within the School District providing they have a legitimate educational interest. Support employees may be designated by the principal for the purpose of doing clerical work and maintaining student records. However, such persons shall

receive in-service training concerning the confidentiality of student records and work under the supervision and control of an administrative staff member.

Whenever a student has attained eighteen (18) years of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the District, shall thereafter be required of and accorded to the eligible student only, unless the eligible student is a dependent of his/her parents as defined in Title 26 U.S.C. Section 152 of the Internal Revenue Code of 1954. The School District may, in this instance, disclose personally identifiable information from the education records to the parents without the prior consent of the eligible student.

Whenever a student has enrolled in a postsecondary institution, regardless of age, the permission and consent required of and rights accorded to the parents of the student as to student records maintained by the postsecondary institution shall thereafter be required of and accorded to the eligible student only. However, if the student is not eighteen (18) years of age, then the permission and consent required of and rights as to the student records maintained by the District shall be retained by the parents.

The custodian of the student record shall permit the eligible student or the parents or guardians of the student who is or has been in attendance in the School District to inspect and review the education records of the eligible student or student. Provisions for such inspection and review shall be made within a reasonable period of time of the request, but in no case shall be more than thirty (30) days after the request has been made.

The District presumes that the eligible student or either parent of the student has the right to inspect, review, and receive copies of the education records of the student or eligible student unless the Board, its staff, or the individual school has been provided a legally binding instrument or court order governing such matters as divorce, separation, or custody which provides to the contrary.

In instances where records are opened to parents, guardians, or eligible students, schools shall make available a member of the professional staff to interpret the record and shall provide copies, upon request, free of charge.

School officials shall provide requesting parents, guardians, or eligible students an opportunity for a hearing to challenge the content of their child's or the eligible student’s school records, to insure that the records are not inaccurate, misleading, or otherwise in violation of the privacy or other rights of students, and to provide an opportunity for the correction or deletion of any such inaccurate, misleading, or otherwise inappropriate data contained therein.

Parents, guardians, and eligible students may waive their right of access to confidential letters or statements of recommendations or evaluation. Such waiver shall be made in writing to the custodian of the records and shall be signed by the parent, guardian, or eligible student. Such waiver shall apply to recommendations or evaluation only if:

A. the parent, guardian, or eligible student is, upon request, notified of the names of all persons submitting confidential letters or statements; and

B. such recommendations or evaluations are used solely for the purpose for which they were specifically intended.

The waiver of right of access may be revoked in writing with respect to actions occurring after the revocation.

Court Request of Records

A. Student records may be disclosed to a court of competent jurisdiction provided that reasonable notification is given in advance to the parents and student. If the principal or his/her designee is unable to notify prior to time for compliance set forth in the court order, s/he shall bring to the court's attention the provision of the Family Educational Rights and Privacy Act of 1974 and comply with the court's instruction.

B. Student records may be disclosed pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending an institution of postsecondary education or a dependent of such parent as defined in 26 U.S.C. 152 (s. 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

The Superintendent may, in writing, authorize access to student records to representatives of the Federal, State, or local educational authorities.

Transcripts of a student's records may be released without written consent from the student's parents, guardians, or eligible student, to any vocational-technical center, community college, or any postsecondary institutions of higher learning in which the student seeks or intends to enroll. A copy of the records may be released to the student's parents, guardians, or eligible student upon request. This policy is also applicable in instances where such a request is in connection with a student's application for, or receipt of, financial aid.

Hearing Procedure to Correct Student Records

Whenever a parent, guardian, or eligible student believes the content of the student record is inaccurate, misleading, or in violation of their privacy, they may request in writing an informal meeting with the custodian of the record for the purpose of requesting the correction, deletion, or expunction of any inaccurate, misleading, or otherwise inappropriate data or material contained in the student record.

If the parties at the informal meeting agree to make deletions, to expunge material, or to add a statement of explanation or rebuttal to the file, such agreement shall be reduced to writing and signed by the parties, and the appropriate school officials shall take the necessary actions to implement the agreement. If agreement is not reached, denial of the request and notification of the right to a formal hearing shall be made in writing to the parent, guardian, or eligible student with a copy to the Superintendent or designee.

Upon the request of a parent, guardian, or eligible student, a formal hearing shall be held. Such hearing shall be requested, in writing, within ten (10) days of the written notice of denial at the informal meeting, to the Superintendent or designee, who shall appoint a hearing officer who shall be any official of the school system with no direct interest in the outcome of the hearing. The hearing officer shall convene and conduct the hearing and shall render a decision in writing to all concerned parties within ten (10) days of the conclusion of the hearing. Such hearing shall be held within a reasonable period of time but in no case shall be held more than thirty (30) days from the date of the written request.

The parents, guardian, eligible student, and officials of the school shall be afforded a full and fair opportunity to present evidence relevant to the issues raised. The hearing shall be recorded and available to all parties. However, the record of such hearings are exempt from disclosure under F.S. Chapter 119.

If the decision of the hearing officer is that the records are not inaccurate, misleading, or otherwise in violation of privacy rights, the parent, guardian, or eligible student shall be allowed to comment in writing on the information in the education record and set forth any reasons for disagreeing with the decision. This written response shall be filed in the education records of the student.

Disclosure of Student Record Information

A. **Prior Written Consent**

1. Prior written consent of the parent, guardian, or eligible student shall be obtained prior to disclosing personally identifiable student information other than directory information. The written consent shall include: signature of the parent, guardian, or eligible student; date; specification of records or information to be disclosed; purpose of the disclosure; and the party or class of parties to whom a disclosure is to be made.

2. Disclosures of personally identifiable student information will be made only on the condition that the party or parties to whom the information is disclosed shall not disclose the information to any other party without prior written consent of the parent, guardian, or eligible student, as appropriate. Personally identifiable student information which is disclosed to an institution, agency, or organization may be used by its officers, employees, and agents, but only for the purpose for which the disclosure was made. The District presumes the parent, guardian, or eligible student has the authority to grant permission for disclosure of personally

identifiable student information unless the District has been provided with evidence that there is a legally binding instrument or State law or court order governing such matters as divorce, separation, or custody which provides to the contrary.

B. **Without Prior Written Consent**

Personally identifiable information or records of a student may be released to the following persons or organizations without the prior written consent of the student or the student's parent or guardian:

1. Officials of schools, school systems, career centers, or public postsecondary educational institutions in which the student seeks or intends to enroll; and a copy of such records or reports shall be furnished to the parent or student upon request.

2. Other school officials, including teachers within the educational institution or agency, who have a legitimate educational interest in the information contained in the records.

3. The United States Secretary of Education, the Director of the National Institute of Education, the Assistant Secretary for Education, the Comptroller General of the United States, or State or local educational authorities who are authorized to receive such information subject to the conditions set forth in applicable Federal statutes and regulations of the United States Department of Education, or in applicable State statutes and rules of the State Board of Education.

The disclosed records must be used to audit or evaluate a Federal or State supported education program, or to enforce or comply with Federal requirements related to those education programs. A written agreement between the parties is required under this exception. (see Form 8330 F16)

This written agreement must include:

a. designation of the receiving individual or entity as an authorized representative;

b. specification of the information to be disclosed;

c. specification that the purpose of the disclosure is to carry out an audit or evaluation of a government-supported educational program or to enforce or comply with the program's legal requirements;

d. a summary of the activity that includes a description of methodology and an explanation of why personally identifiable information is necessary to accomplish the activity;

e. a statement requiring the organization to destroy all personally identifiable information when it is no longer needed to carry out the audit or evaluation, along with a specific time period in which the information must be destroyed; and

f. a statement of policies and procedures that will protect personally identifiable information from further disclosure or unauthorized use.

Under the audit exception, the District will use "reasonable methods" to verify that the authorized representative complies with FERPA regulations. Specifically, the District will verify, to the greatest extent practical, that the personally identifiable information is used only for the audit, evaluation, or enforcement of a government-supported educational program. The District will also ascertain the legitimacy of the audit or evaluation and will only disclose the specific records that the authorized representative needs. Further, the District will require the authorized representative to use the records only for the specified purpose and not to disclose the information any further, such as for another audit or evaluation. Finally, the District will verify that the information is destroyed when no longer needed for the audit, evaluation, or compliance activity.

4. Appropriate parties in connection with a student's application for or receipt of financial aid, if necessary to determine the eligibility for the aid; determine the amount of the aid; determine the conditions of the aid; and/or enforce the terms and conditions of the aid.

5. Individuals or organizations conducting studies for or on behalf of an institution or a board of education for the purpose of developing, validating, or administering predictive tests, administering student aid programs, or improving instruction, if the studies are conducted in a manner that does not permit the personal identification of students and their parents by persons other than representatives of such organizations and if the information will be destroyed when no longer needed for the purpose of conducting such studies.

In order to release information under this provision, the District will enter into a written agreement with the recipient organization that specifies the purpose of the study. (see Form 8330 F14)

This written agreement must include: (1) specification of the purpose, scope, duration of the study, and the information to be disclosed; (2) a statement requiring the organization to use the personally identifiable information only to meet the purpose of the study; (3) a statement requiring the organization to prohibit personal identification of parents and students by anyone other than a representative of the organization with legitimate interests; and (4) a requirement that the organization destroy all personally identifiable information when it is no longer needed for the study,

along with a specific time period in which the information must be destroyed.

While the disclosure of personally identifiable information without consent is allowed under this exception, it is recommended that whenever possible the administration either release de-identified information or remove the students' names and social security identification numbers to reduce the risk of unauthorized disclosure of personally identifiable information.

6. Accrediting organizations, in order to carry out their accrediting functions.

7. School Readiness programs as provided in State law in order to carry out their assigned duties.

8. For use as evidence in student expulsion hearings conducted by a district school board under F.S. Chapter 120; however, public records of expulsion hearings shall not contain any personally identifiable information.

9. Appropriate parties in connection with an emergency, if knowledge of the information in the student's educational records is necessary to protect the health or safety of the student or other individuals.

10. The Auditor General and the Office of Program Policy Analysis and Government Accountability in connection with their official functions; however, except when the collection of personally identifiable information is specifically authorized by law, any data collected by the Auditor General and the Office of Program Policy Analysis and Government Accountability is confidential and exempt from F.S. 119.07 (1) and shall be protected in a way that does not permit the personal identification of students and their parents by other than the Auditor General, the Office of Program Policy Analysis and Government Accountability, and their staff, and the personally identifiable data shall be destroyed when no longer needed for the Auditor General's and the Office of Program Policy Analysis and Government Accountability's official use.

11. A court of competent jurisdiction in compliance with an order of that court or the attorney of record in accordance with a lawfully issued subpoena, upon the condition that the student and the student's parent are notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

Student records may be disclosed record pursuant to a lawfully issued subpoena, upon the condition that the student, or his/her parent if the student is either a minor and not attending a postsecondary educational institution or a dependent of such parent as defined in 26 U.S.C. 152 (section 152 of the Internal Revenue Code of 1954), is notified of the order or subpoena in advance of compliance therewith by the educational institution or agency.

12. Credit bureaus, in connection with an agreement for financial aid that the student has executed, if the information is disclosed only to the extent necessary to enforce the terms or conditions of the financial aid agreement. Credit bureaus shall not release any information obtained under this paragraph to any person.

13. Parties to an interagency agreement among the Department of Juvenile Justice, school and law enforcement authorities, and other signatory agencies for the purpose of reducing juvenile crime and especially motor vehicle theft by promoting cooperation and collaboration, and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions that provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions, and that support students in successfully completing their education. Information provided in furtherance of such interagency agreements is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of such programs and services, and as such is inadmissible in any court proceedings prior to a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile.

14. Consistent with the Family Educational Rights and Privacy Act, the Department of Children and Families or a community-based care lead agency acting on behalf of the Department of Children and Families, as appropriate.

15. Parents of a dependent student as defined by the Internal Revenue Service Tax Code of 1986 and in this policy.

16. "Directory information" as specified in this policy.

17. If the District initiates legal action (a lawsuit) against a parent, or if the parent initiates legal action against the District. In such circumstances, the District may disclose to the court, without a court order or subpoena, the education records of the student that are relevant for the District to proceed with legal action as the plaintiff or to defend itself.

18. If the release is to the Attorney General of the United States or to his/her designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specific in Sections 2331 and 2332 of Title 18, U.S. Code.

    Under this exception, school officials are not required to record (i.e., on an access log) the disclosure of information from a student's education record when the school makes

pursuant to an ex parte order.

Further, an educational institution that, in good faith, produces information from education records in compliance with an ex parte order shall not be liable to any person for that disclosure.

19. If the release is otherwise permitted under Federal law.

C. **Record of Disclosures**

Record of any requests or disclosures of personally identifiable student information shall be maintained except for disclosures to the parent, guardian, or eligible student; disclosure of directory information; or to any other school officials with a legitimate educational interest. The record of requests for disclosure shall include the following: the parties who have requested or obtained personally identifiable student information, the legitimate interests of the persons requesting or obtaining the information, and date parental/eligible student consent was obtained.

With regard to such disclosures, a "school official" is determined to be any employee of the Board with direct responsibility for providing services to students. A "legitimate educational interest" is determined to mean responsibility for providing direct educational services to students which will include teaching, counseling, psychological services, or other services to students which require access to personally identifiable information and/or those specified in the law.

D. **Disclosures - Health or Safety Emergencies**

Disclosure of personally identifiable student information may be made by school officials in the event of a health or safety emergency. Such emergency situations shall be declared in writing to the Superintendent by a recognized legal official with authority to declare such emergency. The declaration of a health or safety emergency shall include the need for specific personally identifiable student information, the time requirements for the information, and the parties to whom the information is disclosed who are responsible for utilizing the information to deal with the emergency.

DIRECTORY INFORMATION

The District shall make available, upon request, certain information known as "directory information" without prior permission of the parents or the eligible student. Directory information means information contained in an education record of a student that would not generally be considered harmful or an invasion of privacy if disclosed. The Board designates as student "directory information": a student's name; photograph; address; telephone number, if it is a listed number; e-mail address; date and place of birth; participation in officially-recognized activities and sports; height and weight, if a member of an athletic team; dates of attendance; grade level; enrollment status; date of graduation or program completion; awards received; and most recent educational agency or institution attended.

An annual written notice shall be given to inform parents, guardians, and eligible students of their rights of access, waiver of access, challenge and hearing, privacy, categories of personally identifiable student information designated as directory information data, and the location and availability of the District's policy on education records of students. Alternate methods of notice shall be made for parents, guardians, or eligible students unable to comprehend a written notice in English. Parents or eligible students may, by providing a written statement to the principal within two (2) weeks of the first day of the school year or entry into the school

system request that all specific portions of directory information for that specific student not be released.

Directory information shall not be provided to any organization for profit-making purposes, unless the request is approved, in a nondiscriminatory manner, by the Superintendent.

In accordance with Federal law, the District shall release the names and addresses of students in grades ten through twelve (10-12) to a recruiting officer for any branch of the United States Armed Forces or an institution of higher education who requests such information. Such data shall not be released if the eligible student or student's parents submit a written request not to release such information. The recruiting officer is to sign a form indicating that "any information received by the recruiting officer shall be used solely for the purpose of informing students about military service and shall not be released to any person other than individuals within the recruiting services of the Armed Forces". The Superintendent is authorized to charge mailing fees for providing this information to a recruiting officer. A secondary school student or parent of the student may request that the student's name, address, and telephone listing not be released without parental consent.

Whenever parental consent is required for the inspection and/or release of a student's health or educational records or for the release of "directory information", either parent may provide such consent unless agreed to otherwise in writing by both parents or specifically stated by court order. If the student is under the guardianship of an institution, the Superintendent shall appoint a person who has no conflicting interest to provide such written consent.

The District may disclose "directory information" on former students without student or parental consent.

Transfer of Student Records

When a student, previously enrolled in the District transfers out of the District to another school, public or private, within this State or out of State, the principal, upon written request of the principal of the receiving school, the parent, guardian, or eligible student, shall immediately transfer a copy of the student's cumulative record containing Category A and B information to the requesting school. Pursuant to Federal law, disciplinary records with respect to suspension and expulsion shall be considered "other records of educational importance" and, as a Category B record, shall be transferred to the requesting school. The Board authorizes the administration to forward all Category A and B student records, including disciplinary records with respect to any current suspension and expulsion, upon request to a school or school district in which a student of this District is enrolled, seeks or intends to enroll, or is instructed to enroll, on a full-time or part-time basis, upon condition that the student's parents be notified of the transfer, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record. The school shall retain a copy of the Category A information in its files. A copy of the Category B (Exceptional Student Education Audit File) records will also be retained. Category B health and testing information shall be retained if it is related to a weighted or categorical program placement which is subject to audit. The files which are retained will be held by the principal who is custodian of the records for the period of time specified in the Student Records Manual. Category A student records and Category B (Exceptional Student Education Audit File) beyond the specified time after the student leaves the District will be forwarded to Records Management. When a request comes to the school for student records after the files have been sent to Records Management, the written request should be forwarded to Records Management. Based upon reasonable requests, viewers of educational records will receive explanation and interpretation of the records. Records Management will make copies of the student's files at the current the District's copy rate, which shall not exceed the maximum rate for copies of public records as set forth in F.S. Chapter 119.

While all reasonable efforts shall be made to collect for damaged or lost library books or textbooks, under no conditions shall the transfer of a student's cumulative record be delayed or denied for failure to pay any fine or fee assessed by the school. Progress reports to parents (report cards) may not be withheld for failure to pay any fine, fee, or an assessment for lost or damaged books.

The Superintendent shall prepare administrative procedures to require that students and parents are adequately informed each year regarding their rights to:

A. inspect and review the student's educational records;

B. request amendments if the parent believes the record is inaccurate, misleading, or otherwise in violation of the student's privacy rights;

C. consent to disclosures of personally-identifiable information contained in the student's educational records, except to those disclosures allowed by the law;

D. challenge District noncompliance with a parent's request to amend the

records through a hearing;

E. file a complaint with the Department of Education;

F. obtain a copy of the District's policy and administrative procedures on student records.

The Superintendent shall also develop, and update as needed, procedures for:

A. the proper storage and retention of records including a list of the type and location of record;

B. informing District employees of the Federal and State laws concerning student records.

The District is authorized to use the microfilm process or electromagnetic processes of reproduction for the recording, filing, maintaining, and preserving of records.

No liability shall attach to any member, officer, or employee of this District specifically as a consequence of permitting access or furnishing student records in accordance with this policy and procedures.

Any entity receiving personally identifiable information pursuant to a study, audit, evaluation or enforcement/compliance activity must comply with all FERPA regulations. Further, such an entity must enter into a written contract with the Board delineating its responsibilities in safeguarding the disclosed information. Specifically, the entity must demonstrate the existence of a sound data security plan or data stewardship program, and must also provide assurances that the personally identifiable information will not be re-disclosed without prior authorization from the Board. Further, the entity conducting the study, audit, evaluation or enforcement/compliance activity is required to destroy the disclosed information once it is no longer needed or when the timeframe for the activity has ended, as specified in its written agreement with the Board. See Form 8330 F14 and Form 8330 F16 for additional contract requirements.

F.S. 1001.41, 1001.52, 1002.22, 1002.221, 1003.25
F.A.C. 6A-1.0955
20 U.S.C. Section 1232f through 1232i (FERPA)
20 U.S.C. 7908
26 U.S.C. 152
20 U.S.C. 1400 et seq., Individuals with Disabilities Act
Privacy Rights of Parents and Students - P.L. 90-247
No Child Left Behind Act of 2001 - P.L. 107-110

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Bylaws & Policies

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8340 - LETTERS OF REFERENCE

The School Board recognizes that an employee or former employee's request to a Board member, an administrator, or any other District employee, for a letter of reference is an opportunity to share information about the staff member's performance with a prospective employer or other interested party. A current or former employee shall have no expectation that a letter of reference will be written upon request. The decision to comply with such a request shall be solely at the discretion of the individual being asked to provide the letter.

If a Board member or District employee opts, however, to prepare a reference letter, that individual is expected to provide specific and truthful comments concerning the employee or former employee's actual performance that can be substantiated by the individual's personal knowledge and/or the employee's personnel file.

In accordance with law, a Board member, administrator, or colleague who, in the scope of his/her employment, provides a letter of reference may be entitled to a qualified privilege for statements included in that reference letter, provided such statements were made in good faith, without malice, and in accordance with this policy.

F.S. 768.095
F.S. 768.28
Art. X, Sec. 13, Fla. Constitution

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8350 - CONFIDENTIALITY

State and Federal law requires that student education records, including health records, be confidential. (see Policy 8330) State law also exempts certain information and records from public disclosure (see Policy 8310). As such, the School Board is obligated to take appropriate steps to maintain certain information and records as confidential.

Pursuant to State law, any District employee who has custody of information and records for which there is a statutory exemption to the right of any person to inspect and copy a public record has the duty and obligation to assert the exemption and redact the confidential information from the record before producing the remainder of such record for inspection and copying.

Further, individuals who have access to student education records may not remove them from Board property without express permission from their building principal or supervisor. An individual authorized to remove student education records from school property is responsible for the safety and security of the records and for returning them to the District intact. Confidential information and records may not be disclosed except as authorized by Board policy and procedures.

A student's educational record and all personally identifiable information shall not be properly released except on the condition that the information being transferred will not be subsequently released to any other party without first obtaining the consent of the parent or adult/eligible student. The disclosed information may be used by the appropriate officials of the agency or institution to which the information was properly released, but only for the purpose for which the disclosure was made.

Released copies of educational records and personally identifiable information must be destroyed when no longer required by the person to whom the information was appropriately released. In order to comply with the above, all copies of the information being released should be marked as follows: "Information contained herein may not be released without written permission of the parent or eligible student. This information shall be destroyed when no longer needed."

Individuals who have access to confidential information and records while employed by the Board are reminded that their legal obligation to maintain such confidences extends beyond their term of employment in the District and they are prohibited from releasing, disclosing, or otherwise disseminating confidential information or records subsequent to leaving the Board's employ.

Confidential Information Received from Another Public Agency

In addition, when the District receives in trust from a public agency information identified as confidential (whether such information is confidential by Florida law, Common Law Privilege, Case Law, or Federal law), the Board will maintain the confidentiality of said information to the maximum extent permitted by the law.

In order to prohibit the unauthorized disclosure of information identified as confidential by the sending public agency, the Board may seek to obtain court protection by:

A. denying requests for release of such information absent subpoena or court order;

B. pursuing motions to quash or protective orders to prohibit unauthorized/unlawful disclosure of such information.

When possible, the Board will attempt to notify the sending public agency of the request for release of confidential information that it provided to the District before complying with the request.

Limited Use of Social Security Numbers and Other Statutorily Exempt Information

The District recognizes the need to safeguard privacy and restrict access to personally identifiable information contained in employee and student personnel records collected in the course of the District's business. Pursuant to State law, all social security numbers held by the District are confidential and exempt from F.S. 119.071 and Section 24(a), Article I of the State Constitution. This exemption applies to all social security numbers held by the District before, on, or after the effective date of this exemption. In addition, there are statutory exemptions for other personally identifiable information.

It is the policy of the Board that neither the Board nor its employees shall permit the release of the social security numbers or other statutorily exempt information of an employee, student, or other individual except in accordance with State and Federal law. Access to documents containing social security numbers shall be restricted to only those District employees who have a need to know such information.

Further, it is the policy of the Board that social security numbers shall only be collected in order to fulfill its responsibilities as prescribed by law. The District, upon the collection of an individual's social security number shall provide that person with a statement of the purpose or purposes for which the social security number is being collected and used. Social security numbers shall not be used by the District for any purpose other than the purpose or purposes stated when the social security number was collected.

Pursuant to State law, the Board shall request that each student enrolled in the District provide his/her social security number so that it can be used as the student identification number in the information management system maintained by the District. However, also pursuant to State law, a student shall not be required to provide his/her social security number as a condition of enrollment or graduation. The District shall record the student's permanent record and shall indicate in that record if the number recorded is not a social security number.

If a document containing social security numbers and/or other statutorily exempt information is to be released in compliance with a public records request, the social security numbers and/or the other statutorily exempt information shall be redacted before the document is provided to the requestor.

Social security numbers may be disclosed to another governmental entity or its agents or employees if disclosure is necessary for that agency to perform its duties and responsibilities. The District shall inform the receiving agency in writing of its obligation to maintain the confidential and exempt status of such information.

Responsibility to Enforce This Policy and Consequences for Failing to Do So

As described above, the Board prohibits the release of social security numbers and other statutorily exempt, confidential information to unauthorized persons or entities.

If an employee is asked to provide a social security number or other statutorily exempt information from a file or record maintained by the District, the employee shall refuse to release the social security number and/or the other statutorily exempt information, and shall notify his/her immediate supervisor as soon as practicable.

Employees who intentionally display, disclose, transfer, or unlawfully use the social security number of any student, employee, or other individual, as well as any other statutorily exempt, confidential information, in violation of this policy shall be subject to discipline, up to and including termination.

Accordingly, the Superintendent shall provide all staff with access to this policy. In addition, the Superintendent shall take the steps necessary so that staff who have access to files and records that contain confidential information and/or social security numbers are made aware of their responsibility to see that such information is released only in accordance with Federal and State law and this policy, as well as the consequences if they fail in that regard.

F.S. 119.07(1)d; 119.071(5)(a)2, 119.071(5)(a)3, 119.071(5)(a)4; 119.071(5)(a)5
F.S. 1008.386
20 U.S.C. 1232g

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8400 - ENVIRONMENTAL HEALTH AND SAFETY ISSUES

The School Board recognizes its responsibility relative to student, employee, and visitor health and safety, and the need for development of a comprehensive program designed to provide a healthy, safe, and secure environment on District property and at District-sponsored activities. To achieve this, it is the intent of the Board that the District will avail itself of the most current, proven technologies in the fields of health, safety, and environmental sciences.

STUDENT, EMPLOYEE, AND VISITOR HEALTH AND SAFETY

The District shall develop and implement an environmental health and safety program that is positive, proactive, integrates responsibilities within the District, and promotes and incorporates the following:

A. Procedures describing a hazard identification and abatement program that requires the periodic inspection of District facilities, the implementation of immediate and programmed corrective actions when deemed necessary by such inspections, and the development of a District-wide hazard reporting procedure that enables employee/stakeholder participation. This program should also provide procedures for identifying and responding to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not appropriate requirements for environmental health and safety have been met.

B. Procedures that promote environmental health and safety awareness among employees, students, and stakeholders. These procedures shall include, but not be limited to, the establishment of school and District safety committees, and the establishment of a program of regular communication with students, employees, and stakeholders about pertinent safety and health issues through available mediums in the District.

C. Procedures directed toward the safety and health of students during transportation to and from school, at school, and during participation in school-related activities. These procedures shall include, but not be limited to, promoting bus safety for students, assessing the safety of school traffic patterns, operating school clinics, administering medication and medical treatment, promoting laboratory and shop safety, promoting safety in sports and other outdoor activities, inspecting playground equipment and promoting safety on playgrounds, and assessing environmental exposure.

D. Procedures related to District employee health and safety issues that include, but are not limited to, provision of work areas free from recognized hazards and OSHA-related programs that are required by Federal and State law, such as, employee safety and health training and training in hazard recognition, and defining employer and employee responsibilities and expectations related to health and safety.

E. Procedures describing an accident reporting and investigation system that provides for identification of root causes, determination of remedial and programmed corrective actions, and provides communication about accidents to employees and stakeholders.

F. Procedures that detail plans for foreseeable emergencies and fire prevention.

PHASE-OUT/BANNED PRODUCTS

The Superintendent shall require that any chemicals, insecticides, or other materials that the Federal government is phasing out

and/or banning by a certain date be immediately banned from use on Board property.

SERVICE ANIMALS

The Board shall permit the use of a service animal by an individual with a disability in compliance with AP 9160B and Federal and State law.

The Superintendent shall not ask about the nature or extent of a person's disability, but may make two (2) inquires to determine whether an animal qualifies as a service animal. The Superintendent may ask if the animal is required because of a disability and what work or task the animal has been trained to perform. The Board shall not require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal.

ANIMALS IN CLASSROOMS

Use of animals in classrooms shall be limited to that necessary to support the educational mission, taking into consideration that some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement. Animals in classrooms shall be kept in a healthy condition in appropriate cages or tanks, which are kept clean.

INDOOR ENVIRONMENTAL QUALITY (IEQ)

The Board recognizes that excessive moisture levels within the schools can lead to conditions that are optimum for the development of biological contaminants, such as mold and fungi on building surfaces. The Board further recognizes that the presence of these contaminants can be harmful on contact with respiratory tissue.

Contributing factors to excessive moisture levels include the following:

A. roof leaks

B. structural defects in the building

C. improperly controlled humidity levels

D. faulty HVAC systems

As preventative measures, the District shall do the following:

A. address prevention of water intrusion as a priority Indoor Air Quality (IAQ) issue and implement strategies toward its elimination

B. maintain environmental conditions in occupied areas that are in compliance with applicable regulations and strive to conform to consensus industry standards

C. implement a preventative maintenance program for HVAC systems which shall include, but not be limited to, periodic filter replacement, inspection, cleaning and disinfecting processes, and procedures to eliminate the contribution to indoor air quality problems caused by this equipment

D. implement a system that requires that materials used and purchased for use in the construction, furnishing and maintenance, including cleaning of facilities, do not contribute to the health hazards to employees and students by degrading the quality of indoor air. In addition, activities that create indoor air quality health hazards shall not be permitted

In addition, the Superintendent shall develop administrative procedures for the proper monitoring of the factors that contribute to excessive moisture and for the development of mitigation plans when, and if, problems with IAQ are identified.

DIESEL EXHAUST AND SCHOOL BUS IDLING

Pursuant to the Florida Administrative Code, the Board prohibits the unnecessary idling of school buses in the vicinity of students. Further, in accordance with the Environmental Protection Agency's initiative to reduce pollution that is caused by school buses on school property, the Board will take the steps recommended to reduce the negative effect of diesel exhaust on indoor and outdoor air quality on school campuses. This effort shall include, but not be limited to, reinforcing smart driving practices.

The Superintendent shall develop the administrative procedures necessary to establish these practices in the District. (See AP 8615)

POLLUTION CONTROL AND PREVENTION

In an effort to comply with environmental policy and applicable regulations, the District shall develop and implement procedures designed to prevent air and water pollution, minimize or eliminate waste streams where possible, and identify possible sources of air and water pollution.

SEE ALSO THE FOLLOWING RELATED POLICIES:

Policy 7430	-	Risk Reduction Program
Policy 8410	-	Crisis Event Intervention and Response
Policy 8420	-	Emergency Evacuation of Schools
Policy 8431	-	Preparedness of Toxic Hazard and Asbestos Hazard
Policy 8442	-	Reporting Accidents
Policy 8450	-	Control of Casual-Contact Communicable Diseases
Policy 8453	-	Direct Contact of Communicable Diseases
Policy 8453.01	-	Control of Blood-Borne Pathogens

F.S. 381.0056, 403.021, 1006.07, 1006.22
F.A.C. 6A-3.0171(2)(f)

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8405 - SCHOOL SAFETY

The School Board is committed to maintaining a safe, secure, and drug-free environment in all of the District's schools.

The Board believes that school crime and violence are multifaceted problems that need to be addressed in a manner that utilizes all available resources in the community through a coordinated effort of School District personnel, law enforcement agencies and other first responders, and families. The Board further believes that school administrators and local law enforcement officials must work together to provide for the safety and welfare of students while they are at school or a school-related event or are on their way to and from school.

The Board also believes that the first step in promoting school safety and minimize the likelihood of school crime and violence. To that end, the Superintendent shall develop a *School Safety Plan* with input from representatives of the local law enforcement agencies; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services; representative(s) from the health department; representatives(s) from the mental health agency; representative(s) from the local emergency management agency; members of the Board; building administrators; and School Resource Officer(s).

As required by State law, the Superintendent will annually require the use of the Best Practices for Safety and Security survey developed by the State to conduct a self-assessment of the School Districts' current safety and security practices.

Upon completion of these self-assessments, the Superintendent shall convene a meeting annually for the purpose of reviewing the *School Safety Plan,* and making modifications as deemed necessary and proper; identifying additional training that might be needed; and discussing any other such related matters as may be deemed to be necessary by the participants. Participants in this meeting shall include the superintendent; District-level administrators; representatives of the local law enforcement agencies; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services; representative(s) from the health department; representatives from the mental health agency; representative(s) from the local emergency management agency; members of the Board; building administrators; and School Resource Officer(s).

Based on the self-assessment findings and the subsequent review of the Safety Plan, the superintendent shall make any necessary recommendations to the Board that identify strategies and activities that the Board should incorporate into the Safety Plan and/or implement in order to improve school safety and security.

Annually, the Board must receive the superintendent's report of the self-assessment results at a publicly noticed Board meeting to provide the public an opportunity to hear the Board members discuss and take action on the report findings.

The superintendent shall report the self-assessment results and any action taken by the Board to the Commissioner within thirty (30) days after the Board meeting.

As a part of the School Safety Plan, the Board shall verify that it has procedures in place for keeping schools safe and drug-free that include (see also, Form 8330 F15 entitled Checklist of Policies and Guidelines Addressing No Child Left Behind Act of 2001):

A. appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students;

B. security procedures at school and while students are on the way to and from school;

C. prevention activities that are designed to maintain safe, disciplined and drug-free environments;

D. a code of conduct or policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:

1. allows a teacher to communicate effectively to all students in the class;
2. allows all students in the class the opportunity to learn;
3. has consequences that are fair, and developmentally appropriate;
4. considers the student and the circumstances of the situation; and
5. is enforced accordingly.

Persistently Dangerous Schools

The Board recognizes that not only Federal, but also State law requires that the District report annually incidents which meet the statutory definition of violent criminal offenses that occur in a school, on school grounds, on a school conveyance, or at a school-sponsored activity, as well as those incidents that would be a Gun-Free Schools Act violation. It is further understood that the Florida Department of Education will then use the data for the offenses identified in the Department's Unsafe School Choice Option Policy to determine whether or not a school is considered "persistently dangerous".

Pursuant to the Board's stated intent to provided a safe school environment, the school administrators are expected to respond appropriately to any and all violations of the Student Code of Conduct, especially those of a serious, violent nature. In any year where the number of reportable incidents of violent criminal offenses in any school exceed the threshold number established in State policy, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

The Superintendent shall make a report to the Board about this plan of corrective action and shall recommend approval and adoption of it.

In the unexpected event that the number of reportable incidents in three (3) consecutive school years exceed the statutory threshold and the school is identified as persistently dangerous, the Superintendent shall offer parents and eligible students the opportunity to transfer to another school within the District that serves the same grades. If there is another school within the District serving the same grades, the transfer shall be completed in a timely manner. If there is not another school within the District that serves the same grades, then parents and eligible students will be advised that, although Federal and State law provides for an opportunity to transfer, they will be unable to do so.

In addition, the Superintendent shall convene a meeting of the building administrator, representative(s) of the local law enforcement agencies, and any other individuals deemed appropriate for the purpose of developing a plan of corrective action that can be implemented in an effort to reduce the number of these incidents in the subsequent year.

Victims of Violent Crime

The Board further recognizes that, despite the diligent efforts of school administrators and staff to provide a safe school environment, an individual student may be a victim of a violent crime in a school, on school grounds, on a school conveyance, or at a school-sponsored activity. In accordance with Federal and State law the parents or the eligible student shall be offered the opportunity to transfer to another school within the District that serves the same grades. If there is another school serving the same grades, the transfer shall be completed in a timely manner. If there is not another school serving the same grades, the parents or eligible student will be advised that, although they have the right to transfer, they will be unable to do so.

Florida DOE Unsafe School Choice Option Policy, May 2003
Florida DOE Unsafe School Choice Option Policy Technical Assistance Paper,
May 2003
F.S. 1006.07

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8410 - CRISIS EVENT INTERVENTION AND RESPONSE

The School Board believes that the employees, and students of the District, as well as visitors, are entitled to function in a safe school environment. In this regard, the Board has adopted policies related to conduct in the school setting as well as those that address the need for crisis intervention before, during, and following a critical incident event.

The Superintendent shall promulgate administrative procedures for responding to the need of an individual or group of individuals in the District who are experiencing stress as the result of a critical incident event or personal crisis that impacts the mental health of an individual or the educational environment.

The crisis response actions, on the part of counselors, may be limited to one school or may include a number of schools, requiring a more comprehensive counseling strategy coordinated by the District. The comprehensive counseling strategy may include community-counseling resources as well as District resources. At the school level, the school-based counselor coordinates the counseling response with the principal. When the event requires additional resources, the school-based counselor will coordinate activity with the District level resource teacher for guidance.

Each school will have a counseling plan that:

A. provides an effective intervention for students who may show warning signs that relate to violence or other troubling behaviors;

B. provides a process that screens all threats, when the threatening party is known, and determines the level of concern and action required;

C. is dynamic and interactive with other school counselors and community-based counselors to support the needs of students and staff during stressful events.

F.S. 1001.43, 1006.07

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8420 - EMERGENCY EVACUATION OF SCHOOLS

The School Board recognizes that its responsibility for the safety of students extends to possible natural and man-made disasters and that such emergencies are best met by preparedness and planning.

The Board authorizes a system of emergency preparedness that shall ensure that:

A. the health and safety of students and staff are safeguarded;

B. embraces a collaborative effort with community emergency responders;

C. the time necessary for instructional purposes is not unduly diverted;

D. minimum disruption to the educational program occurs;

E. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;

F. the system is supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1001.42;

G. evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, and bomb threats;

H. floor plans of each school must be provided to all community emergency responders in support of evacuation procedures.

All threats to the safety of District facilities shall be identified by appropriate personnel and responded to promptly in accordance with the plan for emergency preparedness.

F.S. 1001.43, 1006.07, 1013.13

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8431 - PREPAREDNESS FOR TOXIC HAZARD AND ASBESTOS HAZARD

The School Board is concerned for the safety of the students and staff members and will attempt to comply with all Federal and State statutes and regulations to protect them from hazards that may result from industrial accidents beyond the control of school officials or from the presence of asbestos materials used in previous construction.

TOXIC HAZARDS

These hazards exist in chemicals and other substances used in the school setting such as in laboratories, science classrooms, kitchens, and in the cleaning of rooms and equipment.

The Superintendent shall appoint an employee to serve as Toxic Hazard Preparedness (THP) Officer. The THP Officer will:

A. design and implement a written communication program which:

1. lists hazardous materials present on District property,

2. details the methods used to inform staff and students of the hazards, and

3. describes the methods used to inform contractors and their employees of any hazardous substances to which they may be exposed and of any corrective measures to be employed;

B. conduct a training program for all District employees to include such topics as detection of hazards, explanation of the health hazards to which they could be exposed in their work environment, and the District's plan for communication, labeling, etc.

In fulfilling these responsibilities, the THP Officer may enlist the aid of county and municipal authorities and, if possible, the owners or operators of identified potential sources of toxic hazards.

ASBESTOS

Pursuant to the Asbestos Hazard Emergency Response Act (AHERA); 15 U.S.C. 2650; 40 C.F.R. 763.93, the Superintendent shall maintain an Asbestos Management Plan for each school, and maintain and update the Plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities.

The Superintendent shall publish a notification on Management Plan availability and the status of asbestos activities; educate and train School District employees about asbestos and how to deal with it; notify short-term or temporary workers on the locations of the asbestos containing building materials; post warning labels in routine maintenance areas where asbestos was previously identified or assumed; follow set plans and procedures designed to minimize the disturbance of asbestos containing building materials; and survey the condition of these materials every six (6) months to assure that they remain in good condition.

The Superintendent designates the Director of Facilities as the District's designated Asbestos Program Coordinator. All inquiries regarding the asbestos plan and asbestos-related issues should be directed to the AHERA designated person at 850-627-9888.

The Superintendent shall also ensure that, when conducting asbestos abatement projects, each contractor employed by the District

is licensed pursuant to the Florida Department of Health Regulations.

Nothing in this policy should be construed in any way as an assumption of liability by the Board for any death, injury, or illness that is the consequence of an accident or equipment failure or negligent or deliberate act beyond the control of the Board or its officers and employees.

F.S. 1013.12
40 C.F.R. 763.92
Asbestos Hazard Emergency Response Act of 1986 (AHERA)
15 U.S.C. 2601, 20 U.S.C. 4022, 20 U.S.C. 4014, 20 U.S.C. 4011 et seq.
Asbestos School Hazard Abatement Act of 1984
Asbestos School Hazard Abatement Reauthorization Act of 1990, 20 U.S.C. 4011

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8442 - REPORTING ACCIDENTS

The School Board directs that all reasonable efforts be made to ensure a safe learning and working environment for the students and employees of this District.

To that end, and so that legitimate employee claims for worker's compensation be expedited, the Board requires that accidents be reported and evaluated. Any accident that results in an injury, however slight, to a student, employee of the Board, or a visitor to the schools must be reported promptly and in writing to the District's business office. Injured persons shall be referred immediately to appropriate personnel for such medical attention as may be appropriate.

The injured employee, visitor, or the staff member responsible for an injured student shall complete a form that includes the date, time, and place of the incident; the names of persons involved; the nature of the injury to the extent that it is known; and a description of all relevant circumstances.

Any employee of the Board who suffers a job-related injury must report the injury and its circumstances to the principal or job supervisor, as appropriate, as soon as possible following the occurrence of the injury. The failure of an employee to comply with this mandate may result in disciplinary action.

F.S. 1006.07

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8450 - CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

The School Board recognizes that control of the spread of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient District operation.

For purposes of this policy, "casual-contact communicable disease" shall include:

A. diphtheria,

B. scarlet fever and other strep infections,

C. whooping cough,

D. mumps,

E. measles,

F. rubella, and

G. others designated by the Florida Department of Public Health.

In order to protect the health and safety of the students, District personnel, and the community at large, the Board shall follow all State statutes and Health Department regulations which pertain to immunization (see also Policy 5320) and other means for controlling communicable disease spread through normal interaction in the school setting.

If a student exhibits symptoms of a communicable disease, then the Principal will isolate the student in the building, contact the school nurse, and attempt to contact the parents. The District will follow directives from the Gadsden County Health Department regarding notification of that department when a student appears to have, or have been, exposed to a communicable disease, as well as directives from the Gadsden County Health Department regarding whether or not the student should be excluded from school for a prescribed period of time.

The Superintendent shall develop administrative procedures for the control of communicable disease that shall include, but not be limited to, the following:

A. instruction of instructional staff members in the detection of these common diseases and measures for their prevention and control;

B. removal of students from District property to the care of a responsible adult;

C. preparation of standards for the readmission of students who have recovered from casual-contact communicable diseases; and

D. filing of reports as required by statute and the State Department of Health.

F.S. 1003.22

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8452 - USE OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

The School Board has determined that the Florida statutes authorize the placement of an automated external defibrillator (AED) in school buildings owned or leased by the District for the purpose of saving the life of a person in cardiac arrest. The location of each AED shall be registered with a local emergency medical services medical director.

An AED is a medical device that contains a heart monitor and defibrillator that is used to administer an electric shock through a person's chest wall to the heart. The built-in computer system of the AED assesses the patient's heart rhythm, determines whether defibrillation is needed, and then administers a shock, if necessary. Audible and/or visual prompts guide the user through the process of using the AED.

In accordance with State law, any trained employee who uses or attempts to use an AED device on a victim of a perceived medical emergency is immune from civil liability.

If an AED device is placed in a building, the Board directs the Superintendent to develop procedures that govern AEDs, including, but not limited to, the use of the AED, placement of the AED, training, and maintenance and testing of the devices. In promulgating these procedures the Superintendent shall follow the procedures and recommendations developed pursuant to State law by the Secretary of the Department of Health.

21 C.F.R. 801.109
F.S. 401.2915, 768.1325

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8453 - DIRECT CONTACT COMMUNICABLE DISEASES

The School Board seeks to provide a safe educational environment for students and staff. This can best be accomplished by assuring that all persons with the school community understand the method of transmission and prevention of diseases that are not contracted through air-borne pathogens, but rather, through direct contact with body fluids and excretions, especially blood, vomit, feces, or urine. The Board is also committed to assuring the confidential status of individuals who may have been diagnosed with a blood-borne communicable disease.

For purposes of this policy, these diseases shall include:

A. HIV (human immunodeficiency virus);

B. AIDS (acquired immune deficiency syndrome);

C. AIDS related complex (condition);

D. HAV, HBV, HCV (Hepatitis A, B, C);

E. other diseases that may be specified by the State Department of Health as contact communicable diseases.

The Board recognizes the fact that individuals who have contracted these diseases may not exhibit symptoms for many years after exposure and may, in fact, not be aware that they have contracted the disease. They are, however, able to transmit the disease to other individuals.

The Board authorizes the Superintendent to include instruction regarding blood-borne communicable diseases in the health curriculum. Instruction may include, but is not limited to, information about the known modes of transmission, signs and symptoms, risk factors associated with acquired immune deficiency syndrome, and means used to control the spread of acquired immune deficiency syndrome. The programs provided for students shall be age and grade appropriate and shall reflect current theory, knowledge, and practice regarding blood-borne communicable diseases and their prevention.

Students or staff who reveal the fact they have contracted one (1) of these diseases will have their status safeguarded in accordance with Federal and State statutes dealing with privacy and confidentiality, as well as Policy 8310 - Public Records and Policy 8330 - Student Records. Furthermore, their civil rights will be respected.

It is the policy of the Board that the harassment of, or discrimination against, any student or employee because the individual has, or is thought to have, a blood-borne communicable disease is prohibited. Such harassment shall constitute a violation of Policy 1362 - Anti-Harassment, Policy 3362 - Anti-Harassment, Policy 4362 - Anti-Harassment, or Policy 5517 - Anti-Harassment, and such discrimination shall constitute a violation of Policy 1122 - Nondiscrimination and Equal Employment Opportunity, Policy 2260 - Nondiscrimination and Equal Educational Opportunity, Policy 3122 - Nondiscrimination and Equal Employment Opportunity, or Policy 4122 - Nondiscrimination and Equal Employment Opportunity.

Staff member with one (1) of the blood-borne communicable diseases listed above will be expected to perform their regular duties. Staff members with one of these diseases will have access to District leave policies in accordance with Board policy and negotiated agreement, and will have opportunities for reasonable accommodation in accordance with the Americans with Disabilities Act (ADA).

Students with one (1) of the blood-borne communicable diseases listed above have the right to a free and appropriate public education, without restriction. Accordingly, a student with one of these diseases will be expected to maintain regular attendance, as required by State law. If an alternate placement is necessary or deemed appropriate or if the student needs related services, the District shall comply with the requirements of Section 504, IDEIA, and/or the ADA, and shall follow the guidelines for such alternate placement established by the USDOE's Office for Civil Rights. Lastly, should a student be unable to attend school as a result of the illness, an alternative education program shall be provided in accordance with Policy 2412 - Homebound Instruction Program.

F.S. 1001.41, 1003.42, 1006.07

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8453.01 - CONTROL OF BLOOD-BORNE PATHOGENS

The School Board seeks to provide conditions that contribute to the protection of all persons from exposure to blood-borne pathogens or other potentially infectious materials while on school sites or at school activities.

The Superintendent shall require the development and implementation of a program and procedures to minimize employee and student, as well as visitor, exposure to blood or other potentially infectious materials. Hepatitis B vaccinations will be provided to "at risk" employees at no cost and in accordance with federally mandated scheduling. Appropriate procedures shall be established for the reporting, evaluation, and follow-up to any and all incidents of exposure.

The responsible principal or facility administrator, acting as "employer" at each site, shall:

A. develop an exposure control plan and update it annually;

B. ensure proper training in the universal precautions against exposure and/or contamination, including the provision of appropriate protective supplies and equipment;

C. identify those categories of employees whose duties create a reasonable anticipation of exposure to blood or other infectious materials;

D. request Hepatitis B vaccinations for those employees whose duties create a reasonable anticipation of exposure to blood or other infectious materials;

E. report all incidents of exposure;

F. provide for record keeping of all of the above that complies with Federal and State laws.

29 C.F.R. 1910.1030

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8462 - STUDENT ABUSE AND NEGLECT

The School Board is concerned with the physical and mental well-being of the students of this District and requires that school employees comply with the mandated identification and reporting of known or suspected cases of child abuse, abandonment, or neglect in accordance with law.

Reporting Known or Suspected Cases

A. Any person, including teachers, administrators, support personnel, and other District and school personnel who knows, or has reasonable cause to suspect that a child or a student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, or other person responsible for the child's welfare or that a child is in need of supervision and care and has no parent, legal custodian, or responsible adult relative immediately known and available to provide supervision and care shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law. A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so is guilty of a misdemeanor of the first degree.

   Further any person, including teachers, administrators, support personnel, and other District and school personnel, who knows, or has reasonable cause to suspect, that a child or a student is the victim of childhood sexual abuse or the victim of a known or suspected juvenile sexual offender, shall report such knowledge or suspicion to the Department of Children and Families in a manner prescribed by law.

   A person who is required to report known or suspected child abuse, abandonment, or neglect and who knowingly and willfully fails to do so, or who knowingly and willfully prevents another person from doing so commits a felony of the third degree.

B. The proper procedure for reporting known or suspected cases of child abuse, abandonment, and neglect is:

   1. Make a report immediately to the Department of Children and Families central abuse hotline, using the single Statewide toll-free telephone number: 1-800-96-ABUSE (1-800-962-2873), or via fax, web-based chat, or web-based report. School employees reporting such cases are required to provide their names to the hotline staff. The names of reporters shall be entered into the record of the report, but shall be held confidential and exempt as provided by law.

   2. As soon as practicable after making the report, the school staff member shall inform the principal or supervisor of their knowledge or suspicions, and advise that individual that the report has been made.

   3. A notice regarding this reporting requirement shall be posted in a prominent place in each school in the District.

C. School employees are to be advised that reporting their knowledge or suspicions of suspected abuse to a principal, or supervisor, or other school or District personnel does not comply with the mandatory reporting requirements of the law. The principal, supervisor, and other school or District personnel who are informed of suspected abuse, abandonment, and neglect likewise have an obligation to report to the central abuse hotline as required by law.

D. No employee of the District shall be subject to reprisal or discharge because of his/her actions in reporting abuse or neglect pursuant to the requirements of F.S. 39.203.

E. No Board employee may agree, as a condition of receiving information about child abuse, neglect, or abandonment from a victim, a perpetrator, witness, or other person, that the Board employee will not report this information as required by law and this Board policy.

False Reports

A person who knowingly and willfully makes a false report of child abuse, abandonment, or neglect, or who advises another to make a false report, is guilty of a felony of the third degree and may be subject to other penalties in accordance with Florida law.

F.S. 39.01(47), 39.201, 39.202, 39.203, 39.204, 39.205, 39.206, 39.303,
F.S. 1001.41, 1006.061

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8470 - COMMUNITY NOTIFICATION OF REGISTERED SEXUAL PREDATORS/SEX OFFENDERS

The School Board is committed to assisting the sheriff and chiefs of police with their statutory requirement for mandatory community notification of sexual predators and optional community notification with regard to sex offenders as required by the Public Safety Information Act, 1997.

Distribution of Information Provided to School

A. All posters and/or other information provided directly to schools by the sheriff or chief of police will be maintained by the school for review by parents, students, and other members of the public. The principal will maintain an updated binder system of offenders for review by parents, students, and other members of the public. This is the primary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction.

B. All posters and/or other information provided directly to the Office of Public Safety by the sheriff or chief of police will be distributed to all schools within the District. The principal will also include this information of offenders in the updated binder system of offenders for review by parents, students, and other members of the public. This is a secondary means of notification to schools for the purpose of community notification within each law enforcement jurisdiction and is meant to be supplemental.

Resource Information

The District will provide a supplemental pamphlet to assist parents, students, and other members of the public with phone numbers, web sites, addresses of law enforcement agencies, and other appropriate governmental organizations to provide more detail concerning sex offender/sexual predator identification.

Public Posting of Sex Offender/Sexual Predator Information

A. An information poster placed in the public area of the school will alert all members of the community that the sheriff and/or chief of police has provided to the school, posters or other information concerning sex offenders, as required by law. The poster will direct members of the public to the updated binder system of offenders, which is maintained in the public area of the school office.

B. School(s) will not display the actual posters of sex offenders/sexual predators in any area of the school.

Public Meetings

School(s) will assist law enforcement jurisdictions with public meetings with regard to community notification by providing space for the meetings when such facilities are requested of the principal. The content and general conduct of the meeting is the responsibility of the local law enforcement jurisdiction.

Direct Public Notification by Schools

A. It is the legislated responsibility of the sheriff or chief of police to make direct community notification, with regard to

sex offenders and/or sexual predators. In an effort to be consistent with the statute, neither the District office nor the schools will engage in direct public notification.

B. Schools will continue to use newsletters and other informational sources to alert parents and students with regard to issues of student safety.

F.S. 775.21, 775.25, 943.0435, 944.60

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8475 - CRIMINAL BACKGROUND CHECKS FOR EMPLOYMENT AND ACCESS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that all non-instructional contractual personnel who are permitted access on school grounds when students are present, who have direct access to students, or who have access to or control of school funds must meet Level 2 screening requirements as described in State law.

For purposes of this policy a "non-instructional contractor" shall mean any vendor, individual, or entity under contract with a school or with the School Board who receives remuneration for services performed for the District or a school, but who is not otherwise considered an employee of the District. The term also includes any employee of a contractor who performs services for the District or school under the contract, as well as any subcontractor and employees of that subcontractor.

All non-instructional contractors shall be informed that they are subject to criminal background checks.

Further, every five (5) years following the initial entry into a contract with the Board or a school in a capacity described above, each person who is so employed as a vendor, individual, or employee of a contractor with the Board must meet Level 2 screening requirements.

The information contained in the reports received is confidential. The District shall not share information received as the result of the criminal background check with other school districts.

A noninstructional contractor who has a criminal history records check and meets the screening requirements set forth in State law shall be permitted to have access on school grounds when students are present, to have direct contact with students, or to have access to or control of school funds as required by the scope of their employment.

Exemptions

The following noninstructional contractors shall be exempt from the screening requirements set forth in State law:

A. Non-instructional contractors who are under the direct supervision of a School District employee are exempt from the screening requirements set forth in State law. Pursuant to State law, "direct supervision" means that a School District employee or contractor, who has had a criminal history records check and has met the screening requirements, is physically present with a non-instructional contractor when the non-instructional contractor has access to a student and the access remains in the School District employee's or the qualified contractor's line of sight.

   However, if a non-instructional contractor who was exempt because s/he is under the direct supervision of a District employee or a contractor who has met the criminal history records check screening requirements is no longer under direct supervision of that employee or contractor who has met the criminal history records check screening requirement, said non-instructional contractor shall not be permitted on school grounds when students are present until (s)he meets the screening requirements set forth in State law or until such direct supervision can be assured.

B. A non-instructional contractor who is required by law to undergo a Level 2 background screening pursuant to F.S. 435.04 for licensure, certification, employment, or other purposes and who submits evidence of meeting the following criteria:

   1. The contractor meets the screening standards in F.S. 435.04.

2. The contractor's license or certificate is active and in good standing, if the contractor is a licensee or certificate holder.

3. The contractor completed the criminal history check within five (5) years prior to seeking access to school grounds when students are present.

C. A law enforcement officer, as defined in F.S. 943.10, who is assigned or dispatched to school grounds by his/her employer.

D. An employee or medical director of an ambulance provider, licensed pursuant to Chapter 401 of State law, who is providing services within the scope of part III of Chapter 401 of State law on behalf of such ambulance provider.

E. Non-instructional contractors who remain at a site where students are not permitted if the site is separated from the remainder of the school grounds by a single chain-link fence of six (6) feet in height.

F. A non-instructional contractor who provides pickup or delivery services and those services involve brief visits on school grounds when students are present.

A School District may not subject a contractor who meets the requirements set forth in State law to an additional criminal history check. Upon submission of evidence and verification by the School District, the School District must accept the results of the criminal history check for the contractor.

A non-instructional contractor who is exempt under this policy from the screening requirements set forth in State law is subject to a search of his/her name or other identifying information against the registration information regarding sexual predators and sexual offenders maintained by the Department of Law Enforcement under F.S. 943.043 and the National Sex Offender Public Registry maintained by the United States Department of Justice. The School District shall conduct the search required under this subsection without charge or fee to the contractor.

Additional Obligations

A non-instructional contractor who is subject to a criminal history check under this policy shall inform a School District if s/he has completed a criminal history check in another school district within the last five (5) years. The School District may not charge the contractor a fee for verifying the results of his/her criminal history check.

If, for any reason, following entry into a contract in a capacity described this policy, the fingerprints of a person who is so employed or under contract with the School District as a non-instructional contractor are not retained by the Department of Law Enforcement under State law, the person must file a complete set of fingerprints with the Superintendent of the employing or contracting school district.

Disqualifying Offenses

A non-instructional contractor for whom a criminal history check is required under this policy may not have been convicted of any of the following offenses designated in the Florida statutes, any similar offense in another jurisdiction, or any similar offense committed in this State which has been re-designated from a former provision of the Florida statutes to one (1) of the following:

A. Any offense listed in F.S. 943.0435(1)(a)1. relating to the registration of an individual as a sexual offender.

B. Any offense under F.S. 393.135 relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.

C. Any offense under F.S. 394.4593 relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.

D. Any offense under F.S. 775.30 relating to terrorism.

E. Any offense under F.S. 782.04 relating to murder.

F. Any offense under F.S. 787.01 relating to kidnapping.

G. Any offense under Chapter 800 of State law relating to lewdness and indecent exposure.

H. Any offense under F.S. 826.04 relating to incest.

I. Any offense under F.S. 827.03 relating to child abuse, aggravated child abuse, or neglect of a child.

For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435. Additionally, "conviction of a similar offense" includes, but is not limited to, a conviction by a Federal or military tribunal, including court-martials conducted by the Armed Forces of the United States, and includes a conviction or entry of a plea of guilty or nolo contendere resulting in a sanction in any State of the United States or other jurisdiction. Further, a "sanction" includes, but is not limited to, a fine, probation, community control, parole, conditional release, control release, or incarceration in a State prison, Federal prison, private correctional facility, or local detention facility.

Duty to Inform

Under penalty of perjury, each person who is under contract in a capacity described in this policy must agree to inform his/her employer or the party with whom s/he is under contract within forty-eight (48) hours if convicted of any disqualifying offense while s/he is under contract in that capacity. A contractor who willfully fails to comply with this subsection commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083. If the employer of a non-instructional contractor or the party to whom the non-instructional contractor is under contract knows the non-instructional contractor has been arrested for any of the disqualifying offenses listed above, and authorizes the non-instructional contractor to be present on school grounds when students are present, such employer or such party commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

Failure to Meet Level 2 Requirements

If it is found that a person who is under contract in a capacity described in this policy does not meet the Level 2 requirements, and/or has been convicted of any of the offenses listed above, the person shall be immediately suspended from working in the capacity of a non-instructional contractor and having access to school grounds, and shall remain suspended until final resolution of any appeals and/or the conviction is set aside in any post conviction proceeding.

Sexual Predators

A non-instructional contractor who is identified as a sexual predator or sexual offender in the registry search shall not be permitted on school grounds when students are present. Upon determining that a non-instructional contractor shall not be permitted on school grounds because of his/her status as a sexual predator or sexual offender, the District shall notify the vendor, individual, or entity under contract within three (3) business days.

Board’s Duty to Notify Contractor of Denial of Access

If a School District has reasonable cause to believe that grounds exist for the denial of a non-instructional contractor’s access to school grounds when students are present, it shall notify the contractor in writing, stating the specific record that indicates noncompliance with the standards set forth in this policy. It is the responsibility of the affected non-instructional contractor to contest his/her denial. The only basis for contesting the denial is proof of mistaken identity or that an offense from another jurisdiction is not disqualifying under those offenses listed above.

Penalty for Violation

A non-instructional contractor who is present on school grounds in violation of this section commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

F.S. 1012.465, 1012.467, 1012.468

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8500 - FOOD SERVICE PROGRAM

The School Board shall, upon the recommendation of the Superintendent, employ the staff necessary to a food service program in each school in accordance with Federal and State laws, regulations, Board policies, and District procedures.

The Food Services Program shall participate in the National School Lunch and Breakfast Programs and comply with all Federal and State regulations pertaining to the program.

A. **Food Service Program**

The District recognizes the importance of good nutrition to each student's educational performance.

This program shall be operated primarily as a service to students by providing:

1. attractive and nutritious meals for students;
2. food service facilities designed to achieve the maximum in efficiency and cleanliness;
3. worthwhile learning experiences which will contribute to the emotional, spiritual, aesthetic, and social development of students;
4. the opportunity for developing in the students good eating and social habits.

B. **Staffing**

1. Administrative Responsibility

   The Assistant Superintendent for Business Services shall have the direct responsibility for supervision and administration of the food service program and shall provide system-wide coordination and supervision directed toward the most efficient and nutritional operation at the lowest possible cost to the student.

2. Principal

   The principal and local school staff shall have the following responsibilities:

   a. to comply with Federal and State laws, regulations, and the Board's policies
   b. to effect, through classroom instruction and learning experiences outside the classroom, ways to increase the students knowledge of nutrition
   c. to schedule students to effect the greatest participation in the school food service program
   d. to comply with food holds and recalls in accordance with USDA regulations.

3. Food Service Manager

The Food Service Manager shall work under the direct supervision of the principal of the assigned school in accordance with Board policy, State law, and other applicable legal requirements.

4. Other Food Service Personnel

Additional personnel shall be employed in accordance with established procedures and job classifications.

5. Employment of Minors

The rate of pay for employed minors shall be that of a beginning cafeteria worker. Length of workday and duties performed shall be in compliance with the Child Labor Laws. No student shall be required to work for a free or reduced-price meal.

C. **General Provisions**

1. Availability of Meals

Students, employees of the Board, Board members, and the invited guests of school principals are the only persons who may eat in the school cafeteria.

2. Commodities

U.S. Department of Agriculture (USDA) commodities shall be used in accordance with current USDA and applicable State rules and regulations.

3. Sanitation

A copy of each school's most recent sanitation inspection report shall be posted in a publicly visible location and on the school website.

4. Food Safety

As required by law, a food safety program based on the principles of the Hazard Analysis and Critical Control Points (HACCP) system shall be implemented with the intent of preventing food-borne illnesses. For added safety and security, access to the facility and food stored therein shall be limited to food service staff and other authorized personnel.

D. **Cost of Meals**

The food service program shall be operated on a nonprofit basis. The price of meals shall be set by the Board upon the recommendation of the Superintendent. Food service employees are given a lunch as part of their salary; other adults shall pay the Board-adopted adult sale price.

E. **Eligibility for Free or Reduced-Price Meals**

It is the intent of the Board to participate in the National School Lunch and Breakfast Program and to offer paid, free, or reduced-price meals in accordance with the USDA guidelines.

F. **School Breakfast Program**

Breakfast meals shall be available to all students in each elementary, middle, and high school. The Board will do so by participating in the National School Breakfast Program and offering paid, free, and reduced-price breakfast meals in accordance with the USDA Guidelines.

Further, regardless of the percentage of students in a school who qualify for free or reduced-price meals, the Board shall offer breakfast meals free of charge to all students in each of the District's elementary, middle, and high school in accordance with USDA guidelines.

G. **Accounting**

1. Superintendent

   The Superintendent shall be responsible for the accurate accounting of all commodities, equipment, supplies, and cash in accordance with School District requirements and for making such reports as required.

   A periodic review of the food-service accounts shall be made and any surplus funds from the National School Lunch Program shall be used to reduce the cost of the service to students or to purchase cafeteria equipment. Surplus funds from a-la-carte foods purchased using funds from the nonprofit food service account must accrue to the nonprofit food service account.

2. Food Service Management Team

   The Assistant Superintendent for Business Services appoints key District level staff as the food service management team, who shall be responsible for the food service manager's accurate accounting of all commodities, equipment, supplies, and cash in accordance with School District requirements, and for making such reports as required.

F.S. 1001.41, 1001.42, 1001.51, 1006.06, 1013.12
F.A.C. 6A-7.0411, 6A-7.41, 6A-7.42(2), 6A-7.421, 6A-7.45, 6A-7.46
7 C.F.R. 210, 215, 220, 240

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8510 - WELLNESS

As required by law, the School Board establishes the following wellness policy for the School District.

The Board recognizes that good nutrition and regular physical activity affect the health and well-being of the District's students. Furthermore, research suggests that there is a positive correlation between a student's health and well-being and his/her ability to learn. Moreover, schools can play an important role in the developmental process by which students establish their health and nutrition habits by providing nutritious meals and snacks through the schools' meal programs, by supporting the development of good eating habits, and by promoting increased physical activity both in and out of school.

The Board, however, believes this effort to support the students' development of healthy behaviors and habits with regard to eating and exercise cannot be accomplished by the schools alone. It will be necessary for not only the staff, but also parents and the public at large to be involved in a community-wide effort to promote, support, and model such healthy behaviors and habits.

The Board sets the following goals in an effort to enable students to establish good health and nutrition habits:

A. With regard to nutrition education:

1. Nutrition education shall be included in the sequential, comprehensive Health curriculum in accordance with the curriculum standards and benchmarks established by the State.

2. Nutrition education shall include opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.

3. Nutrition education shall extend beyond the classroom by engaging and involving the school's food service staff.

4. Nutrition education posters, such as the Food Pyramid Guide, will be displayed in the cafeteria.

5. The school cafeteria shall serve as a learning lab by allowing students to apply the knowledge, attitudes, and skills taught in the classroom when making choices at mealtime.

6. Nutrition education shall extend beyond the school by engaging and involving families and the community.

7. Nutrition education standards and benchmarks promote the benefits of a balanced diet that includes fruits, vegetables, whole grain products, and low-fat and fat-free dairy products.

8. Staff responsible for providing instruction in nutrition education shall regularly participate in professional development activities designed to better enable them to teach the benchmarks and standards.

9. The District shall provide information to parents that is designed to encourage them to reinforce at home the standards and benchmarks being taught in the classroom.

B. With regard to physical activity:

1. **Physical Education**

   a. A sequential, comprehensive physical education program shall be provided for students in K-12 in accordance with the standards and benchmarks established by the State.

   b. All students, including those with disabilities, special health care needs and in alternative educational settings (to the extent consistent with the students' IEPs), shall receive instruction in physical education pursuant to Policy 2280 - Physical Education.

   c. Planned instruction in physical education shall be sufficient for students to achieve a proficient level with regard to the standards and benchmarks established by the State.

   d. Properly certificated, highly qualified teachers shall provide all instruction in physical education.

   e. Planned instruction in physical education shall teach cooperation, fair play, and responsible participation.

   f. Planned instruction in physical education shall be presented in an environment free of embarrassment, humiliation, shaming, taunting, or harassment of any kind.

   g. Planned instruction in physical education shall promote participation in physical activity outside the regular school day.

2. **Physical Activity**

   a. Physical activity shall not be employed as a form of discipline or punishment.

   b. Physical activity and movement shall be integrated, when possible, across the curricula and throughout the school day.

   c. Schools shall encourage families to provide physical activity outside the regular school day, such as outdoor play at home, participation in sports sponsored by community agencies or organizations, and in lifelong physical activities like bowling, swimming, or tennis.

   d. All students in grades K-5 shall be provided with a daily recess period at least forty (40) minutes in duration. Recess shall not be used as a reward or punishment.

   e. The school shall provide students in grades 9 - 12 with the opportunity to use physical activity in which they participate outside the regular school day (other than organized interscholastic athletics) to satisfy curricular requirements.

   f. All students in grades K - 12 shall have the opportunity to participate in extracurricular activities and intramural programs that emphasize physical activity.

   g. All students in grades 6 -12 shall have the opportunity to participate in interscholastic sports programs.

C. With regard to other school-based activities:

   1. The schools shall provide at least thirty (30) minutes daily for students to eat.

   2. The schools shall schedule mealtimes so there is minimum disruption by bus schedules, recess, and other special programs or events.

   3. The school shall provide attractive, clean environments in which the students eat.

4. Students, parents, and other community members shall have access to, and be encouraged to use, the school's outdoor physical activity facilities outside the normal school day.

5. The schools may provide opportunities for staff, parents, and other community members to model healthy eating habits by dining with students in the school dining areas.

6. The schools may demonstrate support for the health of all students by hosting health clinics and screenings and encouraging parents to enroll their eligible children in Medicaid or in other children's health insurance programs for which they may qualify.

7. Schools in our system utilize electronic identification and payment systems, therefore, eliminating any stigma or identification of students eligible to receive free and/or reduced meals.

8. Students are discouraged from sharing their foods or beverages with one another during meal times, given concerns about allergies and other restrictions on some students' diets.

Furthermore, with the objectives of enhancing student health and well-being, and reducing childhood obesity, the following guidelines are established:

A. In accordance with Policy **8500**, entitled Food Service, the food service program shall comply with Federal and State regulations pertaining to the selection, preparation, consumption, and disposal of food and beverages as well as to the fiscal management of the program.

B. The sale of foods of minimal nutritional value in the food service area during the lunch period is prohibited.

C. As set forth in Policy **8531**, entitled Free and Reduced Price Meals, the guidelines for reimbursable school meals are not less restrictive than the guidelines issued by the U.S. Department of Agriculture (USDA).

D. The food service program will strive to be financially self-supporting; however, if it is necessary to subsidize the operation, it will not be through the sale of foods with minimal nutritious value.

E. The food service program will provide all students affordable access to the varied and nutritious foods they need to be healthy and to learn well.

F. All foods available on campus during the school day shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as classroom snacks, from vending machines, for classroom parties, or at holiday celebrations.

G. All foods available to students in the dining area during school food service hours shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods available to student a la carte or from vending machines.

H. All foods available on campus at any time shall comply with the current USDA Dietary Guidelines for Americans, including competitive foods that are available to students a la carte in the dining area, as well as foods that are served from vending machines or at any school-related event.

I. The school food service program may involve students, parents, staff, and/or school officials in the selection of competitive food items to be sold in the schools.

J. Nutrition information for competitive foods available during the school day shall be readily available near the point of purchase.

K. All foods available to students in District programs, other than the food service program, shall be served with consideration for promoting student health and well-being.

L. The school shall prepare and distribute to staff, parents, and after-school program personnel a list of snack items that comply with the current USDA Dietary Guidelines for Americans.

M. All food service personnel shall receive pre-service training in food service operations.

N. Continuing professional development shall be provided for all staff of the food service program.

The Board designates the Superintendent as the individual(s) charged with operational responsibility for measuring and evaluating the District's implementation and progress under this policy. The Superintendent shall develop administrative procedures necessary to implement this policy.

Upon the recommendation of the Superintendent, the Board shall appoint members of a committee who will review this policy annually. The committee shall include representative(s) of the Board, the administration, parents, students, and the public. After measuring and evaluating the progress towards achieving the goals set forth herein, the committee shall submit a report to the Superintendent and Board that includes a summary of their evaluation and lists any recommended changes to this policy.

42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.
F.S. 1001.41, 1001.42, 1001.43, 1006.06, 1006.0605, 1006.0606
F.A.C. 6A-7.0411

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8531 - FREE AND REDUCED-PRICE MEALS

The School Board recognizes the importance of good nutrition to each student's educational performance.

The Board shall provide all students with breakfast at no charge to the student. Further, the Board shall provide eligible students lunch and after school snacks at a reduced rate or at no charge to the student.

Children, eligible for free or reduced-price meals and after school snacks, shall be determined by the criteria established by the Child Nutrition Program and National School Lunch Act. These criteria are issued annually by the Federal government through the State Department of Education.

The Board designates the Superintendent to determine in accordance with Board standards, the eligibility of students for free and reduced-price meals.

The schools shall annually notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals and after school snacks by distributing an application to the family of each student enrolled in the school and shall seek out and apply for such Federal, State, and local funds as may be applied to the District's program of free and reduced-price meals.

The Superintendent shall prepare and implement the necessary arrangements and procedures to ensure proper operation of this program. S/He shall ensure that the appropriate policy attachments for free and reduced-price meals, after school snacks, or free milk are properly completed and submitted for approval to the School Food Service Division of the State Department of Agriculture by the beginning of each school year.

F.S. 1006.06
42 U.S.C. 1751 et seq.
42 U.S.C. 1771 et seq.

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8540 - VENDING MACHINES

The School Board recognizes that vending machines can produce revenues that are useful to augment programs and services to students and staff. It will, therefore, authorize their use in District facilities providing that the following conditions are satisfied.

A. The installation, servicing, stocking, and maintenance of each machine is contracted for with a reputable supplier of vending machines and their products.

B. No food or beverages are to be sold or distributed which will compete with the District's food-service program.

C. Food and beverages sold in vending machines must meet USDA National School Nutrition Standards.

The Superintendent shall develop and implement administrative procedures which will ensure these conditions are adhered to on a continuing basis.

F.S. 1001.43
42 U.S.C. 1779

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8550 - COMPETITIVE FOOD SALES

Food services will comply with the provisions set forth in Federal law regarding sale of competitive food and foods of minimal nutritional value.

Food services department shall be the sole provider of food and beverage items sold in all schools two (2) hours preceding and two (2) hours following the lunch period, at which time other school organizations may begin to sell foods and beverage items in accordance with the Board's wellness policy (Policy 8510) and guidelines (AP 8510) and with principal approval.

Title 7 C.F.R. 210.11
F.S. 1001.41(2), 1001.42(14), 1006.06
F.A.C. 7.0411

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8600 - TRANSPORTATION

It is the policy of the School Board to provide transportation for those students whose distance from their school makes this service necessary within the limitations established by State law and the regulations of the State of Florida. Such laws and rules shall govern any question not covered by this policy.

Provisions for reciprocal agreements with contiguous school districts for school bus transportation services, inspections, and screening requirements shall be in accordance with Florida statute.

School buses shall be purchased, housed, and maintained by the District for the transportation of resident students between their home areas and the schools of the District to which they are assigned.

Students living more than two (2) miles from their home school will be eligible for District provided bus transportation. Students who attend school out of their home school zone will not be eligible for District provided transportation. Students shall board the bus at the nearest designated stop and will not enter or leave the bus at any other designated stop, except upon approval of the principal or principal's designee.

Students may be provided District bus transportation under the following conditions:

A. Permanently disabled students, whose Individual Education Plan requires special transportation.

B. Temporarily disabled students upon request and verification of disability and length of time of disability.

C. Elementary students in kindergarten through sixth grade who must walk through an area that meets the State criteria for hazardous walking conditions or area designated by the Board.

Parents of students who become or are determined to be non-eligible for school bus transportation shall be notified in writing. The student will be allowed to ride the bus for a minimum of three (3) additional days depending on the circumstances of the non-eligibility. If the student was riding the school bus illegally, removal from the bus will be immediate.

Bus routes shall be established so that an authorized bus stop is available within walking distance of the home of every resident student entitled to transportation services. The Board shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well being of the students while on a bus.

It is the policy of the Board that, on those buses equipped with passenger restraint (i.e., seat belts), students shall be required to use the passenger restraints.

The Principal shall assume responsibility under the direction of the Superintendent for all student disciplinary cases which arise in connection with transportation in accordance with Florida statute, Florida School Board Rule, and the Student Code of Conduct.

The Principal shall:

A. instruct students as a part of their safety program on the rules pertaining to student transportation, walking to and from school, bicycle, and other vehicle operations;

B. develop at each school a parking policy for the safety of students, visitors, and staff while operating or parking personal vehicles on campus;

C. conduct, at a minimum, during the first six (6) weeks of each semester, school bus evacuation drills.

F.S. 1006.21, 1006.22
F.A.C. 6A-3

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8600.04 - BUS DRIVER CERTIFICATION

It is the policy of the School Board that all bus drivers obtain and hold proper certification under standards for school bus drivers established within Florida laws and the District's safe driver plan. It is also the purpose of this Board to protect its students from drivers whose certification is invalidated by Florida law or the District's safe driver plan. Any employee who knowingly operates a school bus with a suspended or revoked license shall be subject to dismissal.

A driver involved in a preventable school bus accident, or who is issued a citation for a traffic violation, shall be subject to the disciplinary action established in the District's safe driver plan.

A driver must conform to the provisions of 49 C.F.R., Part 40 and Part 382, relating to controlled substance and alcohol use and testing. A driver testing positive for a controlled substance under the provisions noted above shall be terminated from school bus driving duties.

F.S. 1012.45
F.A.C. 6A-3.0141, 6A-3.0151, 6A-3.017
49 C.F.R., Part 40 and Part 382

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8606 - USE OF WIRELESS COMMUNICATION DEVICES BY DISTRICT SCHOOL BUS OPERATORS

Cellular phone use while driving has been found to contribute to school bus crashes. According to the National Safety Council and the National Transportation Safety Board, the risk of collision is considerably greater when using a cellular phone while driving. The use of a cellular phone while driving is a distraction from the driving environment.

It shall be the policy of the School Board that WCDs, including WCDs equipped with ear pieces, ear buds, headsets, and/or Bluetooth, shall **not** be used for any purpose, including, but not limited to, placing or receiving phone calls, sending or receiving text messages, or sending or receiving e-mails, anytime the operator is actively driving a District school bus, with or without students on board.

For purposes of this policy, Wireless Communications Devices (WCDs) include, but are not limited to, cellular and wireless telephones, pagers/beepers, personal digital assistants (PDAs), Blackberries/Smartphones, and other WI-FI-enabled or broadband access devices.

The mobile radio installed on all District school buses will be the primary communication system for District school bus operators. If the mobile bus radio fails, and the school bus operator's responsibility for the safety and health of the students being transported makes it necessary for the school bus driver to use a WCD while performing bus-operating duties, the school bus operator will depart the roadway, stop the bus in a safe area, and then use the WCD.

Furthermore, it shall be the policy of the Board that school bus operators shall adhere to all District policies pertaining to staff use of WCDs (see Policy 7530.01) and two-way radios.

Safety will always be the priority while driving a school bus. Any deviation to the above policy will result in disciplinary action as set forth in Board policy or the collective bargaining agreement.

F.S. 1006.21, 1006.22
F.A.C. 6A-30171(s)(c)
F.A.C. 6A-3.0171(2)(e)

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8610 - TRANSPORTATION ROUTE PLANNING

School bus routes shall be scheduled along regularly maintained county roads in such a manner as to utilize the maximum time, distance, and number of students transported. All roads shall be twenty (20) feet in width with a shoulder clearance of five (5) feet on each side, an overhead clearance twelve (12) feet under all weather conditions, free from obstruction, and free from bridges less than bus weight.

School buses may be directed on circuitous routes in order to avoid stops on four-lane or heavily traveled highways, or at the end of bus routes, if recommended by the Superintendent and approved by the School Board.

School bus routes shall be designated to the maximum extent possible so the need for backing or a three-point turnaround is eliminated.

Bus stops shall be designated at the most reasonably safe location for the area being served. There shall be a minimum distance of one-quarter (1/4) mile between bus stops unless an unusual circumstance dictates otherwise. Whenever possible, school bus stops shall not be designated where the visibility is obscured for a distance of twenty-five (25) feet either way from the bus.

F.S. 1006.21, 1006.22

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8640 - TRANSPORTATION FOR FIELD AND OTHER DISTRICT-SPONSORED TRIPS

It shall be the policy of the School Board to use school buses, regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

Transportation for all field and other District-sponsored trips may be limited by the availability of vehicles, drivers, and scheduling and will not be available when needed for general school purposes.

The transportation for all field and other District-sponsored trips is to be by vehicles owned or approved by the District and driven by approved drivers. Exceptions must have the approval of the Superintendent.

The Superintendent is authorized to establish transportation costs for school related and non-school related field trips. The transportation costs shall be reviewed annually by the Superintendent.

F.S. 1006.21, 1006.22

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8651 - BOARD-OWNED VEHICLES

It shall be the policy of the School Board that employee use of Board-owned vehicles shall be limited to those employees whose duties require such use.

An employee may be assigned a vehicle if, in the judgment of the Superintendent, specific work circumstances require it.

The employee will use the assigned Board-owned vehicle for official Board business only, and will return the Board-owned vehicle to District property upon completion of his/her assigned duties daily. Any exception to this provision shall be approved by the Superintendent.

Unauthorized use of Board-owned vehicles will be cause for disciplinary action.

Employees who use a Board-owned vehicle shall notify their supervisor as to any accident or mechanical defect experienced with the vehicle. The Transportation Director shall arrange for necessary repairs to be made.

Failure to report an accident or a mechanical defect experienced when operating a Board-owned vehicle may be cause for disciplinary action.

The Superintendent shall require that all Board-owned vehicles are inspected at regular intervals. The vehicles shall be placed in the District's garage(s) for repairs or service if needed.

The Board shall not assume any financial responsibility for any contract for repairs by or purchase of repairs from a private shop or a private individual unless prior approval is obtained from the Superintendent.

F.S. 1006.21

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Bylaws & Policies

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8660 - TRANSPORTING STUDENTS BY PRIVATE VEHICLES

The School Board shall use school buses, as defined in Florida statutes, for all regular transportation of students, pre-kindergarten through grade 12.

For purposes of this policy, "regular transportation" or "regular use" means transportation to and from school or school-related activities that are part of a scheduled series or sequence of events to the same location.

Regular transportation of students in motor vehicles other than school buses may occur only under the following conditions:

A. when transportation is for a physically handicapped or isolated student and the Board has entered into a written agreement for the transportation of the student;

B. when the transportation is part of a comprehensive contract for a specialized educational program between the Board and a service provider for instruction, transportation, and other services;

C. when the transportation is provided through a public transit system;

D. when the transportation of students is necessary or practical in a Board owned or commercially leased passenger car not to exceed seven (7) students in designated seating positions.

Except as provided above, the transportation of students in private vehicles may be authorized by the principal on a case-by-case basis only under the following conditions:

A. When a student is ill or injured and must be taken home or to a medical treatment facility under non-emergency circumstances and

1. the school has been unable to contact the student's parent or guardian, or such parent, guardian, or responsible adult designated by the parent or guardian is not available to provide the transportation; and

2. proper adult supervision of the student is available at the location to which the student is being transported; and

3. the transportation is approved by the Principal; and

4. if the school had been unable to contact the parent or guardian prior to the transportation, the school continues to attempt to contact the parent or guardian until the school is able to notify

the parent or guardian of the transportation and the circumstances.

B. When the transportation is in connection with a school function or event in which the school has undertaken to participate and

1. the function is a single event which is not part of a scheduled series or sequence of events to the same location; such as, but not limited to, a field trip, recreational outing, a competitive or cooperative event, or an event connected to an educational program; and

2. transportation is not available, as a practical matter, using a school bus or Board passenger car; and

3. each student's parent or guardian is notified in writing about the transportation arrangement and gives written consent before a student is transported in a private vehicle.

C. When Board employees are required to use their own vehicle to perform duties of employment and such duties include the occasional transportation of students.

Any private vehicle used to transport students under this policy shall be currently registered in the State of Florida, be insured for personal injury protection and property damage liability in at least the minimum amounts required by law, and be in good working order. A Board employee, parent, or other adult wishing to transport students in a private vehicle will request approval by submitting his/her driver's license, vehicle registration, and insurance ID card along with the completed Form 8660 F1 to the principal in a reasonable amount of time before the planned travel. The principal will follow the established procedure to determine whether approval of the request to transport students in a private vehicle is appropriate.

Student transportation in private vehicles may only be authorized for trips within the State of Florida. When transportation is authorized in a private vehicle, students may only be required to use the occupant crash protection system provided by the vehicle manufacturer. A student who is transported to an activity in a private vehicle approved under this policy shall return from the activity in the same vehicle, unless the student is released to his/her parent.

Board employees will be covered by the Board's liability program when they are transporting students as part of their assigned or related duties. Benefits due from private vehicle insurance will be primary, except for workers' compensation, in accordance with State law.

Parents or other adults are not covered by the Board's liability program when they are transporting students and, therefore, must have adequate insurance during the time that the vehicle is being used to transport students.

Notwithstanding any other provision of this policy, in an emergency situation that constitutes an imminent threat to student health or safety, school personnel may take whatever action is necessary under the circumstances to protect students.

F.S. 1006.22

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8700 - ANTI-FRAUD

This policy is implemented to make employees aware of activities that may be fraudulent, illegal, or otherwise unethical. The District will not tolerate such activities, and disciplinary measures will be implemented as appropriate.

Scope

This policy applies to any fraud, or suspected fraud, involving elected officials, employees, consultants, vendors, contractors, outside agencies and employees of such agencies, and any other parties with a business relationship with the District.

Policy

Fraud and fraudulent activity are strictly prohibited.

Each employee or agent of the District shall be responsible for reporting any observed or suspected fraud or fraudulent activity to the Superintendent. If the observed or suspected fraud or fraudulent activity involves a School Board member or the Superintendent, the report should be made to the Board Attorney.

The obligation to report fraud includes instances when the employee knew or should have known that an incident of fraud had occurred.

All administrators shall be vigilant for any conduct that appears to constitute fraud within the areas of their responsibility.

All reporting and investigation shall be done in accordance with the District's Whistleblower's Policy and Procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

Fraud – Definitions

Fraud is defined as the intentional, false representation or concealment of a material fact in order to personally benefit or induce another to act to his/her detriment.

Actions constituting fraud include, but are not limited to the following:

A. falsifying, unauthorized altering, or forgoing District documents, including but not limited to the following:

1. claims for payments or reimbursements, which would include, but not be limited to, submitting false claims for travel or overtime

2. absence or leave forms, an example of which would be reporting falsely an absence as a sick day or failing to report an absence

3. files, either in electronic or printed format, photographic records or audio records that are maintained by the District, or accounts belonging to the District

4. a check, bank draft, wire transfer, or any other District financial document

5. student records that are maintained in either electronic or printed formats

6. fire, health, sanitation, and safety reports that are maintained in either electronic or printed formats

B. misappropriating funds, supplies, or other assets of the District

C. handling or reporting money or financial transactions in an improper or illegal manner

D. disclosing, either directly or indirectly, confidential and proprietary information to outside parties for personal gain

E. disclosing to other persons the purchasing/bidding activities engaged in or contemplated by the District so that any entity, person, or business has an unfair advantage in the purchasing/bid process

F. causing the District to pay excessive prices or fees where justification is not documented

G. accepting or offering a bribe, gifts or other favors under circumstances that indicate that the bribe, gift or favor was intended to influence a decision that was, or needed to be, made

H. removing, destroying, or using for personal gain records, furniture, fixtures and/or equipment

I. using State or Federal funds for other than their designated and approved purposes, or

J. using District equipment or work time for any outside private business activity.

This list is meant to illustrate the types of activities that are prohibited, and is not intended to be all-inclusive. Other misconduct of a similar nature is prohibited.

Investigation

If the allegations of fraudulent misconduct involve a District employee, the Superintendent shall determine whether an investigation by the District is warranted. If the Superintendent determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office.

If the allegation involves the Superintendent or a Board member, the allegation shall be referred to the Board Attorney. If the Board Attorney determines that the allegations appear to involve criminal misconduct, the matter shall be referred to the Sheriff's Office. If the Board Attorney determines that the allegations do not appear to involve criminal misconduct, the matter shall be assigned by the Board Attorney to a third party, who is not an employee of the District, for the purpose of conducting an investigation concerning the allegations. Upon the conclusion of this investigation, the investigator shall forward the report to the Board Attorney. The Board Attorney shall forward the report to the Board, which shall take such action as is appropriate.

Any investigation conducted pursuant to this policy shall be conducted without regard for the length of service, position/title, or relationship of the individual who is alleged to have committed or concealed fraud.

Confidentiality

The District will maintain confidentiality with regard to the reports of suspected misconduct and the investigation, to the extent consistent with the conduct of an appropriate investigation and the District's obligations under the Freedom of Information Act and F.S. Chapter 119. However, absolute confidentiality for reporting witnesses and investigation results cannot be guaranteed.

Except as authorized by the Superintendent or his/her designee, the reporting witness and others interviewed are not to discuss the allegations or investigation with other District employees or officials, vendors or contractors. Such discussions may interfere with the investigation. Further, because of the nature of the alleged misconduct, unsubstantiated allegations that are not privileged could harm an innocent individual's reputation and result in potential civil liability.

Non-Retaliation

Those who, in good faith, report suspected fraudulent activity will not be subject to any retaliation as a result of bringing the

suspected misconduct to the attention of the District. They will be subject to protection of the District's Whistleblower's Policy and Administrative Procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

Additionally, individuals who knowingly make a false report of suspected fraud or fraudulent activity shall be subject to disciplinary action pursuant to the District's Whistleblower's Policy and Administrative Procedure. (Policy 1211, AP 1211, Policy 3211, AP 3211, Policy 4211, and AP 4211)

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8710 - INSURANCE

The Superintendent shall negotiate with commercial insurance carriers for the type and amount of insurance policies necessary to protect the District from major financial losses.

Insurance purchased shall include, but need not be limited to, the following types of losses:

A. buildings and their contents;

B. boiler and machinery;

C. the expenses of defending any claim against School Board members, officers, or employees of this District arising out of and in the course of performance of their duties;

D. loss or damage from liability for the general acts or errors and omissions of District officers, employees, or volunteers; and

E. open stock theft.

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory.

F.S. 768.28, 1001.42

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8740 - BONDING

The School Board recognizes that prudent trusteeship of the resources of this District dictate that employees responsible for the safekeeping of District monies be bonded.

The District shall be indemnified against loss of money by bonding of employees holding the positions and in the amounts determined by the Board.

All other employees handling money shall be covered under a blanket bond in an amount determined by the Board.

The Board shall bear the cost of bonding each employee required to be bonded by this policy.

F.S. 1001.42, 1010.40, 1010.41

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8760 - STUDENT ACCIDENT INSURANCE

The School Board recognizes that some parents wish to purchase group accident insurance. Therefore, at the beginning of each school year, the Board shall offer parents the opportunity to participate in student group accident insurance at the expense of the parents.

A signed statement of insurance coverage on the part of the student's parent or guardian shall be a prerequisite for student registration in any school activity having a potential for personal injury.

The Superintendent shall recommend suitable and qualified insurance carriers and notify all parents of its availability.

F.S. 1006.16

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8900 - PRINTING/COPYING SERVICES

The School Board understands that all materials published by the District must be of the highest possible quality. Furthermore, the Board believes that the District expends significant resources to publish said materials, and, therefore, believes that the most cost effective method of printing/copying them must be utilized.

When printing/copying is done at the District level for individual schools, the schools shall be invoiced for the cost of such printing/copying.

F.S. 1006.39

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8910 - PUBLISHING STANDARDS

The School Board recognizes that the quality of the printed materials published by the District reflects on not only the individual who authored them, but also on the school, department, division, and District as a whole. Therefore, the Superintendent shall develop procedures that describe the minimum acceptable standard that all printed material published by the District must meet. These standards shall be communicated to all staff who produce documents that are distributed to students and/or other stakeholders.

F.S. 1006.39

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9120 - PUBLIC INFORMATION PROGRAM

The School Board believes that the public should be informed through appropriate channels of communication about policies, finances, programs, personnel, operations, problems, and needs of the District. Therefore, the Board shall provide the means to accomplish this purpose.

The Superintendent shall direct an information program designed to accomplish the goals set forth above and develop the necessary procedures to accomplish this end.

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9130 - PUBLIC COMPLAINTS

Any person or group, having an interest in the operations of this District shall have the right to present a request, suggestion, or complaint concerning District personnel, the program, or the operations of the District. At the same time, the School Board has a duty to protect its staff from unnecessary harassment. It is the intent of this policy to provide the framework for assessing each public complaint in a fair and impartial manner and to identify an appropriate response.

It is the desire of the Board to rectify any misunderstandings between the public and the District by direct discussions of an informal type among the interested parties. It is only when such informal meetings fail to resolve the differences shall more formal procedures be employed.

Any requests, suggestions, or complaints reaching the Board, Board members, and the administration shall be referred to the Superintendent for consideration according to the following procedure.

Matters Regarding a Staff Member

A. **First Level**

If it is a matter specifically directed toward an instructional or support staff member or an administrator, the matter should be addressed, initially, to the concerned staff member who shall discuss it promptly with the complainant and make every effort to provide a reasoned explanation or take appropriate action within the staff member's authority and District policies or administrative procedures.

The staff member should report the matter and whatever action may have been taken to their supervisor or site administrator.

NOTE: This level does not apply if the matter involves suspected child abuse, substance abuse, or the health, welfare, and safety of a student that may require investigation or inquiry by school officials prior to approaching the instructional staff member (see below).

B. **Second Level**

If the matter cannot be satisfactorily resolved at the First Level, it shall be discussed by the complainant with the staff member's supervisor or site administrator and in compliance with provisions of a collective bargaining agreement, if applicable.

C. **Third Level**

If a satisfactory solution is not achieved by discussion with the supervisor or site administrator, the complainant may request a conference with the Superintendent or another District level administrator. This request should include the following information, preferably in writing:

1. the specific nature of the complaint and a brief statement of the facts giving rise to it;

2. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

3. the action which the complainant wishes taken and the reasons why it is felt that such action be taken.

Should the matter be resolved in conference with the Superintendent, the Board shall be advised of the resolution.

D. **Fourth Level**

Should the matter still not be resolved, or if it is one beyond the Superintendent's authority and requires a Board decision or action, the complainant may request, in writing, a meeting by the Board.

The matter shall be placed on the agenda of the next regularly scheduled meeting for the Board's consideration.

The complainant shall be advised, in writing, of the Board's decision, no more than five (5) business days following the meeting. The Board's decision will be final agency action and be recorded as such.

If the complainant contacts an individual Board member to discuss the matter, the Board member shall inform the complainant that s/he has no authority to act in his/her individual capacity and that the complainant must follow the procedure described in this policy.

Matters Involving Suspected Child Abuse, Substance Abuse, or Affects the Health, Welfare, and Safety of a Student

Alleged misconduct by District employees that involves suspected child abuse or substance abuse or affects the health, safety, or welfare of a student shall be reported to the Superintendent. The matter shall be investigated and, if necessary, appropriate action taken. (see Policy 8141 - Mandatory Reporting of Misconduct by Certificated Employees and Policy 8462 - Student Abuse and Neglect)

Matters Regarding the Superintendent

Should the matter be a concern regarding the superintendent that cannot be resolved through discussion with the superintendent, the complainant should submit the complaint to the Board Attorney. The complaint shall contain the following information:

A. the specific nature of the complaint and a brief statement of the facts giving rise to it;

B. the respect in which it is alleged that the complainant (or child of the complainant) has been affected adversely;

C. the reason that the matter was not able to be resolved with the Superintendent;

D. the action which the complainant wishes taken and the reasons why it is felt that such action should be taken.

After reviewing the complaint, the Board Attorney shall notify the Board Chair of the complaint regarding the superintendent, as well as take any other action that might be appropriate. The Board Chair, after reviewing the complaint with the Board Attorney, may determine that the matter should be placed on the agenda of the next regularly scheduled Board meeting. The Board Chair shall notify the Board of the receipt of the complaint.

If the Board Chair determines that the matter should not be placed on the agenda, the Board and the complainant shall be notified in writing of that decision by the attorney.

If, however, the Board Chair determines that the matter should be considered by the Board at a public meeting, the matter shall be placed on the agenda of the next regularly scheduled meeting.

The complainant shall be advised, in writing, of the Board's decision, no more than five (5) business days following the meeting. The Board's decision will be final on the matter.

Matters Regarding District Services or Operations

If the request, suggestion, or complaint relates to a matter of District procedure or operation, it should be addressed, initially, to the person in charge and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding an Instructional Staff Member".

Matters Regarding the Educational Program

If the request, suggestion, or complaint relates to a matter of District program, it should be addressed, initially, to the appropriate District level administrator and then brought, in turn, to higher levels of authority in the manner prescribed in "Matters Regarding an Instructional Staff Member".

Matters Regarding Instructional Materials

If the request, suggestion, or complaint relates to instructional materials such as textbooks, library books, reference works, and other instructional aids used in the District, the following procedure shall be followed:

A. The criticism is to be addressed to the Principal, in writing, and shall include:

1. author;

2. title;

3. publisher;

4. the complainant's familiarity with the material objected to;

5. sections objected to, by page and item;

6. reasons for objection.

B. Upon receipt of the information, the Principal may, after advising the Superintendent of the complaint, appoint a review committee which may consist of:

1. one (1) or more instructional staff members;

2. one (1) or more lay persons knowledgeable in the area.

C. The Superintendent shall be an ex officio member of the committee.

D. The committee, in evaluating the questioned material, shall be guided by the following criteria:

1. the appropriateness of the material for the age and maturity level of the students with whom it is being used

2. the accuracy of the material

3. the objectivity of the material

4. the use being made of the material

E. The material in question may be withdrawn from use pending the committee's recommendation to the Superintendent.

F. The committee's recommendation shall be reported to the Superintendent in writing within ten (10) business days following the formation of the committee. The Superintendent will advise the complainant, in writing, of the committee's recommendation and advise the Board of the action taken or recommended.

No challenged material may be removed from the curriculum or from a collection of resource materials except by action of the Board, and no challenged material may be removed solely because it presents ideas that may be unpopular or offensive to some. Any Board action to remove material will be accompanied by the Board's statement of its reasons for the removal.

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9140 - CITIZENS' ADVISORY COMMITTEES

The School Board may establish citizen advisory committees when there is a definite function to be performed. All appointments of citizens to advisory committees shall be approved by the Board. All appointments of staff members to citizen advisory committees shall be made by the Superintendent. Staff members shall never constitute more than a minority of any such committee. Every effort shall be made to ensure that the makeup of an advisory committee is as truly representative of the community as possible. The chairperson of an advisory committee shall be chosen from among the lay members. Board members may be ex-officio members of an advisory committee.

Specific topics for study or well-defined areas of activities shall be assigned in writing to each committee immediately following its appointment. Upon completing its assignment, a committee either shall be given a new problem or shall be dissolved promptly. No advisory committee shall be permitted to continue for prolonged periods without a definite assignment. Each committee shall be instructed as to the length of time each member is asked to serve, the resources the Board intends to provide, the approximate dates on which the Board wishes it to submit reports, and the approximate date on which the Board wishes it to dissolve. Furthermore, the committee shall be instructed as to the relationship it has to the Board, to individual Board members, to the Superintendent, and to the remainder of the instructional staff.

The structure and organization of an advisory committee shall be determined by the Board as appropriate to the assignment. Advisory committees shall be encouraged to draw upon a wide variety of resources both inside and outside the School District. Each committee shall be encouraged to draw upon the talents of other local residents and to recommend to the Board the official appointment of any such additional member(s) as the committee may desire.

Expenditure of District funds by an advisory committee shall be made only upon the prior approval of the Superintendent. Supplies, equipment, and personnel from within the School District may be obtained through the appointed staff resource person.

Correspondence between the Board and its committees shall ordinarily be conducted by the Superintendent.

The Superintendent shall transmit the contents of any communication from a committee to the Board.

When a committee is ready to submit a report on its assigned topic, the Superintendent shall arrange a meeting for the purpose of receiving the report.

The Board reserves the right to revise in whole or in part prior to taking any action on the report.

The Board shall have the sole power to dissolve any of its advisory committees and shall reserve the right to exercise this power at any time during the life of any committee.

F.S. 165.041 (3)(c), 1001.452

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9150 - SCHOOL VISITORS

The School Board welcomes and encourages visits to school by parents, other adult residents of the community, and interested educators. But in order for the educational program to continue undisturbed when visitors are present and to prevent the intrusion of disruptive persons into the schools, it is necessary to invoke visitor controls.

The control of the school is vested in the Principal. The principal has the responsibility for the administration and supervision of all decisions and activities on the school campus. The Principal has the authority to prohibit the entry of any person to a school of this District or to expel any person when there is reason to believe the presence of such person would be detrimental to the good order of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the Principal is authorized to request from the local law enforcement agency whatever assistance is required to remove the individual. The Principal also has the right to control the time of day, length of the visit, and to determine if the parent is to be accompanied.

Unauthorized presence on school premises is strictly prohibited. Schools may require valid government issued photo identification. All visitors desiring access to school premises must first receive permission from the Principal, sign in at the school office, submit to a RAPTOR background check, and be issued a visitor identification badge. The visitor identification badge will be displayed by the visitor at all times while at the school or other Board facility. At the conclusion of the visit, the visitor must return to the office, sign out on the visitor/guest log, and return the identification badge. Persons desiring to meet with a teacher or student on school premises must arrange for an appointment through the Principal.

Any person who is not a student in good standing or staff member at the school entering the premises of a school or other Board facility shall report to the principal or supervisor at the main office/reception area to make known the purpose of the visit and shall secure permission from the principal/supervisor before entering the facility.

Except for animals in the classroom as regulated by Policy 8400, canines brought on the premises by law enforcement personnel for law enforcement purposes, or service animals, no other animals may be on school premises at any time.

Parents and guardians desiring to visit their child during the school day on school premises must follow the procedures set forth above. Non-custodial parents may not remove the child from the school without the lawful consent of the custodial parent or guardian or legal authorization in the form of an order or judgment of a court of competent jurisdiction.

Observation of a teacher's class by a parent or guardian shall be allowed only after receiving the building principal's consent and providing a twenty-four (24) hour notice, unless the teacher to be observed agrees to less notice.

The Superintendent shall promulgate such administrative procedures as are necessary for the protection of students and employees of the District from disruption to the educational program or the efficient conduct of their assigned tasks.

Rules regarding entry of persons other than students, staff, and faculty upon school grounds or premises shall be posted conspicuously at or near the entrance to such grounds or premises if there are no formal entrances, and at the main entrance to each school building. In addition, the rules shall be posted in a central location in each school and made available to students, upon request.

Individual Board members who visit schools or classrooms shall follow the same check-in procedures as any member of the public.

If, during a visit to a school or program, a Board member observes a situation or condition which causes concern, s/he should discuss the situation first with the principal as soon as convenient or appropriate. Such a report or discussion shall not be considered an official one from the Board.

If the Board member believes the situation or condition serious enough, s/he may wish to also inform the Superintendent.

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9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

The School Board welcomes and encourages members of the community to attend athletic and other public events held by the schools in the District. Due to the need to maintain order and preserve the facilities of the District during the conduct of such events, the Board retains the right to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators are expected to call law enforcement officials if a person violates posted regulations or does not leave school property when reasonably requested. In accordance with Policy 7440 - Plant Security and AP 7440B - Metal Detector Search Procedures, administrators may use metal detectors and other devices to protect the safety and well-being of participants and visitors.

If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

No alcoholic beverage or other controlled substance may be possessed, consumed, or distributed at any function sponsored by the District.

Raffles and similar forms of fund-raising by District-related organizations may be permitted by the Superintendent in accordance with Policy 9211 - District Support Organizations and Policy 9700 - Relations with Special Interest Groups.

No qualified person with a disability will, because the District's facilities are inaccessible to or unusable by persons with disabilities, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity to which Section 504/ADA applies.

For facilities constructed or altered after June 3, 1977, the District will comply with applicable accessibility standards. For those existing facilities constructed prior to June 3, 1977, the District is committed to operating its programs and activities so that they are readily accessible to persons with disabilities. This includes, but is not limited to, providing accommodations to parents with disabilities who desire access to their child's educational program or meetings pertinent thereto.

Individuals with disabilities shall have an equal opportunity to purchase tickets for accessible seating for a single event or series of events during the same hours; during the same stages of ticket sales, including, but not limited to, presales, promotions, lotteries, wait-lists, and general sales; through the same methods of distribution; in the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and under the same terms and conditions as other tickets sold for the same event or series of events.

Further, in accordance with the provisions of the Americans with Disabilities Act, as amended, the Board shall permit individuals with disabilities to be accompanied by their service animals in all areas of the District's facilities where members of the public, as participants in services, programs or activities, or as invitees, are allowed to go. (See also AG 9160B - Use of Service Animals)

The Board is aware of the increasing desire of many parents and other members of an audience to make digital recordings of school events. Such recordings can be made if the performance is not of copyrighted material. If the performance is of copyrighted material, recordings can be made if the District secures the appropriate license authorizing such recordings in advance of the performance. If the performance is of copyrighted material and the necessary license is not secured in advance of the performance, the audience shall be advised before the performance begins that audio and/or video recordings are prohibited. At events when recordings are permitted, the audience will be reminded at the outset that their use of digital recording equipment may not interfere with the conduct of the particular activity or performance, nor impinge on the enjoyment of the event by other members of the audience. The Superintendent will establish rules and procedures governing the use of nondistrict digital recording equipment at any District-sponsored event or activity. Such rules should be distributed in such a manner that members of the audience who wish to record the event are aware of the rules early enough to make proper arrangements to obtain their recordings without causing delay or disruption to the activity.

Any person or organization seeking to film students or a school activity that is not a public event must obtain prior permission from the Superintendent.

All notices, signs, schedules, and other communications about school events must contain the following statement:

"In accordance with State and Federal law, the District will provide reasonable accommodations to persons with disabilities who wish to attend and/or participate in school events. Such individuals should notify the Superintendent if they require a reasonable accommodation."

28 C.F.R. Part 35
29 U.S.C. 794, Section 504 of the Rehabilitation Act of 1973, as amended
34 C.F.R. Part 104
42 U.S. C. 12101 et seq., Americans with Disabilities Act of 1990, as amended

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9160.01 - COMPLAINT PROCEDURES RELATED TO ALLEGED DISCRIMINATION REGARDING ACCESSIBILITY OF DISTRICT FACILITIES

If a volunteer, visitor or guest believes that s/he has been discriminated against on the basis of his/her disability regarding accessibility to District facilities, the person may utilize the following complaint procedures as a means of reaching, at the lowest possible administrative level, a prompt and equitable resolution of the matter.

The following person(s) is/are designated as the District's Compliance Officer ("DCO"):

Name: Dr. Pink Hightower

Address: 35 Martin Luther King, Jr. Boulevard
Quincy, Florida 32351

Phone: 850-627–9651, extension 1247

Building principals shall serve as Building Section 504/ADA Compliance Officer(s) ("Building Compliance Officers").

A person who has a complaint about District facilities or services may register such complaint with the Building Compliance Officer and/or District Compliance Officer.

Such complaints should be filed in writing within thirty (30) calendar days of the circumstances or event giving rise to the complaint. Use of the complaint procedure is not a prerequisite to the pursuit of other remedies, including the filing of a complaint with the U.S. Department of Education's Office for Civil Rights.

A. The written complaint must contain the following information:

1. Name(s) of person(s) filing complaint.

2. Whether the person(s) represents an individual or group.

3. Whether the person(s) making the complaint has discussed the problem with the Building Compliance Officer and/or the District Compliance Officer.

4. A written summary of the complaint and a proposed solution.

B. The Building Compliance Officer or the District Compliance Officer will conduct an impartial investigation and will respond to the complaint within five (5) business days. This complaint procedure contemplates informal, but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to present witnesses and other evidence relevant to the complaint.

C. If a satisfactory response is not received within five (5) business days, the person should forward a copy of the complaint to the Superintendent, who will respond within ten (10) business days.

D. If a satisfactory response is not received within ten (10) business days, the person may forward a copy of the complaint to the School Board. The Board will consider the complaint and respond within forty (40) calendar days.

OCR Complaint

At any time, if a member of the public believes that s/he has been subjected to discrimination based upon his/her disability in violation of Section 504 or the Americans with Disabilities Act, as amended ("ADA"), the individual may file a complaint with the U.S. Department of Education's Office for Civil Rights ("OCR"), the Florida Commission on Human Relations (FCHR), and/or any other State or Federal agencies responsible for investigating complaints of discrimination.

The OCR can be reached at:

U.S. Department of Education
Office for Civil Rights
U.S. Department of Health and Human Services
Sam Nunn Atlanta Federal Center, Suite 19T70
61 Forsyth Street S.W.
Atlanta, Georgia 30303-8909
FAX: (404) 562-7881
TDD: (404) 562-7884
E-mail: OCR@ed.gov
Web: http://www.ed.gov/ocr

The FCHR can be reached at:

Florida Commission on Human Relations
2009 Apalachee Parkway, Suite 100
Tallahassee, FL 32301
Phone: (850) 488-7082
Toll-Free: (800) 342-8170
Fax: (850) 488-5291
The Florida Relay Service Voice (statewide) 711
TDD ASCII: (800) 955-1339
TDD Baudot: (800) 955-8771
E-mail: fchrinfo@fchr.myflorida.com
Website: http://fchr.state.fl.us

Prohibition Against Retaliation

The Board will not discriminate against, coerce, intimidate, threaten or interfere with any individual because the person opposed any act or practice made unlawful by Section 504 or the ADA, or because that individual made a charge, testified, assisted or participated in any manner in an investigation, proceeding, or hearing under Section 504 or the ADA, or because that individual exercised, enjoyed, aided or encouraged any other person in the exercise or enjoyment of any right granted or protected by Section 504 or the ADA.

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9210 - PARENT ORGANIZATIONS

The School Board supports all organizations of parents whose objectives are to promote the educational experiences of District students.

Any new parent organization desiring to use the name or good offices of the District must obtain the approval of the Superintendent as a prerequisite to organizing.

Representatives and members of approved school-related organizations shall in all circumstances be treated by District employees as interested friends of the schools and as supporters of public education in the School District.

Staff members are encouraged to join such organization(s) in their related area(s) of specialization or interest.

The Board will not tolerate any undue pressure, harassment, or intimidation designed to coerce parents or teachers into membership in one (1) organization as opposed to another.

The Board expects approved organizations to operate in a manner consistent with public expectations for the schools and reserves the right to withdraw sponsorship from organizations and dissolve organizations that violate the bounds of community taste or when such organizations fail to comply with Board policy or the organization's bylaws.

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9211 - PARENT ORGANIZATIONS, BOOSTER CLUBS, AND OTHER FUND-RAISING ACTIVITIES

The School Board appreciates the efforts of all organizations whose objectives are to enhance the educational experiences of District students, to help meet educational needs of students and/or provide extra educational benefits not provided for, at the time, by the Board. All activities conducted by parent, booster, foundation or other support organizations shall be in keeping with the educational purposes of the Board.

A booster organization is a parent and/or community group that provides resources to support a particular program or co-curricular activity or sport at a school.

These needs may be educational to parents and/or children. In addition to parents, membership should be made available to District staff and members of the community.

All cooperative fund-raising activities with the school shall receive prior approval of the principal. A prior written agreement shall evidence any allocation of gross profits, minus expenses.

Each volunteer organization shall work within the appropriate school setting and in cooperation with the principal and other staff members and shall abide by the policies of the Board. Booster groups supporting school-based athletic programs are restricted to secondary schools only.

Each group will submit its bylaws to the principal for review and approval.

Contributions and collections derived from school-sponsored fundraising activities conducted by any support organization may be deposited in school internal accounts. The funds of support organizations that are deposited in school internal accounts will be audited annually, at no cost to the organization, when the audit of the school's internal account is conducted. (See Policy 6830 – Audit)

Contributions and collections derived from school-sponsored fund-raising activities conducted by any support organization may be deposited in a separate account, provided the organization has 501 (c) (3) status and is tax exempt. Such support organizations are required to conduct an annual audit at the organizations expense, and shall use financial controls and management as set forth in Chapter 7 of "Financial and Program Cost Accounting and Reporting for Florida Schools." Further, such support organizations shall submit quarterly financial reports and the annual audit report to the principal.

By the end of each year, each group shall submit its tentative goals and objectives along with its fund-raising plans for the next school year to the principal for review. Should the goals and objectives or fund-raising plans change during the school year, the principal is to be advised before any final revisions are made. All activities must be approved by the principal.

The Superintendent shall develop the administrative procedures so that each group's fund-raising activities are in compliance with Board policies (including background screening in accordance with Policy 1121.01 - Criminal Background and Employment History Checks, Policy 3121.01- Criminal Background and Employment History Checks, Policy 4121.01- Criminal Background and Employment History Checks, and Policy 8475 - Criminal Background Checks for Employment and Access), that the funds are used for school-related projects that have the approval of the principal, and that all fund-raising activities are coordinated through the Superintendent.

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9215 - DIRECT-SUPPORT ORGANIZATIONS

The School Board believes that direct-support organizations provide invaluable assistance to the students of this District and its programs. For purposes of this policy a "direct-support organization" is an organization that meets the following criteria:

A. it is approved by the Board

B. it is a Florida corporation not for profit, incorporated under the provisions of Chapter 617 and approved by the Department of State

C. it is organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to or for the benefit of public kindergarten through 12th grade education and adult career and technical and community education programs in this District

The Board may approve agreements with direct-support organizations that meet the criteria listed above.

Direct-support organizations must submit their applications directly to the Superintendent.

If the Superintendent determines that the proposed DSO meets the criteria listed above, the application shall be submitted to the Board for approval.

The Board may permit the use of property, facilities, and personal services of the District by the DSO, subject to provisions of the Florida statutes and corresponding Board policies.

The Board will not appropriate any District funds to a direct-support organization for start-up funds to begin a fund-raising program.

The Board requires that each direct-support organization with more than $100,000.00 in annual expenditures or expenses provide for an annual audit of its accounts and records.

Furthermore, the Board requires that each direct-support organization that is audited pursuant to this policy submit an annual audit report no later than nine (9) months after the close of the fiscal year, that is June 30th, to the Board and the Auditor General.

An audit conducted pursuant to this policy shall be performed by an independent certified public accountant in accordance with rules adopted pursuant to F.S. 11.45(8) by the Auditor General and Commissioner of Education. The audit report shall maintain the anonymity of donors to the direct-support organization.

The Commissioner of Education, the Auditor General, and the Office of Program Policy Analysis and Government Accountability have the authority under State law to require and receive from the organization or the District auditor any records relative to the operation of the organization. In submitting such information, however, the identity of donors and all information identifying donors or prospective donors are confidential and, therefore, exempt from the provisions of State law. Any other records of such direct-support organizations subject to an audit pursuant to this policy are public record under State law as well as the policies of this Board.

The direct-support organization shall also submit to the Superintendent and the Board an annual report indicating its goal(s), programs, and activities.

F.S. 11.45(8), 119.07(1), 1001.453
F.A.C. 6A-1.0013

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9270 - EQUIVALENT EDUCATION OUTSIDE THE SCHOOLS (HOME-EDUCATION)

The School Board encourages the enrollment of all resident school-age children in this District in public schools or in registered parochial or private schools so that they may enjoy the benefits of a well-planned educational program and the socialization possible in a group environment.

The Board recognizes its responsibility for assuring that every resident school-age child is enrolled in an approved school or is offered an equivalent education elsewhere and designates the Superintendent to act in its behalf.

All requests to educate a child in an equivalent education (home-education) program are to be submitted to the Superintendent.

Responsibilities

A parent or guardian who registers a child in a home education program shall meet the following requirements of Florida statute:

A. notify the Superintendent of his/her intent to establish a home education program;

B. maintain a portfolio of records and materials;

C. provide for an annual educational evaluation.

If the parent or guardian of a child who has been identified as exhibiting a pattern of non-attendance enrolls a child in a home education program pursuant to Florida statute, the Superintendent shall provide the parent a copy of F.S. 1002.41 and the accountability requirements of F.S. 1003.26.

Notification

A parent establishing a home education program shall:

A. provide written notice to the Superintendent of the intent to establish and maintain a home education program within thirty (30) days of the start of the program;

   The notice must be signed by the parent/guardian and include the names, addresses, and birth dates of all the children who shall be enrolled as students in the home education program.

B. provide written notice to the Superintendent's office within thirty (30) days of the termination of the home education program.

Records

A parent or guardian of a home school student shall maintain a portfolio or records and materials that includes:

A. a log of educational activities made contemporaneously with the instruction and which designates by title any reading materials used;

B. samples of any writing, worksheets, workbooks, or creative materials used or developed by the student;

C. preserve the portfolio for a minimum of two (2) years and make it available to the Superintendent for inspection upon fifteen (15) days written notice.

Evaluation

The parent or guardian of each child in a home education program shall provide for an annual educational evaluation to document educational progress commensurate with the child's abilities. The parent/guardian shall select the method of evaluation from those provided in statute and shall file a copy annually with the Superintendent. The evaluation shall consist of one (1) of the following:

A. An evaluation of the child's progress by a Florida certified teacher chosen by the parent (or the parent if certified) based on a review of the portfolio and discussion with the student.

B. Any nationally-normed student achievement test (such as, ACT, SAT) that is administered by a certified teacher.

C. A State student assessment test, administered by a certified teacher, at a location and under testing conditions approved by the School District. The School District shall provide the test materials, monitored site and test results when adequate notice is given to the District.

D. An evaluation by a psychologist holding a valid active license pursuant to Florida statutes.

E. An evaluation with another other valid measurement tool as mutually agreed upon by the Superintendent and the parent/guardian.

Failing to submit an annual evaluation places the home education program in non-compliance and the Superintendent may, after notice to the parent, terminate the home education program and enroll the student in the public school of residence to meet the compulsory attendance law. If the student has not made educational progress commensurate with his/her abilities, the parent/guardian has one (1) year to provide remedial instruction. At the end of that year, the child shall be re-evaluated. Continuation in the home education program is contingent upon showing educational progress that is commensurate with his/her level of ability. If progress is not demonstrated by the end of the one (1) year probationary period the Superintendent shall assign the student to the appropriate public school.

School District Responsibilities

The School District shall facilitate a parent request to implement and maintain a home education program through the following:

A. The Superintendent shall identify an office to facilitate the parent notification of the intent to establish a home school program and to assist parents with finding resources and support for the implementation of a program of instruction.

B. The Superintendent shall review and accept the result of the annual evaluation. If the child does not demonstrate progress, the Superintendent shall notify the parent/guardian in writing that such progress has not been achieved.

C. Home education students who are gifted or have identified disabilities and who qualify for exceptional student education services shall be allowed to participate in those programs offered in the public schools consistent with an approved Individual Education Plan. Parents/Guardians shall be provided assessment for eligibility for ESE services upon request and shall be involved in the development of the student's Individualized Educational Plan (IEP).

D. Home education students are not eligible for a regular high school diploma. A home education student may take the General Education Development (GED) test at an approved education center and be awarded a GED diploma by the State of Florida if the student receives a passing score.

E. A home education student shall be allowed to participate in middle and high school extra-curricular and interscholastic extra-curricular activities in their zoned school and take any associated courses, provided the parent/guardian documents satisfactory attainment of the required 2.0 grade point average (GPA) and demonstrates

educational progress in each subject taken in the home education program.

F. Home education students shall be allowed to enroll in any class offered at a District school for part of the day. Enrollment in other non-ESE classes shall be on a space available basis in the home zone school with prior approval of the school principal.

Parents are responsible for the transportation of students in home education/private schools programs both to and from the public school. The school principal will establish the time and place for the arrival and departure of home education/private school student accepted into the part-time program. All home education/private school students who attend the District on a part-time basis are subject to the same relevant rules and regulations as full-time students.

Placement

Placement in the regular school program from a home education program shall follow the requirements of the District's *Student Progression Plan* as applied to out of county, foreign, and other non-accredited or non-traditional school. The principal's decision, following a review of documentation of performance or examination results and a conference with the parent or guardian, shall be final.

Transfer of High School Credit

Students placed above ninth grade shall have credits required for a diploma pro-rated accordingly. Course credits earned through participation in the Florida On-Line High School or other State or regionally accredited school or program shall be accepted when a transfer request is made from a home school program to a District high school and appropriate documentation is provided. Credit may be also awarded to home school students who transfer into the public school system based on the following:

A. a special course approved in the State Course Code Directory with prior approval of a high school principal;

B. demonstrated academic performance in the classroom;

C. portfolio evaluation by the Superintendent;

D. written recommendation by a Florida certified teacher selected by the parent and approved by the principal;

E. demonstrated proficiencies on standardized subject area assessments; or

F. demonstrated proficiencies on the FCAT or other State-mandated standardized test.

Field Trips and Other Activities

Home school students may not participate in activities or field trips sponsored by a school other than middle and high school extra-curricular or interscholastic extra-currciular activities unless they are enrolled in a related program or class at the school. Home school students may participate in District wide community sponsored activities that include non-public school students, such as history, science, spelling, or speech contests or fairs.

F.S. 490.003(7) or (8), 1000.01, 1001.41, 1002.41, 1003.21

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9500 - RELATIONS WITH EDUCATIONAL INSTITUTIONS AND ORGANIZATIONS

It is the policy of the School Board that strong lines of communication be maintained by the District with other districts and with institutions and organizations that provide District students with programs, training, or services not available in the District.

The Board expects the Superintendent to enter into such cooperative ventures, if available, with institutions or organizations for the purpose of providing programs that correlate to the District's curriculum and help students better accomplish the educational outcomes established by the Board.

Before entering into any agreements, the Superintendent shall keep the Board advised of any arrangements that would affect the use of District resources or require any additional resources of the District.

In order to maintain cordial and constructive relationships with private and parochial schools, the Superintendent shall maintain liaison with the administration of all such schools that enroll significant numbers of students resident in this School District in order to be aware of any program changes that may be planned that could affect this District; and to cooperate fully in the implementation of all State and Federal programs administered by this District that benefit, in whole or in part, eligible students attending private or parochial schools.

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9555 - PARTNERSHIPS WITH BUSINESS

The School Board is well aware of the role that education will play in increasing the nation's productivity and future well-being. To ensure success requires the combining of talent and resources within the region between business and education. It also recognizes that schools of the District need to operate as an integral part of the economic community if students are to receive the type of education and training they will need to function effectively in the twenty-first century.

The Board will seek to establish not only partnerships between the District and individual companies but also, if possible, consortia involving several companies and/or school districts. The purpose will be to seek opportunities for students and staff to share in new strategies and technologies being created in the business world and offer, in exchange, the knowledge and skill of District personnel in creating more effective continuing education for employees and members of the community. Properly planned and implemented, such partnerships or consortia could have significant impact on the nature and content of the curriculum as well as on the manner in which students are taught to learn.

The Superintendent is authorized to actively seek such partnerships.

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9600 - STAFF/STUDENT PARTICIPATION IN COMMUNITY EVENTS

The School Board recognizes that the local community offers many programs and events that provide learning experiences which are not available in the schools and which can help students become more literate, cultured, and productive human beings.

The Board seeks to maintain continuing communication with those groups and organizations that enrich the life of the community and authorizes the Superintendent to cooperate with the leaders of the organizations both by making District facilities available and by ensuring that members of the staff and student body are made aware of the benefits that can be derived from education-related activities of the groups. Further, the Board encourages members of the staff to make their many talents and specialized knowledge available, as time permits, to enhance the quality of such educational activities in the community.

The Superintendent shall develop administrative procedures that will better ensure:

A. community activities and events which are related to the District's courses of study are incorporated, as appropriate, into such courses as either required or enrichment assignments;

B. school activities to which the public is invited are scheduled, to the extent possible, so as not to conflict with other events in the community which would appeal to the same audience. Such scheduling conflicts not only diminish the attendance at both the school and the community activities but also deprive the students and staff from deriving the benefits from participation in community programs which enhance learning and the quality of life.

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9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

Any request from civic institutions, charitable organizations, or special interest groups which involve such activities as patriotic functions, contests, exhibits, sales of products to and by students, sending promotional materials home with students, graduation prizes, fund raising, and free teaching materials must be carefully reviewed to determine whether or not such activities promote student interests.

It is the policy of the School Board that students, staff members, and District facilities not be used for promoting the interests of any nonschool agency or organization, public or private, without the approval of the Board or its designee; and any such approval, granted for whatever cause or group, shall not be construed as an endorsement of said cause or group by this Board.

Pursuant to State law, a person or group may not accept a donation of public funds from the District, or any person acting on behalf of the District, for a political advertisement or electioneering communication concerning an issue, referendum, or amendment, including any State question, that is subject to a vote of the electors.

A. **Political Interests**

All materials or activities proposed by outside political sources for student or staff use or participation shall be reviewed by the Superintendent on the basis of their benefit to students, and no such approval shall have the primary purpose of advancing the special interest of the proposing group.

The Board shall not permit the use of any type of educational material, program, or equipment in its curricular, co-curricular, or extra-curricular activities or at any time during the school day if such materials, programs, or equipment contain partisan political or commercial messages. Instructional staff may, however, utilize political materials or those provided by special interest-groups in adopted courses of study with the approval of the principal.

School facilities or equipment may not be used as a means of producing or disseminating to the community any materials that advertises or promotes a political party, a political cause or the candidacy of an individual for public office. Students and employees of the Board shall not be used to distribute campaign literature within the schools or on school grounds.

Outside speakers representing commercial organizations will be welcome only when the commercial aspect is limited to naming the organization represented and the subject matter advances the educational aims of the District.

B. **Contests/Exhibits**

The Board recognizes that contests, exhibits, and the like may benefit individual students or the District as a whole, but participation in such special activities may not:

1. have the primary effect of advancing a special product, group, or company;

2. make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;

3. involve any direct cost to the District;

4. interrupt the regular school program;

5. cause the participants to leave the School District, unless:

   a. the Board's Policy 2340 - Field and Other District-Sponsored Trips - has been complied with in all aspects;

   b. the Board has granted special permission;

   c. the parents of a minor student have granted their permission.

C. Distribution/Posting of Literature

No outside organization or staff member or student representing an outside organization may distribute or post literature on that organization's behalf on District property either during or after school hours without the permission and prior review of the Superintendent.

The Superintendent shall establish administrative procedures which ensure that:

1. criteria established in Policy 5722 - Student Publications and Productions - are used to make a decision regarding materials that students seek to post or distribute;

2. distribution or posting of materials employees wish to distribute on behalf of an employee organization comply with the terms of negotiated collective bargaining agreements;

3. the District or the school mail system is not used by the community, students, or staff for distribution of nonschool-related materials;

4. no materials from any profit-making organization are distributed

for students to take home to their parents;

5. flyers and notices from outside non-profit organizations may be made available for students to pick-up at the literature distribution rack/table by the school building's office, under the following circumstances:

   a. the flyer/notice publicizes a specific community activity or event that is age-appropriate for the students that attend the school;

   b. if the event or activity is religious in nature, the flyer may not contain a proselytizing message (i.e., promote the benefits of the specific religion);

   c. the organization submits the number of copies of the flyer that it wants placed in the literature distribution rack/table;

   d. the organization shows the building principal its 501(C)(3) or other proof of non-profit status, and the principal confirms that the flyer/notice does not overtly advocate or entice support for any religious organization;

   No student shall be required to take any of the flyers/notices placed in the literature/distribution rack/table, and the rack/table shall contain a clear notice that the Board does not support or endorse any of the organizations and/or activities/events identified in the flyers/notices.

6. the time, place, and manner of distribution of all nonschool-related materials is clearly established and communicated.

D. **Solicitation of Funds**

Any outside organization or staff member representing an outside organization desiring to solicit funds on school property must receive permission to do so from the Superintendent.

Permission to solicit funds will be granted only to those organizations or individuals who meet the permission criteria established in the District's administrative procedures. Solicitation must take place at such times and places and in such a manner as specified in the administrative procedures. In accordance with Board Policy 5830 - Student Fund-Raising, no District student may participate in the solicitation.

1. The Board disclaims all responsibility for the protection of, or accounting for, such funds.

2. Funds solicited at the school level shall be deposited in a trust account in the internal funds of the school(s) and a check will be issued to the organization. Funds that are solicited in District offices or facilities other than schools shall be deposited in the

general fund and a check will be issued to the organization.

3. A copy of this policy as well as the relevant administrative procedures shall be given to any individual granted permission to solicit funds on District property.

4. This policy does not apply to the raising of funds for District-sponsored or school-sponsored activities.

E. **Prizes/Scholarship**

The Board is appreciative of the generosity of organizations that offer scholarships or prizes to deserving students in this District. But, in accepting the offer of such scholarships or prizes, the Board directs that these procedures be observed:

1. No information either academic or personal shall be released from the student's record for the purpose of selecting a scholarship or prize winner without the permission of the student who is eighteen (18), or the parents of a student who is younger in accordance with Policy 8330 - Student Records.

2. The principal, together with a committee of staff members designated by the principal, may be involved in the selection of the recipient and, if agreeable to the sponsoring organization, the selection shall be left entirely to the principal and staff committee.

F.S. 1013.10

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9700.01 - ADVERTISING AND COMMERCIAL ACTIVITIES

The purpose of this policy is to provide guidelines for the appropriate and inappropriate use of advertising or promoting of commercial products or services to students and parents in the schools.

"Advertising" comes in many different categories and forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to arouse a desire to buy, use or patronize the product, equipment, or services. This includes the visible promotion of product logos for other than identification purposes. Brand names, trademarks, logos or tags for product or service identification purposes are not considered advertising.

The School Board may permit advertising in School District facilities or on School District property in the following categories or forums in accordance with the guidelines set forth herein:

A. **Product Sales:**

1. product sales benefiting a district, school or student activity (e.g., the sale of beverages or food within schools);
2. exclusive agreements between the District and businesses that provide the businesses with the exclusive right to sell or promote their products or services in the schools (e.g. pouring rights contracts with soda companies);
3. fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) to benefit a specific student population, club or activity where the school receives a share of the profits.

B. **Direct Advertising/Appropriation of Space:**

1. signage and billboards in schools and school facilities;
2. corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards);
3. ads, corporate logos, or brand names on book covers, student assignment books, or posters;
4. ads in school publications (newspapers and yearbooks and event programs);
5. media-based electronic advertising (e.g., Channel One or Internet or web-based sponsorship).

C. **Indirect Advertising:**

1. corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts;
2. the Board approves the use of instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature.

The films or material shall be carefully evaluated by the school principal for classroom use to determine whether the films or materials contain undesirable propaganda and are in compliance with the guidelines as set forth above.

It is further the policy of the Board that its name, students, staff members and District facilities shall not be used for any commercial advertising or otherwise promoting the interests of any commercial, political, nonprofit or other non-school agency or organization, public or private, without the approval of the Board or its designee.

Any commercial advertising shall be structured in accordance with the General Advertising Guidelines set forth below.

General Advertising Guidelines

The following guidelines shall be followed with respect to any form of advertising on school grounds:

A. When working together, schools and businesses must protect educational values. All commercial or corporate involvement should be consistent with the District's educational standards and goals.

B. Any advertising that may become a permanent or semi-permanent part of a school requires prior approval of the Board.

C. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

D. No advertisement shall promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic or illegal materials or activities, gambling, violence, hatred, sexual conduct or sexually explicit material, X or R rated movies, or gambling aids.

E. No advertisement shall promote any specific religion or religious, ethnic or racial group, political candidate or ballot issue and shall be non-proselytizing.

F. No advertisement may contain libelous material.

G. No advertisement may be approved which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school.

H. No advertisement shall be false, misleading or deceptive.

I. Each advertisement must be reviewed in advance for age appropriateness.

J. Advertisements may be rejected by the School District if determined to be inconsistent with the educational objectives of the School District, inappropriate, or inconsistent with the guidelines set forth in this policy.

K. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination on the basis of race, color, national origin, religion, sex, disability, or age, and must be age-appropriate.

L. Students shall not be required to advertise a product, service, company or industry.

M. Advertising will not be permitted on the outside or the inside of school buses.

N. The Superintendent or designee is responsible for screening all advertising.

O. The Superintendent may require that samples of advertising be made available for inspection.

P. The inclusion of advertisements in School District publications, in School District facilities, or on School District property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.

Q. Final discretion regarding whether to advertise and the content and value of the materials will be with the Board.

In addition to the guidelines set forth in this policy, the Superintendent shall prepare administrative guidelines addressing the Criteria for Commercial Messages and the process by which advertising shall be accomplished. (See AP 9700B.)

Accounting

Advertising revenues must be properly reported and accounted for.

F.S. 1013.10

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The School Board of Gadsden County

Bylaws & Policies

Unless a specific policy has been amended and the date of the policy was revised is noted at the bottom of that policy, the bylaws and policies of The School Board of Gadsden County were adopted on June 25, 2013, and were in effect beginning June 26, 2013.

9800 - CHARTER SCHOOLS

F.S. 1002.33 gives the School Board oversight responsibility for all charter schools situated within Gadsden County. The Board designates the Superintendent to receive and review all charter applications. The Superintendent shall recommend to the Board the approval or denial of each charter application and charter contract. The Board shall have final authority, by majority vote, to approve or deny any application and charter contract.

Approved charter schools are public schools and shall receive goods and services from the Board as required by law and/or specified through a contract with the Board.

If approved, the initial charter shall be for a term of four (4) or five (5) years. The Board may renew charters under the conditions and for terms as set forth in State law.

In addition, a charter school that satisfied the requirements set forth in State law for designation as a high-performing charter school may receive a modification of its term to fifteen (15) years or a fifteen year (15-year) charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

The Board shall enter into a charter with a charter operator and the focus is on three (3) areas of charter school operation: academic accountability, fiscal management, and governance. The Board, as sponsor, shall perform the duties provided in F.S. 1002.33.

The Board has the right to non-renew or terminate any charter if the charter school:

A. fails to participate in the State's education accountability system created in F.S. 1008.31, or fails to meet the requirement for student performance as specified in the charter;

B. fails to meet generally accepted standards of fiscal management;

C. violates the law;

D. materially breaches the charter, as described in State law; and/or

E. for other good cause shown.

Application Procedure

Potential applicants should send letters notifying the Board of their intent to submit an application to sponsor a public charter school not later than July 1st. Such correspondence should be directed to the office of the Superintendent.

Failing to send the letter of intent will in no way negatively impact a potential sponsor's application.

Applications for a public charter school will be accepted no later than 5:00 p.m. on the submission deadline of August 1st, or before. If the submission deadline falls on a non-business day, the deadline shall be postponed to 5:00 p.m. on the next business day. Applications may be mailed or hand delivered but receipt by the Board must be on or before the deadline.

The following pertains to the submission of an application:

A. An individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this State anticipating submission of an application are urged to contact the Pre-K through twelve (12) Director for assistance prior to completion of an application.

B. Charter school applicants must participate in training provided by the Florida Department of Education (FLDOE) before filing an application, unless they have participated in qualified training provided by the District.

C. The Board and/or any of its designees shall not take unlawful reprisal against another Board employee because that employee is either directly or indirectly involved with a charter school application.

D. Applicants must submit an application on the FLDOE's Model Florida Charter School Application template and forms.

E. The Board shall not charge any fees for processing or consideration of a charter school application. The Board's approval of a charter shall not be predicated on the promise of any future pay of any kind.

F. The applicant and Board may mutually agree, in writing, to extend the statutory timeline to consider the charter application. Such agreement shall detail the extension date or timeframe.

G. Charter schools shall not use or bear the name of an existing traditional public, charter, or private/parochial school in Gadsden County.

Applications shall be submitted to:

Superintendent of Schools

35 Martin Luther King Junior Boulevard

Quincy, Florida

The Board shall review all applications using an evaluation instrument developed by the FLDOE.

Application Contents

A. **State Application Form**

Applications must be submitted using the Model Charter School Application form developed and distributed by the FLDOE.

B. **Statement of Assurances**

Applicants are required to sign under the penalties of perjury the Statement of Assurances form contained within the Model Charter

School Application developed and distributed by the FLDOE, thereby attesting to the following:

1. The charter school will be nonsectarian in its programs, admission policies, employment practices, and operations.

2. The charter school will enroll any eligible student who submits a timely application, unless the school receives a greater number of applications than there are spaces for students, in which case students will be admitted through a random selection process.

3. The charter school will adhere to the antidiscrimination provisions of F.S. 1000.05.

4. The charter school will adhere to all applicable provisions of State and Federal law relating to the education of students with disabilities, including the Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.

5. The charter school will adhere to all applicable provisions of Federal law relating to students who are limited English proficient, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.

6. The charter school will participate in the Statewide assessment program created under F.S. 1008.22.

7. The charter school will comply with Florida statutes relating to public records and public meetings, including F.S. Chapter 119 and F.S. 286.011 which are applicable to applicants even prior to being granted a charter.

8. The charter school will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building and on school property.

9. The charter school will provide for an annual financial audit in accordance with F.S. 218.39.

C. Draft Charter

The application must include a draft of the proposed charter and all forms required by the FLDOE. The information contained in the proposed charter must be in substantially the same format as the Florida Model Charter Contract Format (Form IEPC-M3) prescribed by the FLDOE.

D. Proposed Contracts for Services

Applicants anticipating a request for District services (i.e., transportation, payroll services, use of facilities, etc.) must include a proposed contract for **each** service desired.

Application Evaluation Process

A. The District shall receive and review all applications using an evaluation instrument developed by the FLDOE.

B. The Board shall evaluate all timely applications as submitted. During the evaluation process, 1) applications cannot be amended and 2) missing documentation and unsolicited information will not be accepted or considered. However, as required by law, the Board shall allow the applicant, upon receipt of written notification, seven (7) calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to corrections of grammatical, typographical, and like errors or to add missing signatures, if such errors are identified as cause to deny the application.

C. The Board shall deny any application that does not comply with the statutory requirements and/or Board's instructions for charter school applications.

D. **Additional Information**

1. The Board may solicit information regarding 1) history and background of individual applicants and/or founding/governing boards and its individual members including, but not limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform professional services; and 2) the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and establishment of controls to ensure that the financial resources are properly managed must be included. This information may be used to evaluate the applicant's ability to operate a charter school.

2. The Board may solicit additional information during the review and evaluation of the charter school application such as whether the applicant currently operates charter schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a charter school.

3. The applicant may provide evidence of prior experience in establishing and operating public charter schools. Evidence of prior experience and success in establishing and operating charter schools shall be weighed in making a determination to recommend approval or denial of an application.

E. **Application Review Committee (ARC)**

The purpose of this committee is to identify deficiencies in the written application and/or areas that require clarification to fully evaluate the quality of the application or the capacity of the group to properly implement the proposed plan.

The ARC shall be comprised of members of the Superintendent's cabinet or their appropriate designees, school principals and other administrators from the following areas of expertise:

1. District/School Operations (chair);

2. Charter School Operations;

3. Curriculum and Instruction;

4. Education (school principal);

5. Facilities;

6. Financial Operations;

7. Human Resources;

8. Management and Compliance Audits (non-voting);

9. Special Education.

A majority of the entire membership constitutes a quorum for voting purposes. The chair shall be a non-voting member except in case of a tie vote.

Applicants shall be notified and given the opportunity to attend the review. The applicant will be encouraged to have at least one (1) governing board member present. The ARC may, at its sole discretion, evaluate the application without any additional input from the applicant if at least one (1) governing board member of the charter school is not available.

By majority vote, the ARC shall make a recommendation to the Superintendent to approve or deny each application.

All applications will be submitted to the Board by the Superintendent with a recommendation for approval or denial no later than sixty (60) calendar days after the application is received, unless the applicant and the Board mutually agree, in writing, to postpone the vote to a specific date, at which time the Board shall approve or deny the application.

An application submitted by a high-performing charter school that has satisfied the requirements set forth in State law for such designation may be denied by the Board only if the Superintendent demonstrates by clear and convincing evidence that the application failed to meet one (1) or more of the criteria set forth in F.S. 1002.33(6)(b)(3)(b):

1. The application does not materially comply with the requirements set forth in F.S. 1002.33(3)(a).

2. The charter school proposed in the application does not materially comply with the requirements in F.S. 1002.33(9).

3. The proposed charter school's educational program does not substantially replicate that of the applicant's high-performing charter school.

4. The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process.

5. The proposed charter school's educational program and financial management practices do not materially comply with the requirements of F.S. 1002.33.

If the Board denies an application submitted by a high-performing charter school, the specific reasons, based upon the criteria set forth in F.S. 1002.33(3)(b), for the denial shall be provided in writing to the applicant and the FLDOE within ten (10) calendar days after such denial.

Appeal of a Decision to Deny an Application

Pursuant to State law, an applicant may, no later thirty (30) calendar days after receiving the Board's final order denying an application or upon the Board's failure to act on an application, appeal the Board's decision to the State Board of Education. The application shall notify the Board of the appeal.

Such appeals shall be conducted in accordance with F.S. 1002.33(6) and applicable State Board rules.

In accordance with State Board rule, the State Board of Education shall by majority vote accept or reject the decision of the Board no later than ninety (90) calendar days after the appeal is filed. The State Board of Education shall remand the application to the Board with its written decision that the Board approve or deny the application. The Board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act.

If the Board denies an application submitted by a high-performing charter school, the Board shall, within ten (10) calendar days after such denial, state in writing the specific reasons, based upon the criteria of F.S. 1002.33 supporting its denial of the application and must provide the letter of denial and supporting documentation to the applicant and to the Department. The applicant may appeal the Board's denial of the application directly to the State Board of Education pursuant to F.S. 1002.33.

Appeal of a Proposed Termination or Nonrenewal of a Charter

At least ninety (90) days prior to renewing or terminating a charter, the Board shall notify the charter school's governing board in writing of its proposed action. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the charter school's governing board may, within fourteen (14) calendar days after receiving the notice, request a hearing. The hearing shall be conducted by the Board within sixty (60) days after the request for a hearing. The hearing shall be conducted in

accordance with F.S. 120.569 and 120.57. The Board shall decide the matter by majority vote. The outcome of the Board's vote shall be issued as a final order, and recorded as such.

The final order shall state the specific reasons for the Board's action and shall be provided to the charter school's governing board and the FLDOE no later than ten (10) calendar days after it is issued. The charter school's governing board may, within thirty (30) calendar days after receiving the Board's final order, appeal the decision pursuant to F.S. 120.68.

A charter may be terminated immediately if the Board sets forth in writing the particular facts and circumstances indicating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists. The Board's determination is subject to the procedures set forth in F.S. 1002.33(8)(b) and (c), except that the hearing may take place after the charter has been terminated. The Board shall notify in writing the charter school's governing board, the charter school principal, and FLDOE if a charter is terminated immediately. The Board shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination when appropriate. Upon receiving written notice from the board, the charter school's governing board has ten (10) calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within sixty (60) days after the date of request. The Board shall assume operation of the charter school throughout the pendency of the hearing unless the continued operation of the charter school would material threaten the health, safety, or welfare of the students.

Charter Contract and Contract Negotiation Process

A standard charter contract shall be consistent with this policy and approved by the Contract Review Committee to be used as the basis for all charters approved under this policy. All contracts and contract amendments, as approved by the CRC, must be presented to the Board for approval. The charter contract must contain all information set forth in the Florida Model Charter Contract Format (Form IEPC-M3) prescribed by the FLDOE.

A. **Initial Charter Contract**

1. Initial contract shall be for a term of four (4) or five (5) years unless a longer term is specifically required by law.

2. Before a recommendation regarding whether or not the Board should approve an initial contract, evidence of the following shall be provided:

   a. Evidence of a proper legal structure (e.g., articles of incorporation, bylaws, municipal charter). The applicant shall be a not for profit organized pursuant to F.S. Chapter 617.

   b. Except for virtual charter schools, actual locations and evidence that a facility has been secured for the term of the charter, or a deadline for submitting evidence that a facility has been secured. Evidence should include, but is not limited to:

      1) letter of intent from the landlord or mortgagee indicating property usage and term of occupancy;

      2) executed lease or certification of occupancy; and/or

      3) use or occupational license indicating proper use.

      All facilities must meet the requirements set forth in F.S.

1002.33.

B. **Charter Contract Negotiations**

The Board shall have sixty (60) days to provide an initial proposed charter contract to the charter school. The applicant and the Board shall have seventy-five (75) days thereafter to negotiate and notice the charter contract for final approval by the Board unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least seven (7) calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the Board. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commission of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Florida Division of Administrative Hearings. The administrative law judge may rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred to be paid by the losing party. The costs of the administrative hearing shall be paid by the party against whom the administrative law judge rules.

C. **Request to Extend Negotiations/School Opening**

1. The applicant and Board may mutually agree to extend the statutory timeline to negotiate and consider approval of the charter contract for a period not to exceed one (1) year from the approved opening date in the charter school application. Requests shall be submitted to Charter School Operations, in writing, by an authorized agent of the charter school, detailing the reason for the requested extension.

2. In the event that the statutory timeline to negotiate and enter into a charter contract is extended, the applicant shall update its charter school application prior to resuming negotiations with regard to: (1) updated budget; and (2) applicable application revisions necessitated by the delay.

3. The application shall be automatically rescinded, without further action by the Board, if the applicant does not enter into contract negotiations or open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.

4. Unless extended pursuant to this policy, an approved applicant shall open its charter school at the beginning of the Board’s next school year following the approval of the charter school application. At the written request of the applicant and at the Board’s sole discretion, the Board may allow an applicant with

an approved charter school application to defer the opening of its charter school for one (1) school year following the opening date specified in the approved approval of its charter school application. In the event that the opening of the approved applicant's charter school is deferred, the applicant shall update its charter school application prior to the opening of the charter school with regard to: (1) updated budget; and (2) applicable application revisions.

5. An approved contract shall be automatically revoked, without further action by the Board, if the applicant does not open the school:

   a. on the first day of school of the initial school year indicated in the contract; or

   b. on the first day of the school year indicated in the approved deferral.

D. **Charter Contract Amendments/Modifications**

1. A charter may be modified during its initial term or any renewal term upon the recommendation of the Board or the charter school's governing board and the approval of both parties to the agreement. All modifications must be mutual and in writing. Unilateral modification made by the charter school is grounds for termination or non-renewal.

2. Modifications may be considered by the Board for a number of reasons, which may include, but is not limited to, protect the health, safety, or welfare of the students.

3. All contract amendment requests shall be submitted in writing to Charter School Operations by an authorized agent of the charter school. Additional information or documentation may be requested for consideration of any amendment requests.

4. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).

5. Requirements for Amendment Requests

   a. **Education Program Amendments**

      Significant changes in the curriculum or changes in grade levels constitute a change in the educational program and shall require an amendment that is mutually acceptable and approved by both parties. Requests for such amendments shall include the following information and supporting documentation:

1) justification for change

2) effective date of the change

3) evidence that financial implications, feasibility, and student access issues have been addressed, including provisions for all required resources, staff, and materials

4) evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall notify the sponsor of any increase in enrollment by March 1st of the school year preceding the increase. The written notice shall specify the grade levels that will be added.

b. **Location Amendments**

1) Changes in locations or addition of location (i.e., relocation, secondary campus, satellite locations) shall include the following information and supporting documentation:

(a) description of location, including identification as permanent or temporary

If the relocation will be temporary, the request shall include the period of time during which the school will be at the temporary location.

(b) effective date of the relocation

(c) evidence that financial implications, feasibility, and student access issues have been addressed

(d) evidence of parental support for the new facility

(e) evidence of the school's property interest in the facility (owner or lessee)

(f) a disclosure affidavit in accordance with F.S. 286.23, if the school leases the facility

2) Nothing in this policy or State law obligates the Board to agree to an increase the number of facilities, campuses, and/or locations associated

with a charter school's operations.

3) The charter school shall not change or add facilities or locations at any time during the term of the charter contract without prior approval of the Board through the contract amendment process. Violation of this provision constitutes a unilateral amendment or modification of this contract and good cause for termination.

4) If the request for a location amendment involves a facility in which other schools are operating, the names of the school(s), the grade levels, number of classrooms, number of students in each class, and the number of students enrolled in each school shall be included in the request, in addition to the information and documentation described in paragraphs a and b above.

5) No later than thirty (30) days prior to the opening of schools or the initial use of the facility by the school, the school shall have an approved contract and evidence of all necessary permits, licenses, zoning, use approval, facility certification and other approvals required for use of the facility by the local government.

c. **Enrollment Capacity Amendments**

Changes to enrollment capacity shall include the following information and supporting documentation:

1) justification for change

2) effective date of the change

3) evidence of proper facility approvals and/or allowable facility capacity

4) evidence that financial implications, feasibility, and student access issues have been addressed

5) evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall be required to notify the Board in writing by March 1st of its intent to increase enrollment the following school year. The written notice shall specify the amount of the enrollment increase.

6. When a contract is amended or renewed, it shall be updated to

comply with this policy and the current standard charter contract.

Pre-Opening Requirements

No later than thirty (30) days prior to the initial use of the facility by the school, the school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply may result in automatic rescission of the contract, with no further action by the Board.

School Governance/Management

A. Charter schools shall organize or be operated by a not for profit organized pursuant to F.S. Chapter 617, a municipality, or another public entity, as provided by law.

B. **Charter School's Governing Board Requirements**

1. The charter school's governing board shall be solely responsible for the operation of the charter school which includes, but is not limited to, school operational policies; academic accountability; and financial accountability.

As required by State law, each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. Furthermore, this representative must reside in the District in which the charter school is located. The individual serving as the parental involvement representative may be a governing board member, charter school employee, or an individual with whom the charter school contracts to represent the board in this capacity. If the governing board oversees more than one charter school in the District, a representative to facilitate parental involvement shall be appointed for each school. The name and contact information for the representative must be provided in writing to parents of children enrolled in the charter school at least annually and must also be prominently posted on the charter school's website.

The charter school's governing board shall hold at least two (2) public meetings per school year in the District. The meetings must be noticed, open, and accessible to the public and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative to facilitate parental involvement and the principal or director or his/her equivalent must be physically present at each meeting.

2. Governing board members must:

a. notify the Board of changes in membership within forty-eight (48) hours of change; and

b. successfully fulfill a background check by the Board, as specified by law upon appointment to the governing board.

Individual governing board members shall be responsible for the cost of each individual governing board members required background screening.

3. Governing board members must develop and approve by-laws that govern the operations of the board and the charter school prior to execution of the charter contract and annually consult with charter school staff to refine overall policy decision-making of the charter school as it regarding curriculum, financial management, and internal controls.

4. Governing board members must not be an employee of the charter school or receive compensation, directly or indirectly, from the charter school's operations, including but not limited to: grant funds; lease/mortgage payments; or contracted service fees.

5. Governing board members must participate in FLDOE sponsored charter school governance training to ensure that each board member is aware of his/her duties and responsibilities, pursuant to State Board Rule F.A.C. 6A-6.0784:

   a. Each governing board member must complete a minimum of four (4) hours of instruction focusing on Government in the Sunshine, conflicts of interest, ethics, and financial responsibility as specified in F.S. 1002.33(9)(k). After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period after that to complete a two (2) hour refresher training on the four (4) topics above in order to retain his/her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.

   b. New members joining a charter school board must complete the four (4) hour training with ninety (90) days of appointment to the board.

6. Dispute Procedures (Board versus Charter School Governing Board)

   Application, nonrenewal, and termination decisions are not subject to this dispute resolution process and must follow the procedures in F.S. 1002.33, Board policy, and the charter contract. Nothing contained herein shall operate to limit a charter school's rights to utilize the dispute resolution procedures set forth in F.S. 1002.33.

   a. The Board and the charter school agree that the existence and the details of a dispute notwithstanding, both parties shall continue without delay their performance under the charter contract, except for any performance, which may be directly affected by such dispute.

b. Either party shall notify the other party that a dispute exists between them. The notification shall be in writing and shall identify the article and section of the contract that is in dispute and the grounds for the position that such article and section is in dispute. The matter shall be immediately submitted to the Board and the charter school's director for further consideration and discussion to attempt to resolve the dispute.

c. Should the representatives named in paragraph b above be unable to resolve the dispute within ten (10) days of receipt of written notification by one to the other of the existence of such dispute, then the matter may be submitted by either party to the Superintendent and to the school's governing board chair for further consideration and discussion to attempt to resolve the dispute.

d. Should the parties still be unable to resolve their dispute within thirty (30) days of the date of receipt of written notification by one to the other of the existence of such dispute, then either party may proceed with utilizing the dispute resolution procedures set forth in F.S. 1002.33.

7. Conflict Resolution (Charter School versus Parents/Legal Guardians, Employees, and Vendors)

a. All conflicts between the charter school and the parents/legal guardians of the students enrolled at the charter school shall be handled by the charter school or its governing board. The procedures for handling such conflicts must be set forth in the charter contract.

b. Evidence of each parent's acknowledgement of the charter school's Parent Conflict Resolution Process shall be available for review upon request by the Board.

c. All conflicts between the charter school and the employees of the charter school shall be handled by the charter school or its governing board.

d. All conflicts between the charter school and vendors of the charter school shall be handled by the charter school or its governing board.

e. The Board shall be provided with the name and contact information of the parties involved in the charter school's conflict resolution process. The Board shall be notified immediately of any change in the contact information.

C. **Management Companies**

1. If a management company or a combination of contracted professionals will be managing the charter school, the contract(s) between the charter school and company(ies) shall be submitted

to the Board for review prior to the approval of the charter school's contract. If a decision to hire any of these entities occurs subsequent to the execution of the charter contract or amendment, the contract(s) between the charter school and company(ies) shall be submitted to the Board at least ten (10) days before any payment is made to any of the entities.

2. Any proposed amendments to the contract with the management company shall be submitted to the Board for approval prior to execution of that amended contract with the management company by the charter school. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.

3. All management company contracts with the charter school must make it clear that the charter governing body shall retain and exercise continuing oversight over all charter school operations and must contain provisions specifying the ability for the charter school to terminate the contract and must comply with terms as stated in the charter contract between the charter school and the Board. Any default or breach of the terms of the charter contract by the management company(ies) shall constitute a default or breach of the charter contract by the charter school.

4. Neither employees of the management company nor "relatives" of the management company's employees as defined in F.S. 1002.33 shall serve on the charter school's governing board or serve as officers of the Corporation.

Employees of Charter Schools

A charter school shall employ or contract with employees who have undergone background screening as provided in F.S. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in F.S. 1012.32 upon appointment to the governing board.

A charter school shall disqualify instructional personnel and school administrators, as defined in F.S. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under F.S. 1012.315.

Charter school personnel may not appoint, employ, promote, or advance any relative, or advocate for appointment, employment, promotion, or advancement of any relative to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member. For purposes of this policy, the definition of relative shall be as it is defined in F.S. 1002.33(24)(a)(2).

Full disclosure of the identity of all relatives employed by the charter school shall be in accordance with F.S. 1002.33.

The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

The policies must require all instructional personnel and school administrators, as defined in F.S. 1012.01, to complete training on the standards of ethical conduct; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under F.S. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in

another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer(s), screen the instructional personnel or school administrators through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

The Board shall terminate a sponsor's charter if the sponsor knowingly fails to comply with F.S. 1002.33(12)(g).

School Operations

A. The Board shall not impose any policies or practices to limit charter school enrollment except as may be permitted in accordance with State law.

B. The Board may document, in writing, any discrepancies or deficiencies--whether fiscal, educational, or related to school climate--and the steps and timelines for correction and additional monitoring. At a minimum, copies will be provided to the charter school’s governing board chair, charter school principal and appropriate Board staff.

C. The charter school shall obtain the appropriate facility capacity approvals from the jurisdictional authority where the facility is located (i.e., county, municipality, or both). The Board, at its discretion, may accept a letter from the architect of record specifying the capacity if the capacity is not provided by the facility’s jurisdictional authority. The Board may withhold monthly payments for FTE that exceed capacity specified by the charter contract or approved facility capacity.

D. The charter school’s calendar will be consistent with the beginning of the Board’s calendar for the first school year and must provide instruction for the minimum number of days and minutes required by law for other public schools. Should the charter school elect to provide a summer program or year-round school, the charter school shall notify the Board, in writing, each year to ensure appropriate record keeping.

E. **Student Code of Conduct, Student Handbooks, and Parent Contracts**

1. Only the Board may expel a student.

2. The charter school may follow the Board’s Student Code of Conduct or an alternate code of conduct approved by the Board. The charter school shall provide the Board with a copy of an approved alternate student code of conduct annually. Any amendments must be approved by the Board prior to implementation. Evidence of governing board approval is required for amendments.

3. Any student/parent handbooks and parent contracts shall also be submitted to the Board for approval prior to implementation. Any amendments must be approved by the Board, prior to implementation. Evidence of governing board approval is required for amendments.

4. The charter school may be required to provide proof of parent/guardian's receipt of student code of conduct, handbook, or parent contract.

5. Violations of parent contracts shall not result in involuntary withdrawal of a student in the same school year of the violations. Violations of the parent contract may result in the student not being re-enrolled or loss of enrollment preference for the following school year.

F. **Charter School Student Transfers**

The process for student transfers can be found in Policy 5131.

G. **Food Service and Transportation**

Transportation and food services are the responsibility of the charter school. These services must be provided according to District, State, and Federal laws, rules, and regulations.

H. **Facility Leases**

1. If a charter school will be leasing or subleasing a facility, the contract(s) between the charter school and landlord or sub-lessor shall be submitted to the Board for review and approval.

2. Any amendments to the lease shall be submitted to the Board for review prior to execution, by the charter school.

3. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.

4. Any default or breach of the terms of the charter contract by the lessor/sub-lessor may constitute a default or breach of the charter contract by the charter school.

I. **Academic Accountability**

1. The Superintendent or designee shall have ongoing responsibility for monitoring all approved charter schools with regard to the charter school's progress towards achieving the goals established in the charter. The Superintendent shall have access to the charter school at all times.

2. The Board shall monitor adherence to the educational and related programs as specified in the approved application, charter, curriculum, instructional methods, any distinctive instructional techniques to be used, reading programs and

specialized instruction for students who are reading below grade level, compliance with State standards, assessment accountability, and achievement of long- and short-term goals. An analysis comparing the charter school's standardized test scores to those of similar student populations attending other public schools in the District will also be conducted.

a. In the event a charter school earns a grade of "D" or "F" in the grading system set forth in State law, the director and a representative of the governing board of the charter school shall appear before the Board to present information concerning each contract component having noted deficiencies and shall prepare and submit to the Board for approval a proposed School Improvement Plan to raise student achievement. The proposed School Improvement Plan must meet the requirements set forth in State law. The charter school shall implement the proposed School Improvement Plan once approved by the Board.

b. If a charter school earns three (3) consecutive grades of "D", two (2) consecutive grades of "D" followed by a grade of "F", or two (2) nonconsecutive grades of "F" within a three (3) year period, the charter school governing board shall take corrective action as set forth in F.S. 1002.33. The corrective action must be implemented in the school year following receipt of a third consecutive grade of "D", a grade of "F" following two (2) consecutive grades of "D", or a second nonconsecutive grade of "F" within a three (3) year period. If the charter school does not improve by at least one (1) letter grade after two (2) full school years of implementing the corrective action, the charter school must select and implement a different corrective action in accordance with F.S. 1002.33. If the charter school does improve by at least one (1) letter grade, it is no longer required to implement the corrective action; however, the charter school must continue to implement strategies identified in the School Improvement Plan.

c. Upon publication by the FLDOE of the list of charter schools that meet the criteria set forth in paragraphs I.2.a. and b. above, the Board shall notify, in writing, each charter school in the District that appears on the list that it is required to submit a School Improvement Plan and to appear before the Board. Pursuant to State Board rule, such notification may be delivered electronically, provided there is proof of receipt.

The notification shall include the following:

1) The date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school governing board shall appear before the Board. For purposes of this requirement, "director" shall mean charter school director, principal, chief executive officer, or other

management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after the Board's notification is received by the charter school.

2) The date by which the charter school must submit its proposed School Improvement Plan to the Board for review by staff, which shall be no earlier than thirty (30) calendar

3) Whether the charter school is required to select a corrective action.

d. The Board shall notify the charter school, in writing, within ten (10) calendar days of its decision to approve or deny the School Improvement Plan.

1) The Board may deny a School Improvement Plan if it does not meet the requirements of State law. If denied, the Board shall provide the charter school, in writing, the specific reasons for denial and the timeline for its resubmission.

2) Either the charter school or the Board may request mediation pursuant to State law if the parties cannot agree on a School Improvement Plan.

e. As required by State law, the Board will review the School Improvement Plan annually to monitor the charter school's continued improvement.

1) The director and a representative of the governing board of the charter school shall appear before the Board at least once per year to present information regarding the progress of intervention and support strategies implemented by the charter school pursuant to the School Improvement Plan and, if applicable, to review the corrective actions taken pursuant to I.2.c above.

2) At the meeting, the Board will identify the services that the District will provide to the charter school to assist the charter school in addressing its deficiencies, and following the meeting, these services will be communicated, in writing, to the director.

3) A charter school that improves at least one (1) letter grade is not required to submit a new School Improvement Plan but must continue to implement the strategies identified in the approved School Improvement Plan and continue to report annually to the Board. The Board shall notify, in writing,

each charter school implementing a School Improvement Plan of the requirement to appear before the Board to present information regarding the progress of the approved School Improvement Plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.

f. The Board shall terminate the charter if the charter school earns two (2) consecutive grades of "F", unless one of the exceptions set forth in State law is applicable.

g. The laws applicable to School Improvement Plans and corrective actions do not limit the Board's authority to terminate the charter at any time in accordance with State law.

3. The charter school shall make annual progress reports to the Board.

4. Exceptional Student Education (ESE)

a. The Board is the Local Educational Agency (LEA) for all Board-approved charter schools and will serve ESE students in the same manner as students attending other public schools in the District. ESE students attending Board-approved charter schools shall be provided supplementary and related services on site at the charter school to the same extent to which the Board has a policy or practice of providing such services on site to its other public schools. The Board shall provide funds under Part B of the IDEIA to Board-approved charter schools on the same basis as the School District provides funds to the Board's other public schools.

b. ESE students will be educated in the least restrictive environment. The charter school shall ensure that ESE students are provided with programs and services implemented in accordance with Federal, State, and local policies and procedures and specifically the IDEIA (formerly IDEA), Section 504 of the Rehabilitation Act of 1973, and other related statutes and State Board of Education rules. If an IEP team determines that the charter school cannot meet the needs of an ESE student, the charter school and the Board agree to provide the ESE student with the appropriate placement as determined by the IEP team in accordance with State and Federal law.

c. The Board shall provide ESE administration services to charter schools which shall be set forth in more detail in the charter.

d. With respect to the provisions of special education and related services:

1) The Board shall be responsible for conducting initial evaluations of students referred for potential special education and gifted placement in accordance with Federal and State statutes.

2) The charter school shall deliver all educational and related services indicated on a student's IEP, Section 504 Plan, or EP. The Board may provide related services through a separate contract between the charter school and the Board. The charter school shall also be responsible for all reevaluations.

3) The Board shall appoint an "ESE Staffing Specialist" who may, at the Board's discretion, attend all IEP meetings and meetings related to the provision of special education and related services to charter school students. The charter school must provide notice to the ESE Staffing Specialist of all such meetings. The ESE Staffing Specialist shall serve as the LEA representative at all meetings.

4) The charter shall further set forth the specific roles and responsibilities of the charter school and the Board with respect to exceptional student education.

e. Non-compliance may result in the Board's withholding of subsequent payments to the charter school without penalty of interest (including State capital payments), and may result in non-renewal or termination for good cause.

5. English Language Learners (ELL) -- Students who are of limited proficiency in English will be served by ESOL certified personnel. The charter school shall demonstrate an understanding of State and Federal requirements regarding the education of English language learners, be committed to serving the full range of needs of ELL students, create and implement sound plans for educating ELL students that reflect the full range of programs and services required to provide all students with a high quality education, and demonstrate capacity to meet the school's obligations under State and Federal law regarding the education of ELL students.

6. The Board may, in accordance with State law, require all charter schools to submit to the Board a school improvement plan to ensure a plan to maintain or raise student academic achievement within the timelines specified by the Board and the FLDOE.

L. **Financial Accountability**

1. In order to provide comparable financial information to that reported for other public schools, charter schools shall maintain all financial records in accordance with the accounts and codes

prescribed in the most recent issuance of the publication titled, *Financial and Program Cost Accounting and Reporting for Florida Schools*. Charter school governing boards shall also annually adopt and maintain an operating budget as required by F.S. 1002.33(9)(h). Charter schools shall provide annual financial reports and program cost report information by the deadlines specified in the charter contract, in the State-required formats for inclusion in the Board's reporting in compliance with F.S. 1011.60(1) and 1002.33(9)(g). The financial statements are to be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting, regardless of corporate structure F.S. 1002.33(9)(g). The annual financial audit must be in the State-required format.

At the discretion of the charter school's governing board, a charter school may elect to follow generally accepted accounting standards for not-for-profit organizations, but must reformat this information for reporting according to the requirement set forth in the paragraph above.

High-performing charter schools are required to submit financial statements in accordance with and within the timeframes stated in F.S. 1002.33.

2. First year charter schools may be required to provide the Board any of the following, which may be in addition to information otherwise required by law:

   a. A sensitivity analysis and financial plan based on enrollment of fifty percent (50%), seventy-five percent (75%), and 100% of projected capacity.

   b. Cash flow projections for the first year, displayed by month, and a plan to fund any cash flow shortfalls, updated monthly.

   c. Contingency plans to replace any loss of State funds for both operation and capital expenditures.

   d. Within forty-five (45) days of month end, reconciliations of all bank accounts, which must include a copy of the entire bank statement of each account, must be attached to the bank reconciliation.

3. Title I: A charter school that is eligible to receive Title I funds shall submit an approved Title I Schoolwide Plan within three (3) months of becoming a designated Title I school. Failure to submit an approved plan will result in withholding of Title I funds.

4. Financial Policies: The charter school shall establish and implement accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. The charter school shall provide a copy of these policies to the Board annually.

5. Payments to charter schools by Board

   a. The Board shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special State and Federal funding for which they may be eligible. The Board may distribute funds to a charter school for up to three (3) months based on the projected full-time equivalent student membership of the charter school. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payment shall be issued no later than ten (10) working days after the Board receives a distribution of State or Federal funds.

   b. Capital Outlay Payments – The Board shall make payments to the school upon receipt of all required supporting documentation as referenced in section 8.h. – Capital Outlay Payment Process.

   c. Miscellaneous Payments – The Board shall make timely miscellaneous payments to the charter school upon receipt of funding from FLDOE for various programs including Title I and MAP. The Board's payment is subject to the charter school's fulfillment of its responsibilities under the applicable State and Federal laws.

   d. Conditions for Non-payment – The Board may withhold payment, without penalty of interest, for violation of law or as specified in the charter school contractual agreement. This includes, but is not limited to: failure to comply with financial requirements, failure to provide proper banking wiring instructions, exceeding contracted enrollment capacity or allowable facility capacity, insufficient instructional minutes and/or days, inappropriate facility licenses, approvals and/or permits, and failure to obtain successful background clearance for potential employees, contractors, and/or governing board members.

6. Financial Reports: As specified by the Charter School Benchmarks, the charter school shall provide to the Board all required financial statements including a Balance Sheet and a Statement of Revenues, Expenditures and Changes in Fund Balances. These reports must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting. A high-performing charter school that has satisfied the requirements set forth in State law for such designation may provide quarterly financial statements.

7. Annual Financial Statements

   a. Unaudited June 30th year-end financial statements shall be submitted to the Board within the timelines specified by

the charter contract. These financial statements must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting.

b. Annual Financial Audit - The charter school agrees to submit to and pay for an annual financial audit, in compliance with Federal, State and Board regulations, showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public accountant or auditor selected by the governing board of the charter school, and shall be delivered to the Board in compliance with the charter contract. If the charter school's audit reveals a deficit financial position, the auditors are required to notify the charter school's governing board, the Board and the Florida Department of Education in the manner defined in the charter contract. No later than May 1st of each year, the charter school must formally notify the Board of the name, address, and phone number of the auditor engaged to perform the year-end audit.

1) Selection Procedures -- Charter schools shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit pursuant to the processes described in F.S. 218.39 and 218.391, which includes, but is not limited to: the establishment of an audit committee and request for proposal (RFP) for audit services, public advertisement of RFP, and development of evaluation and selection criteria.

2) Requirements -- Pursuant to F.S. 218.391, the procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

(a) a provision specifying the services to be provided and fees or other compensation for such services

(b) a provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract

(c) a provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed

c. Failure to comply with the timely submission of all financial statements in the required format specified by the Board, shall constitute a material breach of the charter contract and may result in the Board's withholding of subsequent payments to the charter school without penalty of interest, (including state capital payments), and may result in non-renewal or termination for good cause.

8. Capital Outlay Funding

Pursuant to F.S. 1013.62(4), the application for, approval of, and process for documenting expenditures from charter school capital outlay funds shall be in accordance with the procedures specified by the Commissioner of Education.

Before receiving capital outlay funds the charter school governing board must enter into a written agreement with the Board. Such agreement must provide for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board, as provided for in F.S. 1013.62(3), if the charter school terminates operations. Any funds recovered by the State shall be deposited in the General Revenue Fund.

As required by State law, the Board shall remit capital outlay funds to a charter school within ten (10) business days of the receipt of said funds.

9. Review and Audit

a. The Board has the right at any time to review and audit all financial records of the charter school to ensure fiscal accountability and sound financial management pursuant to F.S. 1002.33. The charter school shall provide the Board with a copy of the management letter from any audits as well as any responses to the auditor's findings with a corrective plan that shall be prepared and submitted within thirty (30) days from the date of the management letter.

b. Deteriorating Financial Condition and Financial Emergencies (F.S. 1002.345)

1) Deteriorating Financial Condition – "Deteriorating financial condition" means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in F.S. 218.503(1).

a) A charter school shall be subject to an expedited review by the Board upon the occurrence of any of the conditions specified in F.S. 1002.345(1)(a)(1)-(4).

b) The Board shall notify the governing board within seven (7) business days after one or more of the conditions set forth in F.S. 1002.345(1)(a)(1)-(4) are identified or occur.

c) The governing board and the Board shall develop a corrective action plan and file the plan with the Commissioner of Education within thirty (30) business days after notification is received as provided in paragraph 9(b)(1)(b) herein. If the governing board and the Board are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement such plan.

d) Failure to implement the corrective action plan within one (1) year shall result in additional action prescribed by the State Board of Education, including the appearance of the chair of the governing board before the State Board of Education.

2) Financial Emergency – If a financial audit conducted by a CPA in accordance with F.S. 218.39 reveals that one (1) or more of the conditions in F.S. 218.503(1) have occurred or will occur if action is not taken to assist the charter school, the auditor shall notify the governing board of the charter school, as appropriate, the Board, and the Commissioner of Education within seven (7) business days after the finding is made. If the charter school is found to be in a state of financial emergency pursuant to F.S. 218.503(4), the charter school shall file a financial recovery plan pursuant to F.S. 218.503 with the Board and the Commissioner of Education within thirty (30) days after being notified by the Commissioner of Education that a financial recovery plan is needed.

3) Annual progress of the corrective action plans and/or financial recovery plans shall be included in an annual progress report to the Board.

4) The Board may require periodic appearances of governing board members and charter school representative.

c. A Financial Recovery Plan Staff Group (FRSG) shall be appointed by the Board and convened to review and monitor financial statements, corrective action plans and financial recovery plan(s) submitted by the charter school(s). The FRSG shall report progress and when

applicable, make recommendations to the Chief Auditor. At least one (1) representative of the charter school must be available to answer questions.

1) The FRSG shall be comprised of staff members from Financial Operations, Charter School Operations, and, when appropriate, the Office of Management and Compliance Audits.

2) The Chief Auditor will present the FRSG's recommendation to the Board's independent Audit Committee for review and recommendation to the Board.

3) Inability to cure a deteriorating financial condition and/or status of financial emergency may result in termination of the charter school contract.

10. Grants

a. If the Board is required to be the fiscal agent for a grant, the charter school shall comply with the Board's grant procedures as indicated in the charter contract.

b. The Board shall receive written approval from the charter school to include the charter school in a District-wide grant. The appropriate pro-rata share of grants will be allocated to the charter school, as defined by the grant awarded.

c. The charter school is required to maintain adequate records to support grant-funded programs for the minimum years prescribed by the law. The Board may review these records, upon reasonable notice.

11. Health, Safety and Welfare of Staff and Students

Carefully planned and executed fire exit drills shall be conducted at the beginning of each semester, at times designated by the principal, following instruction of all classes regarding exits to be used in case of fire. At least one (1) fire exit drill shall be conducted every month school is in session. Any emergency evacuation drill (e.g., "crisis event"), completely performed, may be substituted for a required fire exit drill in a given month. All drills and all deficiencies affecting egress shall be documented in writing.

Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year. Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the fire official appointed by the Board, fire-safety inspections of each educational and ancillary plant located on property owned or leased by the charter school's governing board, or other educational facilities operated by the charter school's governing board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

A copy of the fire safety inspection report shall be submitted to the Board and the county, municipality, or independent special fire control district providing fire protection services to the school facility within ten (10) business days after the date of the inspection, in accordance with Florida statute.

Alternate schedules for delivery of reports may be agreed upon between the charter school's governing board, the Board, and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered to the Board and to the county, municipality, or independent special fire control district providing fire protection services immediately.

Interpretation

If a court or agency of competent jurisdiction invalidates any provision of this policy or finds a specific provision to be in conflict with the Florida Constitution, Florida statutes, the Florida Administrative Code, or any rule or policy prescribed by FLDOE, then all of the remaining provisions of this policy shall continue unabated and in full force and effect.

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the charter contract provision prevails. Any charter approved after the adoption of this policy is required to be fully consistent with this policy.

F.S. 39.203, Chapter 120, 218.39, 218.391, 218.503, 286.23, 768.095
F.S. 1001.10(5), 1001.41, 1002.33, 1002.345, 1008.31, 1008.34
F.S. 1011.60, 1012.01, 1012.315, 1012.32, 1013.12
Chapter 96-186(1) Laws of Florida
F.A.C. 6A-1.0081, 6A-1.099827, 6A-2.0020, 6A-6.0781 through 6A-6.0788
FLDOE Forms IEPC-M1, IEPC-M2, IEPC-M3

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