

# **Bylaws & Policies**

## **The School Board of Pinellas County**

**Adopted December 9, 2009**

**Amended October 23, 2012**

## ADOPTION RESOLUTION

RESOLVED, that the bylaws and policies printed and codified in the comprehensive document entitled "Bylaws and Policies of the School Board of Pinellas County" are hereby adopted and that all bylaws and policies heretofore adopted by the School Board of Pinellas County are hereby rescinded, further be it

RESOLVED, that in the event any policy, part of a policy or section of the bylaws is judged to be inconsistent with law, inoperative by a court of competent jurisdiction or is invalidated by a policy or contract duly adopted by this Board, the remaining bylaws, policies and parts of policies shall remain in full effect.

Take notice that the foregoing resolution was adopted by the School Board of Pinellas County at a public meeting held at, Pinellas, Florida on, December 8, 2009.

# **TABLE OF CONTENTS**

**CHAPTER 0000 – BYLAWS**

**CHAPTER 1000 – ADMINISTRATION**

**CHAPTER 2000 – PROGRAM**

**CHAPTER 3000 – INSTRUCTIONAL STAFF**

**CHAPTER 4000 – SUPPORT STAFF**

**CHAPTER 5000 – STUDENTS**

**CHAPTER 6000 – FINANCES**

**CHAPTER 7000 – PROPERTY**

**CHAPTER 8000 – OPERATIONS**

**CHAPTER 9000 – COMMUNITY RELATIONS**

**0000 BYLAWS****0100 Definitions****0110 Identification**

- 0111 Name
- 0112 Geographical District
- 0113 Address
- 0114 Seal
- 0115 Agency Clerk
- 0118 Purpose of the Board

**0120 Powers, Boardmanship, and Ethics**

- 0121 Responsibilities and Authority of the Board
- 0122 Board Powers
- 0122.1 Member Powers
- 0123 Standards for School Board Member Ethics and Boardmanship

**0130 Functions**

- 0131 Rule-making
- 0131.1 Technical Corrections
- 0131.2 Variances and Waivers
- 0133 Quasi-Judicial Hearings
- 0134 School Board Performance Audit Function

**0140 Membership**

- 0141 Number
- 0141.2 Conflict of Interest
- 0141.3 Conflicting Employment or Contractual Relationship
- 0142 Qualifications
- 0142.1 Oath
- 0142.3 Orientation
- 0143 Election
- 0143.1 District Board Member Residence Areas
- 0144 Term
- 0145 Filling a Board Vacancy
- 0146 Removal
- 0147 Compensation
- 0148 Use of Equipment and Services
- 0149 Access to Records
- 0149.1 Public Expressions of Members
- 0149.2 Board Member Participation at District Committee Meetings
- 0149.3 Board-Staff Communications
- 0149.4 Public Communication to the Board
- 0149.5 Campaign Activities

**0150 Organization**

- 0151 Organizational Meeting
- 0152 Officers
- 0153 Committee Assignments
- 0154 Day, Place, and Time of Meetings
- 0155 Committees
- 0156 School Board Attorney
- 0157 Settlement of Certain Legal Claims

**0160 Meetings**

- 0161 Parliamentary Authority
- 0162 Quorum
- 0163 Presiding Officer
- 0164 Notice of Meetings
- 0165 Meetings

<a href="#">0165.1</a>	<a href="#">Agendas</a>
<a href="#">0165.2</a>	<a href="#">Regular Meetings</a>
<a href="#">0165.3</a>	<a href="#">Special Meetings</a>
<a href="#">0165.4</a>	<a href="#">Emergency Meetings</a>
<a href="#">0165.5</a>	<a href="#">Recess</a>
<a href="#">0165.6</a>	<a href="#">Adjourn</a>
<a href="#">0166</a>	<a href="#">Executive Session</a>
<a href="#">0166.1</a>	<a href="#">Workshop</a>
<a href="#">0167</a>	<a href="#">Voting</a>
<a href="#">0167.1</a>	<a href="#">Use of Electronic Resources</a>
<a href="#">0168</a>	<a href="#">Minutes</a>
<a href="#">0169.1</a>	<a href="#">Public Participation at Board Meetings</a>

[0170](#) **[Duties](#)**

<a href="#">0171</a>	<a href="#">Review of Policy</a>
<a href="#">0173</a>	<a href="#">Board Officers</a>
<a href="#">0175.1</a>	<a href="#">Board Conferences, Conventions, and Workshops</a>

1000

**ADMINISTRATION**

<a href="#">1001</a>	<a href="#">District Organization</a>
<a href="#">1010</a>	<a href="#">Board - Superintendent Relationship</a>
<a href="#">1030</a>	<a href="#">Superintendent of Schools</a>
<a href="#">1040</a>	<a href="#">Evaluation of the Superintendent</a>
<a href="#">1060</a>	<a href="#">Vacancy in the Office of the Superintendent</a>
<a href="#">1113</a>	<a href="#">Conflicting Employment or Contractual Relationship</a>
<a href="#">1115</a>	<a href="#">Decentralized Decision-Making</a>
<a href="#">1120</a>	<a href="#">Employment of Administrators</a>
<a href="#">1121</a>	<a href="#">Conditions for Initial Employment of Administrators</a>
<a href="#">1121.01</a>	<a href="#">Criminal Background and Employment</a>
<a href="#">1122</a>	<a href="#">Nondiscrimination and Equal Employment Opportunity</a>
<a href="#">1124</a>	<a href="#">Alcohol and Drug-Free Workplace</a>
<a href="#">1128</a>	<a href="#">Employment Contract</a>
<a href="#">1129</a>	<a href="#">Conflict of Interest</a>
<a href="#">1130</a>	<a href="#">Assignments</a>
<a href="#">1130.01</a>	<a href="#">Reassignments of Administrators</a>
<a href="#">1140</a>	<a href="#">Discipline of Administrators</a>
<a href="#">1140.01</a>	<a href="#">Disciplinary Suspension Without Pay for Three (3) Days or Less</a>
<a href="#">1150</a>	<a href="#">Resignation</a>
<a href="#">1160</a>	<a href="#">Medical Examinations Related to Fitness for Duty</a>
<a href="#">1161</a>	<a href="#">Unrequested Leaves of Absence</a>
<a href="#">1170</a>	<a href="#">Substance Abuse</a>
<a href="#">1170.01</a>	<a href="#">Employee Assistance Program (EAP)</a>
<a href="#">1170.02</a>	<a href="#">Records and Reports</a>
<a href="#">1210</a>	<a href="#">Standards of Ethical Conduct for Administrative Staff</a>
<a href="#">1211</a>	<a href="#">Whistleblower</a>
<a href="#">1213</a>	<a href="#">Student Supervision and Welfare</a>
<a href="#">1213.01</a>	<a href="#">Communications with Students Via Electronic Media</a>
<a href="#">1214</a>	<a href="#">Solicitation or Acceptance of Gifts or Unauthorized Compensation</a>
<a href="#">1215</a>	<a href="#">Tobacco and Nicotine Use</a>
<a href="#">1216</a>	<a href="#">Dress and Grooming</a>
<a href="#">1217</a>	<a href="#">Firearms and Weapons</a>
<a href="#">1220</a>	<a href="#">Appraisal of Administrative Personnel</a>
<a href="#">1231</a>	<a href="#">Outside Activities of Administrators</a>
<a href="#">1232</a>	<a href="#">Political Activities</a>
<a href="#">1235</a>	<a href="#">Jury/Witness Duty</a>
<a href="#">1240</a>	<a href="#">Temporary Duty Elsewhere</a>
<a href="#">1242</a>	<a href="#">Staff Development</a>
<a href="#">1281</a>	<a href="#">Use of Employee's Personal Property at Work</a>
<a href="#">1310</a>	<a href="#">Freedom of Speech in Noninstructional Settings</a>
<a href="#">1362</a>	<a href="#">Policy Against Harassment and Discrimination</a>

<del>1362.01</del>	<del><a href="#">Anti-Harassment Complaint Procedure</a></del> (Repealed March 15, 2011)
<a href="#">1410</a>	<a href="#">Compensation</a>
<a href="#">1415</a>	<a href="#">Retirement</a>
<a href="#">1419.02</a>	<a href="#">Privacy Protections of Fully Insured Group Health Plans</a>
<a href="#">1420</a>	<a href="#">Employee Benefits</a>
<a href="#">1430</a>	<a href="#">Leaves of Absence</a>
<a href="#">1430.01</a>	<a href="#">FMLA Leave</a>
<a href="#">1430.02</a>	<a href="#">Sick Leave</a>
<a href="#">1430.03</a>	<a href="#">Military Leave</a>
<a href="#">1430.04</a>	<a href="#">Personal Leave with Pay</a>
<a href="#">1430.05</a>	<a href="#">Leave with Pay - Illness or Injury Incurred in the Performance of Duty</a>
<a href="#">1430.06</a>	<a href="#">Vacation</a>
<a href="#">1430.07</a>	<a href="#">Short/Long Term Leaves</a>
<a href="#">1431</a>	<a href="#">Absence of Administrators</a>
<a href="#">1440</a>	<a href="#">Job-Related Expenses</a>
<a href="#">1550</a>	<a href="#">Complaints Against Administrative Staff</a>
<a href="#">1590</a>	<a href="#">Personnel File</a>
<a href="#">1600</a>	<a href="#">Job Descriptions</a>

2000

**PROGRAM**

<a href="#">2105</a>	<a href="#">Mission of the District</a>
<a href="#">2110</a>	<a href="#">District Strategic Plan</a>
<a href="#">2111</a>	<a href="#">Parent Involvement in the School Program</a>
<a href="#">2111.01</a>	<a href="#">Parent Participation in Title I Programs</a>
<a href="#">2111.02</a>	<a href="#">Family and School Partnership for Student Achievement</a>
<a href="#">2120</a>	<a href="#">School Improvement</a>
<a href="#">2125</a>	<a href="#">School Advisory Councils</a>
<a href="#">2130</a>	<a href="#">District Monitoring and Advisory Committee (DMAC)</a>
<a href="#">2140</a>	<a href="#">Independent Citizens Referendum Oversight Committee (ICROC)</a>
<a href="#">2205</a>	<a href="#">Instructional Planning and Lesson Plans</a>
<a href="#">2210</a>	<a href="#">Curriculum Development</a>
<a href="#">2235</a>	<a href="#">Academic Freedom</a>
<a href="#">2240</a>	<a href="#">Controversial Issues</a>
<a href="#">2250</a>	<a href="#">Fundamental Schools, Magnet Programs, and Career Academies</a>
<a href="#">2260</a>	<a href="#">Nondiscrimination and Access to Equal Educational Opportunity</a>
<a href="#">2260.03</a>	<a href="#">Section 504</a>
<a href="#">2262</a>	<a href="#">School Age Child Care</a>
<a href="#">2270</a>	<a href="#">Religion in the Curriculum</a>
<a href="#">2271</a>	<a href="#">Postsecondary Enrollment Programs</a>
<a href="#">2340</a>	<a href="#">Field Trips and Other District-Sponsored Trips</a>
<a href="#">2410</a>	<a href="#">Special Services</a>
<a href="#">2411</a>	<a href="#">Guidance and Counseling</a>
<a href="#">2412</a>	<a href="#">Homebound Instruction Program</a>
<a href="#">2414</a>	<a href="#">Accreditation</a>
<a href="#">2416</a>	<a href="#">Student Survey Administration and Parental Access to Information</a>
<a href="#">2417</a>	<a href="#">Human Sexuality Curriculum</a>
<a href="#">2421</a>	<a href="#">Vocational/Technical Education Program</a>
<a href="#">2421.01</a>	<a href="#">Students as Trainees</a>
<a href="#">2423.01</a>	<a href="#">Career and Professional Education</a>
<a href="#">2424</a>	<a href="#">Student Internships</a>
<a href="#">2430</a>	<a href="#">District-Sponsored Clubs and Activities</a>
<a href="#">2430.01</a>	<a href="#">Special Programs by Community Volunteers</a>
<a href="#">2430.03</a>	<a href="#">Mentoring Program</a>
<a href="#">2431</a>	<a href="#">Interscholastic Athletics</a>
<a href="#">2440</a>	<a href="#">Summer Extended Learning Program</a>
<a href="#">2451</a>	<a href="#">Dropout Prevention Services</a>
<a href="#">2460</a>	<a href="#">Exceptional Student Education</a>
<a href="#">2470</a>	<a href="#">Education of English Language Learners (ELLs)</a>
<a href="#">2510</a>	<a href="#">Instructional Materials, Including Textbooks</a>
<a href="#">2531</a>	<a href="#">Copyrighted Works</a>

<a href="#">2540</a>	<a href="#">Use of Multi-Media</a>
<a href="#">2605</a>	<a href="#">Research and Evaluation</a>
<a href="#">2623</a>	<a href="#">Student Assessment</a>
<a href="#">2630</a>	<a href="#">Service Animals</a>

3000

**INSTRUCTIONAL STAFF**

<a href="#">3113</a>	<a href="#">Conflicting Employment or Contractual Relationship</a>
<a href="#">3120</a>	<a href="#">Employment of Instructional Staff</a>
<a href="#">3120.04</a>	<a href="#">Employment of Temporary, Substitutes, Part-Time Instructional Staff</a>
<a href="#">3120.05</a>	<a href="#">Adult Education Certification</a>
<a href="#">3120.06</a>	<a href="#">Selecting Student Teachers/Administrative Interns</a>
<a href="#">3120.08</a>	<a href="#">Part-Time Extra-Curricular Personnel</a>
<a href="#">3120.09</a>	<a href="#">Mentoring Program Volunteers</a>
<a href="#">3120.10</a>	<a href="#">Job Sharing</a>
<a href="#">3121</a>	<a href="#">Condition for Initial Employment of Instructional Staff</a>
<a href="#">3121.01</a>	<a href="#">Criminal Background and Employment</a>
<a href="#">3122</a>	<a href="#">Nondiscrimination and Equal Employment Opportunity</a>
<a href="#">3124</a>	<a href="#">Alcohol and Drug-Free Workplace</a>
<a href="#">3128</a>	<a href="#">Contracts: Instructional Personnel</a>
<a href="#">3129</a>	<a href="#">Conflict of Interest</a>
<a href="#">3129.01</a>	<a href="#">Tutoring</a>
<a href="#">3130</a>	<a href="#">Assignments</a>
<a href="#">3130.01</a>	<a href="#">Re-Assignment of Instructional Staff</a>
<a href="#">3140</a>	<a href="#">Discipline of Instructional Staff</a>
<a href="#">3140.01</a>	<a href="#">Disciplinary Suspension Without Pay for Three (3) Days or Less; Return to Annual Contract</a>
<a href="#">3150</a>	<a href="#">Resignations</a>
<a href="#">3160</a>	<a href="#">Medical Examinations Related to Fitness for Duty</a>
<a href="#">3161</a>	<a href="#">Unrequested Leaves of Absence</a>
<a href="#">3170</a>	<a href="#">Substance Abuse</a>
<a href="#">3170.01</a>	<a href="#">Employee Assistance Program (EAP)</a>
<a href="#">3210</a>	<a href="#">Standards of Ethical Conduct for Instructional Staff</a>
<a href="#">3211</a>	<a href="#">Whistleblower</a>
<a href="#">3213</a>	<a href="#">Student Supervision and Welfare</a>
<a href="#">3213.01</a>	<a href="#">Communications with Students Via Electronic Media</a>
<a href="#">3214</a>	<a href="#">Solicitation or Acceptance of Gifts or Unauthorized Compensation</a>
<a href="#">3215</a>	<a href="#">Tobacco and Nicotine Use</a>
<a href="#">3216</a>	<a href="#">Staff Dress and Grooming</a>
<a href="#">3217</a>	<a href="#">Firearms and Weapons</a>
<a href="#">3220</a>	<a href="#">Appraisal of Instructional Staff</a>
<a href="#">3231</a>	<a href="#">Outside Activities of Staff</a>
<a href="#">3232</a>	<a href="#">Political Activities</a>
<a href="#">3235</a>	<a href="#">Jury/Witness Duty</a>
<a href="#">3240</a>	<a href="#">Temporary Duty Elsewhere</a>
<a href="#">3242</a>	<a href="#">Staff Development</a>
<a href="#">3281</a>	<a href="#">Use of Employee's Personal Property at Work</a>
<a href="#">3310</a>	<a href="#">Freedom of Speech in Noninstructional Settings</a>
<a href="#">3362</a>	<a href="#">Policy Against Harassment and Discrimination</a>
<a href="#">3410</a>	<a href="#">Compensation</a>
<a href="#">3415</a>	<a href="#">Retirement</a>
<a href="#">3419.02</a>	<a href="#">Privacy Protections of Fully Insured Group Health Plans</a>
<a href="#">3420</a>	<a href="#">Employee Benefits</a>
<a href="#">3430</a>	<a href="#">Leaves of Absence</a>
<a href="#">3430.01</a>	<a href="#">FMLA Leave</a>
<a href="#">3430.02</a>	<a href="#">Sick Leave</a>
<a href="#">3430.03</a>	<a href="#">Military Leave</a>
<a href="#">3430.04</a>	<a href="#">Personal Leave with Pay</a>
<a href="#">3430.05</a>	<a href="#">Leave with Pay - Illness or Injury Incurred in the Performance of Duty</a>
<a href="#">3430.07</a>	<a href="#">Short/Long Term Leaves</a>

<a href="#">3440</a>	<a href="#">Job-Related Expenses</a>
<a href="#">3531</a>	<a href="#">Unauthorized Work Stoppage</a>
<a href="#">3550</a>	<a href="#">Complaints Against Instructional Staff</a>
<a href="#">3590</a>	<a href="#">Personnel File</a>
<a href="#">3600</a>	<a href="#">Job Descriptions</a>

4000

**SUPPORT STAFF**

<a href="#">4113</a>	<a href="#">Conflicting Employment or Contractual Relationship</a>
<a href="#">4120</a>	<a href="#">Employment of Support Staff</a>
<a href="#">4120.04</a>	<a href="#">Employment of Substitutes and Temporary Support Staff</a>
<a href="#">4121</a>	<a href="#">Conditions for Initial Employment of Support Staff</a>
<a href="#">4121.01</a>	<a href="#">Criminal Background and Employment</a>
<a href="#">4122</a>	<a href="#">Nondiscrimination and Equal Employment Opportunity</a>
<a href="#">4124</a>	<a href="#">Alcohol and Drug-Free Workplace</a>
<a href="#">4129</a>	<a href="#">Conflict of Interest</a>
<a href="#">4129.01</a>	<a href="#">Tutoring</a>
<a href="#">4130</a>	<a href="#">Assignments</a>
<a href="#">4130.01</a>	<a href="#">Reassignment of Support Staff</a>
<a href="#">4140</a>	<a href="#">Discipline of Support Staff</a>
<a href="#">4140.01</a>	<a href="#">Disciplinary Suspension Without Pay for Three (3) Days or Less</a>
<a href="#">4150</a>	<a href="#">Resignation</a>
<a href="#">4160</a>	<a href="#">Medical Examinations Related to Fitness for Duty</a>
<a href="#">4161</a>	<a href="#">Unrequested Leaves of Absence</a>
<a href="#">4162</a>	<a href="#">Drug and Alcohol Testing of CDL License Holders</a>
<a href="#">4170</a>	<a href="#">Substance Abuse</a>
<a href="#">4170.01</a>	<a href="#">Employee Assistance Program (EAP)</a>
<a href="#">4210</a>	<a href="#">Standards of Ethical Conduct for Support Staff</a>
<a href="#">4211</a>	<a href="#">Whistleblower</a>
<a href="#">4213</a>	<a href="#">Student Supervision and Welfare</a>
<a href="#">4213.01</a>	<a href="#">Communications with Students Via Electronic Media</a>
<a href="#">4214</a>	<a href="#">Solicitation or Acceptance of Gifts or Unauthorized Compensation</a>
<a href="#">4215</a>	<a href="#">Tobacco and Nicotine Use</a>
<a href="#">4216</a>	<a href="#">Staff Dress and Grooming</a>
<a href="#">4217</a>	<a href="#">Firearms and Weapons</a>
<a href="#">4220</a>	<a href="#">Appraisal of Support Personnel</a>
<a href="#">4231</a>	<a href="#">Outside Activities of Support Staff</a>
<a href="#">4232</a>	<a href="#">Political Activities</a>
<a href="#">4235</a>	<a href="#">Jury/Witness Duty</a>
<a href="#">4240</a>	<a href="#">Temporary Duty Elsewhere</a>
<a href="#">4242</a>	<a href="#">Staff Development</a>
<a href="#">4281</a>	<a href="#">Use of Employee's Personal Property at Work</a>
<a href="#">4310</a>	<a href="#">Freedom of Speech in Noninstructional Settings</a>
<a href="#">4362</a>	<a href="#">Policy Against Harassment and Discrimination</a>
<a href="#">4410</a>	<a href="#">Compensation</a>
<a href="#">4411</a>	<a href="#">Differentiated Pay</a>
<a href="#">4415</a>	<a href="#">Retirement</a>
<a href="#">4419.02</a>	<a href="#">Privacy Protections of Fully Insured Group Health Plans</a>
<a href="#">4420</a>	<a href="#">Employee Benefits</a>
<a href="#">4430</a>	<a href="#">Leaves of Absence</a>
<a href="#">4430.01</a>	<a href="#">FMLA Leave</a>
<a href="#">4430.02</a>	<a href="#">Sick Leave</a>
<a href="#">4430.03</a>	<a href="#">Military Leave</a>
<a href="#">4430.04</a>	<a href="#">Personal Leave with Pay</a>
<a href="#">4430.05</a>	<a href="#">Leave with Pay - Illness or Injury Incurred in the Performance of Duty</a>
<a href="#">4430.06</a>	<a href="#">Vacation</a>
<a href="#">4430.07</a>	<a href="#">Short/Long Term Leaves</a>
<a href="#">4440</a>	<a href="#">Job-Related Expenses</a>
<a href="#">4531</a>	<a href="#">Unauthorized Work Stoppage</a>
<a href="#">4550</a>	<a href="#">Complaints Against Support Staff</a>



<a href="#">4590</a>	<a href="#">Personnel File</a>
<a href="#">4600</a>	<a href="#">Job Descriptions</a>

5000

**STUDENTS**

<a href="#">5111.01</a>	<a href="#">Homeless Students</a>
<a href="#">5111.02</a>	<a href="#">Educational Opportunity for Military Children</a>
<a href="#">5112</a>	<a href="#">Entrance Requirements</a>
<a href="#">5113</a>	<a href="#">School of Choice Options Provided by the No Child Left Behind</a>
<a href="#">5114</a>	<a href="#">Foreign Students</a>
<a href="#">5120</a>	<a href="#">Assignment Within District</a>
<a href="#">5130</a>	<a href="#">Withdrawal from School</a>
<a href="#">5131</a>	<a href="#">Student Transfer - Impact on Athletic Eligibility</a>
<a href="#">5200</a>	<a href="#">Compulsory Attendance</a>
<a href="#">5210</a>	<a href="#">Late Entries</a>
<a href="#">5215</a>	<a href="#">Missing and Absent Children</a>
<a href="#">5223</a>	<a href="#">Absences for Religious Instruction</a>
<a href="#">5230</a>	<a href="#">Late Arrival and Early Dismissal</a>
<a href="#">5310</a>	<a href="#">Health Services</a>
<a href="#">5320</a>	<a href="#">Immunization</a>
<a href="#">5330</a>	<a href="#">Use of Medications</a>
<a href="#">5330.01</a>	<a href="#">Self-Administered Medication</a>
<a href="#">5335.01</a>	<a href="#">Food Allergies</a>
<a href="#">5341</a>	<a href="#">Emergency Medical Authorization</a>
<a href="#">5410</a>	<a href="#">Student Progression</a>
<a href="#">5410.01</a>	<a href="#">Required Core Curriculum/Promotion/Retention/Acceleration - Elementary</a>
<a href="#">5410.02</a>	<a href="#">Regular Program Core Curriculum/Promotion/Retention/Acceleration – Middle School</a>
<a href="#">5420.01</a>	<a href="#">Reporting Student Progress - Elementary</a>
<a href="#">5420.02</a>	<a href="#">Reporting Student Progress - Middle School</a>
<a href="#">5420.03</a>	<a href="#">Reporting Student Progress and Class Ranking - High School</a>
<a href="#">5430</a>	<a href="#">Class Rank</a>
<a href="#">5440</a>	<a href="#">High School Credit and Student Performance Standards</a>
<a href="#">5451</a>	<a href="#">Student Recognition</a>
<a href="#">5451.01</a>	<a href="#">Student Honors</a>
<a href="#">5455</a>	<a href="#">Florida's Bright Futures Scholarship Program</a>
<a href="#">5460</a>	<a href="#">Graduation Requirements</a>
<a href="#">5463</a>	<a href="#">Credits from Other Schools</a>
<a href="#">5464</a>	<a href="#">Early Completion of Graduation Requirements</a>
<a href="#">5465</a>	<a href="#">General Education Development (GED) Tests</a>
<a href="#">5470</a>	<a href="#">Biological Experiments on Living Subjects</a>
<a href="#">5500</a>	<a href="#">Code of Student Conduct</a>
<a href="#">5500.01</a>	<a href="#">Code of Student Conduct - Parental Responsibilities</a>
<a href="#">5500.02</a>	<a href="#">Code of Student Conduct - Student Rights</a>
<a href="#">5500.03</a>	<a href="#">Code of Student Conduct - Student Responsibilities</a>
<a href="#">5500.04</a>	<a href="#">Code of Student Conduct - Dress Code</a>
<a href="#">5500.05</a>	<a href="#">Code of Student Conduct - Student Attendance</a>
<a href="#">5500.06</a>	<a href="#">Code of Student Conduct - High School Attendance</a>
<a href="#">5500.07</a>	<a href="#">Code of Student Conduct - Discipline</a>
<a href="#">5500.08</a>	<a href="#">Code of Student Conduct - Misconduct That Requires Specific Consequences</a>
<a href="#">5500.09</a>	<a href="#">Code of Student Conduct - Conduct on School Buses</a>
<a href="#">5500.10</a>	<a href="#">Code of Student Conduct - Disciplinary Action</a>
<a href="#">5500.11</a>	<a href="#">Code of Student Conduct - Discipline for Students with Disabilities</a>
<a href="#">5500.12</a>	<a href="#">Code of Student Conduct - Suspension/Expulsion</a>
<a href="#">5500.13</a>	<a href="#">Code of Student Conduct - Grievance Procedures</a>
<a href="#">5501</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education</a>
<a href="#">5501.01</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Student Rights</a>

<a href="#">5501.02</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Dress Code</a>
<a href="#">5501.03</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Student Attendance</a>
<a href="#">5501.04</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Grounds for Suspension/Dismissal</a>
<a href="#">5501.05</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Student Misconduct that Requires Specific Consequences</a>
<a href="#">5501.06</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Tobacco and Nicotine</a>
<a href="#">5501.07</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Prohibited Substances Including Illegal Drugs, Alcoholic Beverages, and Harmful Substances</a>
<a href="#">5501.08</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Bombs and Bomb Threats</a>
<a href="#">5501.09</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Possession of Guns and Weapons</a>
<a href="#">5501.10</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Felony Charges</a>
<a href="#">5501.11</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Disciplinary Action and Procedures</a>
<a href="#">5501.12</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Due Process Procedures</a>
<a href="#">5501.13</a>	<a href="#">Code of Student Conduct for Postsecondary Career, Technical, and Adult Education - Grievance Procedures</a>
<a href="#">5502</a>	<a href="#">Removal of Students from Class</a>
<a href="#">5513</a>	<a href="#">Care of School Property</a>
<a href="#">5517</a>	<a href="#">Policy Against Harassment and Discrimination</a>
<a href="#">5517.01</a>	<a href="#">Policy on Bullying and Harassment</a>
<a href="#">5517.03</a>	<a href="#">Teen Dating Violence and Abuse</a>
<a href="#">5630</a>	<a href="#">Use of Reasonable Force And Restraint</a>
<a href="#">5630.01</a>	<a href="#">Use of Seclusion and Restraint on Students with Disabilities</a>
<a href="#">5722</a>	<a href="#">Student Publications</a>
<a href="#">5730</a>	<a href="#">Equal Access For Nondistrict-Sponsored, Student Clubs and Activities</a>
<a href="#">5735</a>	<a href="#">Principal's Multicultural Advisory Committee</a>
<a href="#">5751</a>	<a href="#">Parental-Married Status of Students</a>
<a href="#">5830</a>	<a href="#">Student Fund-Raising</a>

6000

**FINANCES**

<a href="#">6100</a>	<a href="#">Uniform Records and Accounts</a>
<a href="#">6105</a>	<a href="#">Authorization to Use Facsimile Signature</a>
<a href="#">6107</a>	<a href="#">Authorization to Accept and Distribute Electronic Records, to Use Electronic Signature, and Make Electronic Fund Transfers</a>
<a href="#">6110</a>	<a href="#">Grant Funds</a>
<a href="#">6140</a>	<a href="#">Public Depository</a>
<a href="#">6144</a>	<a href="#">Investments</a>
<a href="#">6145</a>	<a href="#">Borrowing</a>
<a href="#">6152</a>	<a href="#">Student Fees, Fines, and Charges</a>
<a href="#">6152.01</a>	<a href="#">Waiver of School Fees</a>
<a href="#">6210</a>	<a href="#">Fiscal Planning</a>
<a href="#">6220</a>	<a href="#">Budget Preparation</a>
<a href="#">6231</a>	<a href="#">Appropriations and Spending Plan</a>
<a href="#">6232</a>	<a href="#">Appropriations Implementation</a>
<a href="#">6320</a>	<a href="#">Purchasing and Bidding</a>
<a href="#">6320.01</a>	<a href="#">Non-Discrimination in Purchasing and Contracting</a>
<a href="#">6330</a>	<a href="#">Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services, and Construction Managers at Risk</a>
<a href="#">6340</a>	<a href="#">Modifications and Alterations to School Buildings</a>
<a href="#">6345</a>	<a href="#">Change Orders</a>

<a href="#">6423</a>	<a href="#">Use of Credit Cards</a>
<a href="#">6424</a>	<a href="#">Purchasing Cards</a>
<a href="#">6440</a>	<a href="#">Cooperative Purchasing</a>
<a href="#">6460</a>	<a href="#">Vendor Relations</a>
<a href="#">6462</a>	<a href="#">Photographs of Students</a>
<a href="#">6464</a>	<a href="#">Purchase of Commemorative Items</a>
<a href="#">6470</a>	<a href="#">Payment of Claims</a>
<a href="#">6470.01</a>	<a href="#">Payment of Vouchers</a>
<a href="#">6480</a>	<a href="#">Expenditures</a>
<a href="#">6510</a>	<a href="#">Payroll Authorization</a>
<a href="#">6520</a>	<a href="#">Payroll Deductions</a>
<a href="#">6530</a>	<a href="#">Unemployment Compensation</a>
<a href="#">6550</a>	<a href="#">Travel and Per Diem</a>
<a href="#">6555</a>	<a href="#">Membership Dues and Fees</a>
<a href="#">6610</a>	<a href="#">Internal Account Funds</a>
<a href="#">6620</a>	<a href="#">Petty Cash Funds</a>
<a href="#">6830</a>	<a href="#">Audit</a>

## 7000

**PROPERTY**

<a href="#">7100</a>	<a href="#">Facilities Planning</a>
<a href="#">7101</a>	<a href="#">Building Permits and the Code Enforcement Office</a>
<a href="#">7110</a>	<a href="#">Student Accommodation</a>
<a href="#">7217</a>	<a href="#">Firearms and Weapons</a>
<a href="#">7230</a>	<a href="#">Gifts to the School District</a>
<a href="#">7240</a>	<a href="#">Site Acquisition</a>
<a href="#">7250</a>	<a href="#">Naming and Commemoration of District Facilities</a>
<a href="#">7300</a>	<a href="#">Property Custodianship and Insurance</a>
<a href="#">7305</a>	<a href="#">Real Property Rights</a>
<a href="#">7315</a>	<a href="#">Disposition of Real Property</a>
<a href="#">7315.01</a>	<a href="#">Land Record Management</a>
<a href="#">7320</a>	<a href="#">Acquisition and Removal of Tangible Property</a>
<a href="#">7320.01</a>	<a href="#">Disposal, Sale, or Exchange of Tangible Property</a>
<a href="#">7410</a>	<a href="#">Maintenance and Operations</a>
<a href="#">7420</a>	<a href="#">Sanitation and Housekeeping</a>
<a href="#">7434</a>	<a href="#">Tobacco and Nicotine Use</a>
<a href="#">7440</a>	<a href="#">Plant Security</a>
<a href="#">7440.02</a>	<a href="#">Vandalism, Damage, Loss, and Malicious Mischief</a>
<a href="#">7450</a>	<a href="#">Property Inventory</a>
<a href="#">7455</a>	<a href="#">Accounting System for Fixed Assets</a>
<a href="#">7460</a>	<a href="#">Conservation of Natural and Material Resources</a>
<a href="#">7510</a>	<a href="#">Land and Facility-Use Agreements</a>
<a href="#">7511</a>	<a href="#">Facility Leasing</a>
<a href="#">7530</a>	<a href="#">Lending of District-Owned Equipment</a>
<a href="#">7530.01</a>	<a href="#">Staff Use of Electronic Communication Devices</a>
<a href="#">7540</a>	<a href="#">Computer Technology and Networks</a>
<a href="#">7540.02</a>	<a href="#">District Web Page</a>
<a href="#">7540.03</a>	<a href="#">Network/Internet Acceptable Use Agreement</a>
<a href="#">7540.04</a>	<a href="#">Use of Electronic Resources</a>

## 8000

**OPERATIONS**

<a href="#">8141</a>	<a href="#">Mandatory Reporting of Employee Misconduct</a>
<a href="#">8210</a>	<a href="#">School Calendar</a>
<a href="#">8210.01</a>	<a href="#">Religious Holiday Exemptions</a>
<a href="#">8220</a>	<a href="#">School Day</a>
<a href="#">8310</a>	<a href="#">Public Records Inspection and Examination</a>
<a href="#">8320</a>	<a href="#">Records Management</a>
<a href="#">8330</a>	<a href="#">Student Records</a>

<a href="#">8330.01</a>	<a href="#">Legal Name on Student Records</a>
<a href="#">8350</a>	<a href="#">Confidentiality</a>
<a href="#">8351</a>	<a href="#">Confidentiality of Social Security Numbers</a>
<a href="#">8400</a>	<a href="#">Environmental Health and Safety Issues</a>
<a href="#">8405</a>	<a href="#">School Safety</a>
<a href="#">8410</a>	<a href="#">Crisis Event Intervention and Response</a>
<a href="#">8410.01</a>	<a href="#">Critical Incident Response</a>
<a href="#">8415</a>	<a href="#">Schools Police Operations</a>
<a href="#">8420</a>	<a href="#">Emergency Evacuation of Schools</a>
<a href="#">8442</a>	<a href="#">Reporting Accidents</a>
<a href="#">8450</a>	<a href="#">Control of Casual-Contact Communicable Diseases</a>
<a href="#">8452</a>	<a href="#">Use of Automated External Defibrillators (AED)</a>
<a href="#">8453</a>	<a href="#">Direct Contact Communicable Diseases</a>
<a href="#">8453.01</a>	<a href="#">Control of Blood-Borne Pathogens</a>
<a href="#">8462</a>	<a href="#">Student Abuse and Neglect</a>
<a href="#">8470</a>	<a href="#">Community Notification of Registered Sexual Predators/Sex Offenders</a>
<a href="#">8475</a>	<a href="#">Criminal Background Screening - Noninstructional Contractors</a>
<a href="#">8500</a>	<a href="#">Food Services</a>
<a href="#">8510</a>	<a href="#">Wellness</a>
<a href="#">8531</a>	<a href="#">Free and Reduced-Price Meals</a>
<a href="#">8540</a>	<a href="#">School Stores and Vending Machines</a>
<a href="#">8600</a>	<a href="#">Transportation</a>
<a href="#">8600.01</a>	<a href="#">Safe Driver Plan</a>
<a href="#">8600.02</a>	<a href="#">Requirements for School Bus Drivers</a>
<a href="#">8600.04</a>	<a href="#">Bus Driver Certification</a>
<a href="#">8611</a>	<a href="#">Off-Site Student Pedestrian/Bicycle Transportation Safety</a>
<a href="#">8640</a>	<a href="#">Transportation for Field and Other District-Sponsored Trips</a>
<a href="#">8651</a>	<a href="#">Employee Transportation</a>
<a href="#">8660</a>	<a href="#">Transporting Students by Private Vehicle</a>
<a href="#">8700</a>	<a href="#">Anti-Fraud</a>
<a href="#">8710</a>	<a href="#">Insurance</a>
<a href="#">8740</a>	<a href="#">Bonding</a>
<a href="#">8760</a>	<a href="#">Student Accident Insurance</a>
<a href="#">8800</a>	<a href="#">Religious Observances</a>
<a href="#">8810</a>	<a href="#">The American Flag</a>
<a href="#">8900</a>	<a href="#">Printing/Copying Services</a>
<a href="#">8910</a>	<a href="#">Publishing Standards</a>

9000

**COMMUNITY RELATIONS**

<a href="#">9120</a>	<a href="#">Public Information Program</a>
<a href="#">9130</a>	<a href="#">Public Complaints</a>
<a href="#">9150</a>	<a href="#">School Visitors</a>
<a href="#">9160</a>	<a href="#">Public Attendance at School Events</a>
<a href="#">9180</a>	<a href="#">Volunteers</a>
<a href="#">9210</a>	<a href="#">Parent Organizations</a>
<a href="#">9211</a>	<a href="#">Parent Organizations, Booster Clubs, and Other Fund-Raising Activities</a>
<a href="#">9212</a>	<a href="#">Entertainment and Fund Drives</a>
<a href="#">9270</a>	<a href="#">Home-Education</a>
<a href="#">9300</a>	<a href="#">Recognition of Students, Staff, and Community Members</a>
<a href="#">9500</a>	<a href="#">Relations with Educational Institutions and Organizations</a>
<a href="#">9700</a>	<a href="#">Relations with Special Interest Groups</a>
<a href="#">9700.01</a>	<a href="#">Advertising and Commercial Activities</a>
<a href="#">9701</a>	<a href="#">Distribution of Materials and Literature to Students</a>
<a href="#">9701.01</a>	<a href="#">Announcement of Non-School Events</a>
<a href="#">9800</a>	<a href="#">Charter Schools</a>
<a href="#">9900</a>	<a href="#">High School Diplomas to World War II and Korean Conflict Veterans</a>
<a href="#">9901</a>	<a href="#">Accessing High School Students Regarding Postsecondary Opportunities</a>

## DEFINITIONS

Whenever the following items are used in these bylaws and policies, they shall have the meaning set forth below:

### **Administrative Procedures**

Internal management memoranda which do not affect either the private interests of any person or any plan or procedure important to the public and which have no application outside the agency issuing the memorandum.

### **Board**

The School Board of Pinellas County.

### **Bylaw**

Policy of the Board for its own governance.

### **Chairman**

The presiding officer of the Board. (See Bylaw [0163](#))

### **Compulsory School Age**

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. F.S. 1003.21

### **District**

The School District of Pinellas County.

### **District-Based Noninstructional Administrators**

Included in this classification are persons with District-level administrative duties who have broad authority for the management of policies and general District operations related to the noninstructional program. Such personnel often report directly to the Superintendent and supervise other administrative employees. This classification includes assistant, associate, or deputy superintendents and directors of major noninstructional areas, such as personnel, construction, facilities, transportation, data processing, and finance. (F.S. 1012.01(2)(b))

### **Due Process**

The safeguards to which a person is entitled in order to protect his/her rights.

### **Major Tangible Personal School Property**

Any tangible personal property, of a nonconsumable nature, owned by the Board which has a capitalized value equal to or greater than the value defined in Florida statute and a normal life expectancy of one (1) year or more. (F.S. 274)

### **May**

This word is used when an action by the Board or its designee is permitted but not required.

**Meeting**

Any gathering, whether formal or casual, of two (2) or more members of the Board to discuss some matter on which foreseeable action will be taken by the Board. All meetings shall comply with Florida Laws (Sunshine Law).

**Minor Tangible Personal School Property**

Those items which are tangible, of a nonconsumable nature, with a life expectancy of one (1) year or more and with a value less than that amount defined in Florida statute. (F.S. 274)

**Parent**

Either or both parents of a student, any guardian of a student, any person in a parental relationship with a student, or any person exercising supervisory authority over a student in place of the parent.

**Policy**

A written statement by the Board which defines its expectations or position on a particular matter and authorizes appropriate action that must or may be taken to establish and/or maintain those expectations.

**Principal**

The principal shall be the administrative and supervisory head of the school to which assigned by the Board and shall be responsible for the enforcement of all Board regulations and Florida State statutes which pertain to the office. In policy, implies delegation of responsibilities to appropriate staff members. F.S. 1001.41, 1212.28

**Property**

All buildings, grounds, and other real or personal property belonging to, held by, or used by the Board shall be referred to as school property.

**Rule**

A statement of general applicability that implements, interprets, or prescribes law or policy, or describes the procedures or practice requirements of the Board. As used in this document, the term "rule" and "policy" shall have the same definition.

**Shall**

This word is used when an action by the Board or its designee is required. (This word is synonymous with "will" or "must".)

**Student**

A person who is officially enrolled in a school or program of the District.

**Superintendent**

The secretary and executive officer of the Board. Unless otherwise specific in policy, the term implies delegation of authority, with retention of responsibility to appropriate staff members.

**Vice-Chairman**

The Vice-Chairman of the Board.

Statutory and Code of Notations - A. Citations to Florida statute are noted as F.S. B. Citations to the rules of the State Board of Education are noted as F.A.C. (Florida Administrative Code) C. Citations to the Federal Register are noted as F.R. D. Citations to the Code of Federal Regulations are noted as C.F.R. E. Citations to the United States Code are noted as U.S.C.

F.S. 274, 1001.41, 1012.01(2)(b)

## IDENTIFICATION

- 0111            **Name**
- The School Board of this District shall be known officially as The School Board of Pinellas County, Florida.
- F.S. 1001.40
- 0112            **Geographical District**
- The District consists of all the areas that comprise Pinellas County, Florida.
- F.S. 1001.30
- 0113            **Address**
- The official address of the School Board is 301 Fourth Street SW, Largo, Florida 33770.
- 0114            **Seal**
- The School Board shall adopt an official seal.
- 0115            **Agency Clerk**
- The School Board designates the administrative assistant to the Board as the clerk of the Board.
- The address of the clerk of the Board is 301 4th Street S.W., Largo, Florida 33770.
- The telephone number of the clerk of the Board is 727-588-6300.
- Any paper, pleading, or notice required to be filed with the Board shall be filed with the clerk unless otherwise specified in these rules.
- Any paper, pleading, or notice filed with the clerk shall be stamped with the time and date received and the clerk will forward it to the appropriate department or office.
- The clerk is authorized to accept service of process in any litigation against the Board. Upon receipt of same, the clerk shall promptly deliver it to the School Board Attorney's office and obtain a receipt. The clerk shall not be required to maintain a copy of the process or other suit papers.
- The clerk shall time and date stamp any recommended order, provide the original to the Board attorney who shall notify by regular U.S. mail any affected party of the date and time received.
- F.S. 1001.32(2), 1001.41, 1001.42, 1001.43
- 0118            **Purpose of the Board**
- The School Board is a constitutional body charged with the responsibility for operating, controlling, and supervising a system of public education in the District. The system was created, and is governed by, the Constitution and laws of the State of Florida. Members of the Board are constitutional officers elected by citizens to represent them in the management of the District.



The Board has the responsibility for implementing statutory requirements pertaining to public education. While the Board has an obligation to consider citizen input, it is understood that when the citizens elect delegates to represent them in the development and implementation of specified educational programs, they, at the same time, give their representatives 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 challenges of the District, and the citizens shall be encouraged to bring their ideas and concerns about the educational system to the attention of this body;
- B. establish policies and make decisions in alignment with the strategic direction of the Board; and
- C. act as a truly representative body for citizens in all matters related to programs and operations. The Board has been assigned specific constitutional and statutory authority through statute, and the Board shall not relinquish or fail to exercise that authority.

## POWERS 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 and efficient operation and the general improvement of the school system. The Board is constituted by the State Constitution and Florida statutes.

### 0122 **Board Powers**

The School Board shall operate, control, and supervise all public schools in the District and may exercise any power except as expressly prohibited by the State Constitution or general law.

The Board, after considering recommendations submitted by the Superintendent, shall exercise general powers that include but are not limited to the following:

- A. determine policies and programs consistent with State law and rule deemed necessary by it for the efficient operation and general improvement of the District;
- B. adopt rules to implement the provisions of law conferring duties upon it to supplement those prescribed by the State Board of Education and the Commissioner of Education;
- C. prescribe and adopt standards and policies to provide each student the opportunity to receive a complete education program, including language arts, mathematics, science, social studies, health, physical education, foreign languages, and the arts, as defined by the Sunshine State Standards;
- D. contract, sue, and be sued;  
  
The Board shall constitute the contracting agent for the District.
- E. perform duties and exercise those responsibilities that are assigned to it by law or by rules of the State Board of Education or the Commissioner of Education and, in addition thereto, those that it may find to be necessary for the improvement of the District in accordance with law;
- F. assign students to schools.

F.S. 1001.32, 1001.41, 1001.42, 1001.43

### 0122.1 **Member Powers**

The role of the School Board, as with any legislative body, is to act collectively, not individually. The authority and responsibility of individual Board members does not extend to the execution of the rules adopted by the Board. Individual Board members have no authority and shall not attempt to act as administrators of the District.

### 0123 **Standards for School Board Member Ethics and Boardmanship**

School Board members shall obtain and abide by the Code of Ethics for Public Officers and Employees pursuant to F.S. 112.311 et seq.

Additionally, 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 disability, race, national origin, creed, sex, sexual orientation, 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. recognize that authority for administration of the District rests with the Superintendent;
- 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 professional development provided by FSBA, NSBA, or other such organizations;
- L. support the employment of staff members based on qualifications and not as a result of influence;
- M. support 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; and
- Q. encourage recognition of the achievements of students and staff and the involvement and support of business and community members.

## FUNCTIONS

0131

### **Rule-making**

The School Board is the policy making body for the 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 District.

F.S. 1001.41

Board policies shall be reduced to writing and shall be adopted as rules to be contained in The Policy Manual of the School Board of Pinellas County, Florida, hereinafter referred to as The Policy Manual.

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.

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

### **Adopting Policies**

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 published in the Board policy manual. No policy can be in conflict with the law. In the event of a conflict between policy and a collective bargaining agreement, the collective bargaining agreement shall prevail.

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

F.S. 120.536(1), 120.54

These policies may be amended, repealed, or a new rule 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 rule making.

### Required Rule Adoption

Any policy of the Board that constitutes an agency statement of general applicability that implements, interprets, or prescribes law or policy or describes the organization, procedure, or practice requirements of the Board shall be adopted as a rule by the Board pursuant to the procedures set forth herein.

Any form which imposes any requirement or solicits any information not specifically required by statute or by existing rule shall also constitute a rule that must be adopted by the Board.

Any amendment or repeal of an existing rule must also be adopted by the Board pursuant to these procedures.

Internal management memoranda that affect the private interest of any person and which have application outside the District shall also constitute a rule that must be adopted by the Board.

Internal management memoranda that affect any plan or procedure important to the public and which have application outside the District shall also constitute a rule that must be adopted by the Board.

The following are not rules that must be adopted by the Board:

- A. legal memoranda or opinions issued by the School Board Attorney prior to their use in connection with Board action;
- B. the preparation or modification of the Board budget; contractual provisions reached as a result of collective bargaining; and/or curricula.

Each rule adopted by the Board shall contain only one (1) subject.

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

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

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

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

Any proposed amendment to a rule shall set out the amended rule in full with deletions shown by strikethroughs and additions shown by underlining.

Rule Adoption Procedure

The adoption, amendment, or repeal of any rule may be initiated by the Superintendent on his/her own initiative, or by the Superintendent as directed by the Board or by any person having a substantial interest in the Board rule.

When initiated by the Superintendent, the Superintendent shall prepare an agenda item for presentation to the Board. The agenda item shall contain the full text of the proposed rule with the Superintendent's recommendation as to whether the Board should agree to consider the adoption of the proposed rule and proceed with the required public notice and hearing.

The originator of request for revision to rules shall submit a written request for the revision or addition of a rule including the rationale for change and the proposed language to be used.

- A. An employee should submit the request to his/her principal or supervisor, who may submit the request to the appropriate cabinet member.
- B. Non-employees of the District may submit requests directly to the Office of Planning and Policy, who will refer the proposal to the appropriate cabinet member.

The cabinet member shall review the request for consistency with the philosophy and vision of the division and District and will assess the need for such revisions. The Superintendent will then either:

- A. reject the request giving the rationale for same and return to the Office of Planning and Policy for notification to originator, or
- B. approve, sign and forward to the Office of Planning and Policy with recommendation for further review by the Superintendent's staff and notification of same to the originator.

All requests for revision will be prepared by the Office of Planning and Policy for review by the Superintendent's staff.

The Office of Planning and Policy will coordinate review of all proposed revisions. Requests for revision along with all statutorily required changes shall be reviewed on an ongoing basis by the Superintendent's staff and brought forward as approved to the Board for consideration during a Board meeting, consistent with the requirements of the Administrative Procedure Act.

Proposed revisions which are determined to be needed shall be brought forward to the Board at the Superintendent's discretion.

Each proposed rule shall be reviewed and approved by the School Board Attorney as to form and legality.

The initial consideration by the Board of a proposed rule shall be known as the first reading.

If the Board decides not to further consider a proposed rule, the rule adoption procedures shall be deemed completed.

If the Board decides to consider the adoption of the proposed rule it shall direct the Superintendent to give notice of the Board's intended action as follows:

- A. by publication in a newspaper of general circulation in Pinellas County;
- B. by mail to all persons who have made requests of the Board for advance notice of its proceedings and to organizations representing persons affected by the proposed rule;
- C. by posting in appropriate places so that those particular classes of persons to whom the intended action is directed may be duly notified.

The notice of intended action shall set forth a short and plain explanation of the purpose and effect of the proposed rule, and the specific legal authority under which its adopted is authorized. The notice shall specify how the complete text of the proposed rule may be obtained.

Board consideration of the proposed rule cannot occur until at least twenty-eight (28) days after the publication, mailing, and posting have all occurred.

#### Economic Impact Statement

The Board shall determine at the time of the first reading whether or not an economic impact statement is required under F.S. 120.54(3)(a)1. In taking action to move forward, the Board determination on this matter shall be included as part of the minutes.

The Superintendent is required to prepare an economic impact statement if within twenty-one (21) days of the notice a written request for preparation of an economic impact statement is filed with the clerk of the Board by the Governor, a body corporate and politic, at least 100 people signing a request, or an organization representing at least 100 people, or any domestic nonprofit corporation or association.

Any substantially affected person may seek an administrative determination of the invalidity of any proposed rule on the ground that the proposed rule is an invalid exercise of delegated legislative authority. The proceedings for that administrative determination shall be controlled by the Administrative Procedure Act.

The Board shall schedule a public hearing on the proposed rule not less than twenty-eight (28) days after the notification has been completed. The hearing shall constitute the second reading. The Board shall consider any material pertinent to the issues under consideration submitted to the Board within twenty-one (21) days after the date of publication of the notice or as submitted at the public hearing, and such materials shall be made a part of the record the rulemaking proceeding.

After the required notice has been accomplished and prior to the adoption of the rule, the Board may withdraw the rule in whole or in part or may make such changes in the rule as are supported by the record of the public hearing held on the rule; technical changes which do not affect the substance of the rule; and changes in response to written material relating to the rule received by the Board within twenty-one (21) days after the notice and made a part of the record of the proceeding.

The rule will become effective when adopted by the Board or on a later date as specified in the rule. After a rule has become effective it may be repealed or amended only through the regular rulemaking procedures.

#### Emergency Rules

If the Board finds that an immediate danger to the public health, safety, or welfare requires emergency action, the Board may adopt any rule necessitated by the immediate danger by any procedure which is fair under the circumstances and necessary to protect the public interest, provided that:

- A. the procedure provides at least the procedural protection given by other statutes, the Florida Constitution, or the United States Constitution;
- B. the Board takes only that action necessary to protect the public interest under the emergency procedure; and
- C. the Board publishes in writing at the time of or prior to its action the specific facts and reasons for finding an immediate danger to the public health, safety, or welfare and its reasons for concluding that the procedure used is fair under the circumstances.

An emergency rule adopted under this provision may not be effective for a period longer than ninety (90) days and shall not be renewable, except during the pendency of a challenge to proposed rules addressing the subject of the emergency rule. The Board may ratify the emergency rule by taking identical action by the normal rulemaking procedures.

F.S. Chapter 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, corrections or additions for grammatical or typographical errors, alterations and omissions, and/or changing statutory citations 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 Board action as part of the consent agenda without going through the normal policy adoption procedure.

F.S. 11.242

0131.2

### **Variations and Waivers**

The School Board, by majority vote, may grant variations and waivers to requirements of its rules, pursuant to F.S. 120.542 and the Uniform Rules of Procedure, F.A.C. Chapter 28-104. The purpose of a variance or waiver is to avoid unreasonable, unfair, or unintended results in particular instances.

Variations and waivers will be granted when the person subject to the rule demonstrates that the purpose of the underlying statute will be or has been achieved by other means by the person and when application of the rule would create a substantial hardship or would violate principles of fairness. "Substantial hardship" means a demonstrated economic, technological, legal, or other type of hardship to the person requesting the variance or waiver. "Principles of fairness" are violated when the literal application of a rule affects a particular person in a manner significantly different from the way it affects other similarly situated persons who are subject to the rule.

Except for policies which specifically provide otherwise, the following procedure shall be followed:

- A. The petition for variance or waiver should be filed in the office of the Superintendent.
- B. The Superintendent shall publish notice of the petition within fifteen (15) days after receipt. Any interested person or other agency may submit written comments on the petition within fourteen (14) days after publication.
- C. Within thirty (30) days after receipt of the petition, the Board will review the petition and may request submittal of additional information.
- D. The Board will grant or deny the petition for variance or waiver within ninety (90) days after receipt of the original petition, of the last item of timely requested additional material, or of the petitioner's written request to finish processing the petition.

F.S. 120.569, 120.57

0133

### **Quasi-Judicial Hearings**

There are times when the School Board will act in its quasi-judicial capacity including employee discipline, student discipline, and bid protest proceedings. In such cases the School Board Attorney shall serve as counsel to the Board and the Staff Attorney shall be designated to represent the Superintendent.

Board quasi-judicial proceedings shall be conducted in accordance with the Administrative Procedures Act, F.S. Chapter 120, and the Uniform Rules of Procedure, F.A.C. Chapter 28.



The following procedures shall be followed in hearings on suspension and termination of personnel.

A. Responsibility of the Board

When the Board considers action concerning the suspension or termination of staff members, it is acting in the nature of a quasi-judicial tribunal. Individual Board members shall not be obligated to respond to questions directed to them. Board members may not discuss a pending case with the employee in question or his/her representative, or with members of the public, or take into consideration information not contained in the record of the proceedings or opinions on how a case should be decided.

B. Responsibility of the Superintendent

1. Administrative Leave with Pay

The Superintendent is authorized to place employees on administrative leave with pay during investigations into alleged misconduct.

2. Termination, Suspension without Pay As a Discipline, Return to Annual Contract or Return to Probationary Status

a. Superintendent's Recommendation

When a recommendation is made to the Board that an employee is to be terminated, suspended without pay as a disciplinary action, returned to annual contract or returned to probationary status, an agenda item will be prepared for presentation to the Board.

The Superintendent will prepare and serve on the employee an administrative complaint in the form of an agenda item, which shall contain the elements required by Rule F.A.C. 28-106.2015, setting forth the alleged facts, the alleged violations of statutes or rules and the Superintendent's recommendation. The employee will be informed that s/he may request a hearing on the charges to be conducted in accordance with F.S. 120.569 and 120.57, and how to make such a request. The employee will be informed that failure to request a hearing will constitute an admission that the charges are true. The employee will be informed of the date by which the employee must request the hearing and that the employee may be represented by counsel or other qualified representative. The administrative complaint must be served on the employee at least twenty-one (21) days prior to the Board meeting at which the recommendation of the Superintendent will be presented. The Superintendent shall notify the employee of the time, date, and place of the Board meeting when the Board will consider the Superintendent's recommendation.

The Superintendent will provide the employee a form for requesting a hearing that will assist the employee in substantially complying with the requirements of the uniform rules.

b. Employee Response

If the employee does not request a hearing by the date indicated, the employee is deemed to have admitted that the factual allegations in the administrative complaint are true, the alleged violations of the statutes or rules are true and the employee is waiving the right to a hearing on the charges. The employee or his/her representative, however, is entitled to attend the meeting of the Board at which the Superintendent's recommendation will be considered.

The employee and his representative may address the Board as to reasons why the Superintendent's recommendation should not be approved. However, no evidence will be considered by the Board and the Board's decision shall be based solely upon the contents of the administrative complaint, and any comments of the Superintendent and the employee or his/her representative. Each side shall be allowed five (5) minutes to address the Board.

In the event that the employee fails to or elects not to attend the above meeting, the Board shall render its decision based upon the information presented by the administrative complaint.

To request a hearing, the employee must file with the School Board Attorney's office within the time indicated, his/her request utilizing the form provided and including the required information. The School Board Attorney's office is located at 301 4<sup>th</sup> Street SW, Largo, FL 33770. The telephone number is 727-588-6221.

The School Board Attorney's office will determine if a request is in substantial compliance with the requirements of the uniform rules and whether it has been timely filed. If the request is not in substantial compliance with the uniform rules or is not timely filed, the School Board Attorney's office shall enter an order dismissing the request. The order shall specify the reasons for the dismissal. Dismissal will be without prejudice to the employee timely filing an amended request curing the defect unless it conclusively appears that the defect cannot be cured.

If a valid timely request for hearing is made, the agenda item will be removed and the Board will take no action on the recommendation. The School Board Attorney's office will enter an order granting the request for a hearing and, within fifteen (15) days of the receipt of the request, the School Board Attorney's office will refer the matter to the Division of Administrative Hearings with a request that an administrative law judge (ALJ) be assigned to conduct the hearing in accordance with F.S. 120.569 and 120.57.

Procedures for taking action on a recommended order submitted by an ALJ are set forth later in this rule.

- c. Procedures before the Administrative Law Judge

The procedures before the ALJ will be governed by F.S. 120.569 and 120.57 (1), and the Uniform Rules adopted pursuant to section F.S. 120.54(5).

Any hearing shall be open to the public.

The Superintendent will make an audio tape recording of the hearing before the ALJ which shall be made available to the employee as soon as practicable after the hearing at the employee's request. Either party is entitled to have a court reporter take down the testimony during the hearing. However, the expense of the court reporter shall be borne by the requester.

d. Procedures for Taking Action on a Recommended Order

When a hearing has been conducted and a recommended order has been issued and is being presented to the Board for action, the following procedures will govern:

- 1) Submittals to the Board
  - a) The Superintendent and the employee may file written exceptions to a recommended order of an ALJ with the agency clerk and serve them on the opposing party no later than fifteen (15) days from the date the recommended order was filed with the clerk of the Board, unless the parties specifically agree to a different time period. Failure to timely file exceptions shall constitute an acceptance of all portions of a recommended order to which exceptions have not been filed. Either party may file and serve with the exceptions a proposed Final Order that the party wants the Board to adopt.
  - b) The transcript, if any, shall be filed with the clerk at the time exceptions are filed.
  - c) In all cases all portions of the record requested by any party, the transcript, if any, the ALJ's recommended order, any exceptions filed thereto, and each party's proposed final order shall be distributed to the Board members. In no event shall the record be delivered to Board members later than seven (7) days before the Board meeting.
- 2) If no exceptions have been filed by any party, the findings of fact made by the ALJ will be considered as fact and the only issue remaining for the Board to decide is the penalty.
- 3) Persons to Be Heard: Persons other than those involved in the case will not be heard, except as their comments are included in the record of the hearing.

- 4) Time Limit for Speakers: The affected party and his or her representative and the attorney representing the Superintendent will be given fifteen (15) minutes per side to review the record with the Board and to make comments concerning the disciplinary action being recommended by the Superintendent or the ALJ. The Superintendent's attorney has the burden of proof and will address the Board first and may reserve time for rebuttal.
- 5) Cases Not to Be Retried by the Board: The case before the Board shall not be retried as a new trial after the ALJ submits his findings and recommendations to the Board. No new evidence shall be allowed to be introduced when the Board is considering a recommended order from an ALJ.
- 6) ALJ's Recommendations Not in Accord with the Superintendent's: If the ALJ's recommendations are not in accord with those of the Superintendent's earlier or subsequent recommendations, the Superintendent shall state his/her recommendations and the reasons therefore on the record prior to the speakers.
- 7) Options Concerning Recommended Orders
  - a) The Board may adopt the recommended order as the final order of the Board.
  - b) The Board may reject or modify the conclusions of law and interpretation of administrative rules over which it has substantive jurisdiction. In doing so, the Board need not have reviewed the entire record but must give specific reasons for the rejection or modification. The Board must enter a finding that the substituted conclusions or interpretations are as reasonable as or more reasonable than that which was rejected or modified.
  - c) The Board may not reject or modify the findings of fact contained in a recommended order unless the Board first determines from a review of the complete record, and states with particularity in the order, that the findings of fact were not based upon competent substantial evidence or that the proceedings on which the findings were based did not comply with essential requirements of law.
  - d) The Board may accept the recommended penalty in a recommended order, but may not reduce or increase it without a review of the complete record. If the Board increases or decreases the recommended penalty, it must state with particularity its reasons for doing so and cite to the record justifying the action.

- e) The Board is not bound by the ALJ's or the Superintendent's recommended penalty and may impose a less severe or a more severe penalty in its sole discretion subject to the requirements concerning increasing or decreasing a recommended penalty of an ALJ.

8) The Record

The official record in a case shall consist only of the following:

- a) all notices, pleadings, motions and intermediate rulings;
- b) evidence admitted;
- c) a statement of matters officially recognized;
- d) proffers of proof and objections and rulings thereon;
- e) proposed findings and exceptions;
- f) any decision, opinion, proposed or recommended order or report by the ALJ;
- g) all staff memoranda or data submitted to the ALJ during the hearing or prior to its disposition, after notice of the submission to all parties;
- h) all matters placed on the record after an ex parte communication pursuant to F.S. 120.66(2);
- i) the official transcript, if any.

9) The decision of the Board shall be based solely on the record and no Board member shall consider any matters not contained in the record as a basis for deciding the case.

10) The Board shall ensure all testimony in the proceeding shall be accurately and completely preserved by audio recording and on the request of any party shall make available a copy at no more than actual cost.

11) Final Order

- a) The Board will enter a final order that rules upon all exceptions filed by a party. The Board does not need to rule on an exception that does not clearly identify the disputed portion of the recommended order by page number or paragraph, that does not identify the legal basis for the exception, or that does not include appropriate and specific citations to the record.
- b) Final orders shall be executed by the person presiding at the meeting at which the final order was adopted and attested to by the Superintendent.
- c) Final orders shall be deemed rendered when filed with the clerk of the Board. Upon filing with the clerk, the School Board Attorney's office shall cause copies of the order to be served on the parties by regular U.S. mail within seven (7) days of the filing. The School Board Attorney's office shall provide a copy of the final order and any exceptions to the Division of Administrative Hearings within fifteen (15) days after the order was filed with the clerk.
- d) Each final order shall contain a statement that judicial review is available under F.S. 120.68, and that the appeal may be taken by filing a notice of appeal with the clerk of the Board within thirty (30) days of the rendition of the final order.

F.S. Ch. 120, 1012.22, 1012.31, 1012.33, 1012.34

0134

### **School Board Performance Audit Function**

It is the expressed interest of the School Board of Pinellas County to promote responsibility and accountability for the effective and efficient operations of the District. The School Board's performance audit function shall be considered an essential element in achieving these goals with a view toward assisting the School Board and District management in carrying out their responsibilities related to internal controls, policy reporting practices, and fiscal management. The School Board's performance audit is an independent appraisal function within the District to examine and evaluate its activities, including the efficiency and effectiveness of the District's system of internal controls and the quality of performance. The School Board's performance audit function will provide analyses, appraisals, recommendations, counsel and information concerning the activities reviewed.

- (1) Organization of the School Board Performance Audit Function
  - (a) To promote the independence and objectivity of the audit function, the School Board will periodically contract with a Performance Auditor pursuant to Section 1001.42(12)(l), Florida Statutes, who shall report to, and be evaluated by, the School Board with input from the Superintendent and advice from the School Board Attorney. The School Board's Performance Auditor will receive direction from the School Board and work in cooperation with the Superintendent and the School Board Attorney. The Performance Auditor shall be

free of organizational and political pressures that limit his or her objectivity in selecting areas to be examined and in performing thorough examinations in implementing the Audit Plan.

- (b) In selecting a Performance Auditor with whom to contract, the Board shall consider the following to be minimum qualifications and requirements:
  - 1. Bachelor's degree.
  - 2. Licensed in Florida as a Certified Public Accountant.
  - 3. Two or more years of experience conducting performance audits of state and local governments, school districts, or other public entities.
  - 4. Working knowledge of governmental accounting, Generally Accepted Government Auditing Standards (GAGAS), and other relevant accounting and auditing standards and practices.
  - 5. Two or more years of successful experience in strategic planning and best practices.
  - 6. Familiarity with laws, regulations, and issues pertaining to education, K-12 programs, and charter schools.
  - 7. Familiarity with computer aided audit tools and techniques, such as Audit Command Language (ACL).
  - 8. Working knowledge of the principles of quality processes, management, and training.

(2) Authority

- (a) To properly carry out his/her responsibilities, the School Board's Performance Auditor shall reasonably be granted:
  - 1. The authority to conduct performance and, when so directed by the School Board, financial audits of all departments, offices, activities and programs under the control of the School Board and expenditures incurred by the School District.
  - 2. As reasonably necessary in performing audit activities, and consistent with applicable law, complete and unrestricted access to all district records, documents, and facilities or other assets owned, borrowed or used by the District, which includes information regarding District vendors.
  - 3. The authority to request reasonable assistance from appropriate personnel in locating assets and obtaining records, information and documents.
  - 4. As reasonably necessary in performing audit activities, and consistent with applicable law, unrestricted interview privileges, both written and oral, with all District management and employees.
  - 5. Sufficient clerical staff to perform the duties required of him or her.
- (b) The School Board's Performance Auditor and his or her agents are to have no authority over, or the responsibility for, the activities they audit. Except with the advance written approval of the School Board, the Performance Auditor and his/her agents shall not conduct or supervise an audit of any activity for which he/she was responsible or within which he/she was employed during the preceding two years.

(3) Responsibility and Scope of Activities

- (a) The School Board's Performance Auditor shall develop a proposed Audit Plan for the Board's consideration and approval. The Superintendent may provide input to the School Board

concerning the proposed Audit Plan. The Audit Plan shall include a description of each audit to be performed, an estimated cost, and a timeline for completion.

- (b) The Superintendent may make requests to the School Board for amendments to the Audit Plan. All reports requested by the School Board as well as any additional comments will be shared with the Board as a whole at a meeting or a workshop, and not with individual Board Members. The School Board's Performance Auditor shall perform all duties as provided in the contract with the School Board and in this policy.
- (4) Auditing and Reporting Procedures
- (a) Reasonable notice shall be given to appropriate personnel of intent to audit in their area, except in those unusual circumstances in which advance notice would jeopardize the integrity of the audit.
  - (b) Each audit shall result in a written report. Audit reports shall be objective, clear, concise, constructive and timely, and may contain the professional conclusions of the auditor regarding the activities audited.
  - (c) To enhance the independence, objectivity and effectiveness of the auditing process, the draft report shall be submitted at the same time to the School Board, the Superintendent, and affected department heads. The department head may submit a response to the findings in writing within ten (10) business days. The responses shall become part of the final report presented to the School Board.
  - (d) Pursuant to Section 119.0713(2), Florida Statutes, all papers, notes, and preliminary or draft audit reports shall be held confidential and exempt from public records disclosure until the audit is completed by submission of the final report to the School Board.
  - (e) The School Board's Performance Auditor shall take such steps as the School Board shall direct, including obtaining periodic status reports from audited departments, offices, or divisions regarding system improvements, including corrective actions taken to address reported deficiencies and audit recommendations.

F.S. 1001.41, 1001.42, 1001.42(12)(l), 1001.43

Adopted 6/14/2011



## MEMBERSHIP

0141            **Number**

The School Board consists of seven (7) members who shall be qualified electors of the District.

0141.2        **Conflict of Interest**

(1) A 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.

(2) 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.

(3) 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

Adopted 12/9/09; Revised 7/26/11

0141.3        **Conflicting Employment or Contractual Relationship**

(1) Subject to the exemptions provided in F.S. 112.313(12), no 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.

(2) 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)

Adopted 7/26/11

0142            **Qualifications**

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

There shall be no other restriction on membership of the Board, except as established by the laws of the United States and General Laws of the State of Florida.

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 provide an orientation for each new Board member so that new Board members understand the functions of the Board, acquire knowledge of matters related to the operation of the schools, and learn Board procedures. Accordingly, after the certification of the election of each new Board member, the Board member shall have access to 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 negotiated 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 Board expects each new Board member to attend Florida School Boards Association (FSBA) orientations and encourages attendance at FSBA training meetings within budgetary restraints.

The Board will establish and maintain a library of publications and reference materials for the use of Board members and will provide a new Board member with a list of references that should be reviewed.

The Superintendent shall provide 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 staff to discuss District functions, policies, and procedures.

0143

### **Election**

The governing body of the Board shall consist of seven (7) members, with four (4) members from single-member districts and three (3) members from the county at-large as provided in this rule. All elections for Board members shall be nonpartisan and held at the same time as the first primary and general elections as provided by law, and Board members shall be elected at appropriately staggered terms of four (4) years. Each candidate for election to the Board must be a qualified elector of the county and, if seeking election to a single-member district, a registered voter of that single-member district at the time of qualifying. Each person elected to the Board from a single-member district shall be elected only by the electors residing in the single-member district for which s/he qualified. Each person elected to the Board shall take office on the third Tuesday after the first Monday in November of the year in which s/he was elected. If certification of the election is delayed, the person elected shall take office at the next regular meeting of the Board after final certification.

F.S. 1001.362

0143.1 **District Board Member Residence Areas**

The boundaries of the single-member districts shall be set by resolution of this Board. Each member elected from single-member district shall maintain residence in that district throughout the duration of this office term.

Single-member districts shall consist of the following county voter precincts: District 4, District 5, District 6, and District 7 as approved by the Board of County Commissioners on September 27, 2011; and as reflected in the Board Resolution approved on December 6, 2011, which is incorporated herein by reference.

If an individual does not know their precinct, they may call the Supervisor of Elections at 727-464-3551 or go to <http://votepinellas.com>.

District School Board Members to Represent Entire District

Each member of the board shall serve as the representative of the entire District.

Adopted 12/9/09; Revised 1/10/12

0144 **Term**

- (1) Members are elected for a term of four (4) years.
- (2) Board members shall be elected at the general election in November for staggered terms of four (4) years arranged so that, of seven (7) members, four (4) members shall be elected at one general election and three (3) members shall be elected at the ensuing general election.
- (3) 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

Adopted 12/9/09; Revised 7/26/11

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 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 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 or as otherwise provided by law.

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**

School Board members' salaries shall be established pursuant to 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 Board member duties will be paid by the Board, provided that each such member submits a written statement of Board member expenses consistent with Board office operating procedures and within the constraints of budgeted resources.

A Board member shall receive the same insurance coverage as is available to all full-time District employees. 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 shall make available to School Board members such equipment and service as are necessary to fulfill their responsibilities, including but not limited to, computer, printer, fax machine, electronic communication device, and routine office supplies.

Any additional non-budgeted items desired by members must have Board approval. Equipment and services shall be acquired in accordance with Board purchasing and property accounting procedures and shall be accounted for by the Superintendent. Equipment must be returned on the last day 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 Board personnel records shall be subject to Board policy and State statute. Board members are not among those designated as school officials with a legitimate educational interest in education records, and, therefore, their access to education records is restricted accordingly.

**0149.1 Public Expressions of Members**

Individual Board members may make public statements on school matters to local media and/or to local or State officials.

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

reflect the views of the Board or of their colleagues on the Board, unless specifically designated by the Board to speak on its behalf.

Board members' correspondence, including e-mails, sent and received, is governed by the Florida Public Records Act (see also [Policy 8310](#) - Public Records).

There should be no expectation of privacy for any messages sent or received by e-mail. Such messages, deleted or otherwise, to the extent they constitute public records, 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 is essential to good decision-making. Board members may be appointed to represent the Board on District committees. Board members participating in District committee deliberations should not unduly influence or stifle committee deliberations. Statements by Board members which reflect personal opinion will be clearly identified as such to committee members.

#### 0149.3 **Board-Staff Communications**

The School Board desires to maintain open channels of communication between itself and the staff. The basic line of communication, should, however, be through the Superintendent.

##### A. Staff Communications to the Board

Staff are encouraged to communicate with the Board or its committees concerning official business through the Superintendent. The Superintendent shall forward such communications received from staff members to the Board. This procedure 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. Staff members should be encouraged to utilize the procedures, established in Board policy or the collective bargaining agreement to have their concerns, complaints, or grievances addressed.

#### 0149.4 **Public Communication to the Board**

With the exception of e-mail or mail containing confidential student or employee information, all e-mail or mail received in the School Board office may be subject to a public records request. E-mail or mail received in the Board office shall be forwarded to each of the seven (7) Board members, placed in a press folder for review and retained by the Board office as provided in State statute; provided, however that e-mail or mail raising concerns about employee or student conduct will be withheld from the Board members pending a determination by the Superintendent whether an investigation leading to a recommendation for discipline of the employee or expulsion of the student is pending or, if not pending, whether such investigation is warranted. If so, because the Board members may have to take action sitting in their quasi-judicial role at the conclusion of any hearing resulting from the recommendation, the original e-mail or mail will not be provided to the Board members until after the investigation has concluded, or until after disciplinary or expulsion proceedings have concluded, whichever last occurs. If it is determined that no investigation is warranted, the e-mail or mail will be forwarded to the Board members immediately.

0149.5      **Campaign Activities**

School Board members are prohibited from engaging in campaign activities on Board premises.

Board members engaging in campaign activities 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.

This policy does not prohibit campaign activities, or use of District resources by Board members in the capacity of a political candidate, incumbent, or campaign in accordance with [Policy 7511](#).

F.S. 1001.42

**ORGANIZATION**

0151      **Organizational Meeting**

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

The Superintendent shall make and sign a copy of the proceedings of the organizational meeting, including the schedule for regular meetings and the names and addresses of all Board members, and annex their affidavits that the same is a true and correct copy of the original, and the Superintendent shall file the document within two (2) weeks with the Department of Education.

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 election of the Chairman.

After new members have received the oath of office, election of Chairman and Vice-Chairman shall be by majority vote of the members.

- 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 **Committee Assignments**

At the first scheduled workshop following the organizational meeting, the Board shall discuss the assignment of members to the various organizations, committees, and/or councils as may be required by law, School Board policy, or as desired by the Board. At the next regularly scheduled Board meeting, following this workshop, committee assignments shall be placed on the agenda for Board action.

0154 **Day, Place, and Time of Meetings**

Prior to July 1st of each year, the School Board shall, designate a day, place, and time for regular meetings for the following year.

0155 **Committees**

The School Board may establish committees as the need arises. Board committees consist solely of Board members. Citizen committees may consist of citizens and one (1) or more Board members. No committee shall consist of more than three (3) Board members.

Committees shall, when specifically charged to do so by the Board, conduct studies, make recommendations to the Board. Committees shall abide by the Sunshine Law whenever applicable to committee meetings.

Board members shall be appointed by the Board Chairman, who shall also appoint the chairman of the committee.

A Board member may request or refuse appointment to a committee.

Refusal to serve on any one (1) committee shall not be grounds for lack of appointment to another committee.

Each committee shall be convened by a chairman, who shall report the findings or recommendations of the committee to the Board.

Members of committees shall serve until the committee is discharged.

0156 **School Board Attorney**

The School Board shall employ a School Board Attorney to serve as attorney and chief legal advisor for the School Board and general counsel for the School District.

The School Board Attorney shall report to the Board, and shall provide the Board with pro active legal advice on all legal matters relating to the operation, control, and supervision of the District.

The School Board Attorney shall be authorized to represent the Board in all legal proceedings, arbitrations, mediations, and other proceedings. The School Board Attorney may refer matters to outside counsel who have been approved by the Board, and may also consult with other outside counsel who possess needed subject matter expertise.

Nothing herein shall be construed to prohibit the Board from retaining any attorney or firm of its choosing for representation in a particular case, or from requesting that the School Board Attorney and Superintendent search for attorneys or firms for representation in a particular case.

Lawsuits, third party claims, or appeals shall not be initiated on behalf of the Board without prior Board approval; provided, however, if Board approval cannot be obtained prior to the expiration of legal time limits for such action, or the Board's legal position will be adversely affected by a delay, the School Board Attorney may authorize the initiation of the action if individual Board members are notified in advance, and the matter is presented at the next regular Board meeting for a determination of whether to continue the action. Board approval is not required for loss recovery claims initiated by a third party administrator on behalf of the Board.

Individual Board members may directly contact the School Board Attorney to seek information and opinions concerning matters affecting the individual Board members in their official capacity, the Board and the District. In the event a request from an individual Board member requires a substantial investment of time or resources in order to respond, the School Board Attorney shall advise the member that the matter should be brought up at the next workshop or regular Board meeting to see if a majority of the Board authorizes the attorney to proceed.

The School Board Attorney is authorized to approve expenditures for ancillary costs of litigation including, but not limited to, court reporters, travel expenses, expert witnesses for amounts not to exceed \$6,000.00 per item. Board approval will be required for expense items greater than \$6,000.00. If an emergency exists which will adversely affect the Board's legal position prior to being able to obtain Board approval, the School Board Attorney is authorized to approve the expenditure after notifying individual Board members in advance of the expenditure. The matter will be presented at the next regular Board meeting for a determination of whether to continue the action.

The Superintendent shall utilize the services of the School Board Attorney as the Superintendent deems appropriate in furtherance of the best interests of the Board and the District.

F.S. 1001.32(3)

0157

### **Settlement of Certain Legal Claims**

The Board is self insured in accordance with Florida statutes for personal injury or property damage, workers' compensation, or similar claims. The Board utilizes a third party administrator (TPA) to process personal injury, property damage, and workers' compensation claims.

A claims committee is established to review and authorize settlement on certain claims. The committee shall be comprised of the Superintendent, the School Board Attorney, the Director of Risk Management, a member of the Board, and, for cases involving personal injury or property damage, a representative of the TPA.

The Board authorizes its TPA to settle personal injury, property damage, and workers' compensation claims up to \$10,000. The Board authorizes the Director of Risk Management and/or School Board Attorney to settle personal injury, property damage, and workers' compensation claims in excess of \$10,000 but less than \$50,000. The Board authorizes the Superintendent and School Board Attorney to settle all personal injury, property damage, and workers' compensation claims in the amount of \$50,000 or more but less than \$100,000, as well as all other claims less than \$100,000. The Board authorizes the School Board Attorney to execute on the Board's behalf appropriate settlement documents in connection with the settlement of any of the foregoing claims.



The claims committee will be convened by the School Board Attorney when authorization is sought to settle any claim or lawsuit for an amount not to exceed the sovereign immunity limits imposed by F.S. 768.28(5). The committee will consider all relevant factors, applicable laws, and recommendations of the TPA and assigned counsel when authorizing a settlement. The Board authorizes the claims committee to settle any claim or lawsuit where the total settlement amount does not exceed sovereign immunity limits, and authorizes the School Board Attorney to execute on the Board's behalf appropriate settlement documents in connection therewith.

F.S. 1001.32(3)

Adopted 12/9/09; Revised 6/29/10

## MEETINGS

0161 **Parliamentary Authority**

At regular and special meetings where action may be taken by the School Board, the parliamentary authority governing the 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 School Board Attorney shall serve as parliamentarian at all Board meetings.

0162 **Quorum**

Four (4) members physically 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 plurality of those present to preside. The act of any person so designated shall be legal and binding.

0164 **Notice of Meetings**

(1) 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.

(2) 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 of general circulation in the county as required by Florida statutes. Such notice shall contain the date, time, place, and purpose of the meeting.

F.S. 120.525, 120.81, 1001.372

Adopted 7/26/11

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. 120.525, 120.81, 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. 286.011, 447.605

Emergency meetings shall be held in accordance with Florida statutes.

F.S. 120.525

0165.1

### **Agendas**

The Superintendent shall establish the agenda for School Board meetings, hearing, and workshops. The Board and School Board Attorney may add items to the agenda for Board action in cases where no Superintendent recommendation is necessary or appropriate. Prior to each meeting, the Superintendent shall review the agenda with the Board Chairman. 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. 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. Notification of such change shall be given at the earliest practicable time.

- A. An agenda 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 member of the public who requests a copy and who pays the reasonable cost of the copy. The agenda, along with any meeting materials available in electronic form excluding confidential and exempt information, shall be published on the District's website. The agenda shall contain the items to be considered in order of presentation.
- B. The agenda for a special meeting shall be made available at least twenty-four (24) hours before the meeting, consistent with provisions calling for special meetings.
- C. In order to clarify recommendations contained in the agenda and to assist in providing for an orderly meeting. Board members will contact the Superintendent at least two (2) days before the meeting to obtain answers to questions regarding agenda items. Appropriate staff will be consulted to obtain answers to relay to the Board or develop responses to be shared at the Board meeting.

The School Board Attorney shall be contacted by Board members prior to the meeting regarding legal issues associated with agenda items.

- D. 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 by majority vote of the members present.
- E. Consent Agenda

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

A member of the Board may request any item be removed from the consent resolution 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.

- F. 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.

Adopted 12/9/09; Revised 6/29/10

0165.2 **Regular Meetings**

Regular meetings of the School Board shall be public and held at least once each month according to a schedule approved by the Board prior to June 30th of each year. The Superintendent shall be responsible for public notice of the scheduled meetings, as well as any changes in the schedule.

0165.3 **Special Meetings**

Special meetings will be held when called by the Superintendent or by the Superintendent on request of the Chairman, or on request of a majority of the member of the Board. Actions taken at special meetings will have the same force and effect as if taken at a regular meeting. In the event the Superintendent should fail to call a special meeting when requested to do so, such a meeting may be called by the Chairman or by a majority of the members of the Board by giving two (2) days' written notice of the time and purpose of the meeting to all members and to the Superintendent, in which event the minutes of the meeting will set forth the facts regarding the procedure in calling the meeting and the reason therefor and will be signed either by the Chairman or by a majority of the members of the Board.

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

0165.4 **Emergency Meetings**

If the Board finds that an immediate danger to the public health, safety, or welfare requires immediate action, the Board may hold an emergency public meeting and shall give notice of such meeting by any procedure that is fair under the circumstances and necessary to protect the public interest, if:

- A. the procedure provides at least the procedural protection given by other statutes, the State Constitution, or the United States Constitution;
- B. the Board shall take only that action necessary to protect the public interest under the emergency procedure;
- C. the Board shall publish in writing at the time of, or prior to, its action, the specific facts, and reasons for finding an immediate danger to the public health, safety or welfare and its reasons for concluding that the procedure used is fair under the circumstances. The agency findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable.

0165.5 **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 Chairman, when the time arrives, announces the fact and says the meeting stands in recess, to the specified hour. The Chairman reconvenes the meeting and the business proceeds as a continuation of the previous session.

0165.6 **Adjourn**

The School Board, upon a motion, second, and a majority vote, may, at any time during a meeting, adjourn the meeting to a specified date and time.

0166 **Executive Session**

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

All discussions in such executive sessions between the Superintendent, or his/her representative, and the Board shall be closed and exempt from the provisions of F.S. 286.011.

Attorney-Client Sessions

The Board, the Superintendent, the School Board Attorney, and any attorney representing the Board may meet in private to discuss pending litigation in which the Board is presently a party before a court or an administrative agency provided the following conditions are met:

- A. The School Board Attorney advises the Board at a public meeting that s/he desires advice concerning the pending litigation.
- B. The subject matter of the meeting shall be confined to settlement negotiations or strategy sessions related to litigation expenditures.
- C. The entire session shall be recorded by a certified court reporter. The reporter shall record the times of commencement and termination of the session, all discussions and proceedings, the names of all persons present at any time, and the names of all persons speaking. No portion of the session shall be off the record. The court reporter's notes shall be fully transcribed and filed with the clerk of the Board within a reasonable time after the meeting.
- D. The Board shall give reasonable public notice of the time and date of the attorney-client session and the names of persons who will be attending the session. The session shall commence at an open meeting at which the Chairman shall announce the commencement and estimated length of the attorney-client session and the names of the persons attending. At the conclusion of the attorney-client session, the meeting shall be reopened and the Chairman shall announce the termination of the session.
- E. The transcript shall be made part of the public record upon conclusion of the litigation.
- F. The Board will not meet in private to discuss any matters concerning the Bradley v. School Board of Pinellas County, Florida desegregation case.

F.S. 286.011, 447.605

0166.1 **Workshop**

A workshop may be called by the Chairman of the School Board, the Superintendent, or a majority of Board members for the purpose of discussing

matters which constitute the business of the school system. The Chairman, in collaboration with the Superintendent, establishes the agenda for workshops. Each Board member shall be formally notified of such workshops 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 submit minutes of the workshop for approval at the next regular or special meeting.
- B. The Board shall take no formal action in a workshop.
- C. The agenda and public notice requirements applicable to workshops shall be the same as those for regular meetings.
- D. Unless otherwise allowed by the Board, the Board will not hear presentations from the public at workshops.

F.S. 120.525, 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.

Pursuant to the Florida statutes, a Board member may abstain from voting only if a conflict of interest exists, as defined 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. At the conclusion of the vote, the Chairman shall announce the outcome of the vote and also the identity of the members voting in the minority. Each vote and abstention shall be recorded. Proxy voting is prohibited.

F.S. 286.012, 112.311, 112.313, 112.3143

0167.1

### **Use of Electronic Resources**

All messages created, sent, or retrieved through electronic resources are the property of the School Board, and not individual Board members. Any information generated, stored, or sent through electronic resources is the same as any written document and may be subject to Florida's Public Records Act, F.S. Chapter 119. Individual Board members have no expectation of privacy in their use of electronic resources.

Under no circumstances shall Board members use electronic resources 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.

The fact that records are made or received on a private computer, private personal digital assistant, or other private electronic communication device does not affect their character as public records.

0168

### **Minutes**

The Superintendent shall act as secretary and shall cause to be kept official minutes of all its meetings and workshops showing the time and place, the members present, the subjects considered, actions taken, 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, corrected if necessary, and approved. The approved minutes shall be signed by the Superintendent and the Chairman.

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 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, one half hour prior to the commencement of regular meetings, the Board shall allow for public comment on matters pertaining to the general business or operations of the Board or District.

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

Members of the audience are invited to speak before the Board in accordance with this policy.

#### **A. Public Comment**

1. For a period up to thirty (30) minutes immediately preceding the commencement of regular meetings, the Board will hear comment from members of the District community on matters not covered by items on the agenda (excluding employee discipline), but which pertain to the general business or operations of the Board or District. Speakers under this paragraph will be allotted three (3) minutes to make their comments unless granted a longer time by the Chairman. If the number of speakers signed up to speak cannot be accommodated during the thirty (30) minute period, each remaining speaker will be allotted three (3) minutes to make their comments following adjournment of the regular meeting. Additional speakers may sign up to speak before adjournment of the regular meeting or until the last registered speaker has finished, whichever is later. No speaker may yield his or her time to any other person.
2. Any member of the District community may request to speak by completing and submitting to the Superintendent's designee (normally seated inside the entrance to the meeting room) the appropriate Speaker's Request Form indicating the name and address of the person to speak and the subject matter to be addressed. Speakers will be called in the order in which they submit their Speaker's Request Form.
3. The Board will not act on any matter raised by a speaker prior to the next regular meeting. If a majority of the Board desires to further consider a matter raised by a speaker, they will request the Superintendent to bring a recommendation at a future workshop or meeting. It is generally the Board's practice not to respond to the issues brought forward by speakers except to correct inaccuracies.
4. To avoid repetition, speakers supporting the same issue are encouraged to designate a spokesperson and have the spokesperson request the members of the audience supporting the position to stand during the spokesperson's comments.

#### **B. Numbered Agenda Items**

1. In addition, during regular meetings, before the adoption of the agenda, members of the audience shall be permitted to speak to any one or more action items, including consent or non consent agenda items, prior to Board discussion except items pertaining to employee and student discipline. Each speaker addressing an item

must submit the appropriate Speaker's Request Form and, regardless of the number of items, shall be allotted one (1) three (3) minute period to speak unless granted a longer time by the Chairman. The Chairman's decision may be overruled by a majority vote of the Board.

2. Early in the meeting, the Chairman (or designee) shall announce that members of the audience wishing to speak to one or more action items may do so by submitting an appropriate Speaker's Request Form to the Superintendent's designee (normally seated inside the entrance to the meeting room). The form shall indicate the action item number, the subject, the name and address of the person, and the party or parties represented by the person. All forms shall be submitted to the Superintendent's designee prior to the conclusion of the last registered speaker. The Superintendent's designee shall not accept any forms on an agenda item after the Board Chairman entertains a motion for adoption of the agenda.
3. Each person submitting the signed Speaker's Request Form may address the Board, but no such person may yield his/her time to any other person. Each speaker shall be recognized to speak to any one or more action items and will be called to speak in the order that the request form is received by the Superintendent's designee or as announced by the Chairman (or designee).
4. If a speaker wants to supplement his or her three (3) minute presentation, the speaker should provide the Board office written materials prior to the meeting. Board members will make every effort to review these materials. Board members may not be able to review materials received less than two (2) business days prior to the Board meeting.

#### C. Public Hearings

In addition to other opportunities for public comment, members of the public will be given the opportunity to address the Board at public hearings before the Board, excluding those involving employee or student discipline. Each speaker will be given three (3) minutes to speak unless granted a longer time by the Chairman. The Chairman's decision may be overruled by a majority vote of the Board. The same procedures and restrictions that apply to public comment at regular meetings shall apply to public comment at public hearings, including signing up to speak and yielding of time to others.

#### D. Recordings are permitted under the following conditions:

1. No obstructions are created between the Board and the audience.
2. No interviews are conducted in the meeting room while the Board is in session.
3. No commentary, adjustment of equipment, or positioning of operators is made that would distract either the Board or members of the audience while the Board is in session.

#### E. Regulation of Disruptive Speech:

The Board recognizes that Board meetings are a limited open forum for First Amendment purposes, and the public's exercise of their First Amendment right of free speech in that context will be recognized and protected, subject to reasonable restrictions as to time, place, and manner. Applause shall be permitted only when awards are granted.

The Chairman may:

1. Interrupt or terminate a speaker when his/her statement is not relevant, exceeds the time allotted, or is abusive, threatening, defamatory, obscene, profane, loud, interruptive, or otherwise of a disruptive or disorderly nature;
2. Order the removal, from a public meeting held by the Board, of any person interfering with the expeditious or orderly process of the meeting, provided the Chairman has first issued a warning that continued interference with the orderly processes of the meeting will result in removal.

Nothing herein is intended, nor shall anything be construed, to limit or restrain negative, positive, or neutral comments about the manner in which Board employees, agents, the Superintendent, and Board members carry out their duties in public employment or office.

Effective: January 1, 2012



## DUTIES

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

### 0171 **Review of Policy**

The School Board will evaluate how policies have been implemented and their general effectiveness. It will rely on the school staff, students, and community to provide evidence of the effect of the policies it has adopted.

The Superintendent and School Board Attorney shall continually call to the Board's attention all policies that need revision, and the Superintendent shall recommend adoption of revisions as necessary and appropriate. All such revisions shall be in accordance with the Administrative Procedures Act (F.S. Chapter 120).

The Board shall review and revise its policies as often as necessary to ensure that its policies are correct and comply with statutory requirements. Additionally, the Board shall perform a formal review of its policies every two (2) years. In the review, the Board shall:

- A. identify and correct deficiencies in its policies;
- B. clarify and simplify its policies;
- C. delete obsolete or unnecessary policies;
- D. delete policies that are redundant of statutes;
- E. seek to improve efficiency, reduce paperwork, or decrease costs to government and the private sector;
- F. contact agencies that have concurrent or overlapping jurisdiction to determine whether their policies can be coordinated to promote efficiency, reduce paperwork, or decrease costs to government and the private sector; and
- G. determine whether the policies should be continued without change or should be amended or repealed to reduce the impact on small business while meeting the stated objectives of the proposed policy.

By October 1st of every odd numbered year, the Board shall file a report with the President of the Senate, the Speaker of the House of Representatives, and the committee, with a copy to each appropriate standing committee of the Legislature, which certifies that the Board has complied with the requirements of F.S. 120.74.

Adopted 12/9/09; Revised 6/29/10

### 0173 **Board Officers**

- A. The Chairman of the School Board shall:
  1. preside at all public meetings of the Board;
  2. call special meetings of the Board;
  3. appoint or provide for the selection of all committees;

4. sign notes, minutes, conveyances, contracts, and other legal instruments for which the signature of the Chairman is called; and
  5. perform other duties which may be prescribed by law or by action of the Board.
- B. The Vice-Chairman shall assume and discharge the duties of the Chairman in his/her absence, disability, or disqualification, and perform other duties prescribed by the Board.
- C. The Superintendent shall serve as secretary and executive officer of the Board.
- D. A committee chairman shall call meetings of the committee, keep informed on developments in activities under the committee's jurisdiction, and report to the Board for the committee.

0175.1

**Board Conferences, Conventions, and Workshops**

The School Board recognizes the value of membership and attendance at conferences and meetings at the local, County, State, and National level.

Attendance at local, County, State, and/or National workshops and conferences is encouraged.

Each Board member is expected to share information gained with the Board after attending a conference at Board expense.

Travel and personal expenses of spouse, children, or other guest traveling with a Board member shall be the responsibility of the Board member or of the individual. Expenses for convention functions attended as a group will be borne by the Board within budgetary limits. The Superintendent shall include an amount in each proposed annual budget to cover expenses to support the participation of the Board in activities and programs conducted by the State and other organizations as the Board chooses.

## 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 ensure the smooth functioning of the District. Maintenance of an efficient, skilled operational staff is essential to the effective performance of the system.

F.S. 1001.51

## 1010 - BOARD - SUPERINTENDENT RELATIONSHIP

The School Board believes that, in general, it is the primary duty of the Board to establish policies and that of the Superintendent to administer such policies. Policy should not be originated or changed without the recommendation of the Superintendent. The Superintendent should be given the latitude to determine the best method of implementing the policies of the Board.

The Superintendent, as the chief executive officer of the School District, is responsible for the development, supervision, and operation of the school program and facilities.

The Superintendent shall serve as chief representative of the Board for the purpose of determining negotiation strategies and members of negotiation teams for collective bargaining with recognized employee organizations.

The Board is responsible for determining the success of the Superintendent in meeting the goals established by the Board through annual evaluations of the Superintendent's performance. The evaluation process shall be governed by Board Policy 1040 and the terms of the employment contract between the Board and the Superintendent.

F.S. 447.201 et seq., 1001.41, 1001.49

## 1030 - SUPERINTENDENT OF SCHOOLS

The School Board shall employ the Superintendent, as provided by law.

The Superintendent shall be the chief executive officer of the Board and the official secretary of the Board and shall be responsible for the keeping of all minutes of the Board and all other records of the School District.

The Superintendent is responsible for:

- A. the administration and supervision of instruction in all the schools;
- B. conducting such research as may be necessary to evaluate every phase in the operation of the schools;
- C. making recommendations to the Board for its consideration and is charged with the responsibility for operating the schools in all phases of their management within the framework of the policies adopted by the Board;
- D. the fiscal management of the schools including the preparation and presentation of an annual budget;
- E. meeting and fully complying with all statutory provisions of the State of Florida as related to his/her office;
- F. making recommendations on all matters relative to the appointment, assignment, transfer, promotion, suspension, or dismissal of teachers, principals, department heads, supervisors, and all other appointive personnel employed by the Board;
- G. keeping the Board apprised of all developments, changes, and problems in the operation of the school system;
- H. recommending procedures for implementing and maintaining a system of school improvement and education accountability as provided by statute and State Board of Education rule;
- I. recommending administrative procedures as appropriate to implement Board policies.

F.S. 120.53, 1001.32(2), 1001.372, 1001.36, 1001.41, 1001.42, 1001.43

F.S. 1001.49, 1001.51

Florida Constitution, Article IX, Section 4(B)

## 1040 - EVALUATION OF THE SUPERINTENDENT

The School Board believes it is essential that it evaluate the Superintendent's performance periodically in order to assist both the Board and the Superintendent in the proper discharge of their responsibilities and to enable the Board to provide the District with the best possible leadership.

The Board shall annually, evaluate and assess in writing the performance of the Superintendent on or before September 1st of each calendar year during the term of the agreement between the Board and the Superintendent. The evaluation instrument shall be developed jointly by the Board and Superintendent as specified in the agreement between the Board and the Superintendent.

F.S. 1001.47, 1001.50

Revised 6/14/11 by Board Action under the authority of Policy 0131.1

## 1060 - VACANCY IN THE OFFICE OF THE SUPERINTENDENT

If a vacancy occurs in the office of the Superintendent by reason of death, disability, termination of employment, removal of residence from the District, or other reason, the School Board shall conduct at least one (1) public hearing, which may be held at the time of a regularly scheduled Board meeting, to receive information from the public on the method of conducting a search for a new Superintendent, and the qualifications to be required for the prospective Superintendent. In the interim, the Deputy Superintendent will serve as Acting Superintendent until the Board appoints an Interim Superintendent at a regular or emergency meeting.

F.S. 1012.23

## 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.

FS 112.313(7)



## 1115 - DECENTRALIZED DECISION-MAKING

The School Board adopts a policy of decentralized decision-making, the primary focus of which shall be improved student achievement.

### **Definition/Philosophy**

The Board defines decentralized decision-making as a process of empowering parents, teachers, school principals, and community members in a spirit of collegiality and collaboration with the authority and responsibility for decision-making at the local school level. The process involves the individuals responsible for implementing decisions in making those decisions. In general, decisions should be made at the level closest to the issue being addressed.

Decentralized decision-making is based on three (3) fundamental beliefs:

- A. those most closely affected by decisions ought to play a significant role in making those decisions;
- B. the school is usually the most viable organization unit within which to make changes; and
- C. changes have a greater degree of being effective and long-lasting when carried out by people who feel a sense of ownership and responsibility.

### **Commitment**

In order for decentralized decision-making to be effective, it is important that the Board, administration, staff, and community make a commitment to:

- A. a system-wide culture that supports norms of collegiality and collaboration with a demonstrated commitment to shared decision-making;
- B. professional development to acquire the skills needed for shared decision-making at the school level; and
- C. ongoing cross-school collaboration by administration and staff to support professional development, best instructional practices, and enhanced organizational learning.

### **District Mission, Vision, Strategic Plan, Policies, and Collective Bargaining Agreements**

The District mission, vision, strategic plan, policies, collective bargaining agreements, beliefs, priorities, and policies shall continue to be established at the District level and approved by the Board. These establish the broad framework within which decisions can be made. The process for establishing the framework shall involve staff and the community. The collective bargaining agreements with the employee associations may also establish parameters for decision-making.

### **Role and Responsibility; School Plan for Implementation of Decentralized Decision-making**

The Superintendent shall propose processes and procedures for Board approval for the implementation of decentralized decision-making to include a delineation of which responsibilities will remain at the central administration, which will remain with the school principal, and which will be made by a shared decision-making body at the school. School advisory councils shall continue to be the sole body responsible for final decision-making at the school relating to the implementation of school improvement and education accountability as prescribed by F.S. 1001.42(18) and 1008.345. The following are examples of subject matters that may be appropriate for school-level decision-making:

- A. development of educational priorities for the building, based on the District's priorities, while taking into account the specific needs of students;
- B. development of new programs to meet the unique needs of a school's student population;
- C. development of scheduling to meet instructional objectives within the school day;

- D. allocation of the school's resources to best meet the needs of the students;
- E. determination of professional development programs to meet faculty needs; and
- F. selection of supplemental instructional materials.

The procedures shall also include procedures for monitoring and assessing effectiveness of decentralized decision-making in relation to meeting the curricular and instructional goals of the school. The Board, central administration, school principal, the school advisory council, and the decentralized decision-making body will share the responsibilities and accountability. The procedures shall provide for the development of a plan for implementation of decentralized decision-making. The plan shall be aligned to the school improvement plan. The plan shall be consistent with the Board's commitments under State and Federal statutes, regulations, State Board rules, court order(s), and other applicable law and policy. The Superintendent shall report to the Board in writing semi-annually with an update on the implementation of decentralized decision-making throughout the District, including any significant changes. One report shall be submitted along with the school improvement plans, and the other shall be submitted six (6) months thereafter.

### **Role of the School Principal**

The school principal plays a pivotal role in improving school effectiveness.

Although many other members of the school community will be involved in making decisions, the school principal is the only one in a school building responsible for the whole school and will have the unique perspective and responsibility of seeing all aspects of the school. Just as the Superintendent must be the educational leader of the District, so the school principal must be the instructional leader of the school. School principals assume increased authority and responsibility under a system of decentralized decision-making.

School principals are provided greater discretion in determining budget priorities, establishing staffing patterns and developing educational programs to meet District wide goals.

Along with the increased authority for making decisions comes increased accountability, schools will be expected to develop specific educational objectives and instructional strategies for meeting District program goals and any State-mandated school improvement requirements.

### **Role of Others**

While school principals will play a pivotal role in a system of decentralized decision-making, effective leadership is not the sole responsibility of the school principal. Under a system of decentralized decision-making others in the school community — including teachers, parents, students, and the business community — will participate in designing programs that will meet the school's educational objectives.

The Board expects teachers to be involved in educational decisions, including but not limited to, decisions about school climate, selection of materials, teaching methods and strategies, staff development and goal setting at the school level.

It shall be the school principal's responsibility to determine the level of staff involvement regarding educational decisions.

Other staff members will assume responsibilities for decisions about their work. Parents and other community members should play an active role in helping schools interpret and serve the needs of children.

The Superintendent is responsible for achieving District goals, communicating shared values, and building support for the schools throughout the entire community. The central administration will provide technical and professional support to the schools.

Finally, the Board will provide continuing support of the decentralized decision-making process to ensure its enduring success.

F.S. 1001.41(2), 1001.42(19), 1001.42(25), 1001.452(1)(a)

Adopted 12/9/09; Revised 1/25/11

## 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. Any person employed in an administrative position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

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.

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

To be eligible for employment in an administrative position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the 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. A person who is found through background screening, pursuant to Board [Policy 1121.01](#), to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of a crime involving moral turpitude as defined by the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

A. Category One

Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes, and any other crime involving moral turpitude.

The District will not hire applicants who have been convicted of Category One offenses.

B. Category Two

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two offense was within the last twenty-five (25) years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond twenty-five (25) years.

C. Category Three

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three offense was within the last ten (10) years. The District will consider the applicant and carefully review the conviction for a Category Three offense if it was beyond ten (10) years.

D. Category Four

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction for a Category Four offense was within the last five (5) years. The District will consider the applicant and carefully review if the conviction for a Category Four offense was committed beyond five (5) years.

E. Category Five

Other misdemeanors and felony crimes involving worthless checks.

The District will consider the convictions in Category Five on a case-by-case basis.

Multiple convictions under any category will be considered on a case-by-case basis and may result in an extension of the period of disqualification. For the purposes of this policy, conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding or admission of guilt, a plea of no contest, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Criminal History Appeal Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident or any other evidence or circumstances indicating that the employee will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

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 first ninety-seven (97) working days of an initial contract of a certificated administrator 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.

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, except those shielded by law, are required to have listed telephone number(s) in the personnel directory.

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

Adopted 12/9/09; Revised 6/29/10, 12/7/10

## 1121 - CONDITIONS FOR INITIAL EMPLOYMENT OF ADMINISTRATORS

Applicants for initial employment must submit an employment application, a copy of the social security card with correct name or other form of work authorization, and, if not currently an employee of the School Board, a minimum of three (3) acceptable references. Candidates shall meet the 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.

The Superintendent shall develop appropriate employment procedures governing the recruitment, screening, selection, appointment, and employment of all personnel consistent with Florida statutes, State Board of Education rules, Federal requirements, and Board policies.

F.S. 121.091, 1012.01, 1012.32, 1012.40

## 1121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT

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, all candidates for all positions shall be subject to a criminal background check to determine suitability for employment at the applicant's expense. The application for employment shall inform the applicants that they are subject to criminal background checks. Certain classifications of employees must be re-fingerprinted every five (5) years, and must self-report arrests.

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

## 1122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no administrative staff member or candidate for such a position in this District shall, on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall appoint a compliance officer whose responsibility will be to require compliance with Federal and State regulations and require that any complaints are dealt with in accordance with Board policy and law. The compliance officer shall also provide 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, Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Florida Education Equity Act of 1984 to staff members and the general public. Any sections of the District's collectively-bargained agreements pertaining to hiring, promotion, and tenure should contain a statement of nondiscrimination.

F.S. Ch. 760, 1000.05

F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)

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

20 U.S.C. 1681 et seq., Title IX

42 U.S.C., 2000e, et seq., Civil Rights Act of 1964

42 U.S.C., 12112, Americans with Disabilities Act of 1990

## 1124 - ALCOHOL AND DRUG-FREE WORKPLACE

It is the intent of the School Board to provide a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace. Violations of this policy may result in disciplinary action, up to and including termination.

Pursuant to the Drug-Free Workplace Act of 1988, employees shall abide by the terms of this policy and shall notify the Superintendent or his/her designee of any arrest or conviction under a criminal drug statute not later than forty-eight (48) hours after such arrest or conviction.

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol and/or a controlled substance (as defined in F.S. Chapter 893) in the workplace, during the workday, when on duty, and/or in the presence of students or students' families as part of any school or work-related activities. Violation of this prohibition shall result in appropriate disciplinary action up to and including termination and referral for prosecution.

"Workplace" is defined as the site for the performance of work done in connection with employment. This includes any place where work for the Board is performed, including a school building or other school premises, any vehicle owned by the Board or a vehicle used to transport students to and from school or school activities, off school property during a school-sponsored activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.

A copy of the Board's drug-free workplace policy will be provided to employees upon initial employment. Each employee will sign a statement to indicate receipt and understanding of the drug-free workplace policy and that statement will be retained in the employee's personnel file. The drug-free workplace policy may be posted at each worksite.

Pre-employment drug abuse screening examinations shall be required to prevent hiring individuals who use drugs or individuals whose use of drugs indicates a potential for impaired or unsafe job performance or for high risk positions such as bus drivers.

Employees in job classifications which require an annual physical will be required to submit to a drug screening as part of the annual physical.

As a condition of continued employment, current employees shall submit to drug screening when reasonable suspicion exists to believe that an employee is using a substance that is impairing the employee and/or his/her job performance. Reasonable suspicion may include, without limitation, observation of one (1) or more of the following:

- A. aberrant or unusual behavior observed by the employee's worksite supervisor;
- B. observed alcohol/drug use during working hours;
- C. observation of physical symptoms commonly associated with substance abuse such as:
  - 1. impairment of motor functions;
  - 2. slurred speech;
  - 3. incoherent or irrational mental state;
  - 4. drowsiness;
  - 5. smell of alcohol or marijuana;
  - 6. extreme weight loss;
  - 7. red eyes;



8. running nose or sniffing;
9. frequent or extreme mood changes;
10. lack of physical coordination;
11. frequent absences or lateness;
12. unexplained absence from assigned work;
13. deterioration in dress and/or grooming;
14. deterioration in work performance;
15. other marked, unexplained changes in personal behavior.

When a reasonable suspicion exists, the Superintendent's designee shall be contacted. The employee will be provided an opportunity to explain his/her condition. The employee will be provided with information regarding available drug counseling, rehabilitation, assistance program, and leave options. One rehabilitation contract including drug testing may be agreed upon. Failure to participate in a treatment program following a positive drug screening will result in disciplinary action, up to and including termination. Due process will be followed.

All testing shall be conducted by a laboratory certified by the State of Florida as a medical and urine drug testing forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories engaged in drug abuse and mental health administration of the U.S. Department of Health and Human Services.

The procedures established by the laboratory shall be followed in administering drug tests to employees.

Refusal to submit to drug testing when reasonable suspicion exists may result in disciplinary action up to and including termination.

Employees who seek voluntary assistance for substance abuse may not be disciplined for seeking assistance. Employees shall be subject to all employer rules, regulations, and job performance standards with the understanding that an employee enrolled in a rehabilitation program is receiving treatment for an illness.

Employees who return to work after completion of a rehabilitation program shall be subject to follow-up drug testing with no advance notice during a prescribed probation period determined by the Superintendent. Any employee who refuses the drug test or subsequently tests positive may be disciplined up to and including termination.

Random testing of employees shall not be conducted.

All drug testing, with the exception of employee requested tests, shall be at the expense of the Board.

Drug testing results will be treated in a confidential manner. Written notification of Board employees who are in grant-funded positions and who are convicted of drug violations, will be made to Director, Grant and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3124, GSA Regional Office Building No. 3), Washington, D.C. 20202-4605.

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 (20), 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

Vocational Rehabilitation Act of 1973

Drug-Free Schools and Communities Act of 1986

## 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.

F.S. 1012.33

## 1129 - CONFLICT OF INTEREST

No employee acting in his/her official capacity as a purchasing agent shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his/her own agency from any business entity of which the employee or employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or employee's spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the School Board.

No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee knows, or, with the exercise of reasonable care, should know, that it was given to influence action in which the employee was expected to participate in his/her official capacity.

No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, the Board; nor shall an employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties or that would impede the full and faithful discharge of his/her public duties.

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 conflict with the proper discharge of his/her duties in the public interest.

F.S. 112.311, 112.312, 112.313, 1006.32  
F.A.C. 6B-1.001, 6B-1.006

## 1130 - 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 administrators.

Administrative staff shall perform the duties required by Florida statutes and all other generally accepted administrative duties such as hall duty, 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 contract and/or Board appointment.

### **Employment of Relatives**

No employee shall be assigned to a position that reports to or supervises a position held by a close relative. Close relative shall be defined as the first degree of kindred: husband, wife, father, mother, brother, sister, son, daughter, and in-laws of the same degree. If such a reporting relationship is found to exist, the Superintendent shall effectuate an appropriate transfer as soon as reasonably possible under the circumstances.

F.S. 112.3135, 1012.22, 1012.23

1130.01 - REASSIGNMENTS OF ADMINISTRATORS

Administrators may be reassigned to any position for which they are qualified in order to meet the needs of the District. The Superintendent shall recommend administrative reassignments to the School Board.

F.S. 1012.01, 1012.33

## 1140 - DISCIPLINE OF ADMINISTRATORS

When the discipline of an administrator becomes necessary, such action shall be in proportion to the administrator's offense or misconduct, consistent with appropriate procedural and substantive due process, State law, and this policy.

An administrator may be disciplined at any time during the contract year pursuant to provisions set forth in the employment contract, applicable law, and this policy.

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

All Board employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

### Disciplinary Guidelines for Administrative Personnel

The Superintendent retains the right and the responsibility to manage the work force. The School District generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, written counseling/conference summary, caution, reprimand, suspension without pay, and dismissal defined as follows:

- A. Written Counseling/Conference Summary - This is a written memorandum or letter memorializing an area of concern involving the performance or conduct of the employee. It is the first step in progressive discipline and is intended to counsel and advise the employee of best practices.
- B. Letter of Caution - A letter of caution is given to an employee who has demonstrated problematic behavior or performance. It is the second step in progressive discipline and is intended to alert the employee that a problem has been identified and needs to be corrected.
- C. Reprimand - A written reprimand is more serious than a caution. It is a formal censure or admonition given to an employee who has engaged in unacceptable behavior or demonstrated unacceptable performance.
- D. Suspension Without Pay - A suspension without pay is the temporary release from duty of an employee for a stated number of calendar days without pay and applies when a violation or repetition of violations of policies, contractual provisions, laws, or District expectations are serious enough to warrant suspension.
- E. Dismissal - This is the final step in progressive discipline and applies in cases where the employee misconduct is severe or in cases where the misconduct or unacceptable behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. The following offenses are subject to the penalties described below:

A. <u>Offense</u>	<u>Penalty Range</u>
1. Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors, sexual relations with a student	Dismissal

2.	a.	Illegal possession or use of drugs, or being under the influence of illegal drugs, while on or off duty	Reprimand-Dismissal
	b.	Illegal sale of drugs whether on or off duty	Dismissal
	c.	Possession, use, or being under the influence of illegal drugs while off duty	Reprimand-Dismissal
3.		Committing or conviction* of a criminal act - felony	Suspension-Dismissal
4.		Committing or conviction* of a criminal act - misdemeanor	Reprimand-Dismissal
5.		Possession of guns or weapons on Board property (The provision set forth in F.S. 790.115(2)(a)(3) is expressly waived in <a href="#">Policy 1217</a> )	Suspension-Dismissal
6.		Alcohol related offenses or driving under the influence of alcohol	Reprimand-Dismissal
7.		Use of corporal punishment, excessive force, or inappropriate method of discipline	Conference Summary- Dismissal
8.		Falsification or alteration of employment paperwork, District forms or documents or certification	Caution- Dismissal
9.		Incompetence as evidenced by inability or lack of fitness to discharge the required duty	Reprimand-Dismissal
9a.		Failure to perform the duties of the position	Caution-Dismissal
10.		Using position for personal gain/conflict of interest	Caution- Dismissal
11.		Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background	Reprimand-Dismissal
12.		Harassment or discrimination which 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	Caution- Dismissal
13.		Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement	Conference Summary- Dismissal
14.		Inappropriate relationship with a student	Reprimand-Dismissal
15.		Inappropriate interactions with colleagues including, but not limited to, physical or verbal altercation	Conference Summary- Dismissal

16.	Misappropriation of funds or theft of personal property	Caution- Dismissal
17.	Excessive absenteeism or tardiness	Conference Summary- Dismissal
18.	Absence without leave (AWOL)	Caution- Dismissal
18a.	Abandonment of job (shall be presumed after three (3) consecutive work days of absence without leave)	Dismissal
19.	Failure to correct performance deficiencies	Conference Summary- Dismissal
20.	Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority	Caution- Dismissal
21.	Conduct unbecoming a Board employee that brings the District disrepute or that disrupts the orderly processes of the District	Caution- Dismissal
22.	Misconduct or Misconduct in Office	Caution- Dismissal
23.	Unauthorized use, theft, or vandalism of Board property	Caution- Dismissal
24.	Failure to comply with Board policy, State law, or appropriate contractual agreement	Caution- Dismissal
25.	Use or possession of obscene, pornographic or sexually explicit materials on Board property or Board computers/equipment/electronic devices	Suspension- Dismissal
26.	Smoking or use of tobacco products on Board property	Caution- Dismissal
27.	Commission of any offense listed in F.S. 1012.315	Caution- Dismissal (Dismissal mandated if adjudicated guilty)
28.	Violation of Safe Driver Plan	Caution- Dismissal

\*Conviction shall mean a finding of guilt, a plea of guilty, a plea of nolo contendere (no contest), or entering a pre-trial intervention or diversion program, whether or not there is a formal adjudication of guilt.

- B. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one (1) of the grounds listed in F.S. 1012.33.
- C. The following aggravating and mitigating factors or circumstances will be considered when determining the appropriate penalty within a penalty range:
1. the threat posed to the health, safety, or welfare of students, co-workers, or members of the public
  2. the severity of the offense



3. degree of student involvement
  4. the disciplinary history of the employee, including the number of offenses, the length of time between offenses as well as the similarity of offenses
  5. the actual damage, physical or otherwise, cause by the misconduct
  6. any effort of rehabilitation by the employee
  7. attempts by the employee to correct or stop the misconduct
  8. pecuniary benefit or self-gain to the employee realized by the misconduct
  9. impact of offense on students, co-workers, or members of the public
  10. length of employment
  11. whether the misconduct was motivated by unlawful discrimination
  12. employee's evaluations
  13. any other relevant mitigating or aggravating factors
- D. Prior to imposition of suspension without pay as the final penalty or dismissal, employees shall be entitled to due process including an administrative hearing before an impartial administrative law judge as provided under the Administrative Procedures Act (F.S. Chapter 120) and shall be entitled to all the rights provided under that Act including the right to be represented by counsel.
- E. The standards of proof in criminal and administrative proceedings differ. Acquittal in a criminal case shall not preclude the prosecution of a disciplinary action pursuant to Board policy.

F.S. 120.57, 1001.41, 1001.42, 1001.43, 1012.22, 1012.27, 1012.32(2)  
F.S. 1012.33, 1012.34  
F.A.C. 6B-1.01, 6B-1.006

Adopted 12/9/09; Revised 6/29/10

1140.01 - DISCIPLINARY SUSPENSION WITHOUT PAY FOR  
THREE (3) DAYS OR LESS

The School Board hereby delegates authority to the Superintendent to suspend administrative staff without pay for a period not exceeding three (3) 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 regularly notify the Board of actions taken.

F.S. Chapter 120, 1012.27(5)

## 1150 - RESIGNATION

The School Board hereby delegates to the Superintendent the authority to accept or reject resignations on the Board's behalf. All resignations shall be irrevocable by the resignee once tendered unless the Superintendent otherwise consents in writing. The resignation shall be submitted to the Board at a regular or special meeting.

F.S. 1012.22, 1012.33

## 1160 - MEDICAL EXAMINATIONS RELATED TO FITNESS FOR DUTY

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician licensed in the State of Florida when in the Superintendent's judgment such an examination is needed to ascertain whether the administrator meets job related physical or mental requirements, whether the administrator is able to perform the essential functions of his/her position, or when it is necessary to determine whether the administrator poses a direct threat to the safety of the administrator or others. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination(s). The administrator shall allow the physician(s), psychologist(s), or psychiatrist(s) to submit a written report of their findings to the Superintendent, with a copy being forwarded to the administrator. Refusal to take such required examination or to permit the release of a written report to the Superintendent shall be grounds for appropriate discipline.

F.S. 1012.22, 1012.23, 1012.27

42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990

29 C.F.R. Part 1630

## 1161 - UNREQUESTED LEAVES OF ABSENCE

Should an employee evidence a physical condition, unrelated to employment, which impairs the employee's ability to perform normal duties, the following criteria shall apply:

- A. The employee shall be required to take leave from job duties immediately. The employee shall be allowed to use any accumulated vacation or sick leave for this purpose.
- B. Within five (5) working days, the employee shall notify the principal or department head concerned in writing of what action the employee plans to take.
- C. Absence beyond accumulated vacation or sick leave may be granted as leave without pay.
- D. Prior to return to duty, it shall be necessary for the employee to be cleared by a licensed physician, and then written clearance shall be submitted to the principal or department head.
- E. If the physician recommends further treatment, the employee shall, at personal expense, secure such treatment from a physician. An employee may, at personal expense, secure second opinions from other licensed physicians. The employee's supervisor shall be notified within thirty (30) days by the personal physician that the employee is under the physician's care for the condition noted. If the supervisor does not secure this notification, the employee may be terminated.

In cases of accident or illness resulting in an absence of five (5) or more working days, the employee's supervisor may require a medical examination of the employee to be made at the employee's expense with a medical report being submitted to the supervisor.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1012.23  
Americans with Disabilities Act of 1990  
42 U.S.C. 12101 et seq.  
29 C.F.R. Part 1630

## 1170 - SUBSTANCE ABUSE

The School Board recognizes that alcoholism and drug addiction are illnesses that may impair the performance of administrative staff members.

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 his/her job security or promotion opportunities jeopardized by his/her 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 the District's employee assistance program, or by pursuing other resources available for such service.

F.S. 1012.22, 1012.23, 1012.27  
Rehabilitation Act of 1973, 29 U.S.C. 794

## 1170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board recognizes that administrators are subject to personal issues such as stress, depression, substance abuse, alcohol abuse, marital and family conflicts, and financial pressures and that these matters may interfere with their work and quality of life. All administrators and their family members living with the employee or retiree are eligible to participate in an Employee Assistance Plan (EAP) to assist in dealing with these matters.

The EAP provides for assessment of concerns, problem resolution, and referral to appropriate resources. When an employee contacts the EAP, the intake counselor will work with the employee to determine the best course of action.

The EAP is provided at no cost. Participation is voluntary and discussions are confidential.

Administrative staff members who suspect they may have need of EAP services are encouraged to seek counseling and information on a confidential basis by contacting the District's EAP, or by pursuing other resources available for such services.

F.S. 1012.22, 1012.23, 1012.27

## 1170.02 - RECORDS AND REPORTS

Administrators shall maintain all records and reports as are required by law and Board policy or as the Superintendent may deem necessary for the effective administration of the schools/departments.

F.S. 119.07, 119.011



## 1210 - STANDARDS OF ETHICAL CONDUCT FOR ADMINISTRATIVE STAFF

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

All administrators shall adhere to the *Code of Ethics for Public Officers and Employees* as set forth in F.S. 112.311, et seq.

The School Board hereby establishes the following as additional 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. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
  3. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
  4. maintain honesty in all professional dealings;
  5. with the exception of probationary terminations and non-reappointments of contractual personnel, 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;
  6. self-report within forty eight (48) hours to an immediate supervisor any arrest or receipt of a Notice to Appear for any criminal offense, including driving under the influence (DUI) and other criminal traffic offenses and local ordinance violations punishable by any period of incarceration, or charged in any way with such offenses. The supervisor shall promptly notify the Office of Professional Standards. Administrators and supervisors who become aware of subordinates who have been arrested, charged or given a Notice to Appear for such offenses will immediately notify the Office of Professional Standards.  
  
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 943.059(4)(c).
  7. 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;
  8. 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;
  9. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;
  10. cooperate with the Education Practices Commission in monitoring the probation of a subordinate.

11. not unreasonably restrain a student from independent action in pursuit of learning;
12. not unreasonably deny a student access to diverse points of view;
13. not intentionally suppress or distort subject matter relevant to a student's academic program;
14. not intentionally expose a student to unnecessary embarrassment or disparagement;
15. not intentionally violate or deny a student's legal rights;
16. 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 make reasonable efforts to assure that each student is protected from harassment or discrimination;
17. not exploit a relationship with a student for personal gain or advantage;
18. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
19. not use institutional privileges for personal gain or advantage;
20. not accept any gratuity, gift, or favor that might influence professional judgment;
21. not offer any gratuity, gift, or favor to obtain special advantages;
22. not on the basis of race, color, religion, sex, sexual orientation, 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;
23. not interfere with a colleague's exercise of political or civil rights and responsibilities;
24. 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, make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
25. not make malicious or intentionally false statements about a colleague;
26. not use coercive means or promise special treatment to influence professional judgments of colleagues;
27. not misrepresent one's own professional qualifications;
28. not submit fraudulent information on any document in connection with professional activities;
29. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
30. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
31. 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;

- 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 conflict with the proper discharge of his/her duties in the public interest.
- C. All District administrators shall adhere to the principles enumerated above.

All administrators shall be required to complete training on the standards established herein.

F.S. 112.313, 1001.42(6), 1012.23

F.A.C. 6B-1.001, 6B-1.006

Adopted 12/9/09; Revised 6/29/10

## 1211 - WHISTLEBLOWER

Administrators who report certain violations of law or policy are protected from retaliation by State and Federal law.

### **Actions Prohibited**

Neither the Board nor any independent contractor under contract with the Board shall dismiss, discipline, discriminate against, or take any other adverse personnel action against an administrator for disclosing information pursuant to the provisions of this policy.

Neither the Board nor any independent contractor under contract with the Board shall take any adverse action that affects the rights or interests of an administrator in retaliation for the administrator's disclosure of information under this policy.

The provisions of this policy shall not be applicable when an administrator discloses information known by the administrator to be false.

### **Nature of Information Disclosed**

The information disclosed under this policy must include:

- A. A violation or suspected violation of a law, policy, rule, or regulation committed by an employee or agent of the Board or independent contractor which violation creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
- B. An 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 the Board or independent contractor.

### **Administrators Protected**

This policy protects administrators who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or Federal government entity; who refuse to participate in any adverse action prohibited by this policy; or who initiates a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs. No remedy or other protection under this policy applies to any administrator who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

### **Remedies**

Within sixty (60) days after an alleged retaliatory action prohibited by this policy, any administrator who is protected by this policy may file a complaint with the Office of Professional Standards. Within 180 days after the entry of a final decision by the Office of Professional Standards, the employee who filed the complaint may bring a civil action in any court of competent jurisdiction. Any administrator protected by this policy may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this policy.

### **Confidentiality**

The name or identity of any administrator who discloses in good faith to the Office of Professional Standards information as described in *Nature of Information Disclosed* above may not be disclosed to anyone other than the Office of Professional Standards, unless the written consent of the administrator is obtained; the disclosure of the administrator's identity is necessary to prevent a substantial and specific danger to student or public health, safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and necessary during the course of the audit or investigation.

All information described in *Nature of Information Disclosed* above that is received by the Office of Professional Standards, and information produced or derived from fact-finding and investigation, is confidential and exempt from F.S. 119.07(1), and shall not be disclosed except as provided in F.S. 112.3188(2).

F.S. 112.3187 - 112.3188  
42 U.S.C. 2000e-3

Adopted 12/9/09; Revised 6/29/10

## 1213 - STUDENT SUPERVISION AND WELFARE

Each administrator shall have authority for the control of students as may be assigned to him/her by the principal or Superintendent and shall keep good order in the places in which s/he is assigned, and may undertake any of the actions authorized by law to manage student behavior and ensure the safety of all students in their school and their opportunity to learn in an orderly and disciplined classroom. Such actions shall be taken within the framework of the Code of Student Conduct.

The following standards shall apply:

- A. An administrator shall report when necessary to the Superintendent any accident, safety hazard, or other potentially harmful condition or situation s/he detects.
- B. An administrator shall provide proper instruction in safety matters as presented in assigned course guides.
- C. Each administrator shall follow proper protocol when there is a threat of violence by students.
- D. An administrator shall not send students on any personal 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 administrator will subject the offender to potential criminal liability and discipline up to and including termination of employment.

Since most information concerning a child in school, other than directory information described in [Policy 8330](#), is confidential under Federal and State laws, any administrator who shares confidential information with another person not authorized to receive the information may be subject to discipline. 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 Board [Policy 8462](#), each instructional administrator shall report to the proper legal authorities immediately any sign of suspected child abuse or neglect.

F.S. 39.201, 119.071, 1001.51, 1002.22, 1003.32  
20 U.S.C. 1232  
34 C.F.R. Part 99

## 1213.01 – COMMUNICATIONS WITH PARENTS AND STUDENTS VIA ELECTRONIC MEDIA

(1) The School Board encourages positive and professional communication by staff with parents and students by means which best protect the interests of all concerned. Communications via personal electronic media such as Facebook, Twitter, cell phone messaging, and other personal electronic means regarding school matters have the potential to create both public records and education records, or to contain personally identifiable student information. The School Board is ultimately responsible for the maintenance and proper disposal of such records and for the protection of such confidential information, and is dependent upon its employees to meet this responsibility.

(2) The School Board has provided staff with the means to communicate electronically with parents and students concerning school matters. These means currently include PCS Portal, Moodle, and district email (Outlook), and are sufficient for the purposes intended. For staff to communicate on school matters with parents and students by personal electronic means when sufficient School Board means are available exposes the School Board to a possible violation of its legal obligations. Such communication could cause the appearance of inappropriate association with students. Accordingly, staff shall utilize School Board resources in all electronic communications with parents and students regarding school matters provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

(3) Staff communications with parents and students via private electronic media concerning non-school-related matters are governed in part by, and may lead to discipline under, Board Policies 1140, 3140, and 4140.

(4) Volunteers shall abide by Policy 1213.01, and shall utilize School Board resources in all electronic communications with parents and students regarding school matters; provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

Effective Date: August 15, 2011

Adopted 6/14/2011; Revised 10/23/2012

## 1214 - SOLICITATION OR ACCEPTANCE OF GIFTS OR UNAUTHORIZED COMPENSATION

Pursuant to State law no administrative 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 administrative staff member would be influenced thereby.

For purposes of this policy, the meaning of "gift" shall 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 or 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

F.S. Ch. 112



## 1215 - TOBACCO AND NICOTINE USE

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

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other substance or product that contains tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes.

No person may use tobacco or nicotine products in any Board facility, including the outside grounds, or in any Board owned or operated vehicle.

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

## 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. Administrators who understand this precept and adhere to it enlarge the importance of their task, present an image of dignity, and encourage respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming procedures for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all administrative staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their administrative responsibilities;
- C. dress in a manner that communicates pride in personal appearance;
- D. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

## 1217 - FIREARMS AND WEAPONS

A person shall not possess any firearm or weapon, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on School Board property, including the property of any school, administration building, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In the case of non-employee persons 18 years of age or older: within the interior of a private motor vehicle and the firearm or weapon is carried for a lawful purpose, is securely encased or is not readily available for immediate use; provided, however, this exception shall not apply for purposes of student and campus parking privileges on school property; or
4. In the case of employees: If the employee is in lawful possession of a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot and when the employee is lawfully in such area; provided, however, this exception shall not apply to any school property.

Concealed Weapon or Firearm. A person may be in lawful possession of a concealed weapon or firearm on School Board property with certain exceptions; a concealed weapon or firearm may not be carried:

1. Into any District elementary or secondary school facility or career center;
2. Into an administration building as defined below;
3. Into an athletic event that is not related to firearms; or
4. Into a School Board meeting.

For purposes of this policy the term "administration building" is any Board-owned or leased facility where one or more administrative employees are assigned.

For the purposes of this policy, "school property" means the property of any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

"Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

This policy shall not apply to possession by members of the armed forces, national guard, police or other licensed law enforcement officers, or other persons approved by the school or District on a case-by-case basis,

F.S. 790.001, 790.115, 1001.32(2), 1001.41, 1001.42, 1001.43  
18 U.S.C. 922

Adopted 12/9/09; Revised 7/26/11, 4/24/12

## 1220 - APPRAISAL OF ADMINISTRATIVE PERSONNEL

The appraisal of the performance of administrative staff members is necessary to enable the Superintendent to monitor the effectiveness and competence of administrative staff members and to assist them in the improvement of their professional performance.

The work of each administrator shall be appraised annually by the immediate supervisor. Each appraisal shall relate, but not be limited, to the duties specified in the job description.

- A. The appraisal shall be completed and on file in accordance with the time schedule established by the Superintendent.
- B. An appraisal shall be submitted at the time an administrator leaves the District if services terminate prior to annual evaluations.
- C. Administrators may be required to take 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 the cost of the examination(s).

F.S. 110.224, 1012.34

## 1231 - OUTSIDE ACTIVITIES OF ADMINISTRATORS

- (1) Administrative staff members should avoid situations in which their personal interests, activities, and associations may 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 on such interest, activity, or association upon the administrator's responsibilities.
- (2) Administrators may not dedicate work time to an outside interest, activity, or association.
- (3) Administrators shall not use school property or school time to solicit or accept customers for private enterprises.
- (4) Administrators shall 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.
- (5) 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 is subject to a vote of the electors, unless the electioneering communication are limited to factual information.
- (6) Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed to 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.
- (7) The constitutional right to express political and other opinions as citizens is reserved to all employees.
- (8) Administrators should refrain from expressions that disrupt the efficient operation of the school and/or interfere with the maintenance of discipline by school officials.
- (9) Administrators may not accept fees for remedial tutoring of students in the school or schools in which they have administrative authority.
- (10) Administrators should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.

F.S. 104.31, 112.3145, 1006.32, 1012.23

Adopted 12/9/09; Revised 7/26/11

## 1232 - POLITICAL ACTIVITIES

(1) Employee Rights; Leaves of Absence: The School Board recognizes the right of its employees to campaign for and to hold elective public office, except as prohibited under F.S. 112.313(10) and any other provisions under the statutes and laws of Florida. Accordingly, the Board authorizes both short term and long term personal leaves of absence, without pay, for its employees in order that such employees abstain from conflicts which may arise between the employees' performance of their official duties in this school system and their political activities.

(2) Superintendent Directed to Provide Procedures; Guaranteeing Employee Rights; Protection Against Conflicts: The Superintendent or designee is directed to provide procedures that will guarantee such employee rights, while at the same time protecting the school system against any conflicts that might arise, such as interference with the normal discharge of one's duty, as the result of an employee engaging in political activities and/or while holding public office.

(3) General Regulations:

(a) School employees engaging in political activities shall make it clear that their utterances and actions are theirs as individuals and that they in no manner represent the views of the school system.

(b) Employees are prohibited from engaging in political activities on Board premises during duty hours.

(c) Employees requesting personal leaves of absence for political activities shall apply in writing to the personnel office, giving full particulars for such request for leave. The Superintendent or designee shall, within a reasonable period of time, advise the employee of the nature of the recommendation that shall be made to the Board concerning the employee's request for leave.

(d) Employees engaging in political activities or in the holding of 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 employee's school related duties. Such office holder, or other politically active employees, 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.

(e) Any employee who has been suspended or removed from public office, the grounds for which have been as those provided within F.S. 231.28, shall not be returned to duty with the school system until such charges against the employee have been dismissed or otherwise legally terminated in the employee's favor.

(4) Campaigning:

(a) Employees who confine campaign activities to off-duty hours, as provided above, shall not be required to take personal leave.

(b) Employees who desire to take personal leave for campaign activities shall apply to the personnel office, as provided above, requesting personal leave for a definite period of time, not to exceed ninety (90) calendar days.

(c) Upon expiration of their personal leaves, employees shall be returned to their same or similar positions.

(d) Employees desiring to return to their positions earlier than specified, as provided above, may be returned to their positions, upon written request to do so, provided that is convenient for the school system; otherwise, they shall be returned to their positions when the leave expires or as soon before as it is convenient for the school system.

(5) Employees Holding Part Time Public Office:

(a) Employees who have been elected to public office for duties which do not require full time responsibilities may be permitted to make personal arrangements for intermittent leave(s), without pay, with their supervisors and the personnel office and with the approval of the Superintendent or designee; provided such leave(s) does not conflict with the employee's school system-related duties, and provided especially that the interests of students are not impaired.

(b) The District reserves the right to deny or to terminate such personal arrangements, as are provided above, when, in the judgment of the Superintendent or designee, such personal arrangements are in conflict with, or are not in the best interests of, the school system or its students.

(c) Any employee whose personal leave arrangements have been denied or terminated, as provided above, shall be permitted to take an extended personal leave, as provided below.

(6) Employees Holding Full Time Public Office:

(a) Employees who have been elected to public office which requires full time responsibilities shall, upon written request to the personnel office, as provided above, be granted a personal leave of absence for the length of their term.

(b) Upon termination of the personal leave for the holding of public office, the employee shall be assigned to the same or similar position held prior to the personal leave.

(7) Additional Statutory Requirements

(a) 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.

(b) Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed to 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:

1. 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;
2. 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
3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

(c) Administrative staff who declare themselves candidates for an elective office shall notify the Superintendent upon qualifying for election. Such candidates shall adhere strictly to Florida statutes governing political activity on the part of public official and public employees.

F.S. 104.31, 110.233, 112.313 (10), 1001.32(2), 1001.41, 1001.42, 1001.43  
F.A.C. 60L-36.002

Adopted 12/9/09; Revised 7/26/11

## 1235 - JURY/WITNESS DUTY

An administrator who is summoned for jury duty, or who is subpoenaed as a witness not involving his/her personal litigation, will be granted leave with pay for a maximum of fifteen (15) days. Should jury or witness duty extend beyond fifteen (15) days and the administrator is appearing as a witness as a function of his/her administrative position, additional leave shall be granted. In all other cases, extensions of leave may be granted only upon the approval of the Superintendent.

Witness fees may be retained by the administrator. Jury duty fees paid to the administrator for service during leave shall be submitted to the District. Otherwise, such fees may be retained by the administrator.

In no case shall a leave for jury/witness duty be granted for court attendance when an administrator is engaged in his/her personal litigation. In such cases, an administrator must request leave with or without pay.

F.S. 40.24, 40.271, 1001.41, 1001.42(5), 1001.43(11), 1012.66  
F.A.C. 6A-1.084

Adopted 12/9/09; Revised 6/29/10



1240 - TEMPORARY DUTY ELSEWHERE

Temporary duty elsewhere is not a leave. It is an assignment away from the usual place of duty. It does not interrupt pay and other benefits. Requests shall be made on the form provided and approved by the principal or supervisor.

- A. Employees shall not be assigned temporary duty elsewhere to earn college credits, improve rank, or renew certificates, except when participating in a program approved by the Board specifically authorizing such duty.
- B. Employees engaged in field trips or other activities away from their regular assignments shall be required to process requests for temporary duty elsewhere on the proper form.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10

## 1242 - PROFESSIONAL DEVELOPMENT

- (1) 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.
- (2) 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 Learning Forward (formerly National Staff Development Council), and will align with the principal leadership training and the Florida Leadership Standards.
- (3) As required by State law, the District's comprehensive professional development plan will be updated annually by September 1st. 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.
- (4) 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 training for each teacher who will use materials that were purchased with funds allocated by the State for instructional materials, provide in-service credit for the training, and document satisfactory completion of the training by each teacher.
- (5) 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.
- (6) The Superintendent will annually report to the Board on the implementation of the plan.

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

Adopted 12/9/09; Revised 7/26/11

## 1281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT WORK

From time-to-time School Board employees may wish to bring personal property to work either for reasons associated with administrative responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must notify the Superintendent prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the Superintendent requests an employee bring a certain piece of equipment or tool to school in order to complete a specific task, the personal property may be covered by the Board's property insurance policy, subject to deductibles and limitations of District insurance coverage.

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

Other individuals may wish to bring personal property onto District premises. The owner of the personal property 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.

Adopted 12/9/09; Revised 6/29/10

## 1310 - FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

Administrative 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 administrative staff member's expression should be balanced against the interests of this District. However, employees are not speaking as citizens when they are speaking to fulfill a responsibility of their job, such as preparing a memorandum or lesson plan. Thus, workplace speech is not protected by the First Amendment. 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 administrative staff members by the United States Constitution.

First Amendment, U. S. Constitution  
Fla. Constitution, Article I, Section 4  
F.S. 1003.4505

Adopted 12/9/09; Revised 7/26/11

## 1362 - POLICY AGAINST HARASSMENT AND DISCRIMINATION

### **General Policy Statement**

No employee, student, applicant for employment, volunteer, vendor, or member of the public, shall, on the basis of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under, any educational program, activity, service, or in any employment condition, policy or practice conducted by the Board.

The Board encourages any individual who feels that he or she has been subjected to unlawful discrimination or harassment to seek assistance to rectify the problem. The Board will investigate all allegations of unlawful discrimination or harassment and, in those cases where unlawful discrimination or harassment is substantiated, will take immediate steps to end the discrimination or harassment. The Board will take appropriate disciplinary action against any employee found to have engaged in unlawful discrimination or harassment and will take such other appropriate action against individuals who are not employed by the Board, but may be under the control or supervision of the Board.

### **Definitions**

**A. Unlawful Discrimination** is conduct which deprives a person of the opportunity to participate in employment, educational programs or activities, Board or school sponsored activities, or in any other activity offered or provided by the Board, on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy.

**B. Harassment** is conduct directed by a person or persons against another person or persons on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the person's participation in their employment, educational programs, school sponsored activities, or any other activity offered or provided by the Board.

### **C. 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, occur when:

1. 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;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. 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:

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

2. Physical assault.
3. 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.
4. 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.
5. Sexually suggestive objects, pictures, audio or visual representation, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. 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.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. 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.
10. 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 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.

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

#### **D. Other Prohibited Conduct**

The Board will also take immediate steps to impose disciplinary action against an employee or take such other appropriate action against individuals engaging in any of the following prohibited acts:

1. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
2. Filing a malicious or knowingly false report or complaint of unlawful discrimination or harassment.
3. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful discrimination or harassment, when responsibility for reporting and/or investigating such charges comprises part of one's supervisory duties.

### **COMPLAINTS**

#### **A. Procedure for Filing a Complaint**

Any employee, applicant for employment, student, or third party, who believes that he or she has been unlawfully discriminated against or has been harassed in violation of this Policy by an employee, student, or other party who is subject to the jurisdiction of the School Board, and who wishes to file a complaint, shall use the following complaint procedure:

1. The complaint shall be filed in writing with the Compliance Officer, appointed pursuant to Policy 1122, in the Office of Equal Opportunity, and shall be signed by the complainant or reporting administrator. The complaint shall be filed within 30 calendar days from the date of the incident.
2. Upon receipt of the complaint, the Compliance Officer shall review the complaint to determine whether it alleges the essential elements of unlawful discrimination or harassment prohibited by this Policy. If it does not, the Compliance Officer will notify the complainant in writing and no further action will be taken.
3. If the complaint does allege the essential elements of unlawful discrimination or harassment prohibited by this Policy, the Compliance Officer, will investigate the allegations of the complaint. A copy of the complaint shall be forwarded to the School Board Attorney. The Compliance Officer is authorized and encouraged to assign the investigation to an administrator at the school or site.
4. Upon completion of the investigation, the site based administrator or the Compliance Officer, as the case may be, in consultation with the Assistant Superintendent, Human Resources, and the School Board Attorney, will prepare a final written report containing factual findings.
5. In cases where the complaint is substantiated in whole or in part, the Compliance Officer will meet with the complainant regarding the factual findings, provide a copy of the investigative report and seek complainant's input into any resolution of the complaint.
6. A substantiated complaint against personnel will be forwarded to the Office of Professional Standards. Any employee against whom a complaint has been substantiated will be subject to an employee disciplinary action, which could range from conference summary to termination of employment.
7. If the complainant disagrees with the determination either under paragraph 2 or 5, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
8. If an administrator learns of an alleged incident of unlawful discrimination or harassment prohibited by this Policy against an employee or applicant, he or she is required to report complaints immediately to the Compliance Officer. These complaint procedures will be followed the same as if the complainant originally filed the complaint.
9. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
10. The right to confidentiality of student records will be respected, consistent with federal and state law and Board policy.
11. All complaints and other records that relate to a complaint of discrimination are exempt from the Public Records Act 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.

**B. Alternative Remedies**

The complaint procedures set forth in this Policy are not intended to interfere with the rights of any complainant to pursue a complaint of unlawful harassment or discrimination with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

F.S. 1000.05, 1001.42, 1006.147  
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)  
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  
28 C.F.R. Part 35  
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  
34 C.F.R. Parts 100, 104 and 106

Adopted 12/9/09; Revised 7/27/10; 3/15/11



1362.01 - ANTI-HARASSMENT COMPLAINT PROCEDURE

Adopted 7/27/10; Repealed 3/15/11

## 1410 - COMPENSATION

Salaries of all administrators shall be approved by the School Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

Pursuant to statutory requirements, the salary schedule recommended by the Superintendent and adopted by the Board shall include differentiated pay that is based upon District-determined factors.

Salaries are subject to negotiation.

F.S. 1011.60, 1012.22

## 1415 – RETIREMENT

The District is a member of the Florida Retirement System. Contributions are made on behalf of the eligible employees in accordance with the guidelines established by the Florida Retirement System. Employees may not make their own contributions, but may participate in the voluntary retirement plans offered by the District.

Adopted 6/29/10

## 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
- C. Vision Plan
- D. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule. 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)

## 1420 - EMPLOYEE BENEFITS

### Benefit Program

The School Board agrees to provide a comprehensive benefits program to include but not limited to health, dental, life, vision, accidental death and dismemberment, and income protection insurance. Health care reimbursement and dependent care reimbursement accounts are also provided.

### Section 125 Cafeteria Plan

The Board agrees to provide a cafeteria plan with a premium conversion option, which enables employees to pay their portion of most insurance premiums on a pre-tax basis. Enrollment in the flex plan is automatic for eligible employees and participation continues from year to year, unless the risk management and insurance department is notified by the employee in writing to cancel participation. The cancellation request must be received by the department within thirty (30) days of a change in family status or during the annual open enrollment period.

Premium payments for insurance coverage are deducted from the employee's gross salary before taxes are taken. Because flex is considered by IRS as a salary reduction plan elections may only be made annually. Employees may not change their election during the calendar year unless a change in family status occurs. The IRS defines a change in family status as: marriage, death, divorce, birth, adoption, loss or gain of spouse or dependent's employment, loss of plan eligibility, change of residence or work, entitlement to Medicare or Medicaid, or a judgment decree or court order requiring coverage of dependents. IRS regulations on salary reduction are independent from insurance carrier provisions for changes in coverage.

### Board Contribution

Recognizing the importance of stabilizing the health insurance rates and expanding the number of persons participating in the group health insurance programs, the Board shall strive to continue a plan of variable Board contributions.

The Board contributes toward the cost of employee benefits each pay period when a Board issued paycheck is received (not to exceed twenty (20) contributions per calendar year). In any period during which a paycheck is not earned, the employee will owe both the Board contribution amount and normal insurance deductions unless s/he is on an approved family medical leave or health insurance waiver. Board contribution amounts vary and are negotiated annually.

When an employee chooses health insurance coverage, the Board contribution amount is automatically credited toward the per-pay-period health insurance premium. If an employee does not select health insurance coverage, the employee may apply the allotted Board contribution toward the purchase of certain supplemental insurance benefits, including dental, vision, AD & D, short term and long term disability benefits, and health care reimbursement account (HCRA).

The maximum amount of Board provided flex credit elections into the HCRA may not exceed \$25.00 per pay period and the maximum election amount may not be less than \$10.00.

Board contribution may not be used to purchase dependent life, DCRA, and voluntary term life insurance. Board contribution is not cumulative and Board contribution not used is forfeited.

Eligible married Board employees, both working for the District, who wish to be covered by the same health insurance plan and have at least one (1) additional dependent (total of three (3) persons), may select the two (2) Board family option. Eligible married Board employees, who do not have additional dependents, must choose separate single plans.

### Eligibility

Regular employees who work at least thirty (30) hours per week, job-share employees, and employees who work two (2) part time regular jobs totaling more than thirty (30) hours per week are eligible for benefits.

### Enrollment

#### Initial Enrollment

Enrollment and change forms are due in the risk management and insurance department within thirty (30) calendar days of hire or change of eligibility status. Coverage becomes effective the first day of the month following sixty (60) days of employment or change of eligibility status.

### Open Enrollment

The Board provides an annual open enrollment period during which an employee may add, cancel, or change coverage. If no action is taken by the employee to change coverage, previous coverage will continue for the next calendar year.

### Changes in Coverage

In accordance with IRS guidelines and carrier contracts, employees may make certain changes during the plan year if a change in family status occurs. A completed enrollment and change form and supporting documentation must be received by risk management within thirty (30) days of the qualifying event. The change in coverage will be effective the first of the month following the qualifying event and receipt of the enrollment form by risk management.

### Termination of Coverage

Insurance coverage ends the last day of the month in which an employee no longer meets eligibility requirements, retires, terminates employment, or fails to pay the required premiums when due.

### Basic Board Life

The Board shall provide, to eligible employees, group term life insurance in the amount of one (1) times annual salary rounded up to the next \$1,000 with a minimum amount of \$15,000.

### Insurance Deductions

Premiums for insurance plans are due in advance; therefore deductions begin the month before the insurance effective date. Deductions are taken over twenty (20) pay periods with no scheduled deductions taken in the summer. In the event that an employee's coverage in any insurance plan is effective after January 1st or if a change in coverage occurs due to a change in family status, the employee's payroll deduction will be adjusted to insure that adequate premiums have been collected. For all insurance programs, payment of premiums does not guarantee that coverage is in effect. Coverage and eligibility are determined by the insurance contract and the policies and procedures of the risk management department. If premiums are collected in error, a refund will be issued. In the event of a discrepancy in coverage, risk management records are determinative, unless the employee can provide a copy of an approved enrollment form to the contrary. Enrollment in a Board-benefit plan authorizes the Board to payroll deduct any and all required insurance premium(s).

### Waiver of Health Insurance Premium

An employee on an approved leave of absence who cannot work because of total disability and has used all available sick leave and vacation time may apply for waiver of his/her health insurance premium. Employees must apply for the waiver within thirty (30) days of the date of eligibility notification from the risk management and insurance department. In order to qualify for waiver of premium, the leave must exceed ninety (90) days and the employee must be on an approved leave of absence. In no instance, will a waiver exceed two (2) long term leaves. Waiver of premium documentation must be submitted at least every six (6) months or upon request. Failure to provide this documentation when due will result in cancellation of the waiver of premium.

### Payment of Insurance While on Leave

While on an approved, non-FMLA, unpaid leave of absence, employees are required to pay the entire cost of all insurance plans, including Board paid life insurance in order for coverage to continue. Payment must be received by the risk management and insurance department by the first of each month. Insurance coverage will be canceled for nonpayment if full payment is not received by the due date. When an employee is on an approved Family Medical Leave (FMLA), the employee is responsible only for payment of the portion of premium(s) the employee normally pays. Nonpayment of premiums will result in cancellation of coverage.

### Payment of Insurance while Suspended without Pay

While on suspension without pay, an employee is considered to be on unpaid leave of absence. As such, the employee is entitled to maintain insurance coverage by paying the total cost of insurance. If the employee elects to continue insurance and is reinstated, the employee will be refunded the Board contribution paid during the period of suspension. If the

employee elects to continue insurance and is not reinstated, the insurance will terminate the last day of the month in which the employee is dismissed. If the employee choose not to continue insurance and is reinstated, insurance will be reinstated the first of the month following the date of the final order and the employee will be responsible for any regular employee contribution.

#### Retiree Insurance

An employee covered under the Florida Retirement System Defined Benefit Plan who retires with six (6) or more years of service and elects to receive a State retirement check is eligible to participate in the retiree insurance program. An employee covered under the Florida Retirement System Investment Plan, who retires with six (6) or more years of service and is at least fifty-nine and one-half (59 1/2) or has completed thirty (30) or more years of services is eligible to participate in the retiree insurance program. Benefit election must be made within thirty (30) days of the effective date of retirement. Employees who do not enroll at retirement shall be ineligible for future participation in the Board retiree insurance program. Retirees may only continue the health plan and coverage tier in effect at the time of retirement. Board provided life insurance benefits may be continued or decreased but may not be increased. Life insurance benefits are subject to age reduction formulas as determined by the carrier. Retirees may also maintain dental coverage only as allowed by the provider and may also maintain coverage in the vision plan.

Accidental death and dismemberment and voluntary life insurance benefits may be continued as an individual contract subject to insurance company procedures. Income protection coverage ends upon retirement.

#### Employee Assistance Program

The Board provides an Employee Assistance Program (EAP) to all part and full-time employees, retirees, and family members living with an employee or retiree. Employees, retirees, and family members may utilize the EAP even if they are not enrolled in the Board health plan. Participation in the EAP is voluntary and all records and discussions with the EAP are confidential.

#### Voluntary Retirement Programs

The District provides eligible employees an optional 403(b), Roth 403(b), and 457 deferred compensation programs. The Board is not responsible for the actions of nor recommends any company or investment product. Contributions must be made through payroll deduction and therefore are considered a salary reduction. Change requests must be in writing on the appropriate form to the attention of risk management and insurance.

#### Workers' Compensation

The Board provides workers' compensation benefits pursuant to F.S. Chapter 440. Workers' compensation indemnity benefits paid in combination with an employee's sick leave or vacation time shall not exceed the employee's bi-weekly salary. Whenever possible the Board will provide for up to ninety (90) days, light or modified duty for any employee returning to work after a job-related injury. Reasonable accommodations will be made in accordance with restrictions of the authorized treating physician.

#### Employee Well-Being and Satisfaction Committee

The parties agree to convene, on a regular basis, the Employee Well-Being and Satisfaction Committee composed of representatives of the administration, instructional, and supporting services personnel. The committee shall be charged with making employee benefit recommendations including those made during the annual renewal process.

#### Employee Benefit Guidelines

All other provisions regulating group benefits shall be governed by the policies and procedures of the risk management department, insurance contracts, labor agreements, and this agreement.

#### Liability Coverage

The Board will provide at no cost to the employee liability coverage pursuant to F.S. 768.28.

#### Dental Coverage

The Board will contribute towards the cost of optional dental coverage. The annual amount will be determined through the bargaining process.

Vision Coverage

The Board agrees to provide vision insurance at no cost to all employees and their dependents enrolled in the District sponsored health plan. Employees not enrolled in health may elect optional vision coverage.

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



## 1430 - LEAVES OF ABSENCE

A leave of absence is permission granted by the School Board or allowed under its adopted policies, or under a collective bargaining agreement, for an employee to be absent from duty for a specific period of time with the right to return to employment upon the expiration of leave. Any absence of a member from duty shall be covered by leave duly authorized and granted.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67

F.A.C. 6A-1.079, 6A-1.080

Adopted 12/9/09; Revised 6/29/10

## 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 a covered military member (i.e., a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness 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 a current 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. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. 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**

Administrative 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. 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 commencing with the date of the initial leave.

### **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) examination to determine if a serious health condition exists and evaluation 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 healthcare 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 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 than 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 the active duty or call to active duty status of a covered military member, 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.

### **Use of Paid Leave**

Employees shall be required to use (i.e., run concurrently) any of his/her earned or accrued paid leave except that employees may hold up to ten (10) days of paid leave in reserve. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking of any type 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) works 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. Additionally, this general notice shall be included in written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

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 one, 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 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 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 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, nor shall it be counted against the staff member under a no fault attendance policy. 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.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitle the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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

Adopted 12/9/09; Revised 6/29/10



## 1430.02 – SICK LEAVE

Each full-time administrative employee who is unable to perform job duties because of illness or because of illness or death of father, mother, brother, sister, spouse, child or other close relative or member of the employee's own household and consequently has to be absent from work shall be granted leave of absence for sickness by the Superintendent (or designee). An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty. Such leave shall be in increments of one-half or full days.

### **Accumulation of Sick Leave**

Each administrative employee shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one (1) day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which may not be used before it is earned and credited to the employee. However, each administrative employee is entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment. If the employee terminates employment or otherwise enters an unpaid leave status and has not earned sick leave days, the Board shall withhold the average daily amount for any sick days used but unearned by the employee. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which an employee may accrue, except that at least one-half of this cumulative leave must be established within this district. Subject to the limitation set forth in the previous sentence, sick leave may be transferred from another Florida school district upon request of the employee.

### **Sick Leave Bank**

The Superintendent is authorized to establish procedures for all District employees to participate in a sick leave bank.

### **Transfer of Sick Leave Among Family Members**

Under the following procedures, District employees may authorize their spouse, child, parent, or sibling who is also a District employee, to use sick leave that has accrued to the authorizing employee.

- A. The recipient must have used all of his/her personal accumulation of sick leave and vacation leave, if applicable.
- B. Maximum transfer for any one (1) illness, injury, or complications arising thereof shall be thirty (30) days per school year.
- C. Days used may not result in double compensation when combined with other benefits such as workers' compensation or tort damage awards.
- D. The recipient and the donor must complete the appropriate form from the personnel office.
- E. The personnel administrator approving the form may require documentation of the recipient's relationship to the authorizing employee.
- F. Leave transferred pursuant to this policy shall have no terminal value.

### **Terminal Pay**

Terminal pay shall be granted to an employee at retirement or to the employee's estate if service is terminated by death. All employees who are in D.R.O.P. have a portion of their unused sick leave paid, in accordance with IRS Rules and Regulations, to the District's 401(a) program administered by Bencor, at the end of each plan year (July). Terminal pay for employees who have worked or are working in federally funded programs may be paid from such federal funds on a pro-rata basis to the extent allowed by law.

- A. "Retirement" shall mean eligibility for retirement benefits under the Florida Retirement System (FRS), the Teachers Retirement System (TRS), or the State and County Officers and Employees' Retirement Systems (SCOERS) at normal retirement or disability retirement as provided by law. Evidence of service retirement shall be determined by a signed copy of the "Application for Service Retirement." Evidence of

disability retirement shall be determined by a statement of disability from the retirement office. Payment for such terminal pay benefits shall be as follows:

1. Subsequent to six (6) years of service in the Pinellas County School System, the employee shall receive forty percent (40%) of the accrued sick leave;
2. subsequent to ten (10) years of service, sixty-five percent (65%);
3. subsequent to fifteen (15) years of service, seventy percent (70%);
4. subsequent to twenty (20) years, eighty percent (80%);
5. subsequent to twenty-five (25) years, ninety percent (90%);
6. subsequent to thirty (30) years, one hundred percent (100%).

B. Completion of the D.R.O.P.

An employee participating in the D.R.O.P. shall receive payment at completion of the D.R.O.P. and separation from employment with the district, according to the schedule established in section (A), above.

C. Termination by Death:

The employee's estate shall receive payment based upon the following formula:

1. During the first three (3) years of service, the daily rate of pay shall be multiplied by thirty-five percent (35%) times the number of accumulated sick leave days;
2. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty percent (40%) times the number of accumulated sick leave days;
3. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty-five percent (45%) times the number of accumulated sick leave days;
4. During and after the tenth year of service, the daily rate of pay shall be multiplied by fifty percent (50%) times the number of accumulated sick leave days;
5. Subsequent to thirteen (13) years of service, the daily rate of pay shall be computed using the percentages applicable if the employee had retired.

Adopted 6/29/10

### 1430.03 – MILITARY LEAVE

Military leave with pay may be granted an employee when the request is supported by a copy of the military orders, up to seventeen (17) days per school year to perform military service. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. An employee called to active military service shall receive full pay for the first thirty (30) days of military leave, and the remainder of such leave shall be without pay. After two years of leave, the employee must apply for reemployment within one year after date of discharge, and the school system shall have six months after application in which to reassign the employee. An employee shall not suffer loss of pay and benefits if called to active military service during periods of national emergency or wartime service that extend beyond the thirty day limit and the following provisions will apply:

- A. If the employee's combined military salary and benefits is less than that received while working for the School Board, the Board will pay the difference in this amount in an effort to make whole any employee who must forfeit some portion of his or her salary and benefits as a School Board employee during service in the United States military.
- B. This "hold harmless" provision shall apply only during the specified period of time during which the employee is scheduled to work for the Board but required to serve on active duty as defined by his or her official military orders.

Adopted 6/29/10

1430.04 – PERSONAL LEAVE WITH PAY

Four (4) days leave per year, non-cumulative and chargeable to sick leave, may be used for personal reasons. An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty. Such leave shall be in increments of one-half or full days.

Adopted 6/29/10

1430.05 – LEAVE WITH PAY - ILLNESS OR INJURY INCURRED IN THE PERFORMANCE OF DUTY

Leave with pay for illness or injury incurred in the performance of duty shall be provided in accordance with Florida Statute and according to the following:

- A. Any employee who must be absent from duty due to illness or injury received in the performance of duties certified by an authorized workers compensation physician shall be entitled to accident/illness in line of duty leave.
- B. Such leave shall be authorized for a period not to exceed ten (10) days and shall be applicable only to the year during which the accident/illness occurred.
- C. Pay will be at the employee's established rate of pay and in accordance with the provisions of [Policy 1420](#). Such authorized leave shall not be deducted from the employee's accumulated sick leave.

F.S. 1012.63

Adopted 6/29/10

## 1430.06 – VACATION

The Board recognizes vacation for twelve month personnel as important to individual health and family stability. Except as provided for in approved labor agreements, all twelve month personnel shall be eligible for vacation based on service in a twelve-month position in the school system. Accrual of vacation shall begin on the most recent date of appointment to a twelve month assignment in accordance with the formula below. Vacation accrual shall not be applicable to service rendered in prior assignments which were of less than twelve-months duration and shall be computed using the following formula:

- A. One (1) work day per month (twelve days per year) for employees who have been employed for five years or less;
- B. One and one-fourth (1 1/4) days per month (fifteen days per year) for employees who have been employed for more than five years;
- C. One and one-half (1 1/2) days per month (eighteen days per year) for employees who have been employed for more than ten years;

Holidays, as recommended by the calendar committee and approved by the Board, shall not be charged as vacation.

In no case shall an employee be permitted to accrue more than sixty-two (62) days of unused vacation.

Employees shall be encouraged to utilize earned vacation. All accrued vacation shall be utilized in accordance with established procedures.

Accrued vacation leave shall be paid to employees upon retirement, or to the employee's beneficiary if service is terminated by death. The Board authorizes payment for accrued vacation, or for portions thereof, to employees who terminate, or whose contractual status no longer entitles them to accrued vacation, unless the Superintendent determines that good cause exists for denying such payment, or portion thereof.

Terminal pay for accrued vacation leave, including leave accrued during Deferred Retirement Option Program (D.R.O.P.), may not exceed a maximum of 60 days of actual payment.

Twelve month personnel employed in the schools shall be expected to take their vacations while students are not in session.

Consistent with Board policy, payment for accrued vacation shall be based upon the employee's daily rate of pay at the time of termination or death multiplied by the number of days of accrued vacation.

Such leave shall be in increments of one-half or full days.

Adopted 6/29/10

## 1430.07 – SHORT/LONG TERM LEAVES

A leave is permission for an employee to be absent from duties for a specified time, and includes the right and responsibility to return to work at the end of this time. An employee who is absent without such permission or fails to return when the leave expires may be dismissed.

For qualified FMLA leaves refer to [policy 1430.01](#).

A request for leave shall be completed by the employee on a Board-approved form, clearly stating the reasons for the absence. Leave granted for one reason but used for another without authorization of the Superintendent's designee may be grounds for dismissal.

Leaves shall be divided into two (2) categories:

- A. Short term leaves, usually granted for periods from ten (10) to thirty (30) working days;
- B. Long term leaves, more than thirty days (30) working days usually granted for a semester, the entire school year, or the remainder of the school year.

### **Short Term Leaves:**

These shall be approved by the Superintendent's designee:

- A. Personal leave without pay may be granted for reasons approved by the Superintendent's designee.
- B. Pre-and post-school leave: Professional leave with pay shall be granted during pre-and post-school periods for attendance at summer sessions of colleges and universities. Reasonable travel time shall also be allowed if such leaves do not interfere with the applicant's teaching duties. No leave of absence shall be granted for both pre- and post-school periods during the same summer, except that leave may be granted when an applicant may need to attend two (2) sessions of school to complete work for a degree. Professional leave for preschool shall not be granted teachers new to Pinellas County. Such leave shall be limited to a maximum of ten (10) days for ten (10), ten and one-half (10-1/2), and eleven (11) month personnel. Eleven (11) month personnel shall receive these days during the time that students are not in attendance. To the extent provided by law, twelve (12) month employees shall be granted professional leave with pay for attendance at summer sessions of college for a period up to three (3) weeks provided that suitable arrangements can be made for the performance of their duties. This may be cumulative for a second year. Not more than six (6) weeks leave shall be granted in the same year. Employees shall be expected to furnish the personnel department with evidence that the leave was used for the stated purpose.
- C. Returning employees who, because of illness or accident are unable to report for duty at the beginning of the school year, may utilize any accumulated sick leave.
- D. An employee may be required to present a certificate of illness from a licensed physician upon request of the Superintendent's designee.

### **Long Term Leaves:**

- A. Leave without pay may be granted for a period not exceeding one (1) year. No leave, except military leave, shall be granted to an employee unless one (1) full year of satisfactory service immediately preceding the request has been completed and the employee has been recommended for reappointment for the succeeding year. Long term leaves shall be approved by the Superintendent (or designee) and the Board.
- B. No more than two (2) consecutive long term leaves for any reason shall be approved. Employees who have been granted two (2) consecutive leaves shall be required to serve not less than one-half (1/2) the number of required duty days for a school year following return to duty before being eligible for another leave.
- C. Under some circumstances time spent on leave may count toward retirement if contributions are continued and if other requirements of the retirement system are met.

- D. Upon return to duty an employee who has been on professional leave shall be placed on the same salary step as would have been applicable had the employee not been on leave. However, in the event of successive leaves, not more than one (1) such salary increment shall be granted within a five (5) year period. Experience credit shall be determined prior to granting the leave if the Board affirms that the leave will be beneficial to accomplishing the district's objectives.
- E. Employees on leave shall notify the personnel office by March 15 of their intention to return to their positions, resign, or request another leave. Employees granted leave after February 15 must notify the personnel department in writing within thirty (30) days after the date when leave was granted of their intention to return, resign, or request another leave for the following year.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10



## 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.

## 1440 - JOB-RELATED EXPENSES

The School Board may provide for the payment of the actual and necessary expenses of any administrator of the District that are incurred in the course of performing services for the District, under the direction of the Board, and in accordance with [Policy 6550](#), Travel and Per Diem, and any applicable Superintendent's administrative procedures.

F.S. 112.061

1550 - COMPLAINTS AGAINST ADMINISTRATIVE STAFF

Any complaint against an administrator by a School Board member, or which comes to the attention of the Board (except through the Superintendent) shall be referred to the Superintendent for appropriate action.

F.S. 1012.795, 1012.796

1590 - PERSONNEL FILE

(1) It is necessary for the orderly operation of the School District to maintain an information system for the retention of appropriate personnel files.

(2) The term personnel file shall be defined as 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 employees, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

(3) The personnel files shall be administered pursuant to the provisions of F.S. 1012.31.

F.S. 119.01 et seq., 1012.31

Adopted 12/9/09; Revised 7/26/11

## 1600 - JOB DESCRIPTIONS

(1) Job descriptions document and describe the prescribed qualifications for and essential functions of each administrative staff position and thereby promote organizational effectiveness and efficiency.

(2) The School Board shall act upon written recommendations submitted by the Superintendent to create new positions. The recommendations shall include the job title, pay grade, minimum qualifications, and major functions for these positions. The Superintendent may find it necessary to revise duties and responsibilities, which may be done without Board action. Revisions to job titles, pay grades, minimum qualifications, and major functions shall require Board action.

(3) Once a position has been established or the job description revised, each staff member employed in the position shall be made aware of the details of the job description.

F.S. 1012.23, 1012.27

Adopted 12/9/09; Revised 7/27/10; 7/26/11

## 2105 - MISSION OF THE DISTRICT

### **VISION**

100% Student Success.

### **MISSION**

Educate and prepare each student for college/career and life.

### **SCOPE OF THE SCHOOL DISTRICT**

The School Board is the governing body of the District and is responsible for the control, operation, organization, management, and administration of schools in Pinellas County pursuant to the provisions and minimum standards prescribed by Florida statutes and State Board of Education Rules. The Board may exercise any power except as expressly prohibited by the State Constitution or general law.

The District is part of the State system of public education and includes all public schools, classes, and courses of instruction and all services and activities directly related to education in the District which are under the District officials' directions.

The Board is a corporate body whose official title is "The School Board of Pinellas County, Florida". The Board also does business as "Pinellas County Schools", "Pinellas County School Board", "Pinellas County School District" or "School Board of Pinellas County".

F.S. 1000.03, 1001.41

Adopted 12/9/09; Revised 9/14/10

## 2110 – DISTRICT STRATEGIC PLAN

By March 1 of each year, the Superintendent will submit for School Board approval a *District Strategic Plan* containing clear objectives for the forthcoming school year. The objectives of the *District Strategic Plan*, derived from strategic directions and goals, will be the focus and driving force for the district. All decision-making, planning, resource allocations, and other activities affecting the plan year and beyond shall support these objectives.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 12/9/09; Revised 9/14/10, 6/12/12

## 2111 - PARENT INVOLVEMENT IN THE SCHOOL PROGRAM

### **Highest Student Achievement**

The District is committed to setting high expectations that result in highest student achievement and believes that:

- A. Collaborative working partnerships with families are critical to attaining highest student achievement for all students.
- B. Higher academic achievement results when family members are actively engaged in supporting education.
- C. Involving families in the teaching and learning system is a strong indicator of student academic success.

### **Parents' Responsibilities**

"Parent" is either or both parents of a student, any guardian of the student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. Together with the parental responsibilities detailed in the Code of Student Conduct, the District believes that:

- A. In order for students to achieve at the highest level, parents must provide a climate in the home that supports education, set high expectations for student learning and behavior, and be involved in their children's education.
- B. Students whose parents are involved in the above manner have better grades, higher test scores and better attendance.
- C. Regardless of socio-economic status, ethnic/racial background or education level, when parents are involved in their children's educational process, students achieve more.
- D. When parents and teachers collaborate there are higher expectations for the student's success.
- E. There are significant benefits for learners when parents of students at all ages and all grade levels are directly involved with their education.

### **School's Responsibilities**

The District believes that:

- A. Parent and family involvement is a critical component of an effective school. It is not a substitute for high quality educational programs, effective instruction or systemic research-based school improvement.
- B. Parents contribute most effectively to improved student achievement and school effectiveness when they are treated as equal partners and given needed information in a timely manner.
- C. Schools that work well with families improve teacher morale and engender more teacher support by parents.
- D. When parents receive frequent and effective communication from a school, their attitude about the school is more positive and their involvement increases. A school's practices to inform and involve parents are strong determinants in the frequency and quality of parent involvement.
- E. There are many different ways for schools to involve parents in their child's education. To have long-lasting results, parent and family involvement activities must be planned, continuous, inclusive and comprehensive.



## 2111.01 - PARENT PARTICIPATION IN TITLE I PROGRAMS

In accordance with the requirement of Section 1118 of Title I, programs supported by Title I funds must be designed and implemented in consultation with parents of the students being served. Federal funds may be used to purchase food to support parent training and meetings when Federal program guidelines permit such use.

The Superintendent shall ensure that each school's Title I plan contains a written statement of procedures which has been developed with, approved by, and distributed to parents of participating students. The procedures shall describe how:

- A. the District/school expects the parents to be involved in the program, including their participation in the development of the plan;
- B. meetings will be conducted with parents including provision for flexible scheduling and whatever assistance the District/school may be able to provide parents in order to better ensure their attendance at meetings, and for providing information in a language the parents can understand;
- C. meetings will include review and explanation of the curriculum, means of assessment, and the proficiency levels students are expected to achieve and maintain;
- D. opportunities will be provided to parents to formulate suggestions, interact and share experiences with other parents, and participate appropriately in the decision-making about the program and revisions in the plan;
- E. parents will be involved in the planning, review, and improvement of the Title I program;
- F. information concerning school performance profiles and their child's individual performance will be communicated to parents;
- G. parents will be assisted in providing help to their children in achieving the objectives of the program by such means as ensuring regular attendance, monitoring television-watching, providing adequate time, and the proper environment for homework; guiding nutritional and health practices, and the like;
- H. timely responses will be given to parental questions, concerns, and recommendations;
- I. the District will provide coordination, technical assistance, and other support necessary to assist Title I schools to develop effective parental participation activities to improve academic achievement;
- J. an annual evaluation of the parental involvement plan will be conducted with parents, identifying any barriers to greater parental involvement (such as limited English, limited literacy, economic disadvantage, disability, etc.) and devising strategies to improve parental involvement;
- K. the parental involvement plan will be coordinated with other programs, such as Head Start, Reading First, Even Start, Parents as Teachers, and Home Instruction for Preschool Youngsters;
- L. other activities will be conducted as appropriate to the plan and State or Federal requirements.

The Superintendent shall also assure that each Title I participating school develops a specific plan, with parental involvement, to:

- A. convene an annual meeting at a convenient time to which parents of participating children are invited, to explain the parents' rights to be involved and the schools obligations to develop an involvement plan;
- B. devise a flexible meeting schedule and describe assistance to encourage parental involvement, such as child care, transportation, home visits, or similar aid;
- C. involve parents in an organized, on-going, and timely way in the development, review, and improvement of parent involvement activities;

- D. provide participating students' parents with:
  - 1. timely information about the Title I programs;
  - 2. an explanation of the curriculum, the forms or academic assessment, and the proficiency levels expected;
  - 3. regular meetings, upon request, to make suggestions and receive response regarding their student's education;
  
- E. develop jointly with parents a school-parent compact which outlines the responsibilities of the school staff, the parents, and the student for academic improvement, including:
  - 1. the school's responsibility to provide high quality curriculum, and instruction in a supportive, effective learning environment;
  - 2. parent's responsibility for such things as monitoring attendance, homework, extra-curricular activities and excessive television-watching; volunteering in the classroom;
  - 3. the importance of parent teacher communication at least annually; parent teacher conferences to discuss achievement and the compact; frequent progress reports to the parents; and reasonable access to the staff and to observe and participate in classroom activities.

20 U.S.C. 6318 et seq., Elementary and Secondary Education Act of 1965  
34 C.F.R. Part 200 et seq.

## 2111.02 - FAMILY AND SCHOOL PARTNERSHIP FOR STUDENT ACHIEVEMENT

**Parent/Family Involvement** (see also [Policy 2111](#) - Parent Involvement in the School Program)

The School Board recognizes that a child's education is a responsibility shared by the school and family. To support the School District's strategic direction of highest student achievement for all students and to educate all students effectively, the schools and parents must work together as knowledgeable partners. The District shall foster and support active parent involvement by using the components listed below including, but not limited to, the following implementation strategies.

Although parents are diverse in culture, language, and needs, they share the school's commitment to the educational success of their children. The District, in collaboration with parents, shall establish programs and practices that enhance parent involvement and reflect the specific needs of students and their families.

To this end, the Board supports the development, implementation, and regular evaluation of a parent involvement program in each school to involve parents at all grade levels in a variety of roles. The parent involvement programs will be comprehensive and collaborative in nature. The program will adhere to the following components of successful parent involvement programs:

- A. communication between home and school is regular, two-way, and meaningful;
- B. responsible parenting is promoted and supported;
- C. parents play an integral role in assisting student learning;
- D. parents are welcome in the school, and their support and assistance are sought;
- E. parents are full partners in the educational decisions that affect children and families;
- F. community resources are made available to strengthen school programs, family practices, and student learning.

The Board supports professional development opportunities for staff members to enhance understanding of effective parent involvement strategies. The Board also recognizes the importance of administrative leadership in setting expectations and creating a climate conducive to parental participation. Engaging parents is essential to improved student achievement.

School personnel will treat parents and students with respect and courtesy. Parents are expected to treat school personnel courteously and respectfully, and instill this kind of behavior in their children.

Professional development opportunities will be made available to administrators, teachers, and staff to promote family friendly schools and enhance family and community partnerships.

For the purposes of this policy, the term "parent" refers to any adult - mother, father, older sibling, aunt, uncle, grandparent, guardian, mentor - who plays a significant role in the care of a student or students enrolled in the District.

When the term "school" is used in this policy, it is used in the broadest possible sense. It refers not only to the customary kindergarten through grade 12 programs, but also to the early childhood, adult education, and charter school programs.

When Federal guidelines permit such use, Federal funds may be used to purchase food items when used to support parent training and meetings.

### **Statutory Requirement**

As required by the Florida's Family and School Partnership for Student Achievement Act each school board must adopt policies that strengthen family involvement in education. These policies must be developed with input from teachers, administrators, families, students, and key community based organizations and businesses. The policies must address the following four (4) areas:

A. Opportunities for Parental Involvement in the Development, Implementation, and Evaluation of Family Involvement Programs

The District will:

1. encourage parents to become active participants of the School Advisory Councils (SAC), PTA, support organizations, and school-based committees;

At the District level, parent involvement opportunities will include various District planning committees, District Monitoring and Advisory Committee (DMAC), Title I District Advisory Council, countywide SAC organization and Pinellas County Council of PTAs. In these roles, parents will be able to participate in meetings and resolve problems.

2. use a variety of communication tools on a regular basis to facilitate two-way interaction between the home and the school;

The use of best practices for parent/teacher conferences will be expected (by accentuating the positive with opportunities for improvement) and school personnel will use flexible and creative methods to accommodate the schedules of parents. Immediate contact between parent and teacher should occur when concerns arise.

3. encourage communications with parents regarding positive student behavior and achievement;

4. provide staff training on effective communication techniques, parent/teacher conferences, and the importance of regular two-way communication between the school and the family;

5. make a reasonable effort to reach out to all parents, not just those who attend parent meetings;

6. make a reasonable effort to assist parents in understanding the needs and rights of their exceptional children;

7. direct schools to offer support to parents regarding educational issues;

Parent advocates will serve as liaisons between families and schools, train parents in effective communication skills, and provide support to parents responding to educational issues.

8. distribute a student expectations guide to parents at the beginning of the school year outlining grade level expectations and suggestions of how parents can foster learning at home;

9. make available information and provide opportunities to guide parents on ways to assist with homework, give feedback to teachers, and how parents can help their children improve skills and perform well on assessments;

10. publish a parent guide annually and make it available to parents providing information needed to make decisions about their child's education and how to assist in their child's progress;

11. make a reasonable effort to communicate with parents in their primary language or in the language in which they feel comfortable.

B. Opportunities for Parents to Participate on School Advisory Councils and in School Volunteer Programs and Other Activities

The Community Involvement Program will administer a program to utilize parent volunteers at the school and District level, provide ample training on volunteer procedures and school protocol, tutor and mentor training, and encourage parent participation in school and related activities. School staff has a responsibility to involve parents in the school's decision-making efforts. Likewise, parents have a responsibility to contact the school and seek out ways in which they might participate in and influence decisions that will affect the children. Furthermore, the District will:

1. provide parents with current information regarding changes in school policies, discipline, assessment tools, and student and school performance data;

The District will encourage parents to participate as partners when setting school goals, developing or evaluating programs and policies, or responding to performance data.

2. encourage and support the formation of PTAs or other parent groups in order to identify and respond to issues of interest to parents;
3. direct each school to work with parents and school staff to develop a unique plan to incorporate parent/family involvement in the individual School Improvement Plans;
4. encourage parents to be involved in the development, implementation and annual evaluation of the parent involvement programs as outlined in the School Improvement Plan, and to be included as members of School Improvement Teams;
5. encourage parents to visit their schools for beginning of the year events such as "Back-to-School Night", "Open House", and new student orientations;

These events will be used to disseminate information on school policies, discipline procedures, assessment tools, and school goals.

6. encourage parents to attend additional activities (such as parent workshops and training) throughout the year;
7. direct schools to make the school building a welcoming plan, clearly accessible to parents.

C. Links with Community Services

The District will:

1. afford opportunities for school personnel, students and parents to learn about different cultures, cultural practices and cultural preferences so that understanding and communication can be promoted;
2. provide the Family/Multicultural Center to serve as a resource center providing parents information and training opportunities to learn about parenting skills, health, safety, nutrition, home environments that support education, and other topics of child and adolescent development;
3. distribute information to students and parents regarding cultural, recreational, academic, health, social, and other resources that serve families within the community;
4. seek the active participation of area businesses, agencies, and faith-based organizations to encourage community support in the schools, through financial, goods and services, and volunteer contributions;
5. encourage members of the community to participate in the volunteer programs at their local school;

6. develop partnerships with local organizations, such as the Juvenile Welfare Board, the Pinellas Education Foundation, community agencies, local city and county governments, and faith-based organizations to advance student learning and assist schools and families;  
  
Student participation in community service will be encouraged.
7. seek and foster partnerships with outside business, community, and faith-based organizations, such as the Pinellas Education Foundation, to sponsor student incentive programs such as Doorways and S.A.V.E.

D. Parental Choices and Responsibilities

The District will:

1. provide Family Education and Information Centers to serve as information centers offering parents the opportunity to register children for school, learn about the many programs and school choices available in the District, including countywide magnet and fundamental programs, academies, ESE, ESOL programs, Title I and other academic support programs;
2. expect parents to recognize that their right to access does not transcend the rights of students and teachers to an orderly instructional environment;
3. encourages parents to become involved in the education of their children.

**No Child Left Behind (NCLB)**

The District will implement the strategies outline in this policy to integrate parent involvement into school improvement policies. Additional strategies to include direct consultation with parents and the inclusion of these parents as members of the District's planning committees formed to implement NCLB will ensure parent involvement activities improve student academic achievement and school performance.

The Family Service Team, chaired by the Supervisor of Community Involvement and comprised of parents, teachers, principals, District personnel, and community agency representatives, will coordinate the District's parent/family involvement efforts, provide technical assistance, direction and support to assist schools in planning and implementing effective parent involvement strategies.

The District will implement school based monitoring of parent participation to evaluate the effectiveness of increase parent participation. The Superintendent will report the findings to the Board and the Department of Education and will make the findings available to the community on an annual basis. The District will use the findings in designing new strategies for parent/family involvement and school improvement.

The District is committed to setting high expectations that result in highest student achievement and believes that while parent/family involvement is not a substitute for high quality educational programs, effective instruction, or systemic research-based school improvement, it is a critical component of an effective school. The District encourages development of additional parent/family involvement strategies and, encourages the use of practices suggested for successful programs such as outlined in the guidelines of the National PTA *National Standards for Parent/Family Involvement Programs*.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 2120 - SCHOOL IMPROVEMENT AND ACADEMIC ACCOUNTABILITY

(1) The 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 State procedures.

(2) 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.

(3) SCHOOL IMPROVEMENT PLAN: Annually the school improvement plan of each school shall be submitted to the Board for approval. Schools implement the approved school improvement plan and are expected to make continual improvements in the plan, resulting in improved student achievement. . Each school shall use the district approved school improvement plan template.

(4) SCHOOL ROLE AND RESPONSIBILITY: The school involves the administration, faculty and staff, parents, students, and the community in the development and the implementation of the school improvement plan according to the Florida K-20 Education Code and Board policy. The school is responsible for the development and implementation of a plan that results in highest achievement for each student.

### (5) DISTRICT ROLE AND RESPONSIBILITY

(a) The District facilitates, supports, advises, and assists schools by interpreting legislative directives, establishing workable school improvement processes and timelines, and supporting schools with their initiatives through facilitating appropriate changes in District procedures when such changes are deemed productive in accomplishing the District strategic directions and goals. It is District staff's responsibility to monitor and make recommendations to the Superintendent regarding the District-wide impact of individual school improvement initiatives.

(b) The Board recognizes that Federal and State law requires implementation of certain strategies and supports at schools that fall within specific Differentiated Accountability categories. Such strategies and supports are specified in Florida Department of Education Form DA-3, "Strategies and Support for Differentiated Accountability", which is incorporated in Rule 6A-1.099811. The Board authorizes the Superintendent to implement such strategies and supports as are necessary to meet the requirements of Federal and State laws and regulations. Implementation shall be consistent with the collective bargaining agreements. At the same time school improvement plans are submitted to the Board for approval, the Superintendent shall provide the Board with a written report on the implementation of such strategies and supports.

(6) FUNDING SCHOOL IMPROVEMENT INITIATIVES: Each school uses school-based funds to implement the school improvement plan initiatives. The expenditure of school improvement funds, when appropriated by legislative mandate, shall be made by the SAC in accordance with legislative direction to support the school improvement plan.

(7) ANNUAL PROGRESS: School wide student achievement progress is reported annually through the state accountability system as defined in F.A.C. 6A-1.09981. All schools are classified in the state's Differentiated Accountability matrix. School Improvement Plans will include goals and strategies that will improve a school's classification in the state accountability system.

F.S. 1001.42, 1001.452, 1008.33, 1008.345  
F.A.C. 6A-1.09981, 6A-1.099811

Adopted 12/9/09; Revised 7/26/11

## 2125 - SCHOOL ADVISORY COUNCILS

The School Board establishes a School Advisory Council (SAC) in each District school to serve in an advisory capacity to the school principal and in the preparation and evaluation of the school improvement plan required pursuant to F.S. 1001.452.

The principal shall receive and consider SAC advice; however, the principal remains responsible for making decisions necessary for administering and supervising the school. The principal shall promote communication among students, staff, parents, and community.

The SAC is the sole body responsible for final school-level decision-making relating to school improvement and accountability statutes. SACs shall not assume any of the powers or duties now reserved by Florida statutes for the Board or its administrative or instructional staff.

### **Membership**

Each council shall be composed of the principal and an appropriate balanced number of teachers, education support employees, students, parents, and other business and community citizens.

The SAC membership shall be representative of the ethnic, racial, and economic community served by the school. The term community shall refer to the geographic area served by the school. While the composition of the SAC shall represent the ethnic, racial, and economic community served by the school, there need not be a precise percentage or ratio of each ethnic, racial, and economic group within the community equal to the percentage of the general population served. The Board shall monitor and review the membership composition of SACs. Should the Board determine that the membership elected by the school is not representative, the Board shall appoint additional members to achieve proper representation.

A vacancy in any membership category, as defined by each individual SAC, may be filled utilizing the regular election/selection process. The principal will inform the Superintendent or designee in writing of any replacement members.

If not specified in the SAC bylaws, the principal shall determine the size of the SAC which is most functional for that particular school and which allows for all categories to be represented. Student representation shall be required for SACs established at career-technical centers and high schools and may be included for SACs serving middle schools. Elementary school SACs shall not include student representatives.

The principal is a member of the SAC not included in the above percentages. A majority of the members of each SAC must be persons who are not District employees.

### **Nominations and Elections**

Each principal is to facilitate a nomination and election process (including, but not limited to, peer nomination and self-nomination) to determine from within the school and community those individuals willing to make a commitment to participate on the SAC.

- A. The principal will inform the school community, including parents of upcoming students, that nominations to the SAC are invited. The principal may notify potential members by using a variety of written and oral communications. Schools should maximize recruiting efforts to be inclusive of the school community. Documentation of recruitment strategies should be kept.
- B. The invitation for nomination must clearly note the deadline, membership categories, and the process by which the vote shall be taken. The election process shall encourage the participation of each peer group.
- C. The following SAC members shall be elected by their respective peer group in a fair and equitable manner as set forth in the bylaws of the SAC:



1. teacher(s) shall be elected by teachers;
  2. education support employee(s) shall be elected by education support employees;
  3. student(s), when appropriate, shall be elected by students; and,
  4. parent(s) shall be elected by parents.
- D. If these elections do not fulfill statutory requirements, the principal shall recommend additional members to provide proper representation.

Documentation of the nomination and election process will be maintained at the school as a public record.

### **Duties**

The SAC shall:

- A. perform such functions as may be prescribed by the Board;
- B. assist in the preparation, implementation, and evaluation of the school improvement plan required by Florida statutes;  
  
The plan shall address issues relative to budget, training, instructional materials, technology, staffing, student support services, and other resource allocations as determined by the Board.
- C. promote communication among students, staff, parents, administration, and the community;
- D. assist in the preparation of the school's annual budget;
- E. request waivers of Board policies, Florida statutes, or State Board of Education rules which will allow the SAC plan to be implemented or school personnel to establish innovative educational practices and methods; and
- F. serve as a resource for the principal and perform such other functions as are requested by the principal.

### **Operational Procedures**

Bylaws shall be established and adopted by members of the SAC.

- A. The bylaws shall:
  1. state the functions and governance of the SAC;
  2. indicate the procedure for electing and appointing members as specified herein;
  3. provide procedures for the removal of members for just cause including replacing any member who has two (2) unexcused consecutive absences from properly noticed meetings;  
  
A member's absence is considered unexcused if the member does not notify the school that they must be absent and, when contacted by the school, no valid reason is given for their absence. The final determination of an unexcused absence rests with the school's SAC.
  4. state that when a vote is taken a quorum must be present;  
  
A majority of the SAC membership constitutes a quorum.
  5. require three (3) days advance notice in writing to all members of the SAC of any matter scheduled to come before the SAC for a vote;

6. define the scope of and procedures for SAC involvement in assisting with budget preparation as specified herein;
7. establish procedures for recording minutes of SAC meetings;

A record of these minutes shall be maintained at each school.

- B. All meetings of the SAC shall be open, public, and advertised to the school community. Meetings shall be scheduled when all stakeholders can attend.
- C. The Board may review all SAC bylaws.

### **Approval of the School Improvement Plan**

With the mutual approval of the principal and SAC, each school shall submit a new, amended, or continuation school improvement plan to the Board for approval.

### **Training and Development**

The Board recognizes that training and development are important to SACs. Training and development shall be provided to local SACs and local SAC members shall be responsible for participating in such training.

F.S. 24.121(5), 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.452, 1008.345

## 2130 - DISTRICT MONITORING AND ADVISORY COMMITTEE (DMAC)

### **Philosophy**

The School Board believes that in order for the school system to gain and maintain the trust of the community, it must be accountable to the community for maintaining a unitary school system free from the vestiges of the formerly segregated school system in the areas of relative quality of education, student assignment, faculty assignment, administrative staff assignment, facilities and resource allocation, transportation, and extra-curricular activities. To facilitate the accountability, there should be a committee whose members are appointed by various groups that have a recognized interest in the operation of the unitary school system. The committee will monitor the School District's achievement and maintenance of a unitary school system and make recommendations to the Board concerning maintenance of a unitary school system, equity, and diversity.

### **Creation, Membership and Date of Establishment**

The Board establishes the District Monitoring and Advisory Committee (DMAC) consisting of fourteen (14) members appointed as hereinafter provided.

The organizations listed immediately below shall appoint two (2) members each. If one (1) of these organizations ceases to exist or becomes inactive or unrepresentative of the intended constituency another organization shall be substituted. The determination of whether an organization becomes inactive or unrepresentative of the intended constituency shall initially be made by DMAC. Any organization determined by DMAC to have become inactive or unrepresentative of the intended constituency shall have the right to object. Should DMAC make such a determination, DMAC shall inform the Board of its determination and of any objections reviewed by DMAC. Whether such organization has objected to DMAC or not, that organization may register objections with the Board. The Board shall then make a determination of whether any such organization has become inactive or unrepresentative of the intended constituency. Should the Board determine that any organization has become inactive or become unrepresentative of the intended constituency, that determination may be challenged by invoking the alternative dispute resolution process through plaintiff's counsel. If a final determination is made in this process that one (1) of the organizations has become inactive or unrepresentative of the intended constituency, then the Board will designate another group after considering recommendations provided by the remaining DMAC membership. If there are objections to the group designated by the Board, those objections shall be determined subject to the alternative dispute resolution procedures.

- A. The Board
- B. NAACP North
- C. NAACP South
- D. Pinellas County Council of PTAs
- E. Pinellas SAC Association, Inc.
- F. Pinellas Classroom Teachers Association (PCTA)
- G. Pinellas Administrators Association (PAA)

Each appointing authority, by an essentially elective and publicly disclosed mechanism (e.g., either election or appointment by an elected officer or other elected authority) consistent with the bylaws or governing rules of each organization, shall appoint one (1) black member and one (1) non-black member.

The number of current school system employees serving on DMAC shall be limited to four (4). The PCTA and the PAA shall have the right but are not obligated to appoint employees of the school system. All other appointing authorities must appoint non-employees.

The effective date of the establishment of DMAC shall be October 12, 1999.

### **Liaison**

The Board shall provide a Board member to attend each meeting of DMAC and to act as Board liaison.

The Superintendent shall appoint a liaison to DMAC who shall be responsible for providing clerical assistance and supplies necessary for the operation of DMAC.

The District liaison shall attend all committee meetings and will coordinate the appearance of other staff as deemed appropriate by the Superintendent or upon request of the committee as may be reasonable.

### **Term of Membership**

Each appointing authority shall appoint one member for an initial term of two (2) years and one (1) member for an initial term of four (4) years. All subsequent appointments shall be for a term of four (4) years except that any appointment to fill a vacancy that has occurred prior to the expiration of the term shall be for the expiration of that term.

The chair shall remove any member for non-attendance in violation of duly adopted bylaws of DMAC. Prompt and regular attendance is essential to membership on DMAC.

### **Open Government Laws**

DMAC, as a committee created by the Board for purposes of advising the Board, is subject to the Government in the Sunshine Law (F.S. 286.011) and Florida's Public Records Act (F.S. Chapter 119). All meetings of DMAC shall be open to the public and shall be properly noticed to members of the public. Minutes are required for each meeting. The minutes of each meeting and any written reports, recommendations, or any other records of DMAC shall be open to public inspection.

In accord with the scheduled agenda, DMAC shall provide a reasonable opportunity at each of its meetings for members of the public to address DMAC. This provision shall not apply to any joint workshop with the Board or to any subcommittee meeting. DMAC shall announce to the public before receiving public input that DMAC does not receive and act on any individual complaints or requests and does not act as an appellate body to review any decision of the District or school administrators. DMAC shall also inform the public before receiving input that it acts as a monitoring and advisory committee concerning the achievement and maintenance of a unitary school system.

### **Meetings**

The first meeting of DMAC shall be November 11, 1999.

DMAC shall meet at least four (4) times a year and may set additional meetings as necessary. At the initial meeting of DMAC, the dates of the remaining three (3) meetings of the first year of operation shall be set. Thereafter, DMAC shall set the dates of the minimum four (4) meetings for the subsequent year at the last meeting of each year.

Additional meetings may be set by a majority vote of the committee at any meeting of the committee or special meetings may be called by the chairperson upon a minimum of fifteen (15) days written notice to the membership.

### **Officers**

DMAC shall annually elect a chairperson, vice-chairperson, and secretary from among the membership of the committee.

### **Quorum**

DMAC cannot take any action or carry on a meeting in the absence of a quorum. A quorum at any meeting of DMAC shall consist of attendance by a simple majority of the membership (that is, eight (8) of the fourteen (14)) or more. The vote of the majority of the members present at a meeting at which a quorum is present is necessary for the adoption of any matter voted on by DMAC.

### **Training**

The Board and the NAACP North and South shall provide training for all new members of DMAC concerning the history of desegregation, the definition and achievement of unitary status, and the functions and purposes of DMAC. Appointees must attend and receive training to assume membership in DMAC.

### **Meeting Space**

The Board will provide adequate and dignified meeting space for DMAC at the administration building (or another place, if agreed by DMAC). All meetings for the transaction of business shall occur in Pinellas County.

### **Bylaws**

DMAC may adopt such bylaws and rules of operation as may be necessary for the efficient performance of its functions including the receipt of public comments. Any such bylaws and rules must be consistent with the provisions of this rule and approved by the Board pursuant to the provisions of the APA.

The bylaws shall provide for the appointment of subcommittees if deemed appropriate by DMAC.

### **Responsibilities of DMAC**

DMAC shall function as an advisory body to the Board with respect to the matters set forth in this rule.

### Education, Information, and Advice

At least annually, beginning for the school year 1999-2000, the Superintendent or designee(s) will file a report and make a presentation to DMAC on what the School District prescribed and implemented with respect to the plan addressing student achievement, student discipline, and assignment of students to programs developed pursuant to the stipulation between the defendants (the Board, and others) and the plaintiff class dated June 18, 1998, that was filed in Bradley, et al v. Pinellas County School Board. The Superintendent's report to DMAC shall include the following:

- A. whether the School District has implemented the plan in good faith;
- B. what results the School District has achieved with the plan in effect;

Such report shall contain but not be limited to data in detail disaggregated by race and sex with regard to grades, scores on standardized tests, drop-out rates, graduation rates, expulsions, suspensions both in-school and out-of-school, and assignment to special programs or classes. Special programs or classes shall include all programs or classes designed to assist students who appear to need special or additional help, all programs or classes designed for students who appear to be advanced, and all programs or classes designed to provide specialized training.

- C. whether such implementation has succeeded in addressing, in a substantial and meaningful way, the issues of student achievement, student discipline, and assignment of students to programs;
- D. what changes have been made to the plan to improve it;
- E. whether continued good-faith implementation of the plan offers a realistic promise of achieving the goals described in the June 18, 1998, stipulation.

DMAC will receive the reports and presentations from the Superintendent or designee(s) and will review the information, distinguish areas of greater and lesser progress, and advise the Board on practicable means and measures to obtain further success in the three (3) areas (student achievement, student assignment, and student discipline) identified in the stipulation of June 18, 1998.

### Facilities and Resources

Prior to Board consideration, the Superintendent or designee(s) will present to DMAC the proposed five (5) year work plan for facilities in sufficient time to allow DMAC to provide the Board its recommendations on the work plan. "Sufficient time" in this context shall be not less than thirty (30) days prior to the hearing at which the Board considers the plan.

DMAC will review the work plan to determine if additions and renovations to existing facilities are being made in a non-discriminatory manner and will make its recommendations to the Board in any areas of concern.

The Superintendent or designee(s) will present any proposed new school to DMAC in sufficient time to allow DMAC to review the proposal and make its recommendations to the Board concerning same.

The Superintendent or designee(s) will report at least annually to DMAC on the allocation of textbooks and other resources and demonstrate to DMAC that such allocations have been made in a manner so that the allocation per weighted FTE for black students shall be at least equal to that for white students. DMAC will review the reports and information and shall advise the Board regarding the allocation of such resources.

Until construction is complete, the Superintendent or a designee(s) will report at least four (4) times annually on the School District's progress toward building the three (3) new elementary schools or their equivalent, one (1) new middle school or its equivalent, and additional student stations at the high school level in south Pinellas County south of Central Avenue and east of 58<sup>th</sup> Street south. The reports shall review progress toward agreed milestones by construction project. DMAC will make recommendations to the Board concerning the progress as it deems appropriate.

#### Faculty

The Superintendent or a designee(s) will present at least annually to DMAC the District's plans and information concerning recruitment, employment, and placement of black educators. The report will include the status of continuing the critical shortage classification of black educators so long as there is a significant difference between the percentage of black students and the percentage of black teachers.

DMAC will review the report and information received and identify areas of concern and make recommendations to the Board concerning the same as appropriate.

#### Administrative Staff

The Superintendent or a designee(s) shall report at least annually to DMAC, demonstrating the continued support of minority administrative staff including efforts to maintain the distribution of administrative staff in all school levels and central administration, the general geographic apportionment at least as equitable as levels that existed in the 1998-99 school year, and the continuation of special programs, such as Leadership 2000, that foster development of minority leaders.

DMAC will review the report and information and identify the areas of concern and make recommendations to the Board it deems appropriate.

#### Extra-Curricular Activities

The Superintendent or designee(s) at least annually will report to DMAC on student participation in all extra-curricular activities by overall District participation and by school. Data shall be disaggregated by race and sex.

DMAC will review the report and information and determine if there are any areas of concern and make recommendations to the Board as it deems appropriate.

#### Transportation

The Superintendent or a designee(s) at least annually will report to DMAC on the provision of transportation services.

DMAC will review the report and information and determine if there are any areas of concern relative to the equity of transportation services being provided to minority students and make recommendations to the Board as it deems appropriate.

#### Student Assignment

The Superintendent or a designee(s) at least annually will report to DMAC concerning the development and implementation of the student assignment plan of the District. The report shall describe the racial composition of each school and the state of compliance with the relevant order.

The report shall include, but not be limited to the following:

- A. Until a Choice Plan of Student Assignment has been adopted and implemented, such report, in addition to the racial makeup of each school, shall include identification of school assignment zones, the racial makeup of such school assignment zones, identification of any schools that need changes in school assignment zones to maintain compliance with the court order on student assignment, any changes proposed by the School District to student assignment zones, and data disaggregated by race on applications for Special Attendance Permits (SAPs) and on SAPs granted.
- B. Until a Choice Plan of Student Assignment has been adopted and implemented, such report, in addition to the information required in the subsection above shall include an assessment of the progress toward adoption and implementation of a choice plan, including all then-current information on such issues as number of choice zones, locations of choice zone boundaries, identification of preferences for choices (such as program, sibling, diversity, proximity), definition of each preference category, determination of the operation and relationship of preference categories, determination of cross zone/SAP rules, location of zone offices for preference selection/parent-student information, determination of grandfather clauses, identification of zone councils, their make up, duties, selection and bylaws, determination of ratios to be utilized during the “Controlled Choice” phase of the plan, majority-minority transfer policies, determination of types of school programs, including “Attractor Programs”, criteria for determination of underchosen schools, determination of criteria for availability and allocation of resources to underchosen schools for improvement, determination of transportation allocation, and definition of phase-in process from “Controlled Choice” to “Clustered Choice”.
- C. Once a Choice Plan of Student Assignment is adopted, but before implementation, such report shall include a detailed description of the choice plan that has been adopted and details of the implementation schedule of that Choice Plan and schedule of each detailed step of implementation of each and every aspect of that Choice Plan.
- D. Once a Choice Plan of Student Assignment has been adopted and implemented, such report shall include data disaggregated by race as to student population at each and every school; data disaggregated by race as to first choice attendance, second choice attendance, third choice attendance, and attendance other than the first three (3) choices; data disaggregated by race for each and every school as to selections of that school as first choice, selection of that school as second choice and selection of that school as third choice; data disaggregated by race by school and disaggregated by preference as to students assigned as a result of the various student assignment preferences; identification of “Attractor Programs”; effectiveness of “Attractor Programs”; for the preceding school years, identification of underchosen schools; giving the criteria by which such schools are identified as underchosen; identification of all plans for improvement of underchosen schools, giving information on resources available and the methods of determining the availability of those resources and for all schools identified as having a student population that does not conform to the ratios in effect for any Controlled Choice year or, for any years after the last year of Controlled Choice, the ratio determined by the methodology used during that last year of Controlled Choice, and description and details of all plans in effect for bringing such schools in conformance with said ratios. It is understood that, after Controlled Choice is no longer in effect and ratios will not be mandatory, diversity of student population at each and every school shall remain a valid and preeminent goal.
- E. DMAC will review the report and information and determine if there are any areas of concern and make recommendations to the Board as it deems appropriate.

- F. For purposes of this rule, the relevant Court's Order is the Decree of Summary Judgment entered January 15, 1965 and implemented by the Final Order entered July 23, 1971, as amended by the Amended Judgment entered July 30, 1971; the Order of Amendment to Final Order and Amended Judgment entered May 18, 1977, including adoption by reference the Stipulation of October 27, 1976; the Order of Amendment entered November 26, 1980, including adoption by reference the Stipulation of November 19, 1980, and filed November 24, 1980; the Order entered June 3, 1982, adopting by reference the Joint Stipulation of April 28, 1982; the Order entered June 2, 1988, adopting by reference the Joint Stipulation of May 10, 1988; the Order of April 24, 1989, adopting by reference the Stipulation of April 20, 1989; the Order of February 18, 1993; the Order of November 29, 1996, adopting by reference the Joint Stipulation of November 8, 1996; the Order of May 26, 1998; and the order of January 12, 1999.

### Charter Schools

DMAC shall also review applications for charter schools and amendments, if any, to applications for charter schools; and it may (in accordance with the provisions of Subsection C. ("Charter Schools") of the Student Assignment section of the December 17, 1999 "Stipulation for Unitary Status in the Areas of Extracurricular Activities, Faculty Assignment, Student Assignment, Relative Quality of Education, and Mandatory Injunction," as amended) provide comments to the Board concerning whether the potential impact of the proposed charter may materially or noticeably impair the Board's ability to carry out its obligations under this Amended Order or under the December 17, 1999 Stipulation, as amended.

In addition, DMAC shall review each proposed charter, each proposed amendment to a charter, and each proposed renewal of a charter prior to consideration by the Board for final approval and may, in accordance with the provisions of Subsection C. ("Charter Schools") of the Student Assignment section of the December 17, 1999 Stipulation, as amended, provide comments concerning whether the potential impact of the proposed charter, the proposed amendment to a charter or proposed renewal of a charter may materially or noticeably impair the Board's ability to carry out its obligations under this Amended Order or the December 17, 1999 Stipulation, as amended.

### Reports, Recommendations, and Comments from DMAC

All reports, recommendations, and comments from the committee to the Board shall be in writing. Such reports, recommendations, and comments shall be forwarded to the Superintendent for review by the Superintendent and transmittal to the Board within two (2) weeks of receipt.

Any member of DMAC who disagrees with a written report, recommendation, or comment of DMAC shall be permitted to append a signed statement setting forth the basis for such disagreement.

Nothing shall prevent DMAC from presenting a consolidated report on two (2) or more areas identified above.

Nothing shall preclude oral presentations to the Board by DMAC.

### **Responsibilities of the Superintendent**

The Superintendent shall respond as promptly as practicable to all requests for information from DMAC and shall make appropriate staff available for appearance at DMAC meetings to discuss matters coming before the committee. It shall provide DMAC such clerical and other assistance as may reasonably be required for DMAC's timely discharge of its responsibilities.

The Superintendent shall review each report, recommendation, or comment forwarded by DMAC and shall make recommendations to the Board within thirty (30) days of receipt for action on the report, recommendation, or comment of DMAC.

The Superintendent shall provide DMAC with a copy of the Superintendent's recommendation for action by the Board and notify DMAC when the Board will consider and act upon the Superintendent's recommendations.

Nothing shall prevent the Superintendent from presenting a consolidated report on two (2) or more areas identified above.

### **Responsibilities of the Board**



The Board shall review each report, recommendation or comment of DMAC and the subsequent recommendation of the Superintendent concerning same and take such action and provide such response as the Board deems appropriate.

**DISTRICT MONITORING AND ADVISORY COMMITTEE BYLAWS**

The bylaws of the DMAC shall be as follows:

**ARTICLE I – Name of Organization**

The name of this organization shall be District Monitoring And Advisory Committee (DMAC) per order of the United States District Court for the Middle District of Florida and by rule of the Pinellas County School Board enacted pursuant to Order of the Court, hereinafter referred to as the Committee.

**ARTICLE II – Purpose, Function and Basic Policies**

Section 1

The purpose and functions of this committee as determined by order of the United States District Court for the Middle District of Florida and Board rule shall be:

- A. The committee shall comply with all orders of the United States District Court for the Middle District of Florida as entered in the case of Bradley v. Pinellas County School Board.
- B. The committee shall act as the eyes and ears of the community to ensure that the Board is accountable to the community for establishing and maintaining a unitary school system, that is one (1) free from the vestiges of the formerly dual school system in the areas of relative quality of education, student assignment, faculty assignment, administrative staff assignment, facilities and resource allocation, transportation and extracurricular activities. To do so, the committee will offer recommendations to the Board concerning issues of equity, diversity and the school district’s achievement and maintenance of the unitary school system.
- C. To obtain information from whatever source in order to assess and advise the Board concerning the items in Paragraph B.
- D. The committee shall function as an advisory body to the Board with respect to matters set forth in all orders of the United States District Court in the case of Bradley v. Pinellas County School Board and as set forth in this policy.
- E. The committee shall submit written reports to the Superintendent making recommendations and comments on each of the seven (7) factors of a unitary school system, as well as on issues of equity and diversity.
  - 1. Any member of the committee who disagrees with a written report, recommendation, or comment of the committee shall be permitted to append a signed statement setting forth the basis for such disagreement. This written statement shall be submitted at the same time as the majority report.
  - 2. Nothing shall prevent the committee from presenting a consolidated report on two (2) or more areas of concern as identified in this policy.
  - 3. Nothing shall preclude oral presentation to the Board by members of the committee.

Section 2

Basic policies

- A. The committee shall be non-partisan, non-commercial and non-sectarian.

- B. The committee shall conduct its business under the principles of the Government in the Sunshine Law (F.S. 286.0111) and Florida Public Records Act (F.S. Chapter 119).
- C. The role of the committee must be performed with the utmost objectivity without regard to personality, position or power, with the educational welfare of all the children of Pinellas County as primary focus.
- D. The committee shall work collaboratively with the School District to ensure that systems are provided which ensure a quality with regard to student learning facilities, resources, student assignment, extracurricular activities, transportation, administrative staff and faculty. The committee shall assist the Board in an advisory capacity, as to the Board's responsibility for school improvement and accountability, pursuant to Florida statutes, State administrative regulations, Board policy and orders of United States District Court for the Middle District of Florida as entered in the case of Bradley v. Pinellas County School Board.
- E. The committee is not an appellate body, nor is it to take action on individual complaints as to the functioning of the school system. Rather, the committee is solely to function within the parameters as outlined in these bylaws, the rule and policies of the Board and all Orders of the United States District Court for the Middle District of Florida entered in the case of Bradley v. Pinellas County School Board.
- F. The name of the committee or names of any members of the committee in their official capacities as members of the committee shall not be used in any connection with any commercial concern.

### **ARTICLE III – Representation and Membership**

#### Section 1

Representation and membership on the committee shall be as described by the Order of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, which includes the rule adopted by the Board as policy establishing the committee. The terms of subsequent appointees will be from November 1st of the year the appointment is made to October 31st of the year their term expires.

#### Section 2

The Board shall provide a member to attend each regular meeting of the committee to act as the Board liaison.

#### Section 3

The Superintendent shall appoint a liaison to the committee who shall be responsible for providing clerical assistance and supplies necessary for the operation of the committee.

The District liaison shall attend all committee meetings and shall coordinate the appearance of other staff as deemed appropriate by the Superintendent or upon request of the committee as may be reasonable.

#### Section 4

An appointing authority, pursuant to the Order of the United States District Court for the Middle District of Florida, establishing the rule of the Board as policy with regard to the committee, may appoint a new member if a vacancy occurs within the group of appointees appointed by that appointing authority prior to the completion of that appointee's term. Any such appointment that occurs prior to the expiration of such term shall be for the expiration of that term.

#### Section 5

If an appointing authority ceases to exist, then the procedure for obtaining another appointing authority shall be as provided in the Order of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, and which was enacted as rule and policy concerning the creation of the committee.

## Section 6

Any committee member who misses two (2) meetings during a school year shall be contacted by the chairperson regarding non-attendance. At the direction of the committee, the chairperson shall remove such member for non-attendance. Further, a member may be removed by majority vote of a quorum of the members present for non-adherence to the basic policies of the committee.

## **ARTICLE IV – Officers and Their Elections**

### Section 1

Pursuant to Order of the United States District Court for the Middle District of Florida in the case of Bradley v Pinellas County School Board and the rule of the Board established by such Order as policy, the committee shall annually elect a chairperson, a vice-chairperson and secretary from among its membership.

- A. The officers shall represent one (1) of the three (3) groups of the following appointing authorities:
1. NAACP north and south
  2. the Pinellas County Council of PTAs and Pinellas SAC Association, Inc.
  3. Pinellas Classroom Teachers Association, Pinellas Administrators Association and the Board

Each year an officer shall be elected from each of the three (3) foregoing groups.

- B. Nominations shall be taken from the floor for the office of chairperson, with a corresponding election of chairperson immediately to follow the nominations. Nominations will then be taken for the office of vice-chairperson with the corresponding election for that office. Finally, nominations will be taken for the position of secretary with the election for that office.
- C. Officers shall be elected by ballot at the November meeting of each year. However, if there is only one (1) nomination, the election may be done by voice vote of members.
- D. Officers shall assume their duties after the election at the November meeting of each year and serve a term of one (1) year or until a successor has been elected. Terms of office shall be from the November election to October 31st of the year following the election.
- E. A person shall not be eligible to serve more than two (2) consecutive terms in the same office.

### Section 2

Vacancies in any position of officer shall be filled at the first meeting of the committee that is held after notification of the vacancy.

- A. A vacancy in the position of chairperson shall result in that position being filled by the vice-chairperson. A new vice-chairperson shall be elected using the same provisions as stated in Section 1 of this Article.
- B. A vacancy in the position of vice-chairperson shall result in a new vice-chairperson being elected using the same provisions as stated in Section 1 of this Article.
- C. A vacancy in the position of secretary shall result in a new secretary being elected using the same provisions as stated in Section 1 of this Article.

**ARTICLE V – Duties of Officers**

Section 1

The chairperson shall preside at all meetings of the committee. The chairperson shall perform such duties as prescribed by these bylaws or as assigned to the chairperson by the committee. The chairperson shall seek clarification, if needed, from the attorneys for the plaintiff and defendant in the case of Bradley v. Pinellas County School Board provided such advice will not result in additional cost to the Board. The chairperson shall coordinate the work of the officers and any subcommittees that may be created, such that the purpose, function and basic policies of the committee may be promoted.

Section 2

The vice-chairperson shall preside over committee meetings in the absence of the chairperson, and shall perform the duties of the chairperson in the absence or disability of the chairperson.

Section 3

The secretary shall record minutes of each meeting of the committee and shall deliver such minutes to the District liaison for distribution to members within ten (10) working days after the meeting date. The secretary shall keep a roster of members of the committee with their original election date, term of office and the date and manner of termination of any such membership. The secretary shall further provide the log to members of the public to sign such that they may be recognized to speak before the committee.

Section 4

All officers agree to abide by these bylaws, by all Orders of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, the rule of the Board establishing this committee in policy and by parliamentary authority adopted by the committee.

Section 5

All officers shall agree to deliver all official materials to their successor within ten (10) days after the end of their elected term of office.

**ARTICLE VI – Meetings**

Section 1

All meetings of the committee shall comply with all Orders entered in the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, and specifically that Order establishing the Board rule as policy, enacting the creation of the committee.

- A. Committee meetings shall last approximately two (2) hours unless extended by agreement of the committee.
- B. Agendas and all materials and data necessary to support the agenda shall be mailed to members at least ten (10) days prior to the date of meeting.
- C. Regular meetings shall be set at the last committee meeting of each year. Additional regular meetings may be set by the committee. Special meetings may be called if necessary to complete the business of the committee when approved by the majority vote of the committee.

Section 2

The committee shall not take any action or carry on a meeting in the absence of a quorum. A quorum at any committee meeting shall consist of attendance by a simple majority of the membership, that is eight (8) of the fourteen (14) members. The majority of the members present at that meeting, at which a quorum is present, is necessary for the adoption of any matter voted on by the committee.

Section 3

All meetings for the transaction of committee business shall occur in Pinellas County.

Section 4

All meetings of the committee shall be open to the public and shall be properly noticed to members of the public.

Section 5

Agenda planning for each committee meeting will begin at the end of each meeting. Items recorded in the minutes as unfinished will be placed on the agenda for the next meeting as old business. Those items of business recorded in the minutes generated by discussion at the previous meeting will appear as new business. Committee members wishing to place items on the agenda for future meetings may do so at the end of each meeting or by contacting the District liaison at least three (3) weeks prior to the next meeting. Each item of business should be assigned an approximate time limit and be identified on the agenda so that all committee members may aid the chairperson in honoring time limits.

Section 6

Written minutes are required for each meeting. Each meeting shall be audio recorded for the convenience of the committee.

Section 7

Minutes of each meeting and written reports, recommendations and any other records of the committee shall be open to public inspection. To facilitate public information, minutes and reports, as well as the upcoming agenda shall be published on the Board's website.

Section 8

The committee shall provide a reasonable opportunity at each regular meeting for members of the public to address the committee.

The chairperson will announce at the beginning of the meeting the procedure for receiving public comments which are as follows:

- A. Members of the public shall be given three (3) minutes to address the committee during the open agenda and public comment portion of the agenda.
- B. Members of the public wishing to speak shall identify themselves and the secretary shall record their names and a brief synopsis of their comments for the minutes.
- C. The vice chairperson shall serve as timekeeper for the public comment portion of the committee meeting.

Section 9

Meetings shall be conducted according to the "meeting ground rules" which are agreed upon each year by the members of the committee.

Prior to the meeting the chairperson shall announce that the committee is not an appellate body, nor is it to take action on individual complaints as to the functioning of the school system, individual staff members or individual schools.

**ARTICLE VII – Subcommittees**

Section 1

Subcommittees may be appointed by the committee to develop recommendations pertaining to DMAC's charge as stated in the unitary agreement. Appointment of such groups shall be done so by a majority vote or by consensus of committee members.

## **ARTICLE VIII – Authority**

### Section 1

All Orders of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board will take precedence over any rule, policy or bylaw with regard to the committee.

### Section 2

The rule enacted as part of one (1) of the Orders of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, which establishes such rule as the policy of the Board creating the committee, shall take precedence over any of these bylaws.

### Section 3

As to interpretation of bylaws and court orders, the committee may consult with the attorneys for the plaintiff and the defendant in the case of Bradley v. Pinellas County School Board provided such advice will not result in additional cost to the Board.

### Section 4

With regard to procedural matters, Roberts Rules of Order newly revised shall govern in all cases in which they are applicable and in which they are not in conflict with these bylaws, nor the rule of the Board nor the Order of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board.

## **ARTICLE IX – Amendments**

### Section 1

No amendment to these bylaws may conflict with any Order of the United States District Court for the Middle District of Florida as entered in the case of Bradley v. Pinellas County School Board, and with the rule adopted by the Board.

### Section 2

Any amendment to these bylaws based upon the rule of the Board established as policy may not, pursuant to Order of the United States District Court for the Middle District of Florida in the case of Bradley v. Pinellas County School Board, be changed in any way except as provided within such Order of the Court.

### Section 3

Any provision of these bylaws that is not based upon Order of the Court or rule of the Board may be amended.

- A. Amendments to these bylaws shall be presented in writing to all members at least thirty (30) days prior to a vote.
- B. Amendments to these bylaws may be adopted at a regular meeting of the committee or a special meeting of the committee as needed, by a majority vote of the quorum present.
- C. The amendment shall become effective upon approval of the majority of the quorum present and subsequent approval of the Board.

### Section 4

The amendments made to these bylaws and to the rule established as policy by the Board, which became effective on March 15, 2011, were made on the recommendation of DMAC pursuant to the authority granted by Order of the United States District Court for the Middle District of Florida entered in the case of Bradley v. Pinellas County School Board on August 30, 1999. Such Order states that after ten (10) years have elapsed following entry of such Order, “the School Board may amend the Rule on DMAC as recommended by DMAC.”

Adopted 12/9/09; Revised 3/15/11

## 2140 - INDEPENDENT CITIZENS REFERENDUM OVERSIGHT COMMITTEE (ICROC)

### **Voter Approval of Referendum**

In the general election of November 2, 2004, voters approved an additional one-half mill ad valorem tax for School District operating expenses for four (4) years beginning July 1, 2005.

**BALLOT QUESTION:** Shall the District's ad valorem millage be increased by a total of one-half mill for necessary operating expenses including funds to recruit and retain quality teachers; preserve reading programs and music and art classes; and provide up-to-date textbooks and technology beginning July 1, 2005, and ending four (4) fiscal years later on June 30, 2009, with oversight of these expenditures by an independent citizens financial oversight committee?

In conjunction with the presidential preference primary election of January 29, 2008, voters approved the continuation of the one-half mill ad valorem tax for four (4) years beginning July 1, 2009.

**BALLOT QUESTION:** Shall the District's ad valorem millage of one-half mill per year be continued beginning July 1, 2009 and ending four (4) fiscal years later on June 30, 2013, for necessary operating expenses including funds to recruit and retain quality teachers; preserve reading programs and music and art classes; and provide up-to-date textbooks and technology, with oversight of these expenditures by an independent citizens financial oversight committee?

### **Creation, Membership and Date of Establishment**

The School Board establishes the Independent Citizens Referendum Oversight Committee (ICROC) consisting of seven (7) members each appointed by one (1) of the following organizations as hereinafter provided.

- A. League of Women Voters
- B. Pinellas County Council of PTAs (PCCPTA)
- C. Pinellas County Education Foundation
- D. Pinellas Realtor Organization
- E. Concerned Organizations for Quality Education for Black Students (COQUEBS)
- F. Pinellas County SAC Association, Inc.
- G. Pinellas County Economic Development Council

### **Term of Membership**

Each appointing authority shall appoint one (1) member for an initial term of four (4) years. All subsequent appointments shall be for a term of four (4) years except that any appointment to fill a vacancy that has occurred prior to the expiration of the term shall be for the expiration of that term.

Any member who misses two (2) meetings during a school year shall be contacted by the chairperson regarding non-attendance. If a third meeting is missed, the chairperson shall request the organization that appointed the member to remove the member for non-attendance and appoint a replacement member.

### **Open Government Laws**

ICROC, as a committee created by the Board for purposes of advising the Board, is subject to the Government in the Sunshine Law (F.S. 286.011) and Florida's Public Records Act (F.S. Chapter 119). All meetings of ICROC shall be open to the public and shall be properly noticed to members of the public. Minutes are required for each meeting. The minutes of each meeting and any written reports, recommendations, or any other records of ICROC shall be open to public inspection.

In accord with the scheduled agenda, ICROC shall provide a reasonable opportunity at each of its meetings for members of the public to address ICROC. This provision shall not apply to any joint workshop with the Board or to any subcommittee meeting. ICROC shall announce to the public before receiving public input that ICROC does not receive and act on any individual complaints or requests and does not act as an appellate body to review any decision of the District or school administrators. ICROC shall also inform the public before receiving input that it acts as an oversight committee.

### **Meetings**

The District's Chief Financial Officer (CFO) will coordinate the initial organizational meeting of ICROC. The initial meeting shall occur before July 1, 2005.

At the organization meeting, the ICROC shall elect a chairperson and vice-chairperson and establish how future meetings will be scheduled.

### **Officers**

ICROC shall annually elect a chairperson, vice-chairperson, and secretary from among the membership of the committee.

### **Quorum**

ICROC cannot take any action or carry on a meeting in the absence of a quorum. A quorum at any meeting of ICROC shall consist of a simple majority of the membership. The vote of the majority of the members present at a meeting at which a quorum is present is necessary for the adoption of any matter voted on by ICROC.

### **Meeting Space**

The Board will provide adequate and dignified meeting space for ICROC at the administration building (or another place, if agreed by ICROC). All meetings for the transaction of business shall occur in Pinellas County.

### **Responsibilities of ICROC**

ICROC shall function as an advisory body to the Board to advise the Board on whether the Board is utilizing the proceeds of the additional one-half mill ad valorem tax for necessary operating expenses including funds to recruit and retain quality teachers; preserve reading programs and music and art classes; and provide up-to-date textbooks and technology.

ICROC will quarterly render a report to the Board containing comments on the Board's compliance with the ballot language. The report will be kept on file in the Board office and made available to the public.

#### Reports and Comments from ICROC

- A. All reports and comments from the ICROC to the Board shall be in writing. Such reports and comments shall be forwarded to the Board with a copy provided to the Superintendent.
- B. Any member of ICROC who disagrees with a written report or comment of ICROC shall be permitted to append a signed statement setting forth the basis for such disagreements.
- C. An oral presentation of the report to the Board shall be made by ICROC at a regularly scheduled Board meeting under the Special Order Agenda.

### **Responsibilities of the Superintendent**

The Superintendent (or designee) shall at least quarterly file a report and make a presentation to ICROC clearly demonstrating how the additional proceeds of the one-half mill ad valorem tax is being expended. Eighty percent (80%) of the proceeds shall be allocated exclusively to salaries/benefits.

The Superintendent (or designee) shall respond as promptly as practicable to all requests for additional information from ICROC and shall make appropriate staff available to present information on the expenditure of the proceeds of the additional one-half mill ad valorem tax. The Superintendent shall provide ICROC such clerical and other assistance as may reasonably be required for ICROC's timely discharge of its responsibilities.



The Superintendent shall review each report forwarded by ICROC and shall make recommendations to the Board within thirty (30) days of receipt for action, if any, on the report of ICROC.

The Superintendent shall provide ICROC with a copy of the Superintendent's recommendation for action by the Board and notify ICROC when the Board will consider and act upon the Superintendent's recommendations.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 2205 - INSTRUCTIONAL PLANNING AND LESSON PLANS

The School Board believes that the instructional program of the District must seek to help each student to develop emotionally, aesthetically, intellectually, morally, physically, socially, and vocationally to the fullest of his/her abilities as consistent with the established mission, philosophy, and goals and objectives of the District.

Teachers shall plan for instruction and maintain lesson plans either in a written or electronic format, or another format approved by their immediate supervisors, for the purpose of preparing daily lessons for each course they teach.

Lesson plans shall be consistent with prescribed District course content as described in [Policy 2210](#) and shall be followed with sufficient flexibility to allow for varying conditions, events, interruptions, and the varied needs of the learner.

Lesson plans shall be readily available for review by the administration and for the use of each potential substitute teacher who may be called upon to conduct the regular teacher's classes.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 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.

- A. Curriculum in the District shall provide for appropriate instruction based upon the State curriculum frameworks, course descriptions, and Sunshine State Standards prescribed by the Florida State Department of Education, Florida's System of School Improvement and Accountability goals and standards, and the District's student expectations.
  - 1. Students with disabilities are provided instruction in the general education curriculum to the extent they are able to participate and progress. Accommodations may be provided as specified in the student's Individual Education Plan (IEP) but cannot change course performance standards. The accommodations specify changes in instructional strategies that are required as a result of a student's disability and may address: methods and materials for instruction, assignment and classroom assessments, the learning environment, time demands and scheduling, or special communication systems.
  - 2. When a student with a disability requires additional instruction beyond the general education curriculum, instruction is provided in Sunshine State Standards Access Points at the independent, supported, or participatory level as specified in the student's IEP. Students eligible as vision impaired or speech impaired only are not eligible to pursue a special diploma. Only special diploma students may take Access courses.
- B. The core curriculum established by the Board may be changed only with the permission of the Superintendent and approval of the Board.
- C. School faculties and School Advisory Councils (SACs) shall work in collaboration with the District curriculum staff in implementing curriculum, developing course modifications, and selecting instructional materials.

F.S. 1001.215, 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.51, 1004.64  
F.S. 1008.22, 1008.34, 1011.62

Adopted 12/9/09; Revised 12/6/11

## 2235 - ACADEMIC FREEDOM

It is the rightful duty of a teacher to encourage within students a never ending search for truth in its many forms. Such a search may inevitably lead to areas of controversy. It is the belief of the School Board that discussion of such issues, dealing with local, State, national, and international affairs, shall be encouraged.

Free, logical, and intelligent dialogue within the classroom is a necessity in the search for truth. Such freedom of expression should be viewed, not simply as a constitutional guarantee, but as a fundamental necessity for the successful practice of scholarship in a free society. All sides of such controversial issues shall be presented.

It is recognized that the application of this principle in a K-12 program differs somewhat from its application at higher educational levels. Teachers shall consider the relative level of maturity of their students and their need for guidance in the study of such issues to arrive at objective and balanced views.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 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 value system or religious beliefs, the school will consider a written request for his/her child to be excused from a particular class session 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, if approved.

A complaint concerning the utilization of instructional material that raises controversial issues shall be pursued consistent with [Policy 9130](#).

### **Teacher Use of Potentially Offensive Controversial Material**

It is the responsibility of the teacher (or other instructional staff member) who intends to use materials that may be considered offensive to reasonable persons within the community, to notify the school principal of the potentially controversial materials.

It is the responsibility of the principal or principal's designee to assist the teacher in devising methods to minimize or eliminate controversial materials. It is the principal's responsibility to insure that the materials used are appropriate and consistent with the Sunshine State Standards for the course.

If the teacher disagrees with the principal's determination, the teacher may appeal to the District First Amendment Review Committee appointed by the Superintendent and composed of two (2) representatives from the County Council of PTAs, two (2) members representing the community, three (3) teachers, and a non-voting chairman/facilitator. The committee will review the issue and make a recommendation to the Superintendent within seven (7) school days.

The Superintendent will review the committee's recommendation, meet with the teacher, upon request, and decide the issues. The Superintendent's decision shall be final.

Use of the material in question will not occur until all appeals are completed.

20

U.S.C.

1232h

2250 - FUNDAMENTAL SCHOOLS, MAGNET PROGRAMS, AND CAREER ACADEMIES

The Pinellas County Schools [Procedures for District Application Program Handbook](#) dated January 16, 2001, as amended April 17, 2001, January 9, 2007, December 9, 2008, December 7, 2010, and November 8, 2011 is hereby adopted by the School Board as a rule and is incorporated herein by reference. The Procedures for District Application Programs Handbook contains requirements applicable to elementary school, middle school, and high school programs.

F.S. 1001.32, 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.02

Adopted 12/9/09; Revised 6/29/10, 12/7/10, 11/8/11

## 2260 - NONDISCRIMINATION AND ACCESS TO EQUAL EDUCATIONAL OPPORTUNITY

Discrimination on the basis of race, ethnicity, national origin, gender, disability, marital status, or sexual orientation against a student or an employee is prohibited. No person shall, on the basis of race, ethnicity, national origin, gender, disability, marital status, or sexual orientation be excluded from participation in, be denied the benefits of, or be subject to discrimination under any District educational program or activity, or employment conditions or practices.

The District shall fully comply with *The Florida Educational Equity Act*, F.S. 1000.05.

F.S. 760.08, 760.021, 1000.05

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

29 U.S.C. Section 794, Rehabilitation Act of 1973

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

42 U.S.C. 6101 et seq.

34 C.F.R. Part 110 (7/27/93)

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



## 2260.03 - SECTION 504

### **Policy**

It is the policy of the School Board, as provided in Section 504 of the Rehabilitation Act of 1973 ("Section 504"), that no otherwise qualified individual with a disability shall, solely by his/her disability, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity offered by the Board. The Board shall provide a free and appropriate public education to each student who is disabled within the definition of Section 504 regardless of the nature or severity of the disability and to provide all reasonable accommodations and other applicable rights to both students and employees as needed under Section 504.

School staff must consider whether to evaluate students for Section 504 eligibility when:

- A. a parent requests a Section 504 eligibility evaluation, or Section 504 accommodation plan;
- B. a parent provides medical or psychological documentation of a condition that may constitute a disability;
- C. a student is evaluated and is found not to qualify for Exceptional Student Education (ESE) services under the Individuals with Disabilities Education Act (IDEA);
- D. expulsion is being considered for any student;
- E. a student is dismissed from ESE with continuing need for accommodations.

School staff may consider whether to evaluate students for Section 504 eligibility when:

- A. a student is referred to the school intervention team and it is determined that an evaluation under IDEA is not appropriate;
- B. a disability of any kind is suspected, including temporary injuries;
- C. a student's discipline history is characterized by a pattern of multiple suspensions or reassignments;
- D. a student shows a pattern of not benefiting from the instruction being provided;
- E. a student has a chronic health condition.

The procedures for Section 504 student eligibility determination are:

- A. The school will maintain a plan to monitor Section 504 eligibility, and designate a School Section 504 Coordinator (see below). A School Section 504 Committee determines which evaluations are necessary and who will conduct them. It is recommended that an interim case manager be appointed.
- B. A Section 504 Parent Consent for Evaluation (PCS Form 2-2502) and Notice of Parent and Student Rights will be provided to the parent.
- C. Section 504 evaluations will be conducted.

- D. The School Section 504 Committee will meet to review evaluations and determine Section 504 eligibility. The parent will be invited to the eligibility determination meeting via the Section 504 Notice of Meeting (PCS Form 2-2584). The school will schedule the meeting on a mutually agreeable date and time, within reasonable limitations. If the parent is unable to attend, the parent will be informed of the Committee's decision following the meeting.

The School Section 504 Committee must be a multi-disciplinary team. A minimum of three (3) members must be present, with at least one (1) of the student's teachers, one (1) student services professional and either the principal or Section 504 school designee.

- E. The Evaluation/Reevaluation Summary and Eligibility Determination (PCS Form 2-2503) will be completed. If the student's Section 504 disabling condition substantially limits a major life activity, a Section 504 Accommodation Plan (PCS Form 2-2504) may be developed and a case manager appointed. The parent will be provided with a copy of the Eligibility Determination form, Notice of Parent and Student Rights, and Section 504 Accommodation Plan, if one exists.
- F. Information will be entered into the student information system. All Section 504 information will be filed in a blue folder.
- G. The Accommodation Plan will be reviewed at least annually and Section 504 eligibility reviewed at least every three (3) years.

### **District Section 504 Compliance Officer and School Section 504 Coordinators**

The following individuals are the District-wide Section 504 Compliance Officers 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 ("ADA"):

- A. K-12 Educational Section 504 Issues:  
  
Supervisor, Psychological Services  
  
301 Fourth Street S.W.  
  
P.O. Box 2942  
  
Largo, FL 33779-2942  
  
(727) 588-6054 (p)
- B. Post-secondary Educational and Employment Section 504 Issues:  
  
Director, Human Resources  
  
301 Fourth Street S.W.  
  
P.O. Box 2942  
  
Largo, FL 33779-2942  
  
(727) 588-6368 (p)

Each school or other District work site will have a Section 504 Coordinator. The Section 504 Coordinator shall be the principal or other lead administrator of the work site, or their designee. The Section 504 Coordinators shall consult with the appropriate Compliance Officer as needed.

### **Section 504 Eligibility Criteria**

Students with qualifying physical or mental impairments that substantially limits one (1) or more major life activities, as those terms are defined and interpreted by law, qualify for Section 504 eligibility. When determining eligibility, the School Section 504 Committee will utilize all data gathered in the evaluation process and other data provided by the parent.

## Section 504 Grievance Procedure

- A. If a parent disagrees with the actions of the school's Section 504 Committee in regard to the child's educational program, the parent may pursue a grievance using the procedure described below. The purpose of this procedure is to secure, at the level closest to the student, fair solutions to complaints that may arise from time to time. Before invoking this formal grievance procedure, the parent should first informally talk to the teacher outside of regular class time (if the matter is classroom related), or the principal or designee (if the matter is not classroom related or the parent does not feel comfortable speaking with the teacher) in an attempt to informally solve the problem. If this informal process does not resolve the issue, then the parent may proceed with the following formal grievance procedure. The parent must follow each level in turn and any complaints made to the Superintendent or Board will be referred back to the appropriate level of the grievance procedure.
- B. Level 1 – Principal: The parent submits a description of the problem in writing, along with a proposed solution, to the Principal within five (5) school days after the informal discussion. The student's parent must sign the grievance. The Principal will investigate and decide how s/he will resolve the problem. The Principal will make his/her decision in writing within five (5) school days after receiving the grievance, and will provide it to the parent.
- C. Level 2 – Area Superintendent or Designee: The parent may request in writing that the Area Superintendent or designee review the decision. The parent must request review within five (5) school days after receiving the Principal's decision. The Area Superintendent or designee will review the Principal's decision and will decide whether to uphold the Principal's decision or to change it. The Area Superintendent or designee will make a decision in writing within five (5) school days after receiving the request for review, and will provide it to the parent. This is the final step of the grievance procedure. The next level of review is the impartial hearing (see below).

### Impartial Hearing

A parent or guardian of a child may request an impartial hearing on a complaint that the child, solely by reason of his/her disability, has been excluded from participation in, been denied the benefits of, or been subjected to discrimination under any of the District's educational programs or activities. The hearing will be conducted by an independent hearing officer. The hearing officer will be appointed, at the election of the Superintendent, either by the Florida Division of Administrative Hearings ("DOAH"), or by the parties in the following manner: The District will offer to the parent the names of three (3) independent persons to act as hearing officer. If the parent agrees to one (1) of the persons offered, then this person shall be the hearing officer. If the parent rejects all names, then the parents shall offer the names of three (3) independent persons to act as hearing officer. If the District agrees to one (1) of the persons offered, then this person shall be the hearing officer. If the District rejects all names, then the District and parent shall each select one (1) person who will then contact one another to agree upon a third person to act as hearing officer. The hearing shall be conducted under the same rules of procedure and evidence as a hearing under F.S. Chapter 120, including the Uniform Rules of Procedures. The hearing officer shall issue a recommended order containing findings of fact, conclusions of law, and a recommended ruling on the dispute, and shall direct the recommended order to the School Board as agency head for final agency action. The School Board shall consider the recommended order in accordance with the procedures contained in section 120.57(l), F.S., and shall issue a final order relating to requested relief other than monetary damages and attorney's fees, which must be sought by the party seeking such in Federal court. Appeals of the final order instituted by either party shall be in Federal court.

### Discipline: Suspension and Expulsion

- A. Introduction: When a Section 504 Accommodation Plan is developed, student behavior issues will be discussed by the Committee, as appropriate.
- B. Suspension: Whenever a student with a disability under Section 504 is recommended for suspension, the building administrator should consider whether the behavior exhibited by the student is a manifestation of the disability under Section 504. Schools are strongly encouraged to pursue alternatives to out-of-school suspension for behaviors that may be related to a student's disability under Section 504; however, out-of-school suspension may be used if the principal determines it is appropriate. A student may only be suspended for more than 10 days in a school year if the Section 504 Committee conducts a manifestation determination meeting and determines that the behavior is not a manifestation of the student's disability.

- C. Expulsion: Section 504 Eligible Student. When a student with a disability under Section 504 is recommended for expulsion, the school Section 504 Committee for the student will conduct a Manifestation Determination meeting. If the finding of that meeting is that the behavior is a manifestation of the student's disability under Section 504, the student will not be recommended for expulsion but may be considered for reassignment by the Area Superintendent. If the behavior is not a manifestation, then the normal expulsion procedures apply. If the behavior is a manifestation, then no expulsion will be recommended. Students awaiting expulsion hearing may be offered educational services if the period out-of-school exceeds ten (10) days.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.42(20), 1003.02(2), 1003.43  
29 U.S.C. 794  
34 C.F.R. Part 104

Adopted 12/9/09; Revised 6/29/10, 7/24/12

## 2262 - SCHOOL AGE CHILD CARE

The Superintendent shall develop and update a plan that provides for the following:

- A. assignment of before/after school programs;
- B. programs and services are available to all participating students both prior to the start of the regular school day and after school. The time periods should be scheduled so that a student may participate from the time s/he leaves a supervised environment until s/he may return to one;
- C. the program emphasis is on providing educational opportunities and a variety of activities that promote the development of children in the program;
- D. adequate attention is provided to an environment that meets the needs and well-being of children;  
  
The safety and security of students is protected. Programs ensure children are being clothed, fed, and have an opportunity for a variety of physical activities. Policies and procedures are in place to protect the safety of students.
- E. any organization(s) contracted with to provide these programs has acquired adequate liability insurance and is maintaining appropriate adult-child ratios, providing quality child care, and, in general, complying with procedures established by the State and the District;
- F. parents and families are notified about the program and the procedures for enrollment;
- G. there is continuing assessment of the effectiveness of the program by staff, participating parents, and other stakeholders.

## 2270 - RELIGION IN THE CURRICULUM

The School Board permits teaching about religion where the curriculum guides indicate it is appropriate and when the classroom atmosphere encourages both teachers and students to be responsible and to respect the rights of each person.

Such teaching must foster knowledge about religion, not indoctrination into religion; it should be academic, not devotional or testimonial; it should promote awareness of religion, not sponsor its practice; it should inform students about diversity of religious views rather than impose one particular view; and it should promote understanding and respect rather than divisiveness.

### **Procedures**

The following procedures shall be applied to assist school administrators and teachers interpret and apply this policy.

#### **Part 1: Curriculum**

- A. Religious instruction is the responsibility of the parents and religious institutions, but teaching about religion is a legitimate part of a complete education on the elementary and secondary levels.
- B. Teaching about religion should always operate within the context of First Amendment rights and responsibilities. In order to ensure the activity is constitutional, its purpose and effort should be to educate about rather than promote a religion. The activity should also avoid excessive entanglement between school and religious organizations.
- C. As a part of the curriculum, religious literature, music, drama, and the arts may be included, provided each is intrinsic to the learning experience in the various fields of study and presented objectively.

#### **Part 2: Religious Holidays**

- A. Recognition of religious holidays should be for the purpose of providing secular instruction about religious traditions rather than promoting the particular religion involved. The study of religious holidays may be included as elementary and secondary curricula as opportunities for teaching about religions. Such study serves the academic goals of educating students about history and cultures as well as about the traditions of particular religions in a pluralistic society.
- B. Recognition of and information about holidays may focus on how and when they are celebrated, their origins, histories and generally agreed-upon meanings. Teachers may not use the study of religious holidays as an opportunity to proselytize or to inject personal religious beliefs into the discussion.
- C. Provided they are used as examples of cultural or religious heritage, religious symbols are permissible to use as teaching aids or resources. Religious symbols may be displayed on a temporary basis as part of the academic program. Students may choose to create artwork with religious symbols, but teachers should not assign or suggest such creations.
- D. Sacred music may be sung or played as part of the academic study of music. School concerts that present a variety of selections may include religious music. Concerts dominated by religious music, especially when they coincide with a particular religious holiday, should be avoided. The use of art, drama or literature with religious themes is also permissible if it serves a sound educational goal in the curriculum, but not if used as a vehicle for promoting religious belief.

#### **Part 3: Scheduling**

- A. School scheduling should reasonably accommodate the secular effects of religious observances in the community. The yearly school calendar should minimize conflicts with the religious holidays of all faiths.

- B. The District calendar may recognize special religious observance days when there are bona fide secular reasons for recognizing such days. Special days beyond those specified on the calendar may be accommodated as reasonably as possible, with students being asked to make up assignments or examinations without loss of status or penalty.
  
- C. Recognizing the importance of religious liberty and freedom of conscience, students may be excused, where it is feasible, from activities that are contrary to religious beliefs. Students are responsible for notifying school officials in advance and arranging for make-up work. Student and/or staff members wishing to be excused from activities that are contrary to their religious beliefs may make that request of the appropriate teacher or supervisor, within a reasonable time period to allow accommodations to be made.

U.S. Consti. Amend. 1

## 2271 - POSTSECONDARY ENROLLMENT PROGRAMS

(1) The School Board recognizes that participation in programs offered by accredited technical centers, colleges, and universities can add value to the education of selected high school students. To that end, the Board has established the Pinellas Technical Education Centers (pTEC), as another option for postsecondary technical and career education. For the purpose of this Board policy on postsecondary enrollment, pTEC is considered as a postsecondary institution as are colleges and universities.

(2) 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, early admission, and dual credentialing programs. The Superintendent may also authorize postsecondary enrollment provided by an eligible college or university, including accredited independent institutions as per F.S. 1011.62(1)(i), for programs that offer articulated postsecondary credit with specific District programs of study.

(3) The Board permits sophomores, juniors, and seniors enrolled in a District high school, who meet the criteria established by the State, 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.

(4) No sophomore, junior, or senior enrolled in a District high school may enroll in dual enrollment, early admission, and dual credentialing programs without the written consent of parents and the high school principal.

(5) The Superintendent shall establish the necessary administrative procedures to comply with State law which will thereafter be properly communicated to both students and their parents. The Superintendent shall also establish procedures for the awarding of credit and the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

F.S. 1007.27, 1007.271

Adopted 12/9/09; Revised 7/26/11



## 2340 - FIELD TRIPS AND OTHER DISTRICT-SPONSORED TRIPS

### **REGULAR FIELD TRIPS**

Field trips are those school-related events for which school staff arranges transportation and ensures an appropriate number of chaperones as stated within this policy. All trips shall be subject to prudent safety precautions and conducted according to the rules established by the District and the school. Every effort should be made to schedule field trips without interrupting other school functions.

### **APPROVAL REQUIREMENTS**

- A. Day trips to sites listed on the School Board-approved field trip list must be approved by the principal at least two (2) weeks prior to the activity.
- B. Trips to sites not listed on the above-mentioned list, or any trip lasting more than one (1) day even if on the list, require that the "Application For Field Trip Not On the approved List" form and a "Field Trip Information Sheet" with a detailed itinerary be approved by the principal and the Director of School Operations at least four (4) weeks before the trip. The approval for trips must be secured before the teacher makes plans with students or parents. Overnight trips should be scheduled on weekends or non-school days if possible.
- C. Trips of more than one (1) day must be approved by the subject supervisor before submission to the Director of School Operations.
- D. All necessary approvals must be secured before any trip-related fundraising occurs.
- E. Florida High School Activities Association (FHSAA) and Florida School Music Association (FSMA) events are governed by the rules and regulations of those organizations. For FHSAA athletic competitions and FSMA evaluation festivals the field trip forms referred to above are not required.

### **GENERAL GUIDELINES FOR FIELD TRIPS**

- A. All field trips must be conducted under the supervision of a certificated Board employee.
- B. A chaperone who is not a Board employee must be registered in the online Volunteer System as an approved volunteer before the field trip. As part of the volunteer registration process, a background check will be completed. The background check process requires a two (2) week prior notification. A student may not be a chaperone.
- C. All students participating in school-sponsored field trips shall be counted as present (computer code 2) for attendance purposes.
- D. No student may be excluded from a field trip because of an inability to pay the cost of admission or other related expense.
- E. All monies collected in connection with a field trip must be processed by prescribed internal auditing procedures and Board policy.
- F. If a special invitation is extended to a group, the letter of invitation should be attached to the required form(s) for field trip approval. Letters of invitation from travel agencies are not acceptable.
- G. Chaperone ratio shall be one (1) for every ten (10) students unless the field trip is such that the principal or Director of School Operations require more chaperones.
- H. Field trips should be made by bus whenever possible. If using a commercial carrier, only companies on the Authorized Carriers List published by risk management shall be used.

- I. Amusement rides are not approved on a school day during school hours except as approved by the Superintendent or designee.
- J. No student drivers are allowed for out-of-county trips except as authorized by the school administrator, and with parental consent and release of liability.
- K. No drivers under eighteen (18) years of age are permitted when transportation is provided or arranged by the School District with the following exception: Students who have a valid Florida license and are at least seventeen (17) years of age may transport other students to school events on a case-by-case basis with the prior approval of the school administrator. The parents or guardians of students being transported in this manner must be notified that a student will be driving and must give written permission.
- L. No recreational trips to beaches or other bodies of water are permitted.
- M. Personnel attending field trips must log out at the school and submit Temporary Duty Elsewhere form if payment of substitute teachers is involved.
- N. No children may attend a field trip unless they are part of the group for whom the trip was arranged unless approval is given in advance, in writing, by the principal. Any costs incurred will be paid by the parent/guardian. This inclusion is discouraged.
- O. Refer to risk management's "Field Trips, Sporting Trips, and School Activities Guide" which includes guidelines regarding use of private vehicles.
- P. If an overnight trip includes boys and girls, there must be sufficient male and female chaperones.
- Q. Students are responsible for making up any class work missed during a field trip.
- R. A list of all participating students and chaperones shall be on file with the principal.
- S. Detailed itinerary for trips of more than one (1) day must include time leaving, all stops for meals, all activities, returning time, lodging addresses and phone numbers. The principal, Director of School Operations, each parent, and each student is to receive a copy of the itinerary.
- T. The District "Field Trip Permission" form signed by the parent or guardian must be on file before a student may participate in a field trip.
- U. Insurance documentation for all drivers must be on file before the trip, as required by the risk management department. This includes name of driver, name of insurance company, and/or copy of driver's current insurance card.
- V. The school shall verify insurance coverage for students when required by [Policy 2431](#).
- W. Personnel designated by the principal to assist students in the administration of prescribed medications when on field trips shall be trained by the school nurse.

#### **BAND, ORCHESTRA AND VOCAL GROUPS**

Band, orchestra, and vocal trips are subject to regular field trip guidelines as outlined in this policy. The field trip forms referred to above are not required for FSMA evaluation festivals.

#### **TOURS AND INSTRUCTIONAL TRAVEL STUDY PROGRAMS**

- A. Authorized tours are those activities sponsored by the schools which have both educational and recreational value to the students. Student participation in tours must be during a time when school is not in regular session.

- B. All school-sponsored tours shall be approved by the building principal and the Superintendent, or designee, at least two (2) months in advance of the tour. The request shall include objectives, itinerary, plans, budget, and method of financing.
- C. A faculty sponsor shall accompany a school tour group and assume responsibility for the proper conduct of all students on tour. The appropriate number of adult supervisors shall be determined by the Superintendent or designee. Tours shall be conducted according to Board policies.
- D. The faculty sponsor shall file a complete evaluation report with the building principal within one (1) week following a tour, and this report shall indicate how the educational objectives of the tour were accomplished as well as any unusual occurrences.
- E. School-sponsored tours shall not be financed with school system funds. The method of soliciting funds for tours shall be approved by the principal, in accordance with Board policies and procedures.
- F. Each student shall obtain a written consent form duly executed by the parent or guardian, which shall be submitted to the principal prior to participating in the tour.
- G. Board employees shall not receive compensation from travel agencies or private organizations involved with the tour, with the exception that free passage and other related expenses may be granted for supervisory duties.
- H. Travel study programs are those class and student organization activities planned cooperatively by students and faculty and shall be viewed as school-sponsored activities. Student participation shall be voluntary. Students who do not participate shall not be adversely affected in terms of their course requirements, grades, or eligibility to participate in other activities of the class or group.
- I. Travel agencies or other private organizations promoting travel study trips shall not be permitted access to the school to promote or enroll students for privately sponsored travel study programs and trips.

#### **ACTIVITIES (NON-ATHLETIC)**

- A. An activity is a school related event for which the school does not arrange transportation, e.g. award banquets, distributive education transportation to work sites, Student Rights and Responsibilities meetings. This statement does not apply to FHSAA competitive athletic events.
- B. All school functions and related activities must be approved by the principal. The principal is responsible for insuring adequate supervision at the activity. School staff will be present, but the one (1) to ten (10) ratio of chaperones to students will not be provided.
- C. For an activity, the field trip forms referred to above are not required.

#### **HIGH SCHOOL ATHLETIC PROVISIONS**

- A. Admission fees for all athletic activities shall be as prescribed by the athletic conference in which the school holds memberships.
- B. At all interscholastic athletic events, faculty members of participating schools shall be provided free admission.
- C. All interscholastic practice activities shall be conducted after school. Practice sessions shall not interfere with or take the place of the regular class schedule of the athletes.
- D. Transportation will be provided for students as determined by the principal with approval of the Director of Pre K-12 Extra-Curricular Student Activities. If school officials arrange transportation, provisions stated above in this policy shall apply. If the school does not provide transportation it shall be the responsibility of the student athletes to provide their own transportation.
- E. Athletic competitions are subject to regular field trip guidelines as outlined in this policy. The field trip forms referred to above are not required for FHSAA athletic competitions. In lieu of the "Field Trip

Permission" form, the High School Activities Participation Form signed by the parent or guardian must be on file before a student may participate in FHSAA athletic competitions.

### **OUT-OF-STATE ATHLETIC TEAM/CHEERLEADING SQUAD TRAVEL**

The following shall apply to athletic teams and cheerleading squads traveling out-of-state or to national competitions:

- A. Students who are members of, or who are attached to, the team or squad shall not miss more than one (1) school day.
- B. Neither the principal's discretionary budget nor the centralized athletics' budget may be used to fund the out-of-state travel.
- C. Only varsity athletic teams and varsity cheerleading squads may travel out-of-state.
- D. All cheerleading squads qualifying for national competition will be allowed to compete on a national level in competition approved by the Director of Pre K-12 Extra-Curricular Student Activities and will be exempt from item "A" above.

### **ATHLETIC POLICY AND GUIDEBOOK**

The [Athletic Policy and Guidebook](#), as amended September 11, 2012, provides additional policies pertaining to athletics and is incorporated herein as a rule.

F.S. 1001.43

Adopted 12/9/09; Revised 7/27/10, 7/26/11, 6/12/12, 9/11/12

## 2410 - SPECIAL SERVICES

### Health Services

The School Board shall cooperate with the county health department in providing professional medical supervision in all school health matters as required by the School Health Services Act F.S. 381.0056. The school health services plan is jointly developed by the County Health Department (CHD), the Local School District (LSD), the School Health Advisory Committee (SHAC), and approved by the Board. The provision of basic school health services is mandated by: (1) School Health Services Act, F.S. 381.0056; (2) F.A.C Chapter 64F-6.001 - .006; (3) administration of medication, F.S. 1006.062; (4) provision of medical services, F.S. 1006.062; (5) immunization against communicable diseases, F.S. 1003.22; (6) school-entry health examinations, F.S. 1003.22; (7) k-12 student and parent rights, F.S. 1002.20; and (8) student records and reports, F.S. 1002.22.

The School Health Services Manual, the Code of Student Conduct, and the Emergency Guidelines for Schools should be used as a reference. The [School Health Services Manual](#) is incorporated by reference in Policy 5330.

The School Health Services Plan is mandated by the School Health Services Act, F.S. 381.0056, and provides an organized system for planning and reporting on all school health services. This plan is collaboratively developed by the County Health Department (CHD), the Local School District (LSD), and local SHAC and to include a process for data collection by which the program can be evaluated. The plan is to include but not necessarily be limited to:

- A. the periodic review and maintenance of student health records for compliance with State statutes;
- B. monitoring compliance with State statutes, including school-entry health examinations, compulsory immunization for school entry;
- C. processes to ensure parental notification of services provided, including vision, hearing screenings, height and weight (BMI), dental screenings, etc.;
- D. health education included in curriculum;
- E. monitoring compliance with School District wellness plan to promote activities that improve nutrition and increase physical activity;
- F. processes to ensure linkages with community partners to assure referral resources for failed screenings and suspected or confirmed health problems;
- G. procedures to assist students in the administration of medication while in school;
- H. guidelines for provision of various health procedures or emergency care to students;
- I. health in-service to schools and resource persons for individual and/or group-related health issues.

### Mental Health Services

Mental health counseling services, case management services, and human and social services may be provided to students at a school site by qualified school professional staff or 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 schools shall provide, when appropriate, to children and families information on referral sources for professional mental health services for children and families in need of such services.

F.S. 381.0056, 1003.22

Adopted 12/9/09; Revised 1/10/12

## 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/Counseling 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 include the services of professional guidance/counselor personnel and other designated faculty and staff members and appropriate members of the community.

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.

## 2412 - HOMEBOUND INSTRUCTION PROGRAM

Pursuant to rules of the State Board of Education, the District will provide instruction to students who are homebound or hospitalized. An eligible student has a medically diagnosed physical or psychiatric condition which is acute or catastrophic in nature, or a chronic illness or a repeated intermittent illness due to a persisting medical problem, which confines the student to home or hospital and restricts activities for an extended period of time.

The medical diagnosis shall be made by a licensed physician who shall certify that the patient:

- A. is confined to home or hospital;
- B. is expected to be absent from school due to a physical or psychiatric condition for at least fifteen (15) consecutive school days or the equivalent on a block schedule;
- C. has a chronic condition and is expected to be absent for at least fifteen (15) school days or the equivalent on a block schedule 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 and safety of the instructor or other student with whom the instructor may come in contact;
- F. is in kindergarten through twelfth grade and is enrolled in public school prior to the referral for homebound or hospitalized services or is enrolled in a pre-kindergarten ESE program;
- G. is under medical care for illness or injury which is acute, catastrophic, or chronic in nature;
- H. a parent, guardian, or primary caregiver signs parental agreement and cooperation.

Following the determination of eligibility for homebound or hospitalized services, an Individual Educational Plan (IEP) is developed to specify the services to be provided.

The program of homebound instruction given each student shall be in accordance with rules of the State Board of Education. Procedures for the implementation of this program may be found in the [Exceptional Student Education Policies and Procedures](#). 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

## 2414 - ACCREDITATION

The goal for all District schools is full accreditation under applicable State standards. In addition, all senior high schools will meet accreditation standards as set forth by the Southern Association of Colleges and Schools. Postsecondary schools will meet the accreditation standards as set forth by the Southern Association of Colleges and Schools. Postsecondary schools will meet the accreditation standards set forth by the Council on Occupational Education. It shall be the responsibility of the school principal to inform the Superintendent at any time a school may be in danger of not receiving such full accreditation.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43



## 2416 - STUDENT SURVEY ADMINISTRATION AND PARENTAL ACCESS TO INFORMATION

(1) The purpose of this policy is to comply with the Federal law for the collection and reporting of certain information by means of student surveys. The information that will be collected relates to student attitudes and behaviors on topics such as school safety, substance use and the prevalence of risky attitudes or behaviors, particularly with respect to alcohol and drug abuse. In addition, these surveys also collect information on general health practices and human sexuality. Such information is collected anonymously, and no personally identifiable information is obtained from or reported on any individual student. The District cooperates with other agencies such as the Florida Department of Health in conducting these surveys.

(2) All student surveys must be approved by the Department of Research and Accountability.

(3) Parents will be notified of upcoming surveys that reveal information concerning one (1) or more of the following items:

- (a) political affiliations or beliefs of the student or the student's parent;
- (b) mental and psychological problems of the student or the student's family;
- (c) sexual 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 or analogous relationships, such as those of lawyers, physicians, and ministers;
- (g) religious practices, affiliations, or beliefs of the student or student's parent;
- (h) income (other than that required by law to determined eligibility for participation in a program or before receiving financial assistance under such program).

(3) Participation Voluntary: No student shall be required to participate in such a survey if the student or the student's parent, if the student is less than eighteen (18) years of age, objects to participation.

(4) Right to Inspect

(a) A student or the student's parent, if the student is less than eighteen (18) years of age, has the right to inspect any such survey instrument before the survey is administered or distributed to students if a request is made within a reasonable period of time. Parents also have the right to be advised of arrangements that will be made to protect student privacy.

(b) Student survey instruments and teacher directions for administering the survey will be available at each participating school within a reasonable period of time prior to the survey administration.

(c) 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.

(5) Notification of Parents: Parents will be notified of this policy annually at the beginning of the school year and within a reasonable period of time if any substantive change is made to this policy. Such notice shall include the specific or approximate dates during the school year when any such survey will be administered.

F.S. 1000.21(5), 1001.32(2), 1001.41, 1001.42, 1001.43, 1002.22  
20 U.S.C. 1232g

Adopted 12/9/09; Revised 7/26/11

## 2417 - HUMAN SEXUALITY CURRICULUM

The Superintendent shall recommend to the School Board a comprehensive elementary and secondary human sexuality curriculum which shall be abstinence-based. The Superintendent shall establish the Family Life Education Committee to oversee the delivery of instruction related to human sexuality, drug-use prevention, and mental health curriculum. Membership of the Family Life Education Committee shall consist of District staff with expertise in human sexuality education, community health leaders, school based administrators and teachers, and parent representatives.

Parents shall be notified in advance of human sexuality content and shall be given a chance to preview content prior to student instruction. Parents may exempt their student from part of or the entire human sexuality curriculum by written request to the principal.

F.S. 1003.42, 1003.46

## 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;
- 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 technical 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 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 instruction in high growth, high demand, and high pay careers;
- E. provide instruction resulting in competency, certification, or credentials;
- F. include an evaluation plan developed jointly with the Department of Education.

The Board authorizes the Superintendent to develop Centers of Excellence that are specifically tailored to allow students opportunities to earn high school and postsecondary credit, achieve recognized industry certification, and address local economic development needs as identified by local workforce board.

Cooperative education programs are available to high school students without regard to race, color, national origin, gender, sexual orientation, 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.

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

## 2421.01 - STUDENTS AS TRAINEES

The School Board recognizes the value of providing students with experiences as part of their preparation for productive employment and appreciates the cooperation of local employers in accommodating such training activities at their places of business.

The Board authorizes the Superintendent to develop work-site training programs as part of the vocational education curriculum. S/He shall develop administrative procedures whereby all such programs are reviewed to determine whether or not an employer relationship has been established according to criteria established by the Supreme Court in adjudicating cases related to the Fair Labor Standards Act. Particular attention should be paid to community-based programs for special education students and to vocational education programs in which students are producing goods or services for sale and the District is the recipient of the income therefrom.

F.S. 1001.42

F.A.C. 6A-6.055

## 2423.01 - CAREER AND PROFESSIONAL EDUCATION

The Florida statutes require each district school board to develop a five (5) year strategic plan that meets local and regional work force demands through the establishment of at least one (1) Career and Professional Academy. The strategic plan shall be developed in collaboration with local workforce boards and postsecondary institutions approved to operate in Florida.

The Board expects career and professional academies offered in the District to provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and provide students with the opportunity to receive a standard high school diploma, the opportunity to earn industry certification, the opportunity to attain the Florida Gold Seal Vocational Scholars award, and the opportunity to earn postsecondary credit.

The Board encourages the Superintendent to forge partnerships with local businesses in the development of career and professional academies. These partnerships will help prepare students for the State's workforce needs, as well as help attract, expand, and retain targeted, high-value industry and jobs in the community.

A Florida Ready to Work Credential and portfolio will be awarded to students upon successful completion of the instruction. Each portfolio must delineate the skills demonstrated by the student as evidenced by the student's preparation for employment. A student shall also be awarded a Florida Ready to Work Credential who successfully passes assessments in Reading for Information, Applied Mathematics, and Locating Information or any other assessments of comparable rigor. Each assessment is scored on a scale of three (3) to seven (7) and a student receives a level of credential based on the score they receive. A bronze-level credential requires a minimum score of three (3) or above on each of the assessments, a silver-level credential requires a minimum score of four (4) or above on each of the assessments, and a gold-level credential requires a minimum score of five (5) or above on each of the assessments.

The District's career and professional academies should increase student academic achievement and graduation rates through integrated academic and career curricular. The District's existing career education courses may serve as a foundation for the creation of an academy. Each career and professional academy must:

- A. provide a rigorous standards-based academic curriculum integrated with a career curriculum;  
  
The curriculum must take into consideration multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.
- B. include one (1) or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community;  
  
Such partnerships shall be delineated in articulation agreements to provide for career-based courses that earn postsecondary credit.
- C. provide, shared, maximum use of private-sector facilities and personnel;
- D. provide personalized student advertisement, including a parent participation component, and coordination with middle schools to promote and support career exploration and education planning;
- E. promote and provide opportunities for career and professional academy students to maintain, at a minimum, the Florida Gold Seal Vocational Scholars award;
- F. provide instruction in career designated as high growth, high demand, and high pay by the local workforce development board, the chamber of commerce, or the Agency for Workforce Innovation;
- G. deliver academic content through instruction to the career, including intensive reading and mathematics intervention with an emphasis on strengthening reading for information skills;
- H. offer applied courses that combine academic content with technical skills;

- I. provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decision making skills, the importance of attendance and timelines in the work environment, and work ethics;
- J. provide opportunities for students to obtain the Florida Ready to Work Certification;
- K. include an evaluation plan developed jointly with the Department of Education and the local workforce board;
- L. include a plan to sustain career and professional academies;
- M. redirect appropriated career funding to career and professional academies.

An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with F.S. Chapter 446, Job Training, is exempt from the provisions of F.S. 1004.91 relating to career preparatory instruction.

F.S. 446 et seq., 1003.4156, 1003.428, 1003.491, 1003.492, 1003.493, 1004.91  
F.S. 1004.99, 1009.536

## 2424 - STUDENT INTERNSHIPS

The School Board supports the concept that student participation in an internship program serves as a positive educational experience. This program may lay the foundation for future employment opportunities. The Board appreciates the cooperation of local employers in providing opportunities at their local businesses for internship opportunities involving students. In order for high school student participation to occur, the following requirements must be met:

- A. A student intern candidate must be in the ninth, tenth, eleventh, or twelfth grade.
- B. The student must have a minimum weighted grade point average of 2.0.
- C. Internships must be consistent with the career goals of each student participant.

Employment as a student intern is not employment for purposes of unemployment compensation.

Any employees or contractual personnel of an employer who have direct unsupervised access to student interns shall be subject to the Level II background screening requirements as described in Board [Policy 8475](#). The cost of the State and National criminal history check required by Level II screening shall be borne by the employer.

F.S. 1003.496



## 2430 - DISTRICT-SPONSORED CLUBS AND ACTIVITIES

The School Board believes that the goals and objectives of this District are best achieved by a diversity of learning experiences, including those that are not conducted in a regular classroom but are directly related to the curriculum.

The purpose of curricular-related activities shall be to enable students to explore a wider range of individual interests than may be available in the District's courses of study but are still directly related to accomplishing the educational outcomes for students as adopted by the Board.

For purposes of this policy, curricular-related activities are defined as those activities in which:

- A. the subject matter is actually taught or will be taught in a regularly offered course;
- B. the subject matter concerns the District's composite courses of study;
- C. participation is required for a particular course.

No curricular-related activity shall be considered to be under the sponsorship of this Board unless it meets one or more of the criteria stated above and has been approved by the Superintendent.

Such activities, along with extra-curricular activities (not directly related to courses of study), may be conducted on or off school premises by clubs, associations, and organizations of students sponsored by the Board and directed by a staff advisor.

The Board shall allow nondistrict-sponsored, student clubs and activities during noninstructional time, in accordance with the provisions in [Policy 5730](#) -- Equal Access For Nondistrict-Sponsored, Student Clubs and Activities.

F.S. 1006.15

## 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 by the District.

F.S. 1012.01(5)

### 2430.03 - MENTORING PROGRAM

The School Board believes that a mentoring program, whereby a caring adult provides guidance for an individual student, is an effective strategy to help students perform better in school. Therefore, principals or their designee are authorized to contact local businesses and governmental agencies to recruit mentors. Furthermore, employees of the District are encouraged to volunteer as a mentor.

Individuals who volunteer to serve as a mentor will receive training in that role which is approved or conducted by the Office of Strategic Partnerships. All community mentors are subject to a background check by the District.

Any staff member who volunteers to serve as a mentor may be released from his/her duties for up to one (1) hour per week to mentor a student to whom s/he has been assigned. Released time for mentoring shall be approved by the employee's supervisor and shall be scheduled at a time that does not prevent the employee from performing the essential functions of his/her assignment.

F.S. 1012.01(5)

## 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 Board expects that sportsmanship, ethics, and integrity characterize the manner in which the athletic program is conducted and the actions of students who participate.

Except as otherwise provided in State law, no K-12 student shall be assessed fees, fines, or charges as a condition for enrollment.

Athletic programs shall be under the control of the school principal. All students shall be subject to all Board rules and to the Code of Student Conduct while attending athletic events and practices.

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.

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 State statute, the Florida High School Athletic Association, and Board policy and procedures established by the Superintendent.

### **Accident Insurance**

Pursuant to [Policy 8760](#), the purchase of accident insurance is required, whether or not the student is covered by any other accident or medical insurance.

### **Parental Permission**

No student shall engage in practice or participate in any interscholastic game without the written permission of the student's parent(s) or legal guardian being on file.

### **Volunteer Medical Personnel**

Pursuant to F.S. 768.1355, Florida Volunteer Protection Act, licensed medical personnel who act as volunteers for school events and agree to render emergency care or treatment shall be immune from civil liability for treatment of a participant in any school-sponsored athletic event, provided such treatment was rendered in accordance with acceptable standards of practice and was not objected to by the participant.

F.S. 768.1355, Florida Volunteer Protection Act  
F.S. 1001.16,

1006.15, 1006.20

## 2440 - SUMMER EXTENDED LEARNING PROGRAM

The School Board may conduct a summer program of academic remediation in Math, English, Science, and Social Studies at the K-12 level, for resident students of this District, and other students as approved. In addition to the remedial 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", and provide appropriate services for drop-out prevention students.

F.S. 1001.43

## 2451 - DROPOUT PREVENTION SERVICES

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. Students eligible to receive services through the Department of Juvenile Justice, Department of Children and Families, and Teenage Parent Program shall be provided an appropriate program of instruction and Exceptional Student Education services in residential and non-residential facilities. The Board shall make provisions for each student to participate in regular, vocational, and exceptional student programs as appropriate.

The Board authorizes the Superintendent to provide dropout prevention services for students who, in the opinion of the Superintendent, will benefit from this educational option. Participation in an alternative program or services does not exempt the student from adherence to school attendance rules or the Code of Conduct.

F.S. 1003.01, 1003.52, 1003.53, 1003.54, 1006.13

F.A.C. 6A-6.0524

F.A.C. 6A-6.0527

## 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, has developed and will implement [Exceptional Student Education Policies and Procedures](#) (Effective Dates: 2009-2010 through 2011-2012 (formerly named the Policies and Procedures for the Provision of Specially Designed Instruction and Related Services for Exceptional Students), as approved July 31, 2001 and amended September 21, 2004, October 25, 2005, November 13, 2007, September 23, 2008, and March 15, 2011 is hereby incorporated by reference). This document provides administrative procedures for Exceptional Student Education Programs and shall be revised at the direction of the Florida Department of Education, readopted by the Board, and submitted to the Florida Department of Education for approval.

F.S. 1001.41, 1001.42, 1003.01(3)(a), 1003.57

F.A.C. 6A-6.3411

34 C.F.R. 300.520

Adopted 12/9/09; Revised 3/15/11

## 2470 - EDUCATION OF ENGLISH LANGUAGE LEARNERS (ELLs)

### (1) Identification, Placement, Scheduling, Grading, and Retention of English Language Learners

(a) Identification: Students will be identified based on a Home Language Survey completed at the time of their registration for school. Students will be tested to determine English language proficiency levels. A student's score on the district's oral/aural proficiency test determines language proficiency classification for students in grades K-1. Students in grades 2-12 will also be assessed in reading and writing. All assessments shall be administered and scored by trained district staff.

(b) Placement: When ELLs enroll in Pinellas County Schools, the principal shall have the authority to place them at the grade level most appropriate for them based on their age, maturity, and previous academic experience.

(c) Scheduling: Insofar as possible, ELLs shall be scheduled together in required subject area classes in order to allow teachers to direct their instruction to the students' level of language proficiency.

(d) Grading: Academic performance of ELLs must be monitored and evaluated against grade level standards. Since many ELLs do not understand, speak, read, or write English very well, an "adjustment period" of up to two years shall be allowed. Each student classified as an ELL shall be graded based on his/her academic progress at his/her level of English proficiency. The teacher must document that accommodations and strategies of instruction and assessment were employed which allowed the student to demonstrate progress in the achievement of the benchmarks and grade level expectations. A grade of "Unsatisfactory", "D," or "F" may only be assigned to an ELL if he/she received appropriate accommodations and strategies in instruction and assessment and the student demonstrated no progress toward achieving the standards and grade level expectations at his/her level of English proficiency. ELLs are required to participate in and demonstrate mastery of the general curriculum, and the teachers are required to implement and document the individualized accommodations in providing the comprehensible instruction, equal in amount, scope, sequence, and quality to that provided to native speakers of English and aligned with the Sunshine State Standard benchmarks and grade level expectations, course descriptions, and district curriculum frameworks. No alternative grading system shall be established for ELLs.

(e) Retention: ELLs shall not be retained solely on the basis of their limited English language proficiency. This exemption may only occur on an individual basis and as a result of a decision made by the school's ELL Committee. The ELL Committee must meet to make the appropriate decisions regarding the retention of an ELL. ELLs shall not be retained if instructional strategies, materials and assessment have not been modified and modifications documented to meet their needs. ELLs must be provided with comprehensible instruction appropriate for his/her level of English proficiency and equal, in amount, sequence and scope as that provided to non-ELLs.

1. ELLs in the ESOL Program two (2) years or less: ELLs who have been receiving ESOL services for two years or less, with deficiencies in reading, writing, math, or science, shall be exempt from mandatory retention for "good cause" as defined by Section 1008.25, F.S.. According to research, the ELLs will master these skills at different rates.

2. ELLs in the ESOL Program for more than two (2) years: ELLs, who have been receiving ESOL services for more than two years with deficiencies in reading, writing, math or science, must meet the grade-appropriate performance levels and requirements. ELLs who have been retained or identified as not meeting State or District expectations for proficiency in reading in kindergarten or for proficiency in reading, writing, mathematics, or science in grades 1- 5 are required to have an individual Progress Monitoring Plan (PMP) addressing the ELLs' academic and linguistic needs. ESOL modifications must have been made and documented. The Progress Monitoring Plan demonstrates that the ELLs have been provided with the opportunity to attain the Sunshine State Standards through comprehensible instruction. ELL students not meeting the grade-appropriate performance levels and requirements may be considered for retention. The school's ELL Committee must convene when considering retention of an ELL. The ESOL Handbook available on Moodle ([moodle.pcsb.org](http://moodle.pcsb.org)) details the appropriate procedures and considerations when convening the ELL Committee to discuss retention of an ELL.

(f) Records: Students who enter Pinellas County Schools must have records of previous schooling unless students are refugees from war zones. Credits shall be counted from the day of enrollment in Pinellas County Schools. Requirements shall not be retroactive.

### (2) Requirement for Classification, Reclassification, and Post Reclassification

(a) Students are classified as ELLs using the appropriate assessment instruments approved by the State of Florida and adopted by the School District of Pinellas County.

(b) These students may later be reclassified as English proficient using grade-level appropriate and state-approved criteria, procedures, and standards.

(c) After a student has been reclassified as English proficient, a post reclassification monitoring period of two years shall follow to ensure academic success.

(d) If the ELL Committee determines a lack of academic progress during the two-year monitoring period, the student may be reclassified as an ELL.

### (3) English Language Learner Committee



(a) Every school with ELL students must have in place a functioning ELL Committee that serves as an advisory group and is responsible for making recommendations regarding the education of ELLs that include but are not limited to: eligibility, retention, alternative educational programming, educational interventions for current or former ELL students, continuation of, or exit from, ESOL services after three (3) years, and every year thereafter.

(4) Equal Access to Appropriate Programming for ELLs

(a) Equal access to appropriate programming shall include both access to intensive English language development and instruction in core subject areas of language arts/English, reading, math, science, social studies, and computer literacy.

(b) Every ELL in the Pinellas County School District shall have equal access to any and all programs and courses available in the school district. These shall include, but shall not be limited to exceptional student education, including gifted, career and technical education, alternative education and dropout prevention.

(5) Training Requirements for Teachers and School-Based Administrators

(a) Instructional and school-based administrative personnel must have approved ESOL training as defined in Rule 6A-6.0907, FAC, in the following categories:

1. Category I: Category I consists of elementary education teachers, teachers of primary language arts/English, developmental language arts, intensive reading, and reading. These teachers must obtain an ESOL Endorsement by completing 15 semester hours or 300 in-service credit points. In the alternative, a teacher with basic subject area coverage may obtain certification in K – 12 ESOL coverage by obtaining a bachelor's or master's degree in TESOL, or by achieving a passing score on the ESOL Subject Area Test and earning 120 hours/points in ESOL within three (3) years of passing the ESOL Subject Area Test.

2. Category II: Category II consists of teachers of math, science, social studies, and computer literacy. These teachers must complete 60 in-service credit points or 3 semester hours of approved ESOL training.

3. Category III: Category III consists of teachers and instructors of all other subjects not included in Categories I or II. These teachers must complete 18 in-service credit points or 3 semester hours of approved ESOL training.

4. Category IV: Category IV consists of school-based administrators and guidance counselors. Category IV personnel must complete 60 in-service credit points or 3 semester hours of approved ESOL training.

(b) All professional personnel are responsible for completing required ESOL training. All Category I personnel are responsible for submitting documentation of completed courses, completing the certification application, paying the necessary fees and submitting all to the Department of Human Resources. Professional personnel who fail to complete the required ESOL training may not be recommended for continued employment, or may be subject to discipline, up to and including termination of employment.

F.S. 120.81, 1001.41, 1001.42, 1001.32(2), 1003.56

F.A.C. 6A-6.0902-6.0909, 6A-6.0907

Adopted 7/26/11

## 2510 - INSTRUCTIONAL MATERIALS, INCLUDING TEXTBOOKS

### Superintendent's Responsibility

The Superintendent, or designee, shall be responsible for the requisition, purchase, receipt, storage, distribution, use, conservation, records, and reports of, and management practices and property accountability concerning, instructional materials.

### Principal's Responsibility

School principals are responsible for ensuring that instructional materials are used to provide instruction to students enrolled at the grade level(s) for which the materials are designed and to effectively communicate to parents the manner in which materials are used to implement the curricular objectives of the school.

### Distribution

Principals and teachers shall supervise the distribution of instructional materials. Students or parents are to pay a reasonable charge for lost or damaged instructional materials.

### Lost and Damaged Materials

The school principal shall collect from each student or the student's parent the purchase price of any instructional material the student has lost, destroyed, or unnecessarily damaged and to report and transmit the money collected to the Superintendent. The failure to collect such sum upon reasonable effort by the school principal may result in the suspension of the student from participation in extra-curricular activities or satisfaction of the debt by the student through community service activities at the school site as determined by the school principal, pursuant to policies adopted by School Board rule.

### Failure to Pay Fines

Under no circumstances 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.

### Parent Purchase of Materials

Principals shall, when requested by parents of students enrolled in their schools, sell to such parents any instructional materials used in the school.

- A. Each school principal shall establish an account within the internal funds for Purchase and Sale of Textbooks (General Public).
- B. A parent desiring to purchase a textbook is expected to make payment in advance, all checks being made payable to the school.
- C. The purchase price shall be the state contract price plus fifteen percent (15%) for shipping.
- D. Upon receipt of the cash or check from the patron, the school shall issue a school purchase order to the Florida Textbook Depository, listing quantity, code number, and title.
- E. Upon receipt of the materials the parent shall be notified.
- F. The invoice for payment shall be paid from the account established in (a), above. At the end of the school year, any funds left from the fifteen percent (15%) shipping charge shall become discretionary with the principal.
- G. Prohibited from sale to parents are all teacher editions, guides, keys, etc. (i.e., any materials not normally used by students).

### **Collection of Fines**

All funds collected from the sale, exchange, loss, or damage of instructional materials shall be transmitted to the office of the Superintendent to be deposited in the District school fund and added to the District's appropriation for instructional materials.

### **Proper Care**

Principals shall ascertain by inspection and ensure through every available agency that all books issued to the school by the Superintendent, or designee, either in the hands of students or in storage, are cared for properly.

### **Accounting for Materials**

Principals shall see that all instructional materials, including textbooks, are fully and properly accounted for on forms supplied by the supervisor of instructional materials.

### **Records and Reports**

Principals shall prepare and submit such records and reports of instructional materials, including textbooks, as may be required by the Department of Education and such supplementary records and reports as the Superintendent may direct.

### **Use of Materials**

Teachers shall use all textbooks and other instructional materials in accordance with established procedures.

### **Purchases from Internal Funds**

Instructional materials for supplementary study and reading may be purchased from internal funds when such funds are available and when such expenditure is approved by the school principal.

### **Care of Materials**

Students are expected to take good care of the instructional material assigned to them.

### **Use of State Instructional Materials Flexibility Funds**

The appropriate department(s) of the division of curriculum and instruction may approve up to fifty percent (50%) of the instructional materials allocation fund to purchase instructional materials not included on the State adopted list. Individual school expenditures in excess of fifty percent (50%), up to the District amount provided by law, may be approved by the Assistant Superintendent for High School Education and Workforce Development. The division of curriculum and instruction shall define "instructional materials" and establish procedures for the evaluation, selection, and use of non-adopted materials.

### **Instructional Materials Defined**

Instructional materials are defined as items having intellectual content that by design serve as a major tool or assist in the instruction of a subject or course. These items may be available in bound, unbound, kit, or package form and may consist of hardback or softback textbooks, consumables, learning laboratories, manipulatives, computer software, but are not electronic or computer hardware, even if such hardware is bundled with software or other electronic media, not equipment or supplies. Included are the following: State-adopted textbooks and ancillary materials, non-adopted related materials that accompany State-adopted texts, books, library and reference books not included on the State adopted list; documents, photographs, maps, charts, globes, recordings, slides, transparencies, pre-recorded audio and videotapes, laser discs, CD-ROM discs, computer software, films, filmstrips or science laboratory materials; including an allocation for the repair and renovation of textbooks and library books; but shall not include furniture, calculators, audio-visual, office and/or other equipment or teaching supplies. Teaching supplies (not to be purchased with flexibility funds) are those classroom, office, audio-visual, or library non-published supply items of an expendable nature, such as chalk, paper, ink, pens, paint brushes, projection lamps, laminating films, blank cassettes, and library cards.

### **Evaluation and County Adoption of Instructional Materials**

The appropriate subject area supervisor, under the respective assistant superintendent for curriculum and instruction, shall appoint committees to evaluate materials for county adoption and work with the supervisor of instructional materials to obtain samples, train committees, and publicize adoptions. These committees should include parents, community representatives, and school personnel.

These committees shall, in accordance with the procedure established by the Curriculum and Instruction Division, evaluate instructional materials which have not been used previously in the county to determine their appropriateness and usability in the schools before such materials are requisitioned. Evaluations will consider the Sunshine State Standards, Grade Level Expectations, and District Strategic Directions.

Following such evaluations, a list of county recommended and adopted instructional materials shall be prepared by April 15th of each school year for use during the following school year.

Normally, only those instructional materials which have been county recommended and county adopted shall be requisitioned for use in this school system. School faculties should align their instructional materials purchasing plan with their school improvement plan, Florida's System of School Improvement and Accountability, and the District Strategic Plan. The school will endeavor to communicate the plan to all stakeholders including School Advisory Councils. A waiver from the District's instructional materials recommendations may be requested by following procedures established by the Curriculum and Instruction Division. By April 1st of each year the District will notify the Department of Education of the District's plan for purchasing State adopted materials as required by State statute.

The Supervisor of Instructional Materials will be notified of all pilots of instructional materials in the District. No pilots of instructional materials being considered for State adoption will be done eighteen (18) months prior to official adoption. Pilots during the first two (2) years of an adoption require the prior approval of the Commissioner of Education.

#### **Utilization of Instructional Materials**

County adopted instructional materials shall be used until the physical condition of the material makes it unsuitable for use or until the material is obsolete.

Instructional materials shall be considered obsolete when both the State contract expires and the title is removed from the county adopted list.

All obsolete instructional materials shall be returned to the central book depository for proper disposition or salvage.

#### **Surplus Instructional Materials**

County adopted instructional materials which exceed the needs of a particular school may be declared surplus and made available for redistribution to other schools in the District. Such surplus may exist as a result of decreased enrollment or changes in course offerings. A list of all such surplus materials shall be sent to the Supervisor of Instructional Materials as soon as they are identified as being surplus. The surplus materials shall be returned to the central textbook depository and utilized in requisitions of schools having a shortage of such materials, at no charge.

State instructional materials which have been replaced with a new State or county adoption and which are no longer needed in the instructional program at a particular school shall be declared obsolete and returned to the central textbook depository unless the Supervisor of Instructional Materials grants the school written permission to retain the materials. Additionally, instructional materials that are deemed unserviceable shall be declared obsolete and returned to the central textbook depository.

#### **Unusable Instructional Materials**

County adopted instructional materials may become physically unusable prior to the expiration of the adopted contract period and/or before they have met the criteria to be declared eligible for discard.

Those instructional materials that become unfit for student use (i.e., loose or torn pages, water damage, missing pages or covers, obscenities, etc.) may be declared unusable by the principal, removed from the inventory, and returned to the central textbook depository.

#### **Disposition of Obsolete and Unusable Instructional Materials Including Software**

County adopted instructional materials which are obsolete shall be returned to the central textbook depository.

Instructional materials declared to be of no further value to this school system may be disposed of as follows:

- A. offered to the adult education program or other public education programs in the District or State;
- B. given to teachers to cut up or otherwise used as resource materials;
- C. offered free to District students;
- D. offered to private and parochial schools in Pinellas County;
- E. made available to any governmental agency, charitable organization, or any individual;
- F. sold to used book dealers, recycling plants, pulp mills, or other persons or firms, at the discretion of the Superintendent. Funds received will be added to the instructional materials appropriation.

Materials that cannot be disposed of through one (1) of these six (6) methods will be disposed of with commercial or public disposal methods.

### **Purchasing State Adopted Instructional Materials with Regular Allocation of Funds**

Each principal shall receive notice of his/her regular allocation for the purchase of instructional materials.

State adopted instructional materials requests are completed on printed forms or electronically entered and forwarded to the office of the Supervisor of Instructional Materials for processing before items are ordered from the State depository.

Current and adequate instructional materials will be purchased in the first two (2) years of an adoption for the core subject areas of Language Arts, Social Studies, Science, Mathematics, Literature, and Reading. Each student will be provided with a textbook or other materials as a major tool of instruction in the core subject areas listed above.

The cut-off date for requisitions of State adopted materials is March 15th of each year.

### **Purchasing Instructional Materials with Flexibility Funds**

Each principal shall receive notice of the amount available for use of the flexibility funds. These funds shall be a percentage of the regular allocation for State adopted instructional materials.

If the principal determines to use the flexibility funds for additional State adopted materials, the normal procedures for the purchase of State adopted materials shall be followed.

Materials to be considered for flexibility fund purchasing are to be evaluated in accordance with procedures established by the appropriate department of the division of curriculum and instruction using the District Instructional Materials Committee or a Flexibility Committee. Evaluations are to be forwarded to the Supervisor of Instructional Materials, who shall maintain a list of approved materials.

Following evaluation and recommendation, the principal shall approve any subsequent purchase with the use of flexibility funds. Purchase orders shall be processed through the office of the Supervisor of Instructional Materials, who will review each purchase order to determine that each such purchase order meets the requirements listed above.

If the principal determines to use the flexibility funds for non-state adopted materials, a standard county purchase order shall be used. The requisition shall be addressed to the vendor with an allowance for shipping charges. Any charges in excess of the flexibility funds shall be charged to the individual school budget. Such requisition shall be forwarded to the Supervisor of Instructional Materials for review and approval. Following approval, the requisition shall be forwarded to the Purchasing Department, where normal procedures for purchasing, receiving, and payment shall be followed.

The cut-off date for requisitions to encumber flexibility funds shall be March 15th of each year.

Some materials purchased with flexibility funds may be recorded on the annual inventory report of State adopted instructional materials. The principal shall be responsible for utilizing existing school inventory procedures to ensure proper accountability.

## **Procedures Concerning Challenged Instructional Materials**

Challenges to Family Life Education material are addressed in procedures/guidelines established by the Family Life Education Committee.

The Board is legally responsible for all matters relating to the operation of the District. The responsibility for the selection of education materials is delegated to the professionally trained personnel employed by the Board. Selection of materials involves many people: principals, teachers, students, supervisors, and library information specialists. The responsibility for approving supplemental materials such as novels or videotapes for classroom study rests with the principal. In selecting supplemental material for the principal's approval, teachers shall consider the relative level of maturity of their students and their need for guidance in the study of such material.

It is the responsibility of the teacher (or other instructional staff member) who intends to use supplemental materials to notify the school principal of potentially controversial materials that may be considered offensive to reasonable persons within the community.

It is the responsibility of the principal to ensure that the materials used are appropriate and consistent with the Sunshine State Standards for the course. It is the responsibility of the principal or principal's designee to assist the teacher in devising methods to minimize or eliminate controversial materials, including, if appropriate, notifying parents of the nature of the material.

If the principal decides the materials should not be taught and the teacher disagrees with the principal's determination, the teacher may appeal as outlined in [Policy 2235](#).

If a parent objects to his/her child's use of instructional materials, the teacher shall provide alternate instruction and an equal, equitable, alternate assignment.

If a parent objects to the use of the material with other children besides his/her own child, the complainant must file the objections in writing on the District-approved Citizen's Request for Reconsideration of Classroom Instructional Materials form and submit the form to the principal who will give it to the School-Based Instructional Materials Review Committee (same committee membership as the School-Based Library Information Review Committee). This review committee appointed by the principal is composed of three (3) faculty members, two (2) parents chosen by the school advisory council, two (2) members representing the community, and the library information specialist, who shall serve as the non-voting chairman/facilitator. The review committee will contact the respective subject area curriculum supervisor(s) for input. The principal will inform the Superintendent of the complaint.

The material in question will remain in use until the School-Based Instructional Materials Review Committee recommends a final decision.

The School-Based Instructional Materials Review Committee will read or view the challenged materials referred to it. The committee should check the general acceptance of the materials by reading professional reviews provided by the Superintendent or designee. These professional reviews should present a balanced view if possible. The committee should weigh values and faults against each other and form opinions based on the material as a whole and not on passages pulled out of context. The review committee will meet to discuss the material and the complainant and teacher will be invited to speak. The principal and appropriate District personnel should attend the meeting. The committee will prepare a report of its findings. Copies of the report will be given to the complainant and filed in the offices of the principal, the Regional Superintendent, the Superintendent, and the Associate Superintendent for Curriculum and Instruction.

The subject area curriculum supervisor may convene a committee of representative stakeholders to review the acceptability and continuance of the source for District-wide use. Supervisors will follow procedures developed by the Secondary Language Arts Supervisor. The committee will review the issue and make a recommendation to the Superintendent. The Superintendent will review the committee's recommendation and decide the issue. The Superintendent's decision shall be final.

The complainant may appeal the decision of the School-Based Instructional Materials Review Committee to the District Committee for Challenged Materials (same committee membership as the District First Amendment Review Committee) appointed by the Associate Superintendent for Curriculum and Instruction and composed of two (2) representatives from the County Council of PTAs, two (2) members representing the community, three (3) teachers, and a non-voting chairman/facilitator. The Subject Area Curriculum Supervisor will assist the chairman/facilitator. The Superintendent or

the curriculum supervisor(s) will provide input to the District Committee for Challenged Materials. The decision of the District Committee for Challenged Materials shall be final.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1006.28, 1006.34, 1006.40

F.S. 1006.42

F.A.C. 6A-1.0955

## 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 that meet the "fair use" guidelines set forth in Federal law, and for the appropriate use of copyrighted material on the Board's web site. Staff members are responsible for reviewing the District's procedures regarding copyrighted materials.

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.



## 2540 - USE OF MULTI-MEDIA

The purpose of this policy is to establish consistent procedures for the use of multi-media which include, but are not limited to: radio broadcast, audio CD, sound recording on cassette, CD, or computer file. The instructor(s) bears the responsibility for full compliance with the following policy.

- A. The instructional use of multi-media must:
  - 1. support and be consistent with the School Board's education goals, policies, and specific course objectives;
  - 2. adhere to copyright laws (see [Guidelines for Educators and Staff](#));
  - 3. reflect best teaching practices based on age appropriateness and instructional relevance.
  
- B. Multi-media 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. Multi-media must:
  - 1. comply with the [Guidelines for the Use of Videotapes and Other Multi-media](#);
  - 2. be G-rated;
  - 3. if not G-rated, be subject to:
    - a. an internal preview as set forth in the administrative procedures;
    - b. a letter including the eight (8) required elements that is sent to parents before use;
    - c. receipt of response from parent/guardian which indicates approval or a request for alternate work.

Steps 1 and 2 of the procedure regarding the use of controversial material shall be reviewed will all staff annually. New personnel and/or substitute teachers must be apprised of the procedure regarding the use of controversial material upon assignment to the school.

## 2605 - RESEARCH AND EVALUATION

The Superintendent is responsible for assessing how well the educational programs are implemented and the extent to which the goals of the program are being accomplished.

The Superintendent shall develop systematic and specific administrative procedures for conducting research and program evaluations. The design of these studies shall include but not be limited to:

- A. Clear statements of expectations and purposes for each program coupled with specifications of how their successful achievement will be determined.
- B. Determination of the extent to which provisions for staff, resources, and support were adequate to achieve each program's purposes.
- C. Evaluation of each program to assess the extent to which each program has:
  1. complied with the implementation requirements;
  2. achieved its purposes and objects.
- 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 concerning the effectiveness of the program and the adherence to the implementation strategies.

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 Superintendent shall adhere to the system of accountability established by the Florida Department of Education.

### **Surveys and Questionnaires**

Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released.

Students shall not be required to complete surveys to provide marketing information to vendors, or distribute to vendors any personal information of students, including but not limited to names, addresses, and telephone numbers, except as may be required by law. In addition, the District shall not enter into any contract for products or services, including electronic media services, where personal information will be collected from students by the providers of the services.

See also [Policy 2416](#).

F.S. 1008.34, 1008.345

## 2623 - STUDENT ASSESSMENT

At least annually, the Superintendent shall assess student achievement and educational 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.

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 Superintendent 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 School 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.

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 Superintendent 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, 1008.301  
F.A.C. 6A-1.0943

## 2630 – SERVICE ANIMALS

**(1) Introduction:** The School Board and District recognize that students may be accompanied at school by a service animal when allowed by law and this policy. A student's service animal cannot be brought onto school property without prior knowledge and approval by the school and/or district administration. The student's need for and use of the service animal must be documented in the student's individual education plan (IEP) or Section 504 Plan. A service animal is the personal property of the student and/or parents. The district school board does not assume responsibility for training, daily care, or healthcare of service animals.

### **(2) Service Animal Defined**

(a) Florida law defines a service animal as "an animal that is trained to perform tasks for an individual with a disability. The tasks may include, but are not limited to, guiding a person who is visually impaired or blind, alerting a person who is deaf or hard of hearing, pulling a wheelchair, assisting with mobility or balance, alerting and protecting a person who is having a seizure, retrieving objects, or performing other special tasks. A service animal is not a pet."

(b) Federal regulations implementing the Americans with Disabilities Act define a service animal as "any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not service animals for the purposes of this definition. The work or tasks performed by this service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purpose of this definition."

(c) Animals whose sole function is to provide emotional support, comfort, therapy, companionship, therapeutic benefits, or to promote general emotional well-being are not service animals. To be considered a service animal, the animal must perform tasks directly related to the person's disability.

**(3) Service Animal Standards of Behavior:** The service animal must not in any way interfere with the educational process of any student and must not pose a health or safety threat to any student, personnel, or other persons. If the standards for behavior are not met, the service animal will be excluded or removed from the school setting. The behavioral expectations for the service animal and standards by which the request to use the service animal on school premises will be evaluated are as follows:

(a) Public appropriateness. The animal:

1. must be clean, well groomed, and without an objectively offensive odor; and
2. does not urinate or defecate in inappropriate locations.

(b) Behavior. The animal:

1. does not solicit attention, visit, or annoy any member of the general public;
2. does not disrupt the normal course of business;
3. does not vocalize unnecessarily (i.e., barking, growling, or whining);
4. shows no aggression toward people or other animals; and
5. neither solicits nor steals food or other items from the public.

(c) Training. The animal:

1. is specifically trained to perform more than one task to mitigate aspects of the student's disability;
2. works calmly and quietly on harness, leash, or other tether;
3. is able to perform its' tasks in public;
4. must be able to lie quietly beside the handler without blocking aisles, doorways, etc.;
5. is trained to urinate and defecate on command; and
6. stays within twenty-four inches (24") of its handler at all times unless the nature of a trained task requires it to be working at a greater distance.

**(4) Required Documentation:** The following documentation must be required prior to a service animal being allowed at school or other Board property:

- (a) Current IEP or Section 504 Plan;
- (b) Current satisfactory health certificate or report of examination from a veterinarian;
- (c) Current certification as a service animal; and
- (d) Level II clearance for handler, if not the student.

**(5) Procedures:** School principals, in conjunction with district staff will be responsible for:

- (a) Determining whether the service animal meets the standards for acceptance in the school setting;
- (b) Approving the use of a service animal in a school setting;
- (c) Excluding or removing of the service animal from the school setting, if determined necessary; and
- (d) Providing for the appeal of any decision regarding the use of the service animal

1. In addition to protections in State and Federal law, you can appeal consistent with Policy 5500.15 (Code of Student Conduct).

**(6) Transportation of the Service Animal:** In some cases, as identified on the student's IEP or Section 504 Plan, there may be a need for a student with a disability and their accompanying service dog to access school district transportation. In these cases the following must be considered:

**(a) Training**

1. The driver and assistant should meet with the animal's owner. The owner is responsible for providing information to the driver and bus assistant regarding critical commands needed for daily interaction and emergency/evacuation.

2. The animal's owner should provide an orientation to students riding the bus with the service animal regarding the animal's functions and how students should interact with the animal.

3. The service animal should practice bus evacuation drills with the student.

**(b) Loading/Unloading**

1. The service animal should board the bus by the steps, not a lift, unless the student uses the lift to enter and exit the bus.

**(c) Seating Location**

1. The service animal should be positioned on the floor, at the student's feet.

2. A representative of the Transportation Office will meet with the animal's owner to determine whether the service animal should be secured on the bus with a tether or harness.

**(d) Cessation of Transportation**

1. Situations that would cause cessation of transportation of the service animal include:

- a. The service animal's behavior poses a direct threat to the health or safety of others;
- b. The service animal urinates or defecates on the bus; or
- c. The service animal does not remain in the designated area.

2. If transportation is suspended due to any of the above reasons, transportation may be reinstated after additional training or medical issues are resolved.

3. Parents should be informed of these consequences prior to the first day of transportation.

4. Although transportation may be suspended for the service animal, the school district maintains the responsibility for transporting the student.

**(7) Implementation Plan**

(a) Upon approval, the school will work with the animal's owner/handler to:

1. Familiarize the service animal with the campus prior to the actual start date;

2. Orient the service animal to school faculty and students;

3. Implement a schoolwide educational program to educate others on how to behave appropriately around the service animal;

4. Establish an educational program to educate others on proper behavior around a service animal;

5. Establish a place for the service animal to urinate/defecate (individual plan will be developed); and

6. Establish an evacuation plan to include the service animal and practice this plan

(b) In addition, the school will consider the following in the implementation plan:

1. Establish a resting place for the animal.

2. Establish a rest time for the animal. P.E., lunch and recess (if available) may be especially difficult school periods for a service animal to successfully endure.

3. Identify an alternate accommodation plan in the event the animal's primary handler (if not the student) or the animal is not able to accompany the student with the disability to school.

4. Provide parents with the school district's written procedures for the inclusion of service animals in the school.

Americans with Disabilities Act  
Section 413.08, F.S.  
28 C.F.R. 35.104

Adopted 7/26/11

### 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.

FS 112.313(7)

## 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 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. It is the responsibility of the employee to obtain and maintain proper certification and required endorsements in order to teach the course(s) to which they are assigned. It is the responsibility of the employee to be highly qualified in accordance with applicable law. Instructional personnel who have been assigned english language learner (ELL) students shall comply with School Board policy 2470 and Rule 6A-6.0907 F.A.C., as amended from time to time. Employees who are not highly qualified or who do not possess the required certification or endorsement to teach the course(s) to which they are assigned, are required to contact the Chief of Human Resources and take the steps necessary to obtain the required status. Failure to meet the compliance requirements shall constitute just cause for termination of employment where just cause is required or non reappointment of a professional service contract.

The Board shall require an applicant for employment with a certificate from a district whose employment and/or certification requirements are not comparable to the District's to complete all requirements for initial employment and certification.

For purposes of this policy, instructional staff includes classroom teachers, librarians/media specialists, guidance counselors, social workers, school psychologists, and other instructional staff whose positions are included in the District's instructional salary schedule.

All instructional staff members 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 instructor 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.

The Superintendent shall also conduct employment history checks of all applicants for instructional staff positions. The employment history check shall include, but not necessarily be limited to, contacting any previous employer and screening the applicant through the use of the screening tools described in State law. If contact with a previous employer 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 of the determination of salary shall be considered to constitute grounds for dismissal.

### **QUALIFICATIONS FOR INSTRUCTIONAL PERSONNEL**

To be eligible for employment in an instructional staff position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the 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. A person who is found through background screening, pursuant to Board policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of a crime involving moral turpitude as defined by the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

A. Category One

Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes, and any other crime involving moral turpitude.

The District will not hire applicants who have been convicted of Category One offenses.



B. Category Two

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two offense was within the last twenty-five (25) years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond twenty-five (25) years.

C. Category Three

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three offense was within the last ten (10) years. The District will consider the applicant and carefully review the conviction for a Category Three offense if it was beyond ten (10) years.

D. Category Four

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction for a Category Four offense was within the last five (5) years. The District will consider the applicant and carefully review if the conviction for a Category Four offense was committed beyond five (5) years.

E. Category Five

Other misdemeanors and felony crimes involving worthless checks.

The District will consider the convictions in Category Five on a case-by-case basis.

Multiple convictions under any category will be considered on a case-by-case basis and may result in an extension of the period of disqualification. For the purposes of this policy, conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding or admission of guilt, a plea of no contest, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Criminal History Appeal Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident or any other evidence or circumstances indicating that the employee will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

F.S. 1012.01, 1012.32, 1012.24, 1012.315, 1012.42, 1012.55, 1012.56  
F.A.C. 6A-1.0502, 6A-1.0503  
20 U.S.C. 6301  
20 U.S.C. 7801

Adopted 12/9/09; Revised 6/29/10, 12/7/10, 10/23/12

## 3120.04 - EMPLOYMENT OF TEMPORARY, SUBSTITUTE, 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. Temporary Teachers

In the absence of a regular teacher, a temporary contract teacher may 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 fully qualified teacher shall be appointed as a replacement as soon as possible to ensure continuity of the instructional program. This qualified replacement shall have a valid Florida certificate and shall be eligible to be recommended for a contract for the period to be served. A 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.

### B. Substitute Teachers

The employment of substitute teachers shall be in accordance with a planned program developed by the District. 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, if possible, by teachers holding a valid Florida temporary or professional instructional certificate.
2. Except for persons serving as substitutes for nonacademic CTAE teachers, a substitute teacher shall hold a bachelor's (or higher) degree. However, when necessary, substitutes may be employed who hold an Associate of Arts (A.A.) degree or its equivalent for sixty (60) or more semester hours.
3. 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.
4. Each substitute teacher shall conduct classes according to lesson plans and schedules prepared by the teacher who is absent.
5. Substitutes shall be responsible for extra-curricular duties as assigned by the principal. Each substitute shall leave for the returning teacher a summary of the work covered and work assigned to students.
6. Compensation of substitute teachers shall be established by the School Board.
7. Substitute teachers shall have no property interest of continuing on the list and may be removed from the approved list without cause by the Superintendent. Substitute teachers will be notified of their removal from the list.

C. Part-Time Instructional Staff

The Superintendent is authorized to employ temporary or part-time personnel as needed.

Part-time positions for summer programs are handled according to summer program procedures. Other District programs such as after school and tutoring may employ part-time instructors providing they hold appropriate credentials.

Employees in bargaining units refer to negotiated agreements.

**Disqualification**

Any person whose employment has been terminated, or who has resigned while under investigation shall be disqualified from employment as a substitute or temporary employee.

F.S. 1012.35, 1012.36

## 3120.05 - ADULT EDUCATION CERTIFICATION

Instructional personnel who are employed to teach full time in the adult education program shall hold a valid Educator's Certificate in the area of assignment issued by the State Department of Education and shall be governed by the same School Board policies as other full-time instructional personnel.

Instructional personnel who are employed to teach part-time in the adult education program shall be employed as instructional personnel in compliance with State law, administrative code, and District established procedure. Part-time instructional personnel must hold a valid State Educator's Certificate or a District-issued part-time adult education certificate.

The District may revoke a part-time District-issued Adult Educator's Certificate for cause.

F.S. 1012.32, 1012.39

## 3120.06 - SELECTING STUDENT TEACHERS/ADMINISTRATIVE INTERNS

The School Board encourages cooperation with State-approved colleges and universities in the training of student teachers and administrative interns, 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 or administrative intern. The District shall comply with the policies and procedures governing intern placement established by the college or university.

The Superintendent shall make the placement of student teachers or administrative interns for their final internship.

The supervising staff member shall have had no less than three (3) years of successful experience in the area of assignment.

Instructional staff members who agree to serve as supervisors of student teachers or 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.

If at any time the quality of teaching or administrative internship is judged to be inferior or s/he is disruptive to the on-going program, the Superintendent may request withdrawal an intern at any time without cause.

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 a partnership with a college or university teacher preparation program if one or more aspects of the program are not of high quality or meeting District needs or expectations.

F.S. 1012.39

## 3120.08 - PART-TIME EXTRA-CURRICULAR PERSONNEL

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.

### 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 School Board and hold an athletic coaches 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.

F.S. 1012.01

F.A.C. 6A-1.0502(11)

## 3120.09 - MENTORING PROGRAM VOLUNTEERS

The School Board believes that a mentoring program, whereby a caring adult provides guidance for an individual student, is an effective strategy to help at risk students perform better in school. Therefore, principals or their designee are authorized to contact local businesses and governmental agencies to recruit mentors. Furthermore, employees of the District are encouraged to volunteer as a mentor.

Individuals who volunteer to serve as a mentor will receive training in that role which is approved or conducted by the Office of Family and Community Relations. All community mentors are subject to a background check by the District.

- A. All mentors must be a registered and background checked volunteer.
- B. All must attend a two (2) hour Mentor Strategies Workshop.
- C. A commitment of at least one (1) school year is required.
- D. All mentoring activities are limited to school grounds, during school time or school-sponsored activities.
- E. There is to be NO exchanges of phone numbers or e-mail addresses/contact information.
- F. No contact with the student's family members.
- G. All mentors are to log in and out of the school's front office each visit and to log their volunteer hours in the computer.

Any staff member who volunteers to serve as a mentor may be released from his/her duties for up to one (1) hour per week to mentor a student to whom s/he has been assigned. Released time for mentoring shall be approved by the employee's supervisor and shall be scheduled at a time that does not prevent the employee from performing the essential functions of his/her assignment.

If there are any questions, please contact the Office of Family and Community Relations.

F.S. 1002.23, 1009.64, 1012.01, 1012.01(5), 1012.27

## 3120.10 - JOB SHARING

The School Board recognizes the value to the District to obtain the services of quality staff members who may not be available on a full-time basis but wish to offer their knowledge and skills part-time through a job-sharing process.

Half-time positions may be approved in which two (2) currently employed staff members will be allowed to share one (1) full-time position. Each staff member will be given credit for one (1) full year of seniority for this half-time job assignment; however, service in the job share program shall not count towards satisfying the three year probationary requirement for recommendation of a Professional Services Contract. Each staff member shall also be entitled to fifty percent (50%) of the Board contribution toward the selected insurance benefits (see Policy 3420).

The Board authorizes the Superintendent to create a job-sharing program provided it does not impact adversely on the District or any current staff member and to develop and update administrative procedures as necessary to implement this policy.

F.S. 1012.23, 1012.36

Adopted 12/9/09; Revised 7/27/10



## 3121 - CONDITIONS FOR INITIAL EMPLOYMENT OF INSTRUCTIONAL STAFF

Applicants for initial employment must submit an employment application, a copy of the social security card with correct name or other form of work authorization, and, if not currently an employee of the School Board, a minimum of three (3) acceptable references. Candidates shall meet the 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.

The Superintendent shall develop appropriate employment procedures governing the recruitment, screening, selection, appointment, and employment of all personnel consistent with Florida statutes, State Board of Education rules, Federal requirements, and Board policies.

F.S. 121.091, 1012.01, 1012.32, 1012.40

## 3121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT

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, all candidates for all positions shall be subject to a criminal background check to determine suitability for employment at the applicant's expense. The application for employment shall inform the applicants that they are subject to criminal background checks. All current employees must be re-fingerprinted every five (5) years, and must self-report arrests.

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

## 3122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no instructional staff member or candidate for such a position in this District shall, on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall appoint a compliance officer whose responsibility will be to require compliance with Federal and State regulations and require that any complaints are dealt with in accordance with Board policy and law. The compliance officer shall also provide 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, Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Florida Education Equity Act of 1984 to staff members and the general public. Any sections of the District's collectively-bargained agreements pertaining to hiring, promotion, and tenure should contain a statement of nondiscrimination.

F.S. 110.1221, Ch. 760, 760.01, 760.10, 1000.05  
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)  
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. 12112, Americans with Disabilities Act of 1990

## 3124 - ALCOHOL AND DRUG-FREE WORKPLACE

It is the intent of the School Board to provide a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace. Violations of this policy may result in disciplinary action, up to and including termination.

Pursuant to the Drug-Free Workplace Act of 1988, employees shall abide by the terms of this policy and shall notify the Superintendent or his/her designee of any arrest or conviction under a criminal drug statute not later than forty-eight (48) hours after such arrest or conviction.

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol and/or a controlled substance (as defined in F.S. Chapter 893): in the workplace; or during the workday; or when on duty; or in the presence of students or students' families as part of any school or work-related activities. Violation of this prohibition shall result in appropriate disciplinary action up to and including termination and referral for prosecution.

"Workplace" is defined as the site for the performance of work done in connection with employment. This includes any place where work for the Board is performed, including a school building or other school premises, any vehicle owned by the Board or a vehicle used to transport students to and from school or school activities, off school property during a school-sponsored activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.

A copy of the Board's drug-free workplace policy will be provided to employees upon initial employment. Each employee will sign a statement to indicate receipt and understanding of the drug-free workplace policy and that statement will be retained in the employee's personnel file. The drug-free workplace policy may be posted at each worksite.

Pre-employment drug abuse screening examinations shall be required to prevent hiring individuals who use drugs or individuals whose use of drugs indicates a potential for impaired or unsafe job performance or for high risk positions such as bus drivers.

Employees in job classifications which require an annual physical will be required to submit to a drug screening as part of the annual physical.

As a condition of continued employment, current employees shall submit to drug screening when reasonable suspicion exists to believe that an employee is using a substance that is impairing the employee and/or his/her job performance. Reasonable suspicion may include, without limitation, observation of one (1) or more of the following:

- A. aberrant or unusual behavior observed by the employee's worksite supervisor;
- B. observed alcohol/drug use during working hours;
- C. observation of physical symptoms commonly associated with substance abuse such as:
  1. impairment of motor functions;
  2. slurred speech;
  3. incoherent or irrational mental state;
  4. drowsiness;
  5. smell of alcohol or marijuana;
  6. extreme weight loss;
  7. red eyes;

8. running nose or sniffing;
9. frequent or extreme mood changes;
10. lack of physical coordination;
11. frequent absences or lateness;
12. unexplained absence from assigned work;
13. deterioration in dress and/or grooming;
14. deterioration in work performance;
15. other marked, unexplained changes in personal behavior.

When a reasonable suspicion exists, the Superintendent's designee shall be contacted. The employee will be provided an opportunity to explain his/her condition. The employee will be provided with information regarding available drug counseling, rehabilitation, assistance program, and leave options. One (1) rehabilitation contract including drug testing may be agreed upon. Failure to participate in a treatment program following a positive drug screening will result in disciplinary action, up to and including termination. Due process will be followed.

All testing shall be conducted by a laboratory certified by the State of Florida as a medical and urine drug testing forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories engaged in drug abuse and mental health administration of the U.S. Department of Health and Human Services.

The procedures established by the laboratory shall be followed in administering drug tests to employees.

Refusal to submit to drug testing when reasonable suspicion exists may result in disciplinary action up to and including termination.

Employees who seek voluntary assistance for substance abuse may not be disciplined for seeking assistance. Employees shall be subject to all employer rules, regulations, and job performance standards with the understanding that an employee enrolled in a rehabilitation program is receiving treatment for an illness.

Employees who return to work after completion of a rehabilitation program shall be subject to follow-up drug testing with no advance notice during a prescribed probation period determined by the Superintendent. Any employee who refuses the drug test or subsequently tests positive may be disciplined up to and including termination.

Random testing of employees shall not be conducted.

All drug testing, with the exception of employee requested tests, shall be at the expense of the Board.

Drug testing results will be treated in a confidential manner. Written notification of Board employees who are in grant-funded positions and who are convicted of drug violations, will be made to Director, Grant and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3124, GSA Regional Office Building No. 3), Washington, D.C. 20202-4605.

Due to the supervisory responsibilities of instructional staff and their direct contact to students, instructional staff are deemed to be in safety-sensitive positions for purposes of F.S. 112.0455 and 440.101.

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

## 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 with 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 which 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

## 3129 - CONFLICT OF INTEREST

No employee acting in his/her official capacity as a purchasing agent shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his/her own agency from any business entity of which the employee or employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or employee's spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the School Board.

No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee knows, or, with the exercise of reasonable care, should know, that it was given to influence action in which the employee was expected to participate in his/her official capacity.

No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, the Board; nor shall an employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties or that would impede the full and faithful discharge of his/her public duties.

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 conflict with the proper discharge of his/her duties in the public interest.

F.S. 112.311, 112.312, 112.313, 1006.32

F.A.C. 6B-1.001, 6B-1.006



## 3129.01 - TUTORING

As set forth in [Policy 3129](#) and [Policy 3210](#), 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 conflict with the proper discharge of his/her duties in the public interest.

No instructional staff shall receive compensation for tutoring a student who is enrolled in the instructional staff member's class during the regular school term.

No tutoring by instructional staff for compensation is allowed on School Board property or during school time.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 3130 - ASSIGNMENTS

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

The Superintendent shall assign and 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 and all other generally accepted administrative duties such as club sponsorship, hall duty, supervision of bus loading zones, chaperoning students, and 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 contract and/or Board appointment.
- 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 of Relatives

No employee shall be assigned to a position that reports to or supervises a position held by a close relative. Close relative shall be defined as the first degree of kindred: husband, wife, father, mother, brother, sister, son, daughter, and in-laws of the same degree. If such a reporting relationship is found to exist, the Superintendent shall effectuate an appropriate transfer as soon as reasonably possible under the circumstances.

F.S. 112.3135, 1012.22, 1012.23, 1012.2315

3130.01 - RE-ASSIGNMENT OF INSTRUCTIONAL STAFF

Instructional staff members may be reassigned to any position for which they are qualified in order to meet the needs of the District. The Superintendent shall recommend instructional staff members for re-assignment to the School Board. Instructional staff members in a bargaining unit are to refer to negotiated agreements.

F.S. 1012.01, 1012.33

## 3140 - DISCIPLINE OF INSTRUCTIONAL STAFF

In any disciplinary proceeding in which the substantial interest of the employee is affected, or in which the employee has a property interest, the employee shall be entitled to a hearing on the merits of the case in accordance with the provisions of Florida statute.

In the event an employee is entitled to a hearing, the Superintendent shall notify the affected employee in writing of his/her right to a hearing at the time a petition for suspension or dismissal is filed. The petition for suspension or dismissal must set forth the charges against the employee and shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent prior to Board action, the employee waives his/her right to a hearing.

In the event a hearing is required as prescribed by law, a written notice of hearing shall be furnished to the employee in a timely manner according to law stating the date, place, and time of the hearing.

No member of the staff may be dismissed except by recommendation of the Superintendent and approval of the Board.

Any suspension or dismissal shall be as prescribed by law.

An instructional employee may be disciplined at any time during the term of his/her contract pursuant to provisions set forth in the employment contract, applicable law, and this policy.

Any provision in the collective bargaining agreement to the contrary shall supersede this policy.

All Board employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

### Disciplinary Guidelines for Instructional Personnel

The Superintendent retains the right and the responsibility to manage the work force. The School District generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, written counseling/conference summary, caution, reprimand, suspension without pay, and dismissal defined as follows:

- A. **Written Counseling/Conference Summary** - This is a written memorandum or letter memorializing an area of concern involving the performance or conduct of the employee. It is the first step in progressive discipline and is intended to counsel and advise the employee of best practices.
- B. **Letter of Caution** - A letter of caution is given to an employee who has demonstrated problematic behavior or performance. It is the second step in progressive discipline and is intended to alert the employee that a problem has been identified and needs to be corrected.
- C. **Reprimand** - A written reprimand is more serious than a caution. It is a formal censure or admonition given to an employee who has engaged in unacceptable behavior or demonstrated unacceptable performance.
- D. **Suspension Without Pay** - A suspension without pay is the temporary release from duty of an employee for a stated number of calendar days without pay and applies when a violation or repetition of violations of policies, contractual provisions, laws, or District expectations are serious enough to warrant suspension.
- E. **Dismissal** - This is the final step in progressive discipline and applies in cases where the employee misconduct is severe or in cases where the misconduct or unacceptable behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. The following offenses are subject to the penalties described below:

A.	<u>OFFENSE</u>	<u>PENALTY RANGE</u>
1.	Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors, sexual relations with a student	Dismissal
2.	a. Illegal possession or use of drugs, or being under the influence of illegal drugs, while on or off duty	Reprimand-Dismissal
	b. Illegal sale of drugs whether on or off duty	Dismissal
	c. Possession, use, or being under the influence of illegal drugs while off duty	Reprimand-Dismissal
3.	Committing or conviction* of a criminal act - felony	Suspension-Dismissal
4.	Committing or conviction* of a criminal act - misdemeanor	Reprimand-Dismissal
5.	Possession of guns or weapons on Board property (The provision set forth in F.S. 790.115(2)(a)(3) is expressly waived in <a href="#">Policy 3217</a> )	Suspension-Dismissal
6.	Alcohol related offenses or driving under the influence of alcohol	Reprimand-Dismissal
7.	Use of corporal punishment, excessive force, or inappropriate method of discipline	Conference Summary-Dismissal
8.	Falsification or alteration of employment paperwork, District forms or documents or certification	Caution-Dismissal
9.	Incompetence as evidenced by inability or lack of fitness to discharge the required duty	Reprimand-Dismissal
9a.	Failure to perform the duties of the position	Caution-Dismissal
10.	Using position for personal gain/conflict of interest	Caution-Dismissal
11.	Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background	Reprimand-Dismissal

12.	Harassment or discrimination which 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	Caution-Dismissal
13.	Inappropriate or disparaging remarks to or about students or exposing student to unnecessary embarrassment or disparagement	Conference Summary-Dismissal
14.	Inappropriate relationship with a student	Reprimand-Dismissal
15.	Inappropriate interactions with colleagues including, but not limited to, physical or verbal altercation	Conference Summary-Dismissal
16.	Misappropriation of funds or theft of personal property	Caution-Dismissal
17.	Excessive absenteeism or tardiness	Conference Summary-Dismissal
18.	Absence without leave (AWOL)	Caution-Dismissal
18a.	Abandonment of job (shall be presumed after three (3) consecutive work days of absence without leave)	Dismissal
19.	Failure to correct performance deficiencies	Conference Summary-Dismissal
20.	Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority	Caution-Dismissal
21.	Conduct unbecoming a Board employee that brings the District into disrepute or that disrupts the orderly processes of the District	Caution-Dismissal
22.	Misconduct or Misconduct in Office	Caution- Dismissal
23.	Unauthorized use, theft, or vandalism of Board property	Caution-Dismissal
24.	Failure to comply with Board policy, State law, or appropriate contractual agreement	Caution-Dismissal
25.	Use or possession of obscene, pornographic or sexually explicit materials on Board property or Board computers/equipment/electronic devices	Suspension-Dismissal
26.	Smoking or use of tobacco products on Board property	Caution-Dismissal
27.	Commission of any offense listed in F.S. 1012.315	Caution-Dismissal (Dismissal mandated if adjudicated guilty)
28.	Violation of Safe Driver Plan	Caution- Dismissal

\*Conviction shall mean a finding of guilt, a plea of guilty, a plea of nolo contendere (no contest), or entering a pre-trial intervention or diversion program, whether or not there is a formal adjudication of guilt.

- B. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one (1) of the grounds listed in F.S. 1012.33.
- C. The following aggravating and mitigating factors or circumstances will be considered when determining the appropriate penalty within a penalty range.
  - 1. the threat posed to the health, safety, or welfare of students, co-workers, or members of the public;
  - 2. the severity of the offense;
  - 3. degree of student involvement;
  - 4. the disciplinary history of the employee, including the number of offenses, the length of time between offenses as well as the similarity of offenses;
  - 5. the actual damage, physical or otherwise, caused by the misconduct;
  - 6. any effort or rehabilitation by the employee;
  - 7. attempts by the employee to correct or stop the misconduct;
  - 8. pecuniary benefit or self-gain to the employee realized by the misconduct;
  - 9. impact of offense on students, co-workers, or members of the public;
  - 10. length of employment;
  - 11. whether the misconduct was motivated by unlawful discrimination;
  - 12. employee's evaluations;
  - 13. any other relevant mitigating or aggravating factors.
- D. Prior to imposition of suspension without pay as the final penalty or dismissal, employees shall be entitled to due process including an administrative hearing before an impartial administrative law judge as provided under the Administrative Procedures Act (F.S. Chapter 120) and shall be entitled to all the rights provided under that Act including the right to be represented by counsel.
- E. The standards of proof in criminal and administrative proceedings differ. Acquittal in a criminal case shall not preclude the prosecution of a disciplinary action pursuant to Board policy.

F.S. 1001.41, 1001.42, 1001.43, 1012.22, 1012.27, 1012.32(2), 1012.33  
F.S. 1012.34  
F.A.C. 6B-1.01, 6B-1.006

Adopted 12/9/09; Revised 6/29/10

3140.01 - DISCIPLINARY SUSPENSION WITHOUT PAY FOR  
THREE (3) DAYS OR LESS; RETURN TO ANNUAL CONTRACT

The School Board hereby delegates authority to the Superintendent to suspend instructional staff without pay for a period not exceeding three (3) 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 regularly notify the Board of actions taken.

The Board also delegates authority to the Superintendent to accept written agreements from instructional staff wherein they agree to return to annual contract status.

F.S. Chapter 120, 1012.27(5)



## 3150 - RESIGNATIONS

The School Board hereby delegates to the Superintendent the authority to accept or reject resignations on the Board's behalf. All resignations shall be irrevocable by the resignee once tendered unless the Superintendent otherwise consents in writing. The resignation shall be submitted to the Board at a regular or special meeting.

F.S. 1001.43, 1012.33

## 3160 - MEDICAL EXAMINATIONS RELATED TO FITNESS FOR DUTY

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician licensed in the State of Florida when in the Superintendent's judgment such an examination is needed to ascertain whether the instructional staff member meets job related physical or mental requirements, whether the instructional staff member is able to perform the essential functions of his/her position, or when it is necessary to determine whether the instructional staff member poses a direct threat to the safety of the instructional staff member or others. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination(s). The instructional staff member shall allow the physician(s), psychologist(s), or psychiatrist(s) to submit a written report of their findings to the Superintendent, with a copy being forwarded to the instructional staff member. Refusal to take such required examination or to permit the release of a written report to the Superintendent shall be grounds for appropriate discipline.

F.S. 1012.22, 1012.23, 1012.27, 1012.31  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990  
29 C.F.R. Part 1630

## 3161 - UNREQUESTED LEAVES OF ABSENCE

Should an employee evidence a physical condition, unrelated to employment, which impairs the employee's ability to perform normal duties, the following criteria shall apply:

- A. The employee shall be required to take leave from job duties immediately. The employee shall be allowed to use any accumulated vacation or sick leave for this purpose.
- B. Within five (5) working days, the employee shall notify the principal or department head concerned in writing of what action the employee plans to take.
- C. Absence beyond accumulated vacation or sick leave may be granted as leave without pay.
- D. Prior to return to duty, it shall be necessary for the employee to be cleared by a licensed physician, and then written clearance shall be submitted to the principal or department head.
- E. If the physician recommends further treatment, the employee shall, at personal expense, secure such treatment from a physician. An employee may, at personal expense, secure second opinions from other licensed physicians. The employee's supervisor shall be notified within thirty (30) days by the personal physician that the employee is under the physician's care for the condition noted. If the supervisor does not secure this notification, the employee may be terminated.

In cases of accident or illness resulting in an absence of five (5) or more working days, the employee's supervisor may require a medical examination of the employee to be made at the employee's expense with a medical report being submitted to the supervisor.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1012.23  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990  
29 C.F.R. Part 1630

## 3170 - SUBSTANCE ABUSE

The School Board recognizes that alcoholism and drug addiction are illnesses that may impair the performance of instructional staff members.

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 his/her job security or promotion opportunities jeopardized by his/her 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 the District's employee assistance program, or by pursuing other resources available for such service.

F.S. 1012.22, 1012.23, 1012.27, 1012.798  
Rehabilitation Act of 1973, 29 U.S.C. 794

### 3170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board recognizes that employees are subject to personal issues such as stress, depression, substance abuse, alcohol abuse, marital and family conflicts, and financial pressures and that these matters interfere with their work and quality of life. All instructional staff and their family members living with them are eligible to participate in an Employee Assistance Plan (EAP) to assist in dealing with these matters.

The EAP is provided at no cost. Participation is voluntary and discussions are confidential.

Instructional staff members who suspect they may have need of EAP services are encouraged to seek counseling and information on a confidential basis by contacting the District's EAP, or by pursuing other resources available for such services.

F.S. 1012.22, 1012.23, 1012.27, 1012.798

## 3210 - STANDARDS OF ETHICAL CONDUCT FOR INSTRUCTIONAL STAFF

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

All instructional staff members shall adhere to the *Code of Ethics for Public Officers and Employees* as set forth in F.S. 112.311, et seq.

The School Board hereby establishes the following as additional 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. keep in confidence personally identifiable information obtained in the course of professional service, unless disclosure serves professional purposes or is required by law;
  3. take reasonable precautions to distinguish between personal views and those of any educational institution or organization with which the individual is affiliated;
  4. maintain honesty in all professional dealings;
  5. with the exception of probationary terminations and non-reappointments of contractual personnel, 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;
  6. self-report within forty eight (48) hours to an immediate supervisor any arrest or receipt of a Notice to Appear for any criminal offense, including driving under the influence (DUI) and other criminal traffic offenses and local ordinance violations punishable by any period of incarceration, or charged in any way with such offenses. The supervisor shall promptly notify the Office of Professional Standards. Administrators and supervisors who become aware of subordinates who have been arrested, charged or given a Notice to Appear for such offenses will immediately notify the Office of Professional Standards.  
  
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).
  7. 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;
  8. 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;
  9. comply with the conditions of an order of the Education Practices Commission imposing probation, imposing a fine, or restricting the authorized scope of practice;
  10. cooperate with the Education Practices Commission in monitoring the probation of a subordinate;

11. not unreasonably restrain a student from independent action in pursuit of learning;
12. not unreasonably deny a student access to diverse points of view;
13. not intentionally suppress or distort subject matter relevant to a student's academic program;
14. not intentionally expose a student to unnecessary embarrassment or disparagement;
15. not intentionally violate or deny a student's legal rights;
16. 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 make reasonable efforts to assure that each student is protected from harassment or discrimination;
17. not exploit a relationship with a student for personal gain or advantage;
18. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
19. not use institutional privileges for personal gain or advantage;
20. not accept any gratuity, gift, or favor that might influence professional judgment;
21. not offer any gratuity, gift, or favor to obtain special advantages;
22. not on the basis of race, color, religion, sex, sexual orientation age, national or ethnic origin, political beliefs, martial 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;
23. not interfere with a colleague's exercise of political or civil rights and responsibilities;
24. 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, make reasonable efforts to assure that each individual is protected from such harassment or discrimination;
25. not make malicious or intentionally false statements about a colleague;
26. not use coercive means or promise special treatment to influence professional judgments of colleagues;
27. not misrepresent one's own professional qualifications;
28. not submit fraudulent information on any document in connection with professional activities;
29. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for a professional position;
30. not withhold information regarding a position from an applicant or misrepresent an assignment or conditions of employment;
31. 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;
32. not engage in conduct unbecoming of an employee of the Board that brings the District into disrepute or that disrupts the orderly processes of the District.

- 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 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.

F.S. 112.313, 1001.42(6), 1012.23

F.A.C. 6B-1.001, 6B-1.006

Adopted 12/9/09; Revised 6/29/10



## 3211 - WHISTLEBLOWER

Instructional staff members of the School Board, employees of independent contractors, and other persons who report certain violations of law or policy are protected from retaliation by State and Federal law.

### **Actions Prohibited**

Neither the Board nor any independent contractor under contract with the Board shall dismiss, discipline, discriminate against, or take any other adverse personnel action against an instructional staff member for disclosing information pursuant to the provisions of this policy.

Neither the Board nor any independent contractor under contract with the Board shall take any adverse action that affects the rights or interests of an instructional staff member in retaliation for the instructional staff member's disclosure of information under this policy.

The provisions of this policy shall not be applicable when an instructional staff member discloses information known by the instructional staff member to be false.

### **Nature of Information Disclosed**

The information disclosed under this policy must include:

- A. A violation or suspected violation of a law, policy, rule, or regulation committed by an employee or agent of the Board or independent contractor which violation creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
- B. An 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 the Board or independent contractor.

### **Instructional Staff Members Protected**

This policy protects instructional staff members who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or Federal government entity; who refuse to participate in any adverse action prohibited by this policy; or who initiates a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs.

No remedy or other protection under this policy applies to any instructional staff member who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

### **Remedies**

Within sixty (60) days after an alleged retaliatory action prohibited by this policy, any instructional staff member who is protected by this policy may file a complaint with the Office of Professional Standards. Within 180 days after the entry of a final decision by the Office of Professional Standards, the employee who filed the complaint may bring a civil action in any court of competent jurisdiction. Any instructional staff member protected by this policy may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this policy.

### **Confidentiality**

The name or identity of any instructional staff member who discloses in good faith to the Office of Professional Standards information as described in *Nature of Information Disclosed* above may not be disclosed to anyone other than the Office of Professional Standards, unless the written consent of the instructional staff member is obtained; the disclosure of the instructional staff member's identity is necessary to prevent a substantial and specific danger to student or public health,

safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and necessary during the course of the audit or investigation.

All information described in *Nature of Information Disclosed* above that is received by the Office of Professional Standards, and information produced or derived from fact-finding and investigation, is confidential and exempt from F.S. 119.07(1), and shall not be disclosed except as provided in F.S. 112.3188(2).

F.S. 112.3187 - 112.3188  
42 U.S.C. 2000e-3

Adopted 12/9/09; Revised 6/29/10

## 3213 - STUDENT SUPERVISION AND WELFARE

Each instructional staff member shall have authority for the control of students as may be assigned to him/her by the principal or Superintendent and shall keep good order in the classroom and in other places in which s/he is assigned, and may undertake any of the actions authorized by law to manage student behavior and ensure the safety of all students in their classes and school and their opportunity to learn in an orderly and disciplined classroom. Such actions shall be taken within the framework of the Code of Student Conduct.

The following standards shall apply:

- 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. Each 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 personal 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. An instructional staff member shall not transport students in a private vehicle without the approval of the principal.

Since most information concerning a child in school, other than directory information described in Policy 8330, 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. 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 Board [Policy 8462](#), each instructional staff member shall report to the proper legal authorities immediately any sign of suspected child abuse or neglect.

F.S. 39.201, 119.071, 1001.51, 1002.22, 1003.32  
20 U.S.C. 1232  
34 C.F.R. Part 99

## 3213.01 – COMMUNICATIONS WITH PARENTS AND STUDENTS VIA ELECTRONIC MEDIA

(1) The School Board encourages positive and professional communication by staff with parents and students by means which best protect the interests of all concerned. Communications via personal electronic media such as Facebook, Twitter, cell phone messaging, and other personal electronic means regarding school matters have the potential to create both public records and education records, or to contain personally identifiable student information. The School Board is ultimately responsible for the maintenance and proper disposal of such records and for the protection of such confidential information, and is dependent upon its employees to meet this responsibility.

(2) The School Board has provided staff with the means to communicate electronically with parents and students concerning school matters. These means currently include PCS Portal, Moodle, and district email (Outlook), and are sufficient for the purposes intended. For staff to communicate on school matters with parents and students by personal electronic means when sufficient School Board means are available exposes the School Board to a possible violation of its legal obligations. Such communication could cause the appearance of inappropriate association with students. Accordingly, staff shall utilize School Board resources in all electronic communications with parents and students regarding school matters provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

(3) Staff communications with parents and students via private electronic media concerning non-school-related matters are governed in part by, and may lead to discipline under, Board Policies 1140, 3140, and 4140.

(4) Volunteers shall abide by Policy 1213.01, and shall utilize School Board resources in all electronic communications with parents and students regarding school matters; provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

Effective Date: August 15, 2011

Adopted 6/14/2011; Revised 10/23/2012

## 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 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 or 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

F.S. Ch. 112

## 3215 - TOBACCO AND NICOTINE USE

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

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other substance or product that contains tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes.

No person may use tobacco or nicotine products, or be in the possession of lighted tobacco product, in any Board facility, including the outside grounds, or in any Board owned or operated vehicles.

F.S. 386.202, 386.204, 386.212

20 U.S.C. 6081 et seq., 20 U.S.C. 7182

## 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 his/her task, presents an image of dignity, and encourages respect for authority. These factors act in a positive manner toward the maintenance of discipline.

The Board retains the authority to specify the following dress and grooming procedures for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all instructional staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their instructional responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

## 3217 - FIREARMS AND WEAPONS

A person shall not possess any firearm or weapon, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on School Board property, including the property of any school, administration building, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In the case of non-employee persons 18 years of age or older: within the interior of a private motor vehicle and the firearm or weapon is carried for a lawful purpose, is securely encased or is not readily available for immediate use; provided, however, this exception shall not apply for purposes of student and campus parking privileges on school property; or
4. In the case of employees: If the employee is in lawful possession of a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot and when the employee is lawfully in such area; provided, however, this exception shall not apply to any school property.

Concealed Weapon or Firearm. A person may be in lawful possession of a concealed weapon or firearm on School Board property with certain exceptions; a concealed weapon or firearm may not be carried:

1. Into any District elementary or secondary school facility or career center;
2. Into an administration building as defined below;
3. Into an athletic event that is not related to firearms; or
4. Into a School Board meeting.

For purposes of this policy the term "administration building" is any Board-owned or leased facility where one or more administrative employees are assigned.

For the purposes of this policy, "school property" means the property of any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

"Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

This policy shall not apply to possession by members of the armed forces, national guard, police or other licensed law enforcement officers, or other persons approved by the school or District on a case-by-case basis,

F.S. 790.001, 790.115, 1001.32(2), 1001.41, 1001.42, 1001.43  
18 U.S.C. 922

Adopted 12/9/09; Revised 7/26/11, 4/24/12



## 3220 - APPRAISAL OF INSTRUCTIONAL STAFF

The School Board through the powers derived from the Florida statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, it delegates to the Superintendent the function of establishing and implementing a program of appraisal.

The purpose of *The Teacher Performance Appraisal System* is to:

- A. strive for the improvement of the total District program;
- B. stress the importance of personal improvement on the part of individual instructional staff members so that each student may be provided a quality education;
- C. provide data to support and develop opportunities for student success through continuous improvement of instructional staff members;
- D. establish a process of continuous and systematic instructional staff member improvement.

The *Teacher Performance Appraisal System* shall aim at the early identification of specific areas in which the individual instructional staff member needs help so that appropriate assistance may be provided for or arranged. A supervisor offering suggestions for improvement to an instructional staff member shall not release that instructional staff member from the responsibility to improve. If an instructional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal or non-renewal procedures may be invoked. In such an instance, all relative appraisal documents may be used in the proceedings.

Performance appraisals shall be conducted of each instructional staff member. 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.

Instructional staff 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).

F.S. 1012.22, 1012.34

## 3231 - OUTSIDE ACTIVITIES OF STAFF

- (1) Staff members should avoid situations in which their personal interests, activities, and associations may 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 staff member's responsibilities.
- (2) Staff members may not dedicate work time to an outside interest, activity, or association.
- (3) Staff members shall not use school property or school time to solicit or accept customers for private enterprises.
- (4) Staff members 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.
- (5) 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 is subject to a vote of the electors, unless the electioneering communication are limited to factual information.
- (6) 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.
- (7) The constitutional right to express political and other opinions as citizens is reserved to all employees.
- (8) 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.
- (9) Unless expressly approved by the Superintendent, staff members may not accept fees for remedial tutoring—of students currently enrolled in one (1) or more of their classes.
- (10) Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.

F.S. 104.31, 112.3145, 1006.32, 1012.23

Adopted 12/9/09; Revised 7/26/11

## 3232 - POLITICAL ACTIVITIES

(1) Employee Rights; Leaves of Absence: The School Board recognizes the right of its employees to campaign for and to hold elective public office, except as prohibited under F.S. 112.313 (10) and any other provisions under the statutes and laws of Florida. Accordingly, the Board authorizes both short term and long term personal leaves of absence, without pay, for its employees in order that such employees abstain from conflicts which may arise between the employees' performance of their official duties in this school system and their political activities.

(2) Superintendent Directed to Provide Procedures; Guaranteeing Employee Rights; Protection Against Conflicts: The Superintendent or designee is directed to provide procedures that will guarantee such employee rights, while at the same time protecting the school system against any conflicts that might arise, such as interference with the normal discharge of one's duty, as the result of an employee engaging in political activities and/or while holding public office.

(3) General Regulations:

(a) School employees engaging in political activities shall make it clear that their utterances and actions are theirs as individuals and that they in no manner represent the views of the school system.

(b) Employees are prohibited from engaging in political activities on Board premises during duty hours.

(c) Employees requesting personal leaves of absence for political activities shall apply in writing to the personnel office, giving full particulars for such request for leave. The Superintendent or designee shall, within a reasonable period of time, advise the employee of the nature of the recommendation that shall be made to the Board concerning the employee's request for leave.

(d) Employees engaging in political activities or in the holding of 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 employee's school related duties. Such office holder, or other politically active employees, 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.

(e) Any employee who has been suspended or removed from public office, the grounds for which have been as those provided within F.S. 231.28, shall not be returned to duty with the school system until such charges against the employee have been dismissed or otherwise legally terminated in the employee's favor.

(4) Campaigning:

(a) Employees who confine campaign activities to off-duty hours, as provided above, shall not be required to take personal leave.

(b) Employees who desire to take personal leave for campaign activities shall apply to the personnel office, as provided above, requesting personal leave for a definite period of time, not to exceed ninety (90) calendar days.

(c) Upon expiration of their personal leaves, employees shall be returned to their same or similar positions.

(d) Employees desiring to return to their positions earlier than specified, as provided above, may be returned to their positions, upon written request to do so, provided that is convenient for the school system; otherwise, they shall be returned to their positions when the leave expires or as soon before as it is convenient for the school system.

(5) Employees Holding Part Time Public Office:

(a) Employees who have been elected to public office for duties which do not require full time responsibilities may be permitted to make personal arrangements for intermittent leave(s), without pay, with their supervisors and the personnel office and with the approval of the Superintendent or designee; provided such leave(s) does not conflict with the employee's school system-related duties, and provided especially that the interests of students are not impaired.

(b) The District reserves the right to deny or to terminate such personal arrangements, as are provided above, when, in the judgment of the Superintendent or designee, such personal arrangements are in conflict with, or are not in the best interests of, the school system or its students.

(c) Any employee whose personal leave arrangements have been denied or terminated, as provided above, shall be permitted to take an extended personal leave, as provided below.

(6) Employees Holding Full Time Public Office:

(a) Employees who have been elected to public office which requires full time responsibilities shall, upon written request to the personnel office, as provided above, be granted a personal leave of absence for the length of their term.

(b) Upon termination of the personal leave for the holding of public office, the employee shall be assigned to the same or similar position held prior to the personal leave.

(7) Additional Statutory Requirements

(a) 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.

(b) Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed to 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:

1. 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;

2. 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

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

(c) Instructional staff who declare themselves candidates for an elective office shall notify the Superintendent upon qualifying for election.

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

F.S. 104.31, 110.233, 112.313 (10), 1001.32(2), 1001.41, 1001.42, 1001.43

F.A.C. 60L-36.002

Adopted 12/9/09; Revised 7/26/11

### 3235 - JURY/WITNESS DUTY

An instructional staff member who is summoned for jury duty, or who is subpoenaed as a witness not involving his/her personal litigation, will be granted leave with pay for a maximum of fifteen (15) days. Should jury or witness duty extend beyond fifteen (15) days and the instructional staff member is appearing as a witness as a function of his/her instructional staff member position, additional leave shall be granted. In all other cases, extensions of leave may be granted only upon the approval of the Superintendent.

Witness fees may be retained by the instructional staff member. Jury duty fees paid to the instructional staff member for service during leave shall be submitted to the District. Otherwise, such fees may be retained by the instructional staff member.

In no case shall a leave for jury/witness duty be granted for court attendance when an instructional staff member is engaged in his/her personal litigation. In such cases, an instructional staff member must request leave with or without pay.

F.S. 40.24, 40.271, 1001.41, 1001.42(5), 1001.43(11), 1012.66  
F.A.C. 6A-1.084

Adopted 12/9/09; Revised 6/29/10

## 3240 - TEMPORARY DUTY ELSEWHERE

Temporary duty elsewhere is not a leave. It is an assignment away from the usual place of duty. It does not interrupt pay and other benefits. Requests shall be made on the form provided and approved by the principal or supervisor.

- A. Employees shall not be assigned temporary duty elsewhere to earn college credits, improve rank, or renew certificates, except when participating in a program approved by the Board specifically authorizing such duty.
- B. Employees engaged in field trips or other activities away from their regular assignments shall be required to process requests for temporary duty elsewhere on the proper form.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10

## 3242 - PROFESSIONAL DEVELOPMENT

- (1) 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.
- (2) 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 Learning Forward (formerly National Staff Development Council), and the Florida Leadership Standards.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) The Superintendent will annually report to the Board on the implementation of the plan.

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

Adopted 12/9/09; Revised 7/26/11

## 3281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT WORK

From time-to-time School Board employees may wish to bring personal property to work either for reasons associated with administrative responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must notify the Superintendent prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the Superintendent requests an employee bring a certain piece of equipment or tool to school in order to complete a specific task, the personal property may be covered by the Board's property insurance policy, subject to deductibles and limitations of District insurance coverage.

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

Other individuals may wish to bring personal property onto District premises. The owner of the personal property 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 refer to the collective bargaining agreement.

Adopted 12/9/09; Revised 6/29/10



## 3310 - FREEDOM OF SPEECH IN NONINSTRUCTIONAL SETTINGS

Instructional 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 instructional staff member's expression should be balanced against the interests of this District. However, employees are not speaking as citizens when they are speaking to fulfill a responsibility of their job, such as preparing a memorandum or lesson plan. Thus, workplace speech is not protected by the First Amendment. 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 instructional staff members by the United States Constitution.

First Amendment, U. S. Constitution  
Fla. Constitution, Article I, Section 4  
F.S. 1003.4505

Adopted 12/9/09; Revised 7/26/11

## 3362 - POLICY AGAINST HARASSMENT AND DISCRIMINATION

### **General Policy Statement**

No employee, student, applicant for employment, volunteer, vendor, or member of the public, shall, on the basis of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under, any educational program, activity, service, or in any employment condition, policy or practice conducted by the Board.

The Board encourages any individual who feels that he or she has been subjected to unlawful discrimination or harassment to seek assistance to rectify the problem. The Board will investigate all allegations of unlawful discrimination or harassment and, in those cases where unlawful discrimination or harassment is substantiated, will take immediate steps to end the discrimination or harassment. The Board will take appropriate disciplinary action against any employee found to have engaged in unlawful discrimination or harassment and will take such other appropriate action against individuals who are not employed by the Board, but may be under the control or supervision of the Board.

### **Definitions**

**A. Unlawful Discrimination** is conduct which deprives a person of the opportunity to participate in employment, educational programs or activities, Board or school sponsored activities, or in any other activity offered or provided by the Board, on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy.

**B. Harassment** is conduct directed by a person or persons against another person or persons on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the person's participation in their employment, educational programs, school sponsored activities, or any other activity offered or provided by the Board.

### **C. 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, occur when:

1. 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;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. 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:

1. Unwelcome sexual propositions, invitations, solicitations, and flirtations.
2. Physical assault.
3. 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.
4. 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.
5. Sexually suggestive objects, pictures, audio or visual representation, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. 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.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. 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.
10. 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 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.

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

#### **D. Other Prohibited Conduct**

The Board will also take immediate steps to impose disciplinary action against an employee or take such other appropriate action against individuals engaging in any of the following prohibited acts:

1. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
2. Filing a malicious or knowingly false report or complaint of unlawful discrimination or harassment.
3. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful discrimination or harassment, when responsibility for reporting and/or investigating such charges comprises part of one's supervisory duties.

### **COMPLAINTS**

#### **A. Procedure for Filing a Complaint**

Any employee, applicant for employment, student, or third party, who believes that he or she has been unlawfully discriminated against or has been harassed in violation of this Policy by an employee, student, or other party who is subject to the jurisdiction of the School Board, and who wishes to file a complaint, shall use the following complaint procedure:

1. The complaint shall be filed in writing with the Compliance Officer, appointed pursuant to Policy 1122, in the Office of Equal Opportunity, and shall be signed by the complainant or reporting administrator. The complaint shall be filed within 30 calendar days from the date of the incident.
2. Upon receipt of the complaint, the Compliance Officer shall review the complaint to determine whether it alleges the essential elements of unlawful discrimination or harassment prohibited by this Policy. If it does not, the Compliance Officer will notify the complainant in writing and no further action will be taken.
3. If the complaint does allege the essential elements of unlawful discrimination or harassment prohibited by this Policy, the Compliance Officer, will investigate the allegations of the complaint. A copy of the complaint shall be forwarded to the School Board Attorney. The Compliance Officer is authorized and encouraged to assign the investigation to an administrator at the school or site.
4. Upon completion of the investigation, the site based administrator or the Compliance Officer, as the case may be, in consultation with the Assistant Superintendent, Human Resources, and the School Board Attorney, will prepare a final written report containing factual findings.
5. In cases where the complaint is substantiated in whole or in part, the Compliance Officer will meet with the complainant regarding the factual findings, provide a copy of the investigative report and seek complainant's input into any resolution of the complaint.
6. A substantiated complaint against personnel will be forwarded to the Office of Professional Standards. Any employee against whom a complaint has been substantiated will be subject to an employee disciplinary action, which could range from conference summary to termination of employment.
7. If the complainant disagrees with the determination either under paragraph 2 or 5, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
8. If an administrator learns of an alleged incident of unlawful discrimination or harassment prohibited by this Policy against an employee or applicant, he or she is required to report complaints immediately to the Compliance Officer. These complaint procedures will be followed the same as if the complainant originally filed the complaint.
9. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
10. The right to confidentiality of student records will be respected, consistent with federal and state law and Board policy.
11. All complaints and other records that relate to a complaint of discrimination are exempt from the Public Records Act 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.

**B. Alternative Remedies**

The complaint procedures set forth in this Policy are not intended to interfere with the rights of any complainant to pursue a complaint of unlawful harassment or discrimination with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

F.S. 1000.05, 1001.42, 1006.147  
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)  
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  
28 C.F.R. Part 35  
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  
34 C.F.R. Parts 100, 104 and 106

Adopted 12/9/09; Revised 7/27/10; 3/15/11

## 3410 - COMPENSATION

Salaries of all instructional staff members shall be approved by the School Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

Pursuant to statutory requirements, the salary schedule recommended by the Superintendent and adopted by the Board shall include differentiated pay that is based upon District-determined factors.

Salaries are subject to negotiation.

Instructional staff members in a bargaining unit refer to negotiated agreements.

F.S. 1011.60, 1012.22

## 3415 – RETIREMENT

The District is a member of the Florida Retirement System. Contributions are made on behalf of the eligible employees in accordance with the guidelines established by the Florida Retirement System. Employees may not make their own contributions, but may participate in the voluntary retirement plans offered by the District.

Adopted 6/29/10

## 3419.02 - 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
- C. Vision Plan
- D. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule. 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)



## 3420 - EMPLOYEE BENEFITS

### Benefit Program

The School Board agrees to provide a comprehensive benefits program to include but not limited to health, dental, life, vision, accidental death and dismemberment, and income protection insurance. Health care reimbursement and dependent care reimbursement accounts are also provided.

### Section 125 Cafeteria Plan

The Board agrees to provide a cafeteria plan with a premium conversion option, which enables employees to pay their portion of most insurance premiums on a pre-tax basis. Enrollment in the flex plan is automatic for eligible employees and participation continues from year to year, unless the risk management and insurance department is notified by the employee in writing to cancel participation. The cancellation request must be received by the department within thirty (30) days of a change in family status or during the annual open enrollment period.

Premium payments for insurance coverage are deducted from the employee's gross salary before taxes are taken. Because flex is considered by IRS as a salary reduction plan elections may only be made annually. Employees may not change their election during the calendar year unless a change in family status occurs. The IRS defines a change in family status as: marriage, death, divorce, birth, adoption, loss or gain of spouse or dependent's employment, loss of plan eligibility, change of residence or work, entitlement to Medicare or Medicaid, or a judgment decree or court order requiring coverage of dependents. IRS regulations on salary reduction are independent from insurance carrier provisions for changes in coverage.

### Board Contribution

Recognizing the importance of stabilizing the health insurance rates and expanding the number of persons participating in the group health insurance programs, the Board shall strive to continue a plan of variable Board contributions.

The Board contributes toward the cost of employee benefits each pay period when a Board issued paycheck is received (not to exceed twenty (20) contributions per calendar year). In any period during which a paycheck is not earned, the employee will owe both the Board contribution amount and normal insurance deductions unless s/he is on an approved family medical leave or health insurance waiver. Board contribution amounts vary and are negotiated annually.

When an employee chooses health insurance coverage, the Board contribution amount is automatically credited toward the per-pay-period health insurance premium. If an employee does not select health insurance coverage, the employee may apply the allotted Board contribution toward the purchase of certain supplemental insurance benefits, including dental, vision, AD & D, short term and long term disability benefits, and health care reimbursement account (HCRA).

The maximum amount of Board provided flex credit elections into the HCRA may not exceed \$25.00 per pay period and the maximum election amount may not be less than \$10.00.

Board contribution may not be used to purchase dependent life, DCRA, and voluntary term life insurance. Board contribution is not cumulative and Board contribution not used is forfeited.

Eligible married Board employees, both working for the District, who wish to be covered by the same health insurance plan and have at least one (1) additional dependent (total of three (3) persons), may select the two (2) Board family option. Eligible married Board employees, who do not have additional dependents, must choose separate single plans.

### Eligibility

Regular employees who work at least thirty (30) hours per week, job-share employees, and employees who work two (2) part time regular jobs totaling more than thirty (30) hours per week are eligible for benefits.

### Enrollment

#### Initial Enrollment

Enrollment and change forms are due in the risk management and insurance department within thirty (30) calendar days of hire or change of eligibility status. Coverage becomes effective the first day of the month following sixty (60) days of employment or change of eligibility status.

### Open Enrollment

The Board provides an annual open enrollment period during which an employee may add, cancel, or change coverage. If no action is taken by the employee to change coverage, previous coverage will continue for the next calendar year.

### Changes in Coverage

In accordance with IRS guidelines and carrier contracts, employees may make certain changes during the plan year if a change in family status occurs. A completed enrollment and change form and supporting documentation must be received by risk management within thirty (30) days of the qualifying event. The change in coverage will be effective the first of the month following the qualifying event and receipt of the enrollment form by risk management.

### Termination of Coverage

Insurance coverage ends the last day of the month in which an employee no longer meets eligibility requirements, retires, terminates employment, or fails to pay the required premiums when due.

### Basic Board Life

The Board shall provide, to eligible employees, group term life insurance in the amount of one (1) times annual salary rounded up to the next \$1,000 with a minimum amount of \$15,000.

### Insurance Deductions

Premiums for insurance plans are due in advance; therefore deductions begin the month before the insurance effective date. Deductions are taken over twenty (20) pay periods with no scheduled deductions taken in the summer. In the event that an employee's coverage in any insurance plan is effective after January 1st or if a change in coverage occurs due to a change in family status, the employee's payroll deduction will be adjusted to insure that adequate premiums have been collected. For all insurance programs, payment of premiums does not guarantee that coverage is in effect. Coverage and eligibility are determined by the insurance contract and the policies and procedures of the risk management department. If premiums are collected in error, a refund will be issued. In the event of a discrepancy in coverage, risk management records are determinative, unless the employee can provide a copy of an approved enrollment form to the contrary. Enrollment in a Board-benefit plan authorizes the Board to payroll deduct any and all required insurance premium(s).

### Waiver of Health Insurance Premium

An employee on an approved leave of absence who cannot work because of total disability and has used all available sick leave and vacation time may apply for waiver of his/her health insurance premium. Employees must apply for the waiver within thirty (30) days of the date of eligibility notification from the risk management and insurance department. In order to qualify for waiver of premium, the leave must exceed ninety (90) days and the employee must be on an approved leave of absence. In no instance, will a waiver exceed two (2) long term leaves. Waiver of premium documentation must be submitted at least every six (6) months or upon request. Failure to provide this documentation when due will result in cancellation of the waiver of premium.

### Payment of Insurance While on Leave

While on an approved, non-FMLA, unpaid leave of absence, employees are required to pay the entire cost of all insurance plans, including Board paid life insurance in order for coverage to continue. Payment must be received by the risk management and insurance department by the first of each month. Insurance coverage will be canceled for nonpayment if full payment is not received by the due date. When an employee is on an approved Family Medical Leave (FMLA), the employee is responsible only for payment of the portion of premium(s) the employee normally pays. Nonpayment of premiums will result in cancellation of coverage.

### Payment of Insurance while Suspended without Pay

While on suspension without pay, an employee is considered to be on unpaid leave of absence. As such, the employee is entitled to maintain insurance coverage by paying the total cost of insurance. If the employee elects to continue insurance

and is reinstated, the employee will be refunded the Board contribution paid during the period of suspension. If the employee elects to continue insurance and is not reinstated, the insurance will terminate the last day of the month in which the employee is dismissed. If the employee choose not to continue insurance and is reinstated, insurance will be reinstated the first of the month following the date of the final order and the employee will be responsible for any regular employee contribution.

#### Retiree Insurance

An employee covered under the Florida Retirement System Defined Benefit Plan who retires with six (6) or more years of service and elects to receive a State retirement check is eligible to participate in the retiree insurance program. An employee covered under the Florida Retirement System Investment Plan, who retires with six (6) or more years of service and is at least fifty-nine and one-half (59 1/2) or has completed thirty (30) or more years of services is eligible to participate in the retiree insurance program. Benefit election must be made within thirty (30) days of the effective date of retirement. Employees who do not enroll at retirement shall be ineligible for future participation in the Board retiree insurance program. Retirees may only continue the health plan and coverage tier in effect at the time of retirement. Board provided life insurance benefits may be continued or decreased but may not be increased. Life insurance benefits are subject to age reduction formulas as determined by the carrier. Retirees may also maintain dental coverage only as allowed by the provider and may also maintain coverage in the vision plan.

Accidental death and dismemberment and voluntary life insurance benefits may be continued as an individual contract subject to insurance company procedures. Income protection coverage ends upon retirement.

#### Employee Assistance Program

The Board provides an Employee Assistance Program (EAP) to all part and full-time employees, retirees, and family members living with an employee or retiree. Employees, retirees, and family members may utilize the EAP even if they are not enrolled in the Board health plan. Participation in the EAP is voluntary and all records and discussions with the EAP are confidential.

#### Voluntary Retirement Programs

The District provides eligible employees an optional 403(b), Roth 403(b), and 457 deferred compensation programs. The Board is not responsible for the actions of nor recommends any company or investment product. Contributions must be made through payroll deduction and therefore are considered a salary reduction. Change requests must be in writing on the appropriate form to the attention of risk management and insurance.

#### Workers' Compensation

The Board provides workers' compensation benefits pursuant to F.S. Chapter 440. Workers' compensation indemnity benefits paid in combination with an employee's sick leave or vacation time shall not exceed the employee's bi-weekly salary. Whenever possible the Board will provide for up to ninety (90) days, light or modified duty for any employee returning to work after a job-related injury. Reasonable accommodations will be made in accordance with restrictions of the authorized treating physician.

#### Employee Well-Being and Satisfaction Committee

The parties agree to convene, on a regular basis, the Employee Well-Being and Satisfaction Committee composed of representatives of the administration, instructional, and supporting services personnel. The committee shall be charged with making employee benefit recommendations including those made during the annual renewal process.

#### Employee Benefit Guidelines

All other provisions regulating group benefits shall be governed by the policies and procedures of the risk management department, insurance contracts, labor agreements, and this agreement.

#### Liability Coverage

The Board will provide at no cost to the employee liability coverage pursuant to F.S. 768.28.

#### Dental Coverage

The Board will contribute towards the cost of optional dental coverage. The annual amount will be determined through the bargaining process.

Vision Coverage

The Board agrees to provide vision insurance at no cost to all employees and their dependents enrolled in the District sponsored health plan. Employees not enrolled in health may elect optional vision coverage.

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

## 3430 - LEAVES OF ABSENCE

A leave of absence is permission granted by the School Board or allowed under its adopted policies, or under a collective bargaining agreement, for an employee to be absent from duty for a specific period of time with the right to return to employment upon the expiration of leave. Any absence of a member from duty shall be covered by leave duly authorized and granted.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67

F.A.C. 6A-1.079, 6A-1.080

Adopted 12/9/09; Revised 6/29/10

## 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 a covered military member (i.e., a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness 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 a current 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. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. 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**

Instructional 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. 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 commencing with the date of the initial leave.

### **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 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 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 Family 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 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 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 than 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 the active duty or call to active duty status of a covered military member, 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.

### **Use of Paid Leave**

Employees shall be required to use (i.e., run concurrently) any of his/her earned or accrued paid leave, except that employees may hold up to ten (10) days of paid leave in reserve. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking any of type 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) 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. Additionally, this general notice shall be included in written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

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 one, 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, or Service Member Family Leave is taken, 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 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 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 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 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, nor shall it be counted against the staff member under a no fault attendance policy. 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.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) one page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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

Adopted 12/9/09; Revised 6/29/10

## 3430.02 – SICK LEAVE

Each full-time instructional employee who is unable to perform job duties because of illness or because of illness or death of father, mother, brother, sister, spouse, child or other close relative or member of the employee's own household and consequently has to be absent from work shall be granted leave of absence for sickness by the Superintendent (or designee). An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty. Such leave shall be in increments of one-half or full days.

### **Accumulation of Sick Leave**

Each member of the instructional staff employed on a full time basis is entitled to four (4) days of sick leave as of the first day of employment of each contract year and shall thereafter earn one (1) day of sick leave for each month of employment, which shall be credited to the member at the end of that month and which may not be used before it is earned and credited to the member. However, each member of the instructional staff is entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment. If the employee terminates employment or otherwise enters an unpaid leave status and has not earned sick leave days, the Board shall withhold the average daily amount for any sick days used but unearned by the employee. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which an employee may accrue, except that at least one-half of this cumulative leave must be established within this district. Subject to the limitation set forth in the previous sentence, sick leave may be transferred from another Florida school district upon request of the employee.

### **Sick Leave Bank**

The Superintendent is authorized to establish procedures for all District employees to participate in a sick leave bank.

### **Transfer of Sick Leave Among Family Members**

Under the following procedures, District employees may authorize their spouse, child, parent, or sibling who is also a District employee, to use sick leave that has accrued to the authorizing employee.

- A. The recipient must have used all of his/her personal accumulation of sick leave and vacation leave, if applicable.
- B. Maximum transfer for any one (1) illness, injury, or complications arising thereof shall be thirty (30) days per school year.
- C. Days used may not result in double compensation when combined with other benefits such as workers' compensation or tort damage awards.
- D. The recipient and the donor must complete the appropriate form from the personnel office.
- E. The personnel administrator approving the form may require documentation of the recipient's relationship to the authorizing employee.
- F. Leave transferred pursuant to this policy shall have no terminal value.

### **Terminal Pay**

Terminal pay shall be granted to an employee at retirement or to the employee's estate if service is terminated by death. All employees who are in D.R.O.P. have a portion of their unused sick leave paid, in accordance with IRS Rules and Regulations, to the District's 401(a) program administered by Bencor, at the end of each plan year (July). Terminal pay for employees who have worked or are working in federally funded programs may be paid from such federal funds on a pro-rata basis to the extent allowed by law.

- A. "Retirement" shall mean eligibility for retirement benefits under the Florida Retirement System (FRS), the Teachers Retirement System (TRS), or the State and County Officers and Employees' Retirement Systems (SCOERS) at normal retirement or disability retirement as provided by law. Evidence of service retirement shall be determined by a signed copy of the "Application for Service Retirement." Evidence of disability retirement shall be determined by a statement of disability from the retirement office. Payment for such terminal pay benefits shall be as follows:

1. Subsequent to six (6) years of service in the Pinellas County School System, the employee shall receive forty percent (40%) of the accrued sick leave;
2. subsequent to ten (10) years of service, sixty-five percent (65%);
3. subsequent to fifteen (15) years of service, seventy percent (70%);
4. subsequent to twenty (20) years, eighty percent (80%);
5. subsequent to twenty-five (25) years, ninety percent (90%);
6. subsequent to thirty (30) years, one hundred percent (100%).

B. Completion of the D.R.O.P.

An employee participating in the D.R.O.P. shall receive payment at completion of the D.R.O.P. and separation from employment with the district, according to the schedule established in section (A), above.

C. Termination by Death:

The employee's estate shall receive payment based upon the following formula:

1. During the first three (3) years of service, the daily rate of pay shall be multiplied by thirty-five percent (35%) times the number of accumulated sick leave days;
2. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty percent (40%) times the number of accumulated sick leave days;
3. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty-five percent (45%) times the number of accumulated sick leave days;
4. During and after the tenth year of service, the daily rate of pay shall be multiplied by fifty percent (50%) times the number of accumulated sick leave days;
5. Subsequent to thirteen (13) years of service, the daily rate of pay shall be computed using the percentages applicable if the employee had retired.

Adopted 6/29/10

### 3430.03 – MILITARY LEAVE

Military leave with pay may be granted an employee when the request is supported by a copy of the military orders, up to seventeen (17) days per school year to perform military service. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. An employee called to active military service shall receive full pay for the first thirty (30) days of military leave, and the remainder of such leave shall be without pay. After two years of leave, the employee must apply for reemployment within one year after date of discharge, and the school system shall have six months after application in which to reassign the employee. An employee shall not suffer loss of pay and benefits if called to active military service during periods of national emergency or wartime service that extend beyond the thirty day limit and the following provisions will apply:

- A. If the employee's combined military salary and benefits is less than that received while working for the School Board, the Board will pay the difference in this amount in an effort to make whole any employee who must forfeit some portion of his or her salary and benefits as a School Board employee during service in the United States military.
- B. This "hold harmless" provision shall apply only during the specified period of time during which the employee is scheduled to work for the Board but required to serve on active duty as defined by his or her official military orders.

Adopted 6/29/10

3430.04 – PERSONAL LEAVE WITH PAY

Four (4) days leave per year, non-cumulative and chargeable to sick leave, may be used for personal reasons. An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty. Such leave shall be in increments of one-half or full days.

Adopted 6/29/10



3430.05 – LEAVE WITH PAY - ILLNESS OR INJURY INCURRED IN THE PERFORMANCE OF DUTY

Leave with pay for illness or injury incurred in the performance of duty shall be provided in accordance with Florida Statute and according to the following:

- A. Any employee who must be absent from duty due to illness or injury received in the performance of duties certified by an authorized workers compensation physician shall be entitled to accident/illness in line of duty leave.
- B. Such leave shall be authorized for a period not to exceed ten (10) days and shall be applicable only to the year during which the accident/illness occurred.
- C. Pay will be at the employee's established rate of pay and in accordance with the provisions of [Policy 3420](#). Such authorized leave shall not be deducted from the employee's accumulated sick leave.

F.S. 1012.63

Adopted 6/29/10

## 3430.07 – SHORT/LONG TERM LEAVES

A leave is permission for an employee to be absent from duties for a specified time, and includes the right and responsibility to return to work at the end of this time. An employee who is absent without such permission or fails to return when the leave expires may be dismissed.

For qualified FMLA leaves refer to [policy 3430.01](#).

A request for leave shall be completed by the employee on a Board-approved form, clearly stating the reasons for the absence. Leave granted for one reason but used for another without authorization of the Superintendent's designee may be grounds for dismissal.

Leaves shall be divided into two (2) categories:

- A. Short term leaves, usually granted for periods from ten (10) to thirty (30) working days;
- B. Long term leaves, more than thirty days (30) working days usually granted for a semester, the entire school year, or the remainder of the school year.

### **Short Term Leaves:**

These shall be approved by the Superintendent's designee:

- A. Personal leave without pay may be granted for reasons approved by the Superintendent's designee.
- B. Pre-and post-school leave: Professional leave with pay shall be granted during pre-and post-school periods for attendance at summer sessions of colleges and universities. Reasonable travel time shall also be allowed if such leaves do not interfere with the applicant's teaching duties. No leave of absence shall be granted for both pre- and post-school periods during the same summer, except that leave may be granted when an applicant may need to attend two (2) sessions of school to complete work for a degree. Professional leave for preschool shall not be granted teachers new to Pinellas County. Such leave shall be limited to a maximum of ten (10) days for ten (10), ten and one-half (10-1/2), and eleven (11) month personnel. Eleven (11) month personnel shall receive these days during the time that students are not in attendance. To the extent provided by law, twelve (12) month employees shall be granted professional leave with pay for attendance at summer sessions of college for a period up to three (3) weeks provided that suitable arrangements can be made for the performance of their duties. This may be cumulative for a second year. Not more than six (6) weeks leave shall be granted in the same year. Employees shall be expected to furnish the personnel department with evidence that the leave was used for the stated purpose.
- C. Returning employees who, because of illness or accident are unable to report for duty at the beginning of the school year, may utilize any accumulated sick leave.
- D. An employee may be required to present a certificate of illness from a licensed physician upon request of the Superintendent's designee.

### **Long Term Leaves:**

- A. Leave without pay may be granted for a period not exceeding one (1) year. No leave, except military leave, shall be granted to an employee unless one (1) full year of satisfactory service immediately preceding the request has been completed and the employee has been recommended for reappointment for the succeeding year. Long term leaves shall be approved by the Superintendent (or designee) and the Board.
- B. No more than two (2) consecutive long term leaves for any reason shall be approved. Employees who have been granted two (2) consecutive leaves shall be required to serve not less than one-half (1/2) the number of required duty days for a school year following return to duty before being eligible for another leave.
- C. Employees on continuing/professional service contract shall retain this status during leaves provided the employees' certificates are kept valid.
- D. Under some circumstances time spent on leave may count toward retirement if contributions are continued and if other requirements of the retirement system are met.

- E. Employees on leave for one school year or less shall be returned to the same school unless there is an administrative reason for a transfer. Should a teacher return from leave before the expiration of the leave and accept placement in another school, the teacher shall not have further claim to the previous school.
- F. Upon return to duty an employee who has been on professional leave shall be placed on the same salary step as would have been applicable had the employee not been on leave. However, in the event of successive leaves, not more than one (1) such salary increment shall be granted within a five (5) year period. Experience credit shall be determined prior to granting the leave if the Board affirms that the leave will be beneficial to accomplishing the district's objectives.
- G. Employees on leave shall notify the personnel office by March 15 of their intention to return to their positions, resign, or request another leave. Employees granted leave after February 15 must notify the personnel department in writing within thirty (30) days after the date when leave was granted of their intention to return, resign, or request another leave for the following year.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10

## 3440 - JOB-RELATED EXPENSES

The School Board may provide for the payment of the actual and necessary expenses of any instructional staff member of the District that are incurred in the course of performing services for the District, under the direction of the Board, and in accordance with [Policy 6550](#), Travel and Per Diem, and any applicable Superintendent's administrative procedures.

F.S. 112.061

## 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 may 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

3550 - COMPLAINTS AGAINST INSTRUCTIONAL STAFF

Any complaint against a member of the instructional staff by a School Board member, or which comes to the attention of the Board (except through the Superintendent), shall be referred to the Superintendent for appropriate action.

Employees in bargaining units refer to negotiated agreements.

F.S. 1012.795, 1012.796

## 3590 - PERSONNEL FILE

(1) It is necessary for the orderly operation of the School District to maintain an information system for the retention of appropriate personnel files.

(2) The term personnel file shall be defined as 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 employees, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

(3) The personnel files shall be administered pursuant to the provisions of F.S. 1012.31.

F.S. 119.011 et seq., 1012.31

Adopted 12/9/09; Revised 7/26/11

## 3600 - JOB DESCRIPTIONS

- (1) Job descriptions document and describe the prescribed qualifications for and essential functions of each instructional staff position and thereby promote organizational effectiveness and efficiency.
- (2) The School Board shall act upon written recommendations submitted by the Superintendent to create new positions. The recommendations shall include the job title, pay grade, minimum qualifications, and major functions for these positions. The Superintendent may find it necessary to revise duties and responsibilities, which may be done without Board action. Revisions to job titles, pay grades, minimum qualifications, and major functions shall require Board action.
- (3) Once a position has been established or the job description revised, each staff member employed in the position shall be made aware of the details of the job description.

F.S. 1012.23, 1012.27

Adopted 12/9/09; Revised 7/27/10; 7/26/11



## 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.

FS 112.313(7)

## 4120 - EMPLOYMENT OF SUPPORT STAFF

Support staff include educational support employees, professional/technical employees, and non-administrative employees employed in confidential or management positions. Educational support employees include any person employed as a teacher assistant, an education paraprofessional, a member of the transportation department, a member of the operations department, a member of the maintenance department, a member of food service, a secretary or a clerical employee, or any other person who by virtue of his/her position of employment is not required to be certified by the Department of Education or the School Board pursuant to F.S. 1012.39.

The Superintendent shall also conduct employment history checks of all applicants for support staff positions. The employment history check shall include, but not necessarily be limited to, contacting any previous employer and screening the applicant through the use of the screening tools described in State law. If contact with a previous employer cannot be made, the Superintendent shall document the efforts made to do so. Support staff shall be employed on probation for a period of six (6) months, or such other period as is established by the applicable collective bargaining agreement, during which employment may be terminated without cause. Extensions to the probationary period may be granted by mutual advance written consent of the employee and the site administrator.

Except for those employed in confidential, management, and professional/technical positions, upon successful completion of the probationary period, the employee's employment shall continue from year to year unless terminated for reasons stated in the collective bargaining agreement, or in Board policy in cases where a collective bargaining agreement does not exist, or where the number of employees is reduced on a District-wide basis for financial reasons.

Support staff employees in confidential, management, and professional/technical positions shall be employed on an annual contract basis.

Support staff positions include both bargaining unit and nonbargaining unit positions.

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 staff 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.

### **QUALIFICATIONS FOR SUPPORT STAFF**

To be eligible for employment in a support staff position, an individual must be of good moral character, and, if required, hold a valid certificate issued pursuant to Florida law and the 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. A person who is found through background screening, pursuant to Board policy, to have been adjudicated guilty of a crime specified in F.S. 1012.315, or convicted of a crime involving moral turpitude as defined by the State Board of Education, shall not be employed, engaged to provide services, or serve in any position that requires direct contact with students.

Additionally, the following guidelines shall apply:

A. Category One

Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes, and any other crime involving moral turpitude.

The District will not hire applicants who have been convicted of Category One offenses.

B. Category Two

Felony crimes of violence and felony sale of controlled substances.

The District will not hire the applicant if the conviction for a Category Two offense was within the last twenty-five (25) years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond twenty-five (25) years.

C. Category Three

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

The District will not hire the applicant if the conviction for a Category Three offense was within the last ten (10) years. The District will consider the applicant and carefully review the conviction for a Category Three offense if it was beyond ten (10) years.

D. Category Four

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

The District will not hire the applicant if the conviction for a Category Four offense was within the last five (5) years. The District will consider the applicant and carefully review if the conviction for a Category Four offense was committed beyond five (5) years.

E. Category Five

Other misdemeanors and felony crimes involving worthless checks.

The District will consider the convictions in Category Five on a case-by-case review.

Multiple convictions under any category will be considered on a case-by-case basis and may result in an extension of the period of disqualification. For the purposes of this policy, conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding or admission of guilt, a plea of no contest, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

A candidate whose employment application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Criminal History Appeal Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the employee since the incident or any other evidence or circumstances indicating that the employee will not present a danger if employment is allowed. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

F.S. 1012.01, 1012.315, 1012.32, 1012.37, 1012.40  
F.A.C. 6A-1.0502(11)  
20 U.S.C. 6301

Adopted 12/9/09; Revised 6/29/10, 12/7/10

## 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 staff substitutes shall be paid in accordance with the established salary schedule. A support staff 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.

### **Temporary Employees**

A temporary employee is a person employed for an approved position requiring a regular daily schedule to which they are temporarily assigned for a specific period.

### **Disqualification**

Any person whose employment has been terminated, or who has resigned while under investigation shall be disqualified from employment as a substitute or temporary employee.

F.S. 1012.40

## 4121 - CONDITIONS FOR INITIAL EMPLOYMENT OF SUPPORT STAFF

Applicants for initial employment must submit an employment application, a copy of the social security card with correct name or other form of work authorization, and, if not currently an employee of the School Board, a minimum of three (3) acceptable references. Candidates shall meet the 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.

The Superintendent shall develop appropriate employment procedures governing the recruitment, screening, selection, appointment, and employment of all personnel consistent with Florida statutes, State Board of Education rules, Federal requirements, and Board policies.

F.S. 1012.01, 1012.01, 1012.32, 1012.40

## 4121.01 - CRIMINAL BACKGROUND AND EMPLOYMENT

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, all candidates for all positions shall be subject to a criminal background check to determine suitability for employment at the applicant's expense. The application for employment shall inform the applicants that they are subject to criminal background checks. All current employees must be re-fingerprinted every five (5) years, and must self-report arrests.

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

## 4122 - NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

The School Board shall comply with all Federal laws and regulations prohibiting discrimination and with all requirements and regulations of the U.S. Department of Education. It is the policy of the Board that no support staff member or candidate for such a position in this District shall, on the basis of race, color, religion, sex, national origin, age, disability, marital status, or sexual orientation, be discriminated against, excluded from participation in, denied the benefits of, or otherwise be subjected to, discrimination in any program or activity for which the Board is responsible or for which it receives financial assistance from the U.S. Department of Education.

The Superintendent shall appoint a compliance officer whose responsibility will be to require compliance with Federal and State regulations and require that any complaints are dealt with in accordance with Board policy and law. The compliance officer shall also provide 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, Americans with Disabilities Act of 1990, the Age Discrimination in Employment Act of 1967, and the Florida Education Equity Act of 1984 to staff members and the general public. Any sections of the District's collectively-bargained agreements pertaining to hiring, promotion, and tenure should contain a statement of nondiscrimination.

F.S. 110.1221, Ch. 760, 760.01, 760.10, 1000.05

F.A.C. 6A-19.001

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. 12112, Americans with Disabilities Act of 1990

## 4124 - ALCOHOL AND DRUG-FREE WORKPLACE

It is the intent of the School Board to provide a drug-free workplace. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance or alcoholic beverage is prohibited in the workplace. Violations of this policy may result in disciplinary action, up to and including termination.

Pursuant to the Drug-Free Workplace Act of 1988, employees shall abide by the terms of this policy and shall notify the Superintendent or his/her designee of any arrest or conviction under a criminal drug statute not later than forty-eight (48) hours after such arrest or conviction.

Employees are prohibited from engaging in the unlawful manufacture, distribution, dispensing, possession, being under the influence of, or use of alcohol and/or a controlled substance (as defined in F.S. Chapter 893): in the workplace; or during the workday; or when on duty; or in the presence of students or students' families as part of any school or work-related activities. Violation of this prohibition shall result in appropriate disciplinary action up to and including termination and referral for prosecution.

"Workplace" is defined as the site for the performance of work done in connection with employment. This includes any place where work for the Board is performed, including a school building or other school premises, any vehicle owned by the Board or a vehicle used to transport students to and from school or school activities, off school property during a school-sponsored activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the Board.

A copy of the Board's drug-free workplace policy will be provided to employees upon initial employment. Each employee will sign a statement to indicate receipt and understanding of the drug-free workplace policy and that statement will be retained in the employee's personnel file. The drug-free workplace policy may be posted at each worksite.

Pre-employment drug abuse screening examinations shall be required to prevent hiring individuals who use drugs or individuals whose use of drugs indicates a potential for impaired or unsafe job performance or for high risk positions such as bus drivers.

Employees in job classifications which require an annual physical will be required to submit to a drug screening as part of the annual physical.

As a condition of continued employment, current employees shall submit to drug screening when reasonable suspicion exists to believe that an employee is using a substance that is impairing the employee and/or his/her job performance.

Reasonable suspicion may include, without limitation, observation of one (1) or more of the following:

- A. aberrant or unusual behavior observed by the employee's worksite supervisor;
- B. observed alcohol/drug use during working hours;
- C. observation of physical symptoms commonly associated with substance abuse such as:
  1. impairment of motor functions;
  2. slurred speech;
  3. incoherent or irrational mental state;
  4. drowsiness;
  5. smell of alcohol or marijuana;
  6. extreme weight loss;
  7. red eyes;
  8. running nose or sniffing;



9. frequent or extreme mood changes;
10. lack of physical coordination;
11. frequent absences or lateness;
12. unexplained absence from assigned work;
13. deterioration in dress and/or grooming;
14. deterioration in work performance;
15. other marked, unexplained changes in personal behavior.

When a reasonable suspicion exists, the Superintendent's designee shall be contacted. The employee will be provided an opportunity to explain his/her condition. The employee will be provided with information regarding available drug counseling, rehabilitation, assistance program, and leave options. One (1) rehabilitation contract including drug testing may be agreed upon. Failure to participate in a treatment program following a positive drug screening will result in disciplinary action, up to and including termination. Due process will be followed.

All testing shall be conducted by a laboratory certified by the State of Florida as a medical and urine drug testing forensic laboratory which complies with the Scientific and Technical Guidelines for Federal Drug Testing Programs and the Standards for Certification of Laboratories engaged in drug abuse and mental health administration of the U.S. Department of Health and Human Services.

The procedures established by the laboratory shall be followed in administering drug tests to employees.

Refusal to submit to drug testing when reasonable suspicion exists may result in disciplinary action up to and including termination.

Employees who seek voluntary assistance for substance abuse may not be disciplined for seeking assistance. Employees shall be subject to all employer rules, regulations, and job performance standards with the understanding that an employee enrolled in a rehabilitation program is receiving treatment for an illness.

Employees who return to work after completion of a rehabilitation program shall be subject to follow-up drug testing with no advance notice during a prescribed probation period determined by the Superintendent. Any employee who refuses the drug test or subsequently tests positive may be disciplined up to and including termination.

Random testing of employees shall not be conducted.

All drug testing, with the exception of employee requested tests, shall be at the expense of the Board.

Drug testing results will be treated in a confidential manner. Written notification of Board employees who are in grant-funded positions and who are convicted of drug violations, will be made to Director, Grant and Contracts Service, U.S. Department of Education, 400 Maryland Avenue, SW (Room 3124, GSA Regional Office Building No. 3), Washington, D.C. 20202-4605.

Support staff whose job responsibilities involve supervision of students, are deemed to be in safety-sensitive positions for purposes of F.S. 112.0455 and 440.101.

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

## 4129 - CONFLICT OF INTEREST

No employee acting in his/her official capacity as a purchasing agent shall either directly or indirectly purchase, rent, or lease any realty, goods, or services for his/her own agency from any business entity of which the employee or employee's spouse or child is an officer, partner, director, or proprietor or in which such employee or employee's spouse or child, or any combination of them, has a material interest. Nor shall an employee, acting in a private capacity, rent, lease, or sell any realty, goods, or services to the School Board.

No employee or his/her spouse or minor child shall, at any time, accept any compensation, payment, or thing of value when such employee knows, or, with the exercise of reasonable care, should know, that it was given to influence action in which the employee was expected to participate in his/her official capacity.

No employee shall have or hold any employment or contractual relationship with any business entity or any agency which is subject to the regulation of, or is doing business with, the Board; nor shall an employee have or hold any employment or contractual relationship that will create a continuing or frequently recurring conflict between his/her private interests and the performance of his/her public duties or that would impede the full and faithful discharge of his/her public duties.

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 conflict with the proper discharge of his/her duties in the public interest.

F.S. 112.311, 112.312, 112.313, 1006.32  
F.A.C. 6B-1.001, 6B-1.006

## 4129.01 - TUTORING

As set forth in [Policy 4129](#) and [Policy 4210](#) 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 conflict with the proper discharge of his/her duties in the public interest.

No support staff member shall receive compensation for tutoring a student who is enrolled in the support staff member's class during the regular school term.

No tutoring by support staff for compensation is allowed on School Board property or during school time.

## 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. Failure to perform such duties in an acceptable manner shall constitute a violation of performance responsibilities and/or Board appointment.
- B. Support staff members shall not permit their family members or friends by their presence to interfere with performance of their duties during working hours.

### **Employment of Relatives**

No employee shall be assigned to a position that reports to or supervises a position held by a close relative. Close relative shall be defined as the first degree of kindred: husband, wife, father, mother, brother, sister, son, daughter, and in-laws of the same degree. If such a reporting relationship is found to exist, the Superintendent shall effectuate an appropriate transfer as soon as reasonably possible under the circumstances.

F.S. 112.3135, 1012.22, 1012.23

## 4130.01 - REASSIGNMENT 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. The Superintendent shall recommend support staff members for reassignment to the School Board.

Employees in a bargaining unit refer to negotiated agreements.

F.S. 1012.01, 1012.33

## 4140 - DISCIPLINE OF SUPPORT STAFF

Support staff may be dismissed for cause. Employees who have not completed the ninety (90) calendar day probationary period may be discharged without recourse and shall not be subject to the provisions of the grievance procedure.

Support staff members may be required to take such recognized examinations as the Superintendent or designee deems necessary to evaluate their health, competence, and/or performance. The Board shall pay for the cost of the examination(s).

Any provision in the collective bargaining agreement to the contrary shall supersede this policy.

All Board employees shall cooperate fully with appropriate authorities who are conducting investigations into employee conduct.

### Disciplinary Guidelines for Support Personnel

The Superintendent retains the right and the responsibility to manage the work force. The School District generally follows a system of progressive discipline in dealing with deficiencies in employee work performance or conduct. Progressive discipline may include, but is not limited to, written counseling/conference summary, caution, reprimand, suspension without pay, and dismissal defined as follows:

- A. **Written Counseling/Conference Summary** - This is a written memorandum or letter memorializing an area of concern involving the performance or conduct of the employee. It is the first step in progressive discipline and is intended to counsel and advise the employee of best practices.
- B. **Letter of Caution** - A letter of caution is given to an employee who has demonstrated problematic behavior or performance. It is the second step in progressive discipline and is intended to alert the employee that a problem has been identified and needs to be corrected.
- C. **Reprimand** - A written reprimand is more serious than a caution. It is a formal censure or admonition given to an employee who has engaged in unacceptable behavior or demonstrated unacceptable performance.
- D. **Suspension Without Pay** - A suspension without pay is the temporary release from duty of an employee for a stated number of calendar days without pay and applies when a violation or repetition of violations of policies, contractual provisions, laws, or District expectations are serious enough to warrant suspension.
- E. **Dismissal** - This is the final step in progressive discipline and applies in cases where the employee misconduct is severe or in cases where the misconduct or unacceptable behavior or performance is repetitive and the progressive discipline procedures have not corrected the problems.

The severity of the problem or employee conduct will determine whether all steps will be followed or a recommendation will be made for suspension without pay or dismissal. When there is a range of penalties, aggravating or mitigating circumstances will be considered. The following offenses are subject to the penalties described below:

A. <u>OFFENSE</u>	<u>PENALTY RANGE</u>
1. Inappropriate sexual conduct including, but not limited to lewd and lascivious behavior, indecent exposure, solicitation of prostitution, sexual battery, possession or sale of pornography involving minors, sexual relations with a student	Dismissal

2.	a.	Illegal possession or use of drugs, or being under the influence of illegal drugs, while on or off duty	Reprimand-Dismissal
	b.	Illegal sale of drugs whether on or off duty	Dismissal
	c.	Possession, use, or being under the influence of illegal drugs while off duty	Reprimand-Dismissal
3.		Committing or conviction* of a criminal act – felony	Suspension-Dismissal
4.		Committing or conviction* of a criminal act - misdemeanor	Reprimand-Dismissal
5.		Possession of guns or weapons on Board property; (The provision set forth in F.S. 790.115(2)(a)(3) is expressly waived in <a href="#">Policy 4217</a> )	Suspension-Dismissal
6.		Alcohol related offenses or driving under the influence of alcohol	Reprimand-Dismissal
7.		Use of corporal punishment, excessive force or inappropriate method of discipline	Conference Summary-Dismissal
8.		Falsification or alteration of employment paperwork, District forms or documents or certification	Caution-Dismissal
9.		Incompetence as evidenced by inability or lack of fitness to discharge the required duty	Reprimand-Dismissal
9a.		Failure to perform the duties of the position	Caution-Dismissal
10.		Using position for personal gain/conflict of interest	Caution-Dismissal
11.		Harassment or discrimination of a student on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation or social and family background	Reprimand-Dismissal
12.		Harassment or discrimination which 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	Caution-Dismissal
13.		Inappropriate or disparaging remarks to or about students or exposing a student to unnecessary embarrassment or disparagement	Conference Summary-Dismissal
14.		Inappropriate relationship with a student	Reprimand-Dismissal
15.		Inappropriate interactions with colleagues including, but not limited to, physical or verbal altercation	Conference Summary-Dismissal



16.	Misappropriation of funds or theft of personal property	Caution-Dismissal
17.	Excessive absenteeism or tardiness	Conference Summary-Dismissal
18.	Absence without leave (AWOL)	Caution-Dismissal
18a.	Abandonment of job (shall be presumed after three (3) consecutive work days of absence without leave)	Dismissal
19.	Failure to correct performance deficiencies	Conference Summary-Dismissal
20.	Insubordination, which is defined as a continuing or intentional failure to obey a direct order, reasonable in nature, and given by and with proper authority	Caution-Dismissal
21.	Conduct unbecoming a Board employee that brings the District into disrepute or that disrupts the orderly processes of the District	Caution-Dismissal
22.	Misconduct or Misconduct in Office	Caution-Dismissal
23.	Unauthorized use, theft or vandalism of Board property	Caution-Dismissal
24.	Failure to comply with Board policy, State law, or appropriate contractual agreement	Caution-Dismissal
25.	Use or possession of obscene, pornographic or sexually explicit materials on Board property or Board computers/equipment/electronic devices)	Suspension-Dismissal
26.	Smoking or use of tobacco products on Board property	Caution-Dismissal
27.	Commission of any offense listed in F.S. 1012.315	Caution-Dismissal (Dismissal mandated if adjudicated guilty)
28.	Violation of Safe Driver Plan	Caution-Dismissal

\*Conviction shall mean a finding of guilt, a plea of guilty, a plea of nolo contendere (no contest), or entering a Pre-Trial Intervention or diversion program, whether or not there is a formal adjudication of guilt.

- B. Failure to include a particular act or type of conduct does not preclude the Board from disciplining an employee for such omitted act or conduct if it otherwise constitutes one (1) of the grounds listed in F.S. 1012.33.
- C. The following aggravating and mitigating factors or circumstances will be considered when determining the appropriate penalty within a penalty range:
1. the threat posed to the health, safety or welfare of students, co-workers, or members of the public;

2. the severity of the offense;
  3. degree of student involvement;
  4. the disciplinary history of the employee, including the number of offenses, the length of time between offenses as well as the similarity of offenses;
  5. the actual damage, physical or otherwise, caused by the misconduct;
  6. any effort of rehabilitation by the employee;
  7. attempts by the employee to correct or stop the misconduct;
  8. pecuniary benefit or self-gain to the employee realized by the misconduct;
  9. impact of offense on students, co-workers, or members of the public;
  10. length of employment;
  11. whether the misconduct was motivated by unlawful discrimination;
  12. employee's evaluations;
  13. any other relevant mitigating or aggravating factors;
- D. Prior to imposition of suspension without pay as the final penalty or dismissal, employees shall be entitled to due process including an administrative hearing before an impartial administrative law judge as provided under the Administrative Procedures Act (F.S. Chapter 120) and shall be entitled to all the rights provided under that Act including the right to be represented by counsel.
- E. The standards of proof in criminal and administrative proceedings differ. Acquittal in a criminal case shall not preclude the prosecution of a disciplinary action pursuant to Board policy.

F.S. 120.57, 1001.41, 1001.42, 1001.43, 1012.22, 1012.27, 1012.32(2)

F.S. 1012.33, 1012.34, 1012.40

F.A.C. 6B-1.01, 6B-1.006

Adopted 12/9/09; Revised 6/29/10

4140.01 - DISCIPLINARY SUSPENSION WITHOUT PAY FOR  
THREE (3) DAYS OR LESS

The School Board hereby delegates authority to the Superintendent to suspend support staff without pay for a period not exceeding three (3) 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 regularly notify the Board of actions taken.

F.S. Chapter 120, 1012.27(5)

## 4150 - RESIGNATION

The School Board hereby delegates to the Superintendent the authority to accept or reject resignations on the Board's behalf. All resignations shall be irrevocable by the resignee once tendered unless the Superintendent otherwise consents in writing. The resignation shall be submitted to the Board at a regular or special meeting.

F.S. 1012.33

## 4160 - MEDICAL EXAMINATIONS RELATED TO FITNESS FOR DUTY

The Superintendent may require a physical, psychological, and/or psychiatric examination by a physician licensed in the State of Florida when in the Superintendent's judgment such an examination is needed to ascertain whether the support staff meets job related physical or mental requirements, whether the support staff is able to perform the essential functions of his/her position, or when it is necessary to determine whether the employee poses a direct threat to the safety of the employee or others. The Superintendent shall select the physician(s), psychologist(s), or psychiatrist(s) and shall pay all costs incurred in the examination(s). The employee shall allow the physician(s), psychologist(s), or psychiatrist(s) to submit a written report of their findings to the Superintendent, with a copy being forwarded to the employee. Refusal to take such required examination or to permit the release of a written report to the Superintendent shall be grounds for appropriate discipline.

F.S. 1012.22, 1012.23, 1012.27, 1012.31  
42 U.S.C. 12101 et seq., Americans with Disabilities Act of 1990  
29 C.F.R. Part 1630

## 4161 - UNREQUESTED LEAVES OF ABSENCE

Should an employee evidence a physical condition, unrelated to employment, which impairs the employee's ability to perform normal duties, the following criteria shall apply:

- A. The employee shall be required to take leave from job duties immediately. The employee shall be allowed to use any accumulated vacation or sick leave for this purpose.
- B. Within five (5) working days, the employee shall notify the principal or department head concerned in writing of what action the employee plans to take.
- C. Absence beyond accumulated vacation or sick leave may be granted as leave without pay.
- D. Prior to return to duty, it shall be necessary for the employee to be cleared by a licensed physician, and then written clearance shall be submitted to the principal or department head.
- E. If the physician recommends further treatment, the employee shall, at personal expense, secure such treatment from a physician. An employee may, at personal expense, secure second opinions from other licensed physicians. The employee's supervisor shall be notified within thirty (30) days by the personal physician that the employee is under the physician's care for the condition noted. If the supervisor does not secure this notification, the employee may be terminated.

In cases of accident or illness resulting in an absence of five (5) or more working days, the employee's supervisor may require a medical examination of the employee to be made at the employee's expense with a medical report being submitted to the supervisor.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1012.23  
Americans with Disabilities Act of 1990  
42 U.S.C. 12101 et seq.  
29 C.F.R. Part 1630

## 4162 - DRUG AND ALCOHOL TESTING OF CDL LICENSE HOLDERS AND OTHER EMPLOYEES WHO PERFORM SAFETY SENSITIVE FUNCTIONS

- (1) The School Board believes that the safety of students while being transported to and from school or school activities is of utmost importance and is the primary responsibility of the driver of the school vehicle. To fulfill such a responsibility, each driver, as well as others who perform safety-sensitive functions with Board-owned and/or operated ("Board-owned") vehicles and equipment must be mentally and physically alert at all times while on duty. To that end, the Board has established this policy and others related to employees' health and well-being.
- (2) For purposes of this policy and the procedures associated with the policy, the following definitions shall apply.
- (a) The term illegal drug means drugs and controlled substances, the possession or use of which is unlawful, pursuant to Federal, State, and local laws and regulations.
  - (b) The term controlled substance includes any illegal drug and any drug that is being used illegally, such as a prescription drug that was not legally obtained or not used for its intended purposes or in its prescribed quantity. The term does not include any legally-obtained prescription drug used for its intended purpose in its prescribed quantity unless such use would impair the individual's ability to safely perform safety-sensitive functions.
  - (c) The term controlled substance abuse includes excessive use of alcohol as well as prescribed drugs not being used for prescribed purposes, in a prescribed manner, or in the prescribed quantity.
  - (d) The term safety-sensitive functions includes all tasks associated with the operation and maintenance of Board-owned vehicles, as well as all tasks associated with the operation of Board-owned equipment that has the potential, if improperly operated, of endangering the safety of district students or staff.
  - (e) The term CDL license holder means all regular and substitute bus drivers, other staff members who may drive students in Board-owned vehicles or inspect, repair, and maintain Board-owned vehicles.
  - (f) The term while on duty means all time from the time the CDL license holder begins to work or is required to be in readiness for work until the time s/he is relieved from work and all responsibility for performing work.
- (3) The Board expects all CDL license holders to comply with Board Policy 4124 on Drug Free Schools which prohibits the possession, use, sale, or distribution of alcohol and any controlled substance on school property at all times. Further, the Board concurs with the Federal requirement that all CDL license holders should be free of any influence of alcohol or controlled substance while on duty.
- (4) The Board directs the Superintendent to establish a drug and alcohol testing program whereby each regular and substitute bus driver, and any other staff member who holds a CDL license, as well as any staff member performing safety sensitive functions, is tested for the presence of alcohol in his/her system as well as for the presence of the following controlled substances:
- (a) Marijuana
  - (b) Cocaine
  - (c) Opiates
  - (d) Amphetamines
  - (e) Phencyclidine (PCP)
- (5) The drug tests are to be conducted in accordance with Federal and State regulations:
- (a) prior to employment (Controlled Substances Only);
  - (b) for reasonable cause;
  - (c) upon return to duty after any alcohol or drug rehabilitation;
  - (d) after any accident;
  - (e) on a random basis, and
  - (f) on a follow-up basis.
- (6) Any staff member who tests positive shall be:
- (a) prohibited from driving any school vehicle and/or using Board-owned equipment;
  - (b) referred to the District's Employee Assistance Program;
  - (c) subject to discipline, up to and including discharge, in accordance with District procedures and the terms of any applicable collective bargaining agreements.
- (7) Any staff member who refuses to submit to a test shall be prohibited from performing or continuing to perform his/her safety-sensitive functions (e.g., driving any Board-owned vehicle).

(8) A staff member who voluntarily disclose that they have an addiction to alcohol or controlled substances may participate in the Employee Assistance Program, and will qualify for the receipt of medical insurance benefits for treatment of alcohol or substance abuse, including follow-up care, to the extent that such benefits are provided for or offered in the Board's health insurance package. Voluntary disclosure of an alcohol or drug addiction by a staff member will not subject the staff member to disciplinary action unless such disclosure is made after the staff member is selected to be tested or immediately prior to the selection of staff members to be tested. Nothing herein shall prevent the Board from disciplining a staff member for misconduct associated with his/her alcohol and/or drug use regardless of whether the employee has disclosed that s/he has an alcohol or drug addiction.

(9) A staff member will be subject to disciplinary action, up to and including termination, for any of the following reasons:

- (a) reports for duty or performs work while having an alcohol concentration of 0.02 or greater
- (b) reports for duty or performs work while testing positive for using a prohibited drug, or while being under the influence of a prohibited drug
- (c) refuses to submit to drug and/or alcohol testing
- (d) alters or attempts to alter or unduly influence alcohol and/or drug testing results
- (e) fails to remain readily available for post-accident testing (including notifying his/her supervisor of his/her location, if the staff member leaves the scene of the accident prior to the submission of a post-accident test, unless the staff member's departure is to obtain necessary emergency medical care)

(10) Prior to the beginning of the testing program, the District shall provide a drug-free awareness program which will inform each CDL license holder about:

- (a) the dangers of illegal drug use and controlled substance and alcohol abuse;
- (b) Board Policy 4124 - Drug-Free Workplace, Policy 4161 - Unrequested Leaves of Absence, Policy 4170 - Substance Abuse, and Policy 4170.01 - Employee Assistance Program;
- (c) the sanctions that may be imposed for violations of Policy 4124.

(11) All time spent undergoing an alcohol or controlled substance test, including travel time, will be paid at the staff member's regular rate of pay, or at his/her overtime rate, if applicable. Any staff member who is not allowed to return to work while awaiting test results will be compensated during the waiting period for all work time lost, including overtime, if applicable. The Board shall pay all costs associated with the administration of alcohol and controlled substance tests. This includes testing of the "split specimen" at a Federally certified laboratory if so requested by a staff member. The Board will not pay for the employee's time while not on duty, if the split specimen test results are positive.

(12) Alcohol and drug test results shall be protected as confidential medical records as appropriate under the Americans With Disabilities Act (i.e. test results shall be provided on a right to know basis).

(13) A tested individual, upon written request, will have access to any records relating to his/her use of drugs and alcohol, including any records pertaining to his/her drug and alcohol tests. A tested individual must provide written authorization before his/her test result can be provided to any other person except a government agency specified in the applicable Federal regulations.

(14) All tests shall be conducted in accordance with Federal testing procedures and be performed by a laboratory that is Federally certified (i.e. testing procedures and devices used will be as set forth in 49 C.F.R. Part 40).

(15) The alcohol and drug testing program shall be under the direction of the Superintendent or designee.

(16) The Superintendent shall arrange for the required amount of training for appropriate staff members in drug recognition, in the procedures for testing, and in the proper assistance of staff members who are subject to the effects of substance abuse.

(17) The Superintendent shall submit, for Board approval, a contract with a certified laboratory to provide the following services:

- (a) testing of all first and second test urine samples
- (b) clear and consistent communication with the District's Medical Review Officer (MRO)
- (c) methodology and procedures for conducting random tests for controlled substances and alcohol
- (d) preparation and submission of all required reports to the District, the MRO, and to Federal and State governments

(18) The Superintendent shall also select the agency or persons who will conduct the alcohol breathalyzer tests, the District's MRO, and the drug collection site(s) in accordance with the requirements of the law.



(19) Educational materials explaining the requirements of the Federal regulations and of the Board's policies and procedures to meet the Federal regulations shall be provided to all staff members, including the following:

- (a) the name of the person designated by the Board to answer questions about the materials
- (b) information sufficient to make clear to employees the period of the work day during which they are required to comply with the regulations
- (c) information concerning what conduct is prohibited
- (d) the circumstances under which employees are subject to testing
- (e) the procedures for testing in order to protect the employee and the integrity of the testing process, to safeguard the validity of the test results, and to confirm the results are attributed to the correct employee
- (f) the requirement that staff members must submit to testing as required by the regulations
- (g) an explanation of what constitutes a refusal to be tested and the attendant consequences
- (h) the consequences of testing positive, including the requirements of immediate removal from safety-sensitive functions, and the procedures regarding referral, evaluation, and treatment
- (i) the consequences for a test indicating an alcohol concentration greater than 0.02, and
- (j) information concerning the effects of alcohol and drug misuse on an individual's health, work, and personal life; signs and symptoms of an alcohol problem (the employee's or a co-worker's); and available methods of intervening when a drug or alcohol problem is suspected (including confrontation and how to refer someone to an Employee Assistance Program or to management)
- (k) These materials are to be distributed to each staff member upon being hired or transferred into a covered position thereafter. Each staff member must sign a statement certifying receipt of these materials. Each employee (and labor organization representing Board employees) shall receive written notice of the availability of this information, and the identity of the Board's designated representative in charge of answering employee questions about the materials.

F.S. 112.0455, 440.102, 1012.45

21 U.S.C. 812, Schedules I-V of Section 202 of the Controlled Substances Act

21 C.F.R. 1308.11-.15

34 C.F.R. Part 40 (DOT)

49 C.F.R. Parts 382 and 391 (FHWA)

49 C.F.R. 382.101 et seq.

Omnibus Transportation Employee Testing Act, Pub. L. 102-143, Title V

Adopted 12/9/09; Revised 7/26/11

## 4170 - SUBSTANCE ABUSE

The School Board recognizes that alcoholism and drug addiction are illnesses that may impair the performance of support staff.

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 the District's employee assistance program, or by pursuing other resources available for such service.

F.S. 112.0455

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

## 4170.01 - EMPLOYEE ASSISTANCE PROGRAM (EAP)

The School Board recognizes that employees are subject to personal issues such as stress, depression, substance abuse, alcohol abuse, marital and family conflicts, and financial pressures and that these matters may interfere with their work and quality of life. All support staff and their family members living with the employee or retiree are eligible to participate in an Employee Assistance Plan (EAP) to assist in dealing with these matters.

The EAP is provided at no cost. Participation is voluntary and discussions are confidential.

Support staff who suspect they may have need of EAP services are encouraged to seek counseling and information on a confidential basis by contacting the District's EAP, or by pursuing other resources available for such services.

F.S. 112.0455, 1012.22, 1012.23, 1012.27, 1012.798

## 4210 - STANDARDS OF ETHICAL CONDUCT FOR SUPPORT STAFF

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. A support staff member with direct access to students 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. keep in confidence personally identifiable information obtained in the course of his/her service, unless disclosure serves professional purposes or is required by law;
  3. maintain honesty in all dealings;
  4. self-report within forty eight (48) hours to an immediate supervisor any arrest or receipt of a Notice to Appear for any criminal offense, including driving under the influence (DUI) and other criminal traffic offenses and local ordinance violations punishable by any period of incarceration, or charged in any way with such offenses. The supervisor shall promptly notify the Office of Professional Standards. Administrators and supervisors who become aware of subordinates who have been arrested, charged or given a Notice to Appear for such offenses will immediately notify the Office of Professional Standards.  
  
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, 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).
  5. not unreasonably restrain a student from independent action in pursuit of learning;
  6. not intentionally expose a student to unnecessary embarrassment or disparagement;
  7. not intentionally violate or deny a student's legal rights;
  8. 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 effort to assure that each student is protected from harassment or discrimination;
  9. not exploit a relationship with a student for personal gain or advantage;
  10. not intentionally distort or misrepresent facts concerning an educational matter in direct or indirect public expression;
  11. not use institutional privileges for personal gain or advantage;
  12. not accept any gratuity, gift, or favor that might influence judgment;
  13. not offer any gratuity, gift, or favor to obtain special advantages;

14. not interfere with another District employee's exercise of political or civil rights and responsibilities;
  15. 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 effort to assure that each individual is protected from such harassment or discrimination;
  16. not make malicious or intentionally false statements about another District employee;
  17. not misrepresent one's qualifications;
  18. not submit fraudulent information on any document in connection with employment;
  19. not make any fraudulent statement or fail to disclose a material fact in one's own or another's application for employment;
- B. 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 conflict with the proper discharge of his/her duties in the public interest.
- C. All District support staff members shall adhere to the principles enumerated above.

All support staff shall be required to complete training on the standards established herein.

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

Adopted 12/9/09; Revised 6/29/10

## 4211 - WHISTLEBLOWER

Support staff members who report certain violations of law or policy are protected from retaliation by State and Federal law.

### **Actions Prohibited**

Neither the Board nor any independent contractor under contract with the Board shall dismiss, discipline, discriminated against, or take any other adverse personnel action against a support staff member for disclosing information pursuant to the provisions of this policy.

Neither the Board nor any independent contractor under contract with the Board shall take any adverse action that affects the rights or interests of a support staff member in retaliation for the support staff member's disclosure of information under this policy.

The provisions of this policy shall not be applicable when a support staff member discloses information known by the support staff member to be false.

### **Nature of Information Disclosed**

The information disclosed under this policy must include:

- A. A violation or suspected violation of a law, policy, rule, or regulation committed by an employee or agent of the Board or independent contractor which violation creates and presents a substantial and specific danger to the public's health, safety, or welfare; or
- B. An 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 the Board or independent contractor.

### **Support Staff Member Protected**

This policy protects support staff members who disclose information on their own initiative in a written and signed complaint; who are requested to participate in an investigation, hearing, or other inquiry conducted by any agency or Federal government entity; who refuse to participate in any adverse action prohibited by this policy; or who initiates a complaint through the whistle-blower's hotline or the hotline of the Medicaid Fraud Control Unit of the Department of Legal Affairs.

No remedy or other protection under this policy applies to any support staff member who has committed or intentionally participated in committing the violation or suspected violation for which protection under this policy is being sought.

### **Remedies**

Within sixty (60) days after an alleged retaliatory action prohibited by this policy, any support staff member who is protected by this policy may file a complaint with the Office of Professional Standards. Within 180 days after the entry of a final decision by the Office of Professional Standards, the employee who filed the complaint may bring a civil action in any court of competent jurisdiction. Any support staff member protected by this policy may, after exhausting all available contractual or administrative remedies, bring a civil action in any court of competent jurisdiction within 180 days after the action prohibited by this policy.

### **Confidentiality**

The name or identity of any support staff member who discloses in good faith to the Office of Professional Standards information as described in Nature of Information Disclosed above may not be disclosed to anyone other than the Office of Professional Standards, unless the written consent of the support staff member is obtained; the disclosure of the support staff member's identity is necessary to prevent a substantial and specific danger to student or public health, safety, or welfare or to prevent the imminent commission of a crime; or the disclosure is unavoidable and necessary during the course of the audit or investigation.

All information described in Nature of Information Disclosed above that is received by the Office of Professional Standards, and information produced or derived from fact-finding and investigation, is confidential and exempt from F.S. 119.07(1), and shall not be disclosed except as provided in F.S. 112.3188(2).

F.S. 112.3187 - 112.3188  
42 U.S.C. 2000e

Adopted 12/9/09; Revised 6/29/10

## 4213 - STUDENT SUPERVISION AND WELFARE

Each support staff member shall have authority for the control and discipline of students as may be assigned to him/her by the principal or Superintendent and shall keep good order in the classroom or in other places in which s/he is assigned, and may undertake any of the actions authorized by law to manage student behavior and ensure the safety of all students. Such actions shall be taken within the framework of the Code of Student Conduct.

- A. Each 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. Each 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 personal 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.

Since most information concerning a child in school, other than directory information described in [Policy 8330](#), 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. 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 Board [Policy 8462](#), each support staff member shall report to the proper legal authorities, immediately, any sign of suspected child abuse or neglect.

F.S. 39.201, 119.011, 1001.51, 1002.22, 1003.32  
20 U.S.C. 1232  
34 C.F.R. Part 99



## 4213.01 – COMMUNICATIONS WITH PARENTS AND STUDENTS VIA ELECTRONIC MEDIA

(1) The School Board encourages positive and professional communication by staff with parents and students by means which best protect the interests of all concerned. Communications via personal electronic media such as Facebook, Twitter, cell phone messaging, and other personal electronic means regarding school matters have the potential to create both public records and education records, or to contain personally identifiable student information. The School Board is ultimately responsible for the maintenance and proper disposal of such records and for the protection of such confidential information, and is dependent upon its employees to meet this responsibility.

(2) The School Board has provided staff with the means to communicate electronically with parents and students concerning school matters. These means currently include PCS Portal, Moodle, and district email (Outlook), and are sufficient for the purposes intended. For staff to communicate on school matters with parents and students by personal electronic means when sufficient School Board means are available exposes the School Board to a possible violation of its legal obligations. Such communication could cause the appearance of inappropriate association with students. Accordingly, staff shall utilize School Board resources in all electronic communications with parents and students regarding school matters provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

(3) Staff communications with parents and students via private electronic media concerning non-school-related matters are governed in part by, and may lead to discipline under, Board Policies 1140, 3140, and 4140.

(4) Volunteers shall abide by Policy 1213.01, and shall utilize School Board resources in all electronic communications with parents and students regarding school matters; provided, however, private electronic media, such as a cellphone, may be used when District resources are not available, when such use is in the best interest of all concerned.

Effective Date: August 15, 2011

Adopted 6/14/2011; Revised 10/23/2012

## 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 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 or 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

F.S. Ch. 112

## 4215 - TOBACCO AND NICOTINE USE

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

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other substance or product that contains tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes.

No person may use tobacco or nicotine products in any Board facility, including the outside grounds, or in any Board owned or operated vehicle.

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

## 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 his/her task and present an image of dignity and professionalism.

The Board retains the authority to specify the following dress and grooming procedures for staff that will prevent such matters from having an adverse impact on the educational process. When assigned to District duty, all support staff members shall:

- A. be physically clean, neat, and well groomed;
- B. dress in a manner consistent with their assigned responsibilities;
- C. dress in a manner that communicates to students a pride in personal appearance;
- D. dress in a manner that does not cause damage to District property;
- E. be groomed in such a way that their hair style or dress does not disrupt the educational process nor cause a health or safety hazard.

## 4217 - FIREARMS AND WEAPONS

A person shall not possess any firearm or weapon, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on School Board property, including the property of any school, administration building, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In the case of non-employee persons 18 years of age or older: within the interior of a private motor vehicle and the firearm or weapon is carried for a lawful purpose, is securely encased or is not readily available for immediate use; provided, however, this exception shall not apply for purposes of student and campus parking privileges on school property; or
4. In the case of employees: If the employee is in lawful possession of a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot and when the employee is lawfully in such area; provided, however, this exception shall not apply to any school property.

Concealed Weapon or Firearm. A person may be in lawful possession of a concealed weapon or firearm on School Board property with certain exceptions; a concealed weapon or firearm may not be carried:

1. Into any District elementary or secondary school facility or career center;
2. Into an administration building as defined below;
3. Into an athletic event that is not related to firearms; or
4. Into a School Board meeting.

For purposes of this policy the term "administration building" is any Board-owned or leased facility where one or more administrative employees are assigned.

For the purposes of this policy, "school property" means the property of any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

"Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

This policy shall not apply to possession by members of the armed forces, national guard, police or other licensed law enforcement officers, or other persons approved by the school or District on a case-by-case basis,

F.S. 790.001, 790.115, 1001.32(2), 1001.41, 1001.42, 1001.43  
18 U.S.C. 922

Adopted 12/9/09; Revised 7/26/11, 4/24/12

## 4220 - APPRAISAL OF SUPPORT PERSONNEL

The appraisal of the performance of support staff members is necessary to enable the Superintendent 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 appraised annually by the supervisor, utilizing the appropriate performance appraisal system. Each appraisal shall relate to, but not be limited to, the duties specified in the job description.

- A. The appraisal shall be completed and on file in accordance with the time schedule established by the Superintendent.
- B. An appraisal shall be submitted at the time a support staff member leaves the District if services terminate prior to annual appraisals.
- 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).

The appraisal procedures will be consistent with the collective bargaining agreement where appropriate.

F.S. 1012.22, 1012.34

## 4231 - OUTSIDE ACTIVITIES OF SUPPORT STAFF

- (1) 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 staff member's responsibilities.
- (2) Staff members may not dedicate work time to an outside interest, activity, or association.
- (3) Staff members shall not use school time to solicit or accept customers for private enterprises.
- (4) Staff members shall 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 staff member has obtained or may obtain by reason of his/her position or authority.
- (5) 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 is subject to a vote of the electors, unless the electioneering communication are limited to factual information.
- (6) Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed to 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.
- (7) The constitutional right to express political and other opinions as citizens is reserved to all employees.
- (8) 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.
- (9) Unless expressly approved by the Superintendent, staff members may not accept fees for remedial tutoring of students currently enrolled in one (1) or more of their classes.
- (10) Staff members should avoid conduct and associations outside the school which, if known, could have an adverse or harmful effect upon the school community.

F.S. 104.31, 112.3145, 1006.32, 1012.23

Adopted 12/9/09; Revised 7/26/11

## 4232 - POLITICAL ACTIVITIES

(1) Employee Rights; Leaves of Absence: The School Board recognizes the right of its employees to campaign for and to hold elective public office, except as prohibited under F.S. 112.313(10) and any other provisions under the statutes and laws of Florida. Accordingly, the Board authorizes both short term and long term personal leaves of absence, without pay, for its employees in order that such employees abstain from conflicts which may arise between the employees' performance of their official duties in this school system and their political activities.

(2) Superintendent Directed to Provide Procedures; Guaranteeing Employee Rights; Protection Against Conflicts: The Superintendent or designee is directed to provide procedures that will guarantee such employee rights, while at the same time protecting the school system against any conflicts that might arise, such as interference with the normal discharge of one's duty, as the result of an employee engaging in political activities and/or while holding public office.

(3) General Regulations:

(a) School employees engaging in political activities shall make it clear that their utterances and actions are theirs as individuals and that they in no manner represent the views of the school system.

(b) Employees are prohibited from engaging in political activities on Board premises during duty hours.

(c) Employees requesting personal leaves of absence for political activities shall apply in writing to the personnel office, giving full particulars for such request for leave. The Superintendent or designee shall, within a reasonable period of time, advise the employee of the nature of the recommendation that shall be made to the Board concerning the employee's request for leave.

(d) Employees engaging in political activities or in the holding of 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 employee's school related duties. Such office holder, or other politically active employees, 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.

(e) Any employee who has been suspended or removed from public office, the grounds for which have been as those provided within F.S. 231.28, shall not be returned to duty with the school system until such charges against the employee have been dismissed or otherwise legally terminated in the employee's favor.

(4) Campaigning:

(a) Employees who confine campaign activities to off-duty hours, as provided above, shall not be required to take personal leave.

(b) Employees who desire to take personal leave for campaign activities shall apply to the personnel office, as provided above, requesting personal leave for a definite period of time, not to exceed ninety (90) calendar days.

(c) Upon expiration of their personal leaves, employees shall be returned to their same or similar positions.

(d) Employees desiring to return to their positions earlier than specified, as provided above, may be returned to their positions, upon written request to do so, provided that is convenient for the school system; otherwise, they shall be returned to their positions when the leave expires or as soon before as it is convenient for the school system.

(5) Employees Holding Part Time Public Office:

(a) Employees who have been elected to public office for duties which do not require full time responsibilities may be permitted to make personal arrangements for intermittent leave(s), without pay, with their supervisors and the personnel office and with the approval of the Superintendent or designee; provided such leave(s) does not conflict with the employee's school system-related duties, and provided especially that the interests of students are not impaired.

(b) The District reserves the right to deny or to terminate such personal arrangements, as are provided above, when, in the judgment of the Superintendent or designee, such personal arrangements are in conflict with, or are not in the best interests of, the school system or its students.

(c) Any employee whose personal leave arrangements have been denied or terminated, as provided above, shall be permitted to take an extended personal leave, as provided below.

(6) Employees Holding Full Time Public Office:

(a) Employees who have been elected to public office which requires full time responsibilities shall, upon written request to the personnel office, as provided above, be granted a personal leave of absence for the length of their term.

(b) Upon termination of the personal leave for the holding of public office, the employee shall be assigned to the same or similar position held prior to the personal leave.



(7) Additional Statutory Requirements

(a) 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.

(b) Pursuant to F.S. 106.011, "electioneering communication" shall mean any communication that is publicly distributed to 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:

1. 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;

2. 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

3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

(c) Support staff who declare themselves candidates for an elective office shall notify the Superintendent upon qualifying for election.

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

F.S. 104.31, 110.233, 112.313 (10), 1001.32(2), 1001.41, 1001.42, 1001.43

F.A.C. 60L-36.002

Adopted 12/9/09; Revised 7/26/11

## 4235 - JURY/WITNESS DUTY

A support staff member who is summoned for jury duty, or who is subpoenaed as a witness not involving his/her personal litigation, will be granted leave with pay for a maximum of fifteen (15) days. Should jury or witness duty extend beyond fifteen (15) days and the support staff member is appearing as a witness as a function of his/her support staff member position, additional leave shall be granted. In all other cases, extensions of leave may be granted only upon the approval of the Superintendent.

Witness fees may be retained by the support staff member. Jury duty fees paid to the support staff member for service during leave shall be submitted to the District. Otherwise, such fees may be retained by the support staff member.

In no case shall a leave for jury/witness duty be granted for court attendance when a support staff member is engaged in his/her personal litigation. In such cases, a support staff member must request leave with or without pay.

F.S. 40.24, 40.271, 1001.41, 1001.42(5), 1001.43(11), 1012.66  
F.A.C. 6A-1.084

Adopted 12/9/09; Revised 6/29/10

## 4240 - TEMPORARY DUTY ELSEWHERE

Temporary duty elsewhere is not a leave. It is an assignment away from the usual place of duty. It does not interrupt pay and other benefits. Requests shall be made on the form provided and approved by the principal or supervisor.

- A. Employees shall not be assigned temporary duty elsewhere to earn college credits, improve rank, or renew certificates, except when participating in a program approved by the Board specifically authorizing such duty.
- B. Employees engaged in field trips or other activities away from their regular assignments shall be required to process requests for temporary duty elsewhere on the proper form.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10

## 4242 - PROFESSIONAL DEVELOPMENT

(1) 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.

(2) By July 1st of each year and prior to the release of funds for instructional materials, pursuant to statutory requirements, the Board shall approve 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.

(3) The professional development plan shall provide for training for each teacher who will use the materials, provide for in-service credit for the training, and document satisfactory completion of the training by each teacher.

(4) The professional development plan shall incorporate school improvement plans and shall be aligned with principal leadership training.

(5) The Superintendent shall annually report to the Board on the implementation of the plan.

F.S. 1011.67, 1012.22, 1012.98, 1012.985

Adopted 12/9/09; Revised 7/26/11

## 4281 - USE OF EMPLOYEE'S PERSONAL PROPERTY AT WORK

From time-to-time School Board employees may wish to bring personal property to work either for reasons associated with administrative responsibilities or for use during off-duty time. This practice is permitted provided it is understood that the Board is not responsible for any loss, damage, or misuse of said property. Employees who bring personal property onto District premises for work-related purposes must notify the Superintendent prior to bringing such property onto District premises. Except in extraordinary circumstances, the Board will provide all employees with the equipment and tools necessary to perform their assigned duties.

If the Superintendent requests an employee bring a certain piece of equipment or tool to school in order to complete a specific task, the personal property may be covered by the Board's property insurance policy, subject to deductibles and limitations of District insurance coverage.

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

Other individuals may wish to bring personal property onto District premises. The owner of the personal property 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.

Adopted 12/9/09; Revised 6/29/10

## 4310 - FREEDOM OF SPEECH IN NONINSTRUCTIONAL 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. However, employees are not speaking as citizens when they are speaking to fulfill a responsibility of their job, such as preparing a memorandum or lesson plan. Thus, workplace speech is not protected by the First Amendment. 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.

First Amendment, U. S. Constitution  
Fla. Constitution, Article I, Section 4  
F.S. 1003.4505

Adopted 12/9/09; Revised 7/26/11

## 4362 - POLICY AGAINST HARASSMENT AND DISCRIMINATION

### **General Policy Statement**

No employee, student, applicant for employment, volunteer, vendor, or member of the public, shall, on the basis of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under, any educational program, activity, service, or in any employment condition, policy or practice conducted by the Board.

The Board encourages any individual who feels that he or she has been subjected to unlawful discrimination or harassment to seek assistance to rectify the problem. The Board will investigate all allegations of unlawful discrimination or harassment and, in those cases where unlawful discrimination or harassment is substantiated, will take immediate steps to end the discrimination or harassment. The Board will take appropriate disciplinary action against any employee found to have engaged in unlawful discrimination or harassment and will take such other appropriate action against individuals who are not employed by the Board, but may be under the control or supervision of the Board.

### **Definitions**

**A. Unlawful Discrimination** is conduct which deprives a person of the opportunity to participate in employment, educational programs or activities, Board or school sponsored activities, or in any other activity offered or provided by the Board, on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy.

**B. Harassment** is conduct directed by a person or persons against another person or persons on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the person's participation in their employment, educational programs, school sponsored activities, or any other activity offered or provided by the Board.

### **C. 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, occur when:

1. 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;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. 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:

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

2. Physical assault.
3. 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.
4. 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.
5. Sexually suggestive objects, pictures, audio or visual representation, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. 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.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. 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.
10. 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 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.

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

#### **D. Other Prohibited Conduct**

The Board will also take immediate steps to impose disciplinary action against an employee or take such other appropriate action against individuals engaging in any of the following prohibited acts:

1. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
2. Filing a malicious or knowingly false report or complaint of unlawful discrimination or harassment.
3. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful discrimination or harassment, when responsibility for reporting and/or investigating such charges comprises part of one's supervisory duties.

### **COMPLAINTS**

#### **A. Procedure for Filing a Complaint**

Any employee, applicant for employment, student, or third party, who believes that he or she has been unlawfully discriminated against or has been harassed in violation of this Policy by an employee, student, or other party who is subject to the jurisdiction of the School Board, and who wishes to file a complaint, shall use the following complaint procedure:



1. The complaint shall be filed in writing with the Compliance Officer, appointed pursuant to Policy 1122, in the Office of Equal Opportunity, and shall be signed by the complainant or reporting administrator. The complaint shall be filed within 30 calendar days from the date of the incident.
2. Upon receipt of the complaint, the Compliance Officer shall review the complaint to determine whether it alleges the essential elements of unlawful discrimination or harassment prohibited by this Policy. If it does not, the Compliance Officer will notify the complainant in writing and no further action will be taken.
3. If the complaint does allege the essential elements of unlawful discrimination or harassment prohibited by this Policy, the Compliance Officer, will investigate the allegations of the complaint. A copy of the complaint shall be forwarded to the School Board Attorney. The Compliance Officer is authorized and encouraged to assign the investigation to an administrator at the school or site.
4. Upon completion of the investigation, the site based administrator or the Compliance Officer, as the case may be, in consultation with the Assistant Superintendent, Human Resources, and the School Board Attorney, will prepare a final written report containing factual findings.
5. In cases where the complaint is substantiated in whole or in part, the Compliance Officer will meet with the complainant regarding the factual findings, provide a copy of the investigative report and seek complainant's input into any resolution of the complaint.
6. A substantiated complaint against personnel will be forwarded to the Office of Professional Standards. Any employee against whom a complaint has been substantiated will be subject to an employee disciplinary action, which could range from conference summary to termination of employment.
7. If the complainant disagrees with the determination either under paragraph 2 or 5, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
8. If an administrator learns of an alleged incident of unlawful discrimination or harassment prohibited by this Policy against an employee or applicant, he or she is required to report complaints immediately to the Compliance Officer. These complaint procedures will be followed the same as if the complainant originally filed the complaint.
9. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
10. The right to confidentiality of student records will be respected, consistent with federal and state law and Board policy.
11. All complaints and other records that relate to a complaint of discrimination are exempt from the Public Records Act 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.

#### **B. Alternative Remedies**

The complaint procedures set forth in this Policy are not intended to interfere with the rights of any complainant to pursue a complaint of unlawful harassment or discrimination with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

F.S. 1000.05, 1001.42, 1006.147  
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)  
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  
28 C.F.R. Part 35  
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  
34 C.F.R. Parts 100, 104 and 106

Adopted 12/9/09; Revised 7/27/10; 3/15/11

## 4410 - COMPENSATION

Rates of pay for support staff employees shall be approved by the School Board on the recommendation of the Superintendent and shall be outlined in the annual salary schedule adopted by the Board.

Pursuant to statutory requirements, the salary schedule recommended by the Superintendent and adopted by the Board shall include differentiated pay that is based upon District-determined factors.

Salaries are subject to negotiation.

Support staff members in a bargaining unit refer to negotiated agreements.

F.S. 1011.60, 1012.22

## 4411 - DIFFERENTIATED PAY

Pursuant to statutory requirements, the School Board shall adopt a salary schedule for support personnel with a differentiated pay program based upon District-determined factors. Salaries are subject to negotiation.

F.S. 1012.22

## 4415 – RETIREMENT

The District is a member of the Florida Retirement System. Contributions are made on behalf of the eligible employees in accordance with the guidelines established by the Florida Retirement System. Employees may not make their own contributions, but may participate in the voluntary retirement plans offered by the District.

Adopted 6/29/10

## 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
- C. Vision Plan
- D. Employee Assistance Plan

The Board acknowledges that these group health plans are required to comply with the HIPAA Privacy Rule. 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.

20 U.S.C. 1232g  
Health Insurance Portability and Accountability Act (HIPAA)  
42 U.S.C. 1320d-2

## 4420 - EMPLOYEE BENEFITS

### Benefit Program

The School Board agrees to provide a comprehensive benefits program to include but not limited to health, dental, life, vision, accidental death and dismemberment, and income protection insurance. Health care reimbursement and dependent care reimbursement accounts are also provided.

### Section 125 Cafeteria Plan

The Board agrees to provide a cafeteria plan with a premium conversion option, which enables employees to pay their portion of most insurance premiums on a pre-tax basis. Enrollment in the flex plan is automatic for eligible employees and participation continues from year to year, unless the risk management and insurance department is notified by the employee in writing to cancel participation. The cancellation request must be received by the department within thirty (30) days of a change in family status or during the annual open enrollment period.

Premium payments for insurance coverage are deducted from the employee's gross salary before taxes are taken. Because flex is considered by IRS as a salary reduction plan elections may only be made annually. Employees may not change their election during the calendar year unless a change in family status occurs. The IRS defines a change in family status as: marriage, death, divorce, birth, adoption, loss or gain of spouse or dependent's employment, loss of plan eligibility, change of residence or work, entitlement to Medicare or Medicaid, or a judgment decree or court order requiring coverage of dependents. IRS regulations on salary reduction are independent from insurance carrier provisions for changes in coverage.

### Board Contribution

Recognizing the importance of stabilizing the health insurance rates and expanding the number of persons participating in the group health insurance programs, the Board shall strive to continue a plan of variable Board contributions.

The Board contributes toward the cost of employee benefits each pay period when a Board issued paycheck is received (not to exceed twenty (20) contributions per calendar year). In any period during which a paycheck is not earned, the employee will owe both the Board contribution amount and normal insurance deductions unless s/he is on an approved family medical leave or health insurance waiver. Board contribution amounts vary and are negotiated annually.

When an employee chooses health insurance coverage, the Board contribution amount is automatically credited toward the per-pay-period health insurance premium. If an employee does not select health insurance coverage, the employee may apply the allotted Board contribution toward the purchase of certain supplemental insurance benefits, including dental, vision, AD & D, short term and long term disability benefits, and health care reimbursement account (HCRA).

The maximum amount of Board provided flex credit elections into the HCRA may not exceed \$25.00 per pay period and the maximum election amount may not be less than \$10.00.

Board contribution may not be used to purchase dependent life, DCRA, and voluntary term life insurance. Board contribution is not cumulative and Board contribution not used is forfeited.

Eligible married Board employees, both working for the District, who wish to be covered by the same health insurance plan and have at least one (1) additional dependent (total of three (3) persons), may select the two (2) Board family option. Eligible married Board employees, who do not have additional dependents, must choose separate single plans.

### Eligibility

Regular employees who work at least thirty (30) hours per week, job-share employees, and employees who work two (2) part time regular jobs totaling more than thirty (30) hours per week are eligible for benefits.

### Enrollment

#### Initial Enrollment

Enrollment and change forms are due in the risk management and insurance department within thirty (30) calendar days of hire or change of eligibility status. Coverage becomes effective the first day of the month following sixty (60) days of employment or change of eligibility status.

#### Open Enrollment

The Board provides an annual open enrollment period during which an employee may add, cancel, or change coverage. If no action is taken by the employee to change coverage, previous coverage will continue for the next calendar year.

#### Changes in Coverage

In accordance with IRS guidelines and carrier contracts, employees may make certain changes during the plan year if a change in family status occurs. A completed enrollment and change form and supporting documentation must be received by risk management within thirty (30) days of the qualifying event. The change in coverage will be effective the first of the month following the qualifying event and receipt of the enrollment form by risk management.

#### Termination of Coverage

Insurance coverage ends the last day of the month in which an employee no longer meets eligibility requirements, retires, terminates employment, or fails to pay the required premiums when due.

#### Basic Board Life

The Board shall provide, to eligible employees, group term life insurance in the amount of one (1) times annual salary rounded up to the next \$1,000 with a minimum amount of \$15,000.

#### Insurance Deductions

Premiums for insurance plans are due in advance; therefore deductions begin the month before the insurance effective date. Deductions are taken over twenty (20) pay periods with no scheduled deductions taken in the summer. In the event that an employee's coverage in any insurance plan is effective after January 1st or if a change in coverage occurs due to a change in family status, the employee's payroll deduction will be adjusted to insure that adequate premiums have been collected. For all insurance programs, payment of premiums does not guarantee that coverage is in effect. Coverage and eligibility are determined by the insurance contract and the policies and procedures of the risk management department. If premiums are collected in error, a refund will be issued. In the event of a discrepancy in coverage, risk management records are determinative, unless the employee can provide a copy of an approved enrollment form to the contrary. Enrollment in a Board-benefit plan authorizes the Board to payroll deduct any and all required insurance premium(s).

#### Waiver of Health Insurance Premium

An employee on an approved leave of absence who cannot work because of total disability and has used all available sick leave and vacation time may apply for waiver of his/her health insurance premium. Employees must apply for the waiver within thirty (30) days of the date of eligibility notification from the risk management and insurance department. In order to qualify for waiver of premium, the leave must exceed ninety (90) days and the employee must be on an approved leave of absence. In no instance, will a waiver exceed two (2) long term leaves. Waiver of premium documentation must be submitted at least every six (6) months or upon request. Failure to provide this documentation when due will result in cancellation of the waiver of premium.

#### Payment of Insurance While on Leave

While on an approved, non-FMLA, unpaid leave of absence, employees are required to pay the entire cost of all insurance plans, including Board paid life insurance in order for coverage to continue. Payment must be received by the risk management and insurance department by the first of each month. Insurance coverage will be canceled for nonpayment if full payment is not received by the due date. When an employee is on an approved Family Medical Leave (FMLA), the employee is responsible only for payment of the portion of premium(s) the employee normally pays. Nonpayment of premiums will result in cancellation of coverage.

#### Payment of Insurance while Suspended without Pay

While on suspension without pay, an employee is considered to be on unpaid leave of absence. As such, the employee is entitled to maintain insurance coverage by paying the total cost of insurance. If the employee elects to continue insurance



and is reinstated, the employee will be refunded the Board contribution paid during the period of suspension. If the employee elects to continue insurance and is not reinstated, the insurance will terminate the last day of the month in which the employee is dismissed. If the employee choose not to continue insurance and is reinstated, insurance will be reinstated the first of the month following the date of the final order and the employee will be responsible for any regular employee contribution.

#### Retiree Insurance

An employee covered under the Florida Retirement System Defined Benefit Plan who retires with six (6) or more years of service and elects to receive a State retirement check is eligible to participate in the retiree insurance program. An employee covered under the Florida Retirement System Investment Plan, who retires with six (6) or more years of service and is at least fifty-nine and one-half (59 1/2) or has completed thirty (30) or more years of services is eligible to participate in the retiree insurance program. Benefit election must be made within thirty (30) days of the effective date of retirement. Employees who do not enroll at retirement shall be ineligible for future participation in the Board retiree insurance program. Retirees may only continue the health plan and coverage tier in effect at the time of retirement. Board provided life insurance benefits may be continued or decreased but may not be increased. Life insurance benefits are subject to age reduction formulas as determined by the carrier. Retirees may also maintain dental coverage only as allowed by the provider and may also maintain coverage in the vision plan.

Accidental death and dismemberment and voluntary life insurance benefits may be continued as an individual contract subject to insurance company procedures. Income protection coverage ends upon retirement.

#### Employee Assistance Program

The Board provides an Employee Assistance Program (EAP) to all part and full-time employees, retirees, and family members living with an employee or retiree. Employees, retirees, and family members may utilize the EAP even if they are not enrolled in the Board health plan. Participation in the EAP is voluntary and all records and discussions with the EAP are confidential.

#### Voluntary Retirement Programs

The District provides eligible employees an optional 403(b), Roth 403(b), and 457 deferred compensation programs. The Board is not responsible for the actions of nor recommends any company or investment product. Contributions must be made through payroll deduction and therefore are considered a salary reduction. Change requests must be in writing on the appropriate form to the attention of risk management and insurance.

#### Workers' Compensation

The Board provides workers' compensation benefits pursuant to F.S. Chapter 440. Workers' compensation indemnity benefits paid in combination with an employee's sick leave or vacation time shall not exceed the employee's bi-weekly salary. Whenever possible the Board will provide for up to ninety (90) days, light or modified duty for any employee returning to work after a job-related injury. Reasonable accommodations will be made in accordance with restrictions of the authorized treating physician.

#### Employee Well-Being and Satisfaction Committee

The parties agree to convene, on a regular basis, the Employee Well-Being and Satisfaction Committee composed of representatives of the administration, instructional, and supporting services personnel. The committee shall be charged with making employee benefit recommendations including those made during the annual renewal process.

#### Employee Benefit Guidelines

All other provisions regulating group benefits shall be governed by the policies and procedures of the risk management department, insurance contracts, labor agreements, and this agreement.

#### Liability Coverage

The Board will provide at no cost to the employee liability coverage pursuant to F.S. 768.28.

#### Dental Coverage

The Board will contribute towards the cost of optional dental coverage. The annual amount will be determined through the bargaining process.

Vision Coverage

The Board agrees to provide vision insurance at no cost to all employees and their dependents enrolled in the District sponsored health plan. Employees not enrolled in health may elect optional vision coverage.

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

## 4430 - LEAVES OF ABSENCE

A leave of absence is permission granted by the School Board or allowed under its adopted policies, or under a collective bargaining agreement, for an employee to be absent from duty for a specific period of time with the right to return to employment upon the expiration of leave. Any absence of a member from duty shall be covered by leave duly authorized and granted.

F.S. 1012.22, 1012.61, 1012.63, 1012.64, 1012.66, 1012.67

F.A.C. 6A-1.079, 6A-1.080

Adopted 12/9/09; Revised 6/29/10

## 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 a covered military member (i.e., a member of the National Guard or Reserves, but not a member of the Regular Armed Forces) on active duty (or has been notified of an impending call or order to active duty) in support of a contingency operation ("Qualifying Exigency Leave").

In addition, an eligible staff member who is a spouse, son, daughter, parent, or next of kin of a covered service member with a serious injury or illness 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 a current 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. Serious injury or illness for purposes of Military Caregiver Leave is defined as an injury or illness incurred by a service member in the line of duty on active duty that may render the service member medically unfit to perform the duties of his/her office, grade, rank, or rating. 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

Support 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. 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 commencing with the date of the initial leave.

### 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 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 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. Support staff members 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 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 than 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 the active duty or call to active duty status of a covered military member, 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.

### **Use of Paid Leave**

Employees shall be required to use (i.e., run concurrently) any of his/her earned or accrued paid leave, except that employees may hold up to ten (10) days of paid leave in reserve. The staff member is always entitled to unpaid FMLA leave if s/he does not meet the Board's conditions for taking paid leave. On occasion the Board may waive any procedural requirements for the taking any of type 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. Additionally, this general notice shall be included in written guidance to staff members concerning benefits or leave rights or, in the alternative, distributed to each new staff member upon hiring.

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 one, 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 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 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 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, nor shall it be counted against the staff member under a no fault attendance policy. 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.

If the staff member fails to return to work at the end of the leave for reasons other than the continuation, recurrence, or onset of a serious health condition that entitles the staff member to leave pursuant to reasons (C) or (D) on page one or Military Caregiver Leave, or for circumstances beyond the control of the staff member, the staff member shall reimburse the Board for the health insurance premiums paid by the Board during the unpaid FMLA leave period.

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

Adopted 12/9/09; Revised 6/29/10

## 4430.02 – SICK LEAVE

Each regular supporting services employee who is unable to perform job duties because of illness or because of illness or death of father, mother, brother, sister, spouse, child or other close relative or member of the employee's own household and consequently has to be absent from work shall be granted leave of absence for sickness by the Superintendent (or designee). An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty.

### **Accumulation of Sick Leave**

Each regular supporting services employee shall be credited with four (4) days of sick leave at the end of the first month of employment of each contract year and shall thereafter be credited for one (1) day of sick leave for each month of employment, which shall be credited to the employee at the end of the month and which may not be used before it is earned and credited to the employee. However, each supporting services employee is entitled to earn no more than one (1) day of sick leave times the number of months of employment during the year of employment. If the employee terminates employment or otherwise enters an unpaid leave status and has not earned sick leave days, the Board shall withhold the average daily amount for any sick days used but unearned by the employee. Such leave shall be taken only when necessary because of sickness as herein prescribed. Such sick leave shall be cumulative from year to year. There shall be no limit on the number of days of sick leave which an employee may accrue, except that at least one-half of this cumulative leave must be established within this district. Subject to the limitation set forth in the previous sentence, sick leave may be transferred from another Florida school district upon request of the employee.

### **Sick Leave Bank**

The Superintendent is authorized to establish procedures for all District employees to participate in a sick leave bank.

### **Transfer of Sick Leave Among Family Members**

Under the following procedures, District employees may authorize their spouse, child, parent, or sibling who is also a District employee, to use sick leave that has accrued to the authorizing employee.

- A. The recipient must have used all of his/her personal accumulation of sick leave and vacation leave, if applicable.
- B. Maximum transfer for any one (1) illness, injury, or complications arising thereof shall be thirty (30) days per school year.
- C. Days used may not result in double compensation when combined with other benefits such as workers' compensation or tort damage awards.
- D. The recipient and the donor must complete the appropriate form from the personnel office.
- E. The personnel administrator approving the form may require documentation of the recipient's relationship to the authorizing employee.
- F. Leave transferred pursuant to this policy shall have no terminal value.

### **Terminal Pay**

Terminal pay shall be granted to an employee at retirement or to the employee's estate if service is terminated by death. All employees who are in D.R.O.P. have a portion of their unused sick leave paid, in accordance with IRS Rules and Regulations, to the District's 401(a) program administered by Bencor, at the end of each plan year (July). Terminal pay for employees who have worked or are working in federally funded programs may be paid from such federal funds on a pro-rata basis to the extent allowed by law.

- A. "Retirement" shall mean eligibility for retirement benefits under the Florida Retirement System (FRS), the Teachers Retirement System (TRS), or the State and County Officers and Employees' Retirement Systems (SCOERS) at normal retirement or disability retirement as provided by law. Evidence of service retirement shall be determined by a signed copy of the "Application for Service Retirement." Evidence of

disability retirement shall be determined by a statement of disability from the retirement office. Payment for such terminal pay benefits shall be as follows:

1. Subsequent to six (6) years of service in the Pinellas County School System, the employee shall receive forty percent (40%) of the accrued sick leave;
2. subsequent to ten (10) years of service, sixty-five percent (65%);
3. subsequent to fifteen (15) years of service, seventy percent (70%);
4. subsequent to twenty (20) years, eighty percent (80%);
5. subsequent to twenty-five (25) years, ninety percent (90%);
6. subsequent to thirty (30) years, one hundred percent (100%).

B. Completion of the D.R.O.P.

An employee participating in the D.R.O.P. shall receive payment at completion of the D.R.O.P. and separation from employment with the district, according to the schedule established in section (A), above.

C. Termination by Death:

The employee's estate shall receive payment based upon the following formula:

1. During the first three (3) years of service, the daily rate of pay shall be multiplied by thirty-five percent (35%) times the number of accumulated sick leave days;
2. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty percent (40%) times the number of accumulated sick leave days;
3. During the next three (3) years of service, the daily rate of pay shall be multiplied by forty-five percent (45%) times the number of accumulated sick leave days;
4. During and after the tenth year of service, the daily rate of pay shall be multiplied by fifty percent (50%) times the number of accumulated sick leave days;
5. Subsequent to thirteen (13) years of service, the daily rate of pay shall be computed using the percentages applicable if the employee had retired.

Adopted 6/29/10

### 4430.03 – MILITARY LEAVE

Military leave with pay may be granted an employee when the request is supported by a copy of the military orders, up to seventeen (17) days per school year to perform military service. Such leave is not charged as vacation. It shall be established that the period selected is not at the convenience of the employee but a military necessity, if it falls within the school year. An employee called to active military service shall receive full pay for the first thirty (30) days of military leave, and the remainder of such leave shall be without pay. After two years of leave, the employee must apply for reemployment within one year after date of discharge, and the school system shall have six months after application in which to reassign the employee. An employee shall not suffer loss of pay and benefits if called to active military service during periods of national emergency or wartime service that extend beyond the thirty day limit and the following provisions will apply:

- A. If the employee's combined military salary and benefits is less than that received while working for the School Board, the Board will pay the difference in this amount in an effort to make whole any employee who must forfeit some portion of his or her salary and benefits as a School Board employee during service in the United States military.
- B. This "hold harmless" provision shall apply only during the specified period of time during which the employee is scheduled to work for the Board but required to serve on active duty as defined by his or her official military orders.

Adopted 6/29/10

4430.04 – PERSONAL LEAVE WITH PAY

Four (4) days leave per year, non-cumulative and chargeable to sick leave, may be used for personal reasons. An employee taking such leave shall notify the appropriate supervisor and file a certificate of absence before beginning the leave, if possible. In an emergency, the certificate of absence may be filed immediately following return to duty.

Adopted 6/29/10

4430.05 – LEAVE WITH PAY - ILLNESS OR INJURY INCURRED IN THE PERFORMANCE OF DUTY

Leave with pay for illness or injury incurred in the performance of duty shall be provided in accordance with Florida Statute and according to the following:

- A. Any employee who must be absent from duty due to illness or injury received in the performance of duties certified by an authorized workers compensation physician shall be entitled to accident/illness in line of duty leave.
- B. Such leave shall be authorized for a period not to exceed ten (10) days and shall be applicable only to the year during which the accident/illness occurred.
- C. Pay will be at the employee's established rate of pay and in accordance with the provisions of [Policy 4420](#). Such authorized leave shall not be deducted from the employee's accumulated sick leave.

F.S. 1012.63

Adopted 6/29/10

## 4430.06 – VACATION

The Board recognizes vacation for twelve month personnel as important to individual health and family stability. Except as provided for in approved labor agreements, all twelve month personnel shall be eligible for vacation based on service in a twelve-month position in the school system. Accrual of vacation shall begin on the most recent date of appointment to a twelve month assignment in accordance with the formula below. Vacation accrual shall not be applicable to service rendered in prior assignments which were of less than twelve-months duration and shall be computed using the following formula:

- A. One (1) work day per month (twelve days per year) for employees who have been employed for five years or less;
- B. One and one-fourth (1 1/4) days per month (fifteen days per year) for employees who have been employed for more than five years;
- C. One and one-half (1 1/2) days per month (eighteen days per year) for employees who have been employed for more than ten years;

Holidays, as recommended by the calendar committee and approved by the Board, shall not be charged as vacation.

In no case shall an employee be permitted to accrue more than sixty-two (62) days of unused vacation.

Employees shall be encouraged to utilize earned vacation. All accrued vacation shall be utilized in accordance with established procedures.

Accrued vacation leave shall be paid upon an employee's retirement, upon entry into the Deferred Retirement Option Program (D.R.O.P.), or to the estate upon death of the employee. Once accrued vacation leave has been paid to an employee entering the D.R.O.P., no further payout for vacation leave accrued shall occur except to the extent the employee has earned additional vacation which, combined with the original payment, does not exceed the maximum allowed by law. During participation in the D.R.O.P., an employee will accrue such leave on the regularly scheduled basis and may use all vacation leave earned.

The Board reserves the right to provide payment for accrued vacation, or for portions thereof, to employees who terminate, or whose contractual status no longer entitles them to accrued vacation. Such payment shall be approved by the Superintendent (or designee).

Twelve month personnel employed in the schools shall be expected to take their vacations while students are not in session.

Consistent with Board policy, payment for accrued vacation shall be based upon the employee's daily rate of pay at the time of termination or death multiplied by the number of days of accrued vacation.

Adopted 6/29/10



## 4430.07 – SHORT/LONG TERM LEAVES

A leave is permission for an employee to be absent from duties for a specified time, and includes the right and responsibility to return to work at the end of this time. An employee who is absent without such permission or fails to return when the leave expires may be dismissed.

For qualified FMLA leaves refer to [policy 4430.01](#).

A request for leave shall be completed by the employee on a Board-approved form, clearly stating the reasons for the absence. Leave granted for one reason but used for another without authorization of the Superintendent's designee may be grounds for dismissal.

Leaves shall be divided into two (2) categories:

- A. Short term leaves, usually granted for periods from ten (10) to thirty (30) working days;
- B. Long term leaves, more than thirty days (30) working days usually granted for a semester, the entire school year, or the remainder of the school year.

### **Short Term Leaves:**

These shall be approved by the Superintendent's designee:

- A. Personal leave without pay may be granted for reasons approved by the Superintendent's designee.
- B. Returning employees who, because of illness or accident are unable to report for duty at the beginning of the school year, may utilize any accumulated sick leave.
- C. An employee may be required to present a certificate of illness from a licensed physician upon request of the Superintendent's designee.

### **Long Term Leaves:**

- A. Leave without pay may be granted for a period not exceeding one (1) year. No leave, except military leave, shall be granted to an employee unless one (1) full year of satisfactory service immediately preceding the request has been completed and the employee has received a satisfactory evaluation for the succeeding year. Long term leaves shall be approved by the Superintendent (or designee) and the Board.
- B. No more than two (2) consecutive long term leaves for any reason shall be approved. Employees who have been granted two (2) consecutive leaves shall be required to serve not less than one-half (1/2) the number of required duty days for a school year following return to duty before being eligible for another leave.
- C. Under some circumstances time spent on leave may count toward retirement if contributions are continued and if other requirements of the retirement system are met.
- D. Employees on leave shall notify the personnel office by March 15 of their intention to return to their positions, resign, or request another leave. Employees granted leave after February 15 must notify the personnel department in writing within thirty (30) days after the date when leave was granted of their intention to return, resign, or request another leave for the following year.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 6/29/10

## 4440 - JOB-RELATED EXPENSES

The School Board may provide for the payment of the actual and necessary expenses of any support staff member of the District that are incurred in the course of performing services for the District, under the direction of the Board, and in accordance with [Policy 6550](#), Travel and Per Diem, and any applicable Superintendent's administrative procedures.

F.S. 112.061

## 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 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 an unauthorized work stoppage may be subject to loss of pay and benefits, including paid insurance coverage, as well as disciplinary measures in accordance with the policies of this Board and the laws of the State.

F.S. 447.505, 447.507

## 4550 - COMPLAINTS AGAINST SUPPORT STAFF

Any complaint against a member of the support staff by a School Board member, or which comes to the attention of the Board (except through the Superintendent) shall be referred to the Superintendent for appropriate action.

Support staff members in a bargaining unit refer to negotiated agreements.

## 4590 - PERSONNEL FILE

(1) It is necessary for the orderly operation of the School District to maintain an information system for the retention of appropriate personnel files.

(2) The term personnel file shall be defined as 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 employees, which are uniquely applicable to that employee, whether maintained in one (1) or more locations.

(3) The personnel files shall be administered pursuant to the provisions of F.S. 1012.31.

F.S. 119.011 et seq., 1012.31

Adopted 12/9/09; Revised 7/26/11

## 4600 - JOB DESCRIPTIONS

- (1) Job descriptions document and describe the prescribed qualifications for and essential functions of each support staff position and thereby promote organizational effectiveness and efficiency.
- (2) The School Board shall act upon written recommendations submitted by the Superintendent to create new positions. The recommendations shall include the job title, pay grade, minimum qualifications, and major functions for these positions. The Superintendent may find it necessary to revise duties and responsibilities, which may be done without Board action. Revisions to job titles, pay grades, minimum qualifications, and major functions shall require Board action.
- (3) Once a position has been established or the job description revised, each staff member employed in the position shall be made aware of the details of the job description.

F.S. 1012.23, 1012.27

Adopted 12/9/09; Revised 7/27/10; 7/26/11

## 5111.01 - HOMELESS STUDENTS

### **School Enrollment for Homeless Children and Unaccompanied Youth**

To expedite the school registration process to ensure continuity of education for homeless children, Pinellas County Schools will follow the mandates of Federal Public Law 107-110, McKinney-Vento Homeless Education Assistance Act of 2001, as amended by the No Child Left Behind Act of 2001; F.S. 1003.01(12), Homeless Children; and F.S. 1003.21(4), Alternatives for Birth Certificates.

### **Residency**

Homeless students (pre-k through grade twelve) are individuals who lack a fixed, regular and adequate nighttime residence and include the following:

- A. children and youth who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;
- B. children and youth who have a primary nighttime residence that is a public or private place not designated for or ordinarily used as a regular sleeping accommodation for human beings;
- C. children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings;
- D. in the case of an unaccompanied youth, the Local Educational Agency (LEA) (i.e., School District) liaison helps in the placement or enrollment decisions, considers the views of the student, and provides the notice of the right to appeal placement and enrollment decisions;
- E. migratory children who meet one (1) of the above described circumstances.

### **Enrollment**

The District shall remove any barriers that affect the enrollment and retention of homeless children and youth in schools in the District. District schools shall immediately enroll the homeless child or youth, even if the child or youth is unable to produce records normally required for enrollment, such as previous academic records, medical records, proof of residence, birth certificates, proof of guardianship, or other required documentation.

The enrolling school shall immediately contact the last school attended by the student to obtain relevant academic and other records. The school shall also contact the District's homeless liaison.

To determine proof of legal domicile, a letter from area homeless or emergency shelter facilities stating that a specific individual or family is currently residing at that facility shall suffice.

Families known to be homeless or recently homeless, but not currently residing in a shelter facility may claim a need for waiver of legal domicile, should be directed to the District homeless liaison for determination on a case-by-case basis.

The following can be used as admissible evidence for date of birth for homeless children in the school registration process:

- A. a duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births; or
- B. a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent; or
- C. an insurance policy on the child's life which has been in force for at least two (2) years; or

- D. a bona fide contemporary bible record of the child's birth accompanied by an affidavit sworn to by the parent; or
- E. a passport or certificate of arrival in the United States showing the age of the child; or
- F. if none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or if neither of these shall be available in the county, by a licensed practicing physician designated by the School Board, which certificate shall state that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

Homeless children and youth shall have a thirty (30) school day grace period from the time of enrollment to produce proof of age, physical exam, or immunization records.

### **Comparable Services**

Homeless children and youth shall have the same free, appropriate public education as provided to other children and youth, including receiving comparable services such as transportation services; educational services, including special education and related services and programs for English language learners; vocational and technical education programs; gifted programs; school nutrition programs (free meals); Title I Part A programs; and before- and after-school programs; offered to other students in the school.

Homeless children and youth shall have access to the education and other services that such students need to ensure that such students have an opportunity to meet the same challenging State student academic achievement standards to which all students are held.

Homeless children and youth shall not be stigmatized or segregated or isolated on the basis of their status as homeless.

Students considered to be homeless, if expelled, will be permitted to attend an alternative school, unless the student is expelled from all schools.

Homeless preschool-aged children and their families will be provided access to educational services for which they are eligible, including preschool programs administered by the School District.

### **Transportation**

The District shall ensure transportation will be provided for a homeless student or unaccompanied youth to the school of origin, at the request of the parent or guardian. The school of origin is the school that the child or youth attended when permanently housed or the school in which the child or unaccompanied youth was last enrolled. Students who move out of their attendance zone may request to continue enrollment in the school of origin. The homeless liaison or designee shall ensure that the parent or guardian of a homeless child or youth, and any unaccompanied youth, is fully informed of all transportation services, including transportation to the school of origin, and is assisted in accessing transportation to the school of origin. The school will request transportation. The transportation department and the homeless liaison will work with the parent, guardian, or unaccompanied youth to determine if transportation to the school of origin is feasible. If not feasible, the homeless liaison or designee will work with the parent to obtain an assignment to a school in the appropriate attendance zone and provide the parent with written notification of the decision and the right to appeal on the Notification of Placement of Homeless Students form.

The District will cooperate with other districts to transport homeless children to the school of origin, if such school crosses district lines.

### **Dispute Resolution**

The District shall ensure that homeless students and their families are aware of the student's right to remain in the school of origin and their right to dispute. If a school other than the school of origin is assigned, the parent may appeal the decision to the District's homeless liaison, who will convene a review committee consisting of the liaison, a representative from transportation, and the Superintendent's designee. Parents may appeal an unfavorable decision to the appropriate Director of School Operations, who will render the final decision concerning school placement. A parent, guardian, or unaccompanied youth, who wish, may then appeal the decision to the Florida Department of Education. The homeless liaison or designee will assist the parent or guardian or unaccompanied youth in this process.

### **Age Limit for Student Entry**



A student desiring to enroll is not eligible to register in a regular high school program unless the student can graduate by completing a normal course load prior to the student's 20th birthday. A principal may grant an extension of this time if circumstances warrant such a decision.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.21, 1003.22, 1003.31

F.A.C. 6A-1.095

42 U.S.C. 11431 et seq.

5111.02 - EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

- (1) 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).
- (2) 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.
- (3) The Superintendent shall maintain guidelines for implementation of this policy which are consistent with the Compact and State law.
- (4) 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

Adopted 7/26/11

## 5112 - ENTRANCE REQUIREMENTS

Before admitting a child to kindergarten, the principal shall require evidence that the child has attained the age at which s/he should be admitted in accordance with [Policy 5200](#). The Superintendent may require evidence of the age of any child whom s/he believes to be within the limits of compulsory attendance as provided for by law. If the first prescribed evidence is not available, the next evidence obtainable in the order set forth below shall be accepted:

- A. a duly attested transcript of the child's birth record filed according to law with a public officer charged with the duty of recording births;
- B. a duly attested transcript of a certificate of baptism showing the date of birth and place of baptism of the child, accompanied by an affidavit sworn to by the parent;
- C. an insurance policy on the child's life that has been in force for at least two (2) years;
- D. a bona fide contemporary religious record of the child's birth accompanied by an affidavit sworn to by the parent;
- E. a passport or certificate of arrival in the United States showing the age of the child;
- F. a transcript of record of age shown in the child's school record of at least four (4) years prior to application, stating date of birth; or
- G. if none of these evidences can be produced, an affidavit of age sworn to by the parent, accompanied by a certificate of age signed by a public health officer or by a public school physician, or, if these are not available in the county, by a licensed practicing physician designated by the School Board, which states that the health officer or physician has examined the child and believes that the age as stated in the affidavit is substantially correct.

In addition, the principal will require the following documents:

- A. proof of residency  

utility bill for power, water, cable, sewer, or landbased telephone (not cellular); rental agreement or lease; closing document; Pinellas County tax statement with homestead exemption. The item must be recent and contain the name of the parent/guardian and service address on it. If parent cannot produce one (1) of these items in the name of the parent or guardian, an Affidavit of Residency must be completed, notarized, and submitted with one of the items listed in the name of the person with the child resides and who is listed on the affidavit.
- B. child's social security number  

School system personnel are required to ask for this, but the child is not required to have one.
- C. child's most recent report card  

An official report card, transcript, or letter from a proper school authority which shows record of attendance, academic information, and grade placement of the student. This requirement is for students entering grades 1-12. If available, the report card should include the school's address and phone number.
- D. Florida Certificate of Immunization  

All new students entering school in Florida for the first time must have a completed Florida Certificate of Immunization (DOH 680) appropriate for their grade level.

- E. physical examination certificate

All new students entering school in Florida for the first time must have a school health examination certificate signed by a licensed examiner (certificate must have been issued within twelve (12) months prior to enrollment/registration).

- F. any educational plan for the student (e.g., Individual Educational Plan (IEP), Section 504 Plan, or Educational Plan).

Children and youths who are experiencing homelessness shall be governed by [Policy 5111.01](#).

### **Admission and Grade Placement**

The grade placement of any student new to any school is determined by the principal and professional staff on the basis of results of tests administered by the school and other appropriate considerations. The final decision in regard to grade placement is the responsibility of the principal.

Prior to admission to a school center, out-of-state public and all non-public school transfer students entering kindergarten and first grade must, in addition to presenting evidence of the items required for other elementary students (as indicated below), present official documentation that the student's parent(s)/guardian(s) was a legal resident of the state in which the student was previously enrolled in school.

Prior to admission to a school center, out-of-state public and all non-public school transfer students entering grades two through twelve (2-12) must present evidence of the following:

- A. An official report card or letter from a proper school authority which shows record of attendance, academic information, and grade placement of the student;
- B. Evidence of immunization against communicable diseases, as required by [Section 1003.22](#), F.S.;
- C. Evidence of date of birth, in accordance with [Section 1003.21\(4\)](#), F.S.; and
- D. Evidence of a medical examination completed within the twelve (12) months prior to transfer, in accordance with [Section 1003.22](#), F.S.

After initial placement in a grade, the student will be evaluated and a grade level assignment will be made by the principal.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.01, 1003.21, 1003.22

F.A.C. 6A-1.098, 6A-1.0985

Adopted 12/9/09; Revised 6/29/10

## 5113 - SCHOOL OF CHOICE OPTIONS PROVIDED BY THE NO CHILD LEFT BEHIND

Parents of eligible students enrolled in a Title I school that is in its first year of "School Improvement" are offered the opportunity to have their children participate in Supplemental Educational Services (SES tutoring). Costs of SES tutoring are paid by the District's Title I program.

Parents of all students enrolled in a Title I school that has been identified for "School Improvement" for two (2) or more years are offered the opportunity to have their children reassigned to higher performing schools in the District that are not identified for "School Improvement" and, for eligible students, parents are offered the opportunity to have their children participate in Supplemental Educational Services (SES tutoring) at currently assigned schools in lieu of assignment to higher performing schools.

Additionally, the parents of students attending a "persistently dangerous" school, as determined by State law, may apply for a transfer to a "safe" school in the District. If there is not a "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, the parents of a student who is a victim of a "violent crime" on school property may apply for a 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.

Furthermore, the School 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, No Child Left Behind Act of 2001  
F.S. 1002.20, 1002.38

## 5114 - FOREIGN STUDENTS

### FOREIGN EXCHANGE STUDENTS

Any organization intending to sponsor an exchange student(s) with an appropriate visa shall register with the Office of World Languages, providing such information as may be deemed by the office to be appropriate for the efficient and orderly management of such a program for all concerned.

Not more than eight (8) foreign exchange students shall be admitted to any one (1) District high school in an academic school year.

Not more than five (5) foreign exchange students from any one organization or agency may be placed in any one (1) school.

Foreign exchange students are admitted for a full academic year only. No foreign exchange student shall be admitted to the District following the tenth day of the first semester or at anytime during the second semester of any school year.

Foreign exchange students are not eligible to attend summer school.

#### Eligibility

Only students who are being sponsored by a service club or a non-profit organization/institution approved by the Council on Standards for International Educational Travel will be considered for placement in a District high school under the foreign exchange program.

Each such student must be at least fifteen (15) years of age and not more than nineteen (19) years of age on the date of enrollment in the program.

Each such student must have sufficient reading and speaking knowledge of the English language to be able to successfully participate in regular high school classes.

Each such student must be provided with adequate medical insurance.

Each such student must be accepted by a host family.

Students who have completed high school or its equivalent as shown on a transcript in their native country shall not be admitted to the District.

#### Application

Initial application shall be made to the Office of World Languages by the organization desiring to sponsor a foreign exchange student.

Applications shall include the following:

- A. Pertinent information about the student, his/her family, and the host family.
- B. An English translation of the student's official academic transcript, including a brief description of each course taken in grades 9 -12 or level equivalent by exact title of the subject (e.g., "geometry," not "mathematics"), describing the course content and the length of each such course in terms of hours spent in class; and the transcript shall also clearly indicate whether any such student has already graduated from a foreign secondary institution/gymnasium.
- C. The student must supply documentation of English proficiency (e.g., score on TOEFL, SLEP, or other acceptable examinations).

- D. The student's health record/physical examination/immunization record.
- E. Affidavit of adequate health insurance coverage.
- F. A specific request to be granted a diploma, if applicable.

Once the initial application has been given approval by the Office of World Languages, that office will verify the school assignment with the appropriate Family Education and Information Center, taking into consideration the address of the host family. The assigned school will be noted on the acceptance form provided by the exchange company and sent to the principal for approval, along with the complete student application packet, not less than three (3) weeks prior to the anticipated enrollment of the student and before the student enters this country.

#### Enrollment and Orientation

After the sponsoring organization and the student have been given permission for enrollment by the principal, in writing, a representative of the sponsoring organization and a member of the host family shall meet with the principal, or designee, and a counselor to enroll the student and to provide appropriate orientation. Such orientation shall be designed to acquaint the student with the American school and its environs and with the Code of Student Conduct.

#### Tuition Waiver

In order to be eligible for a waiver of the \$50 District's tuition fee, the foreign exchange student shall be required to present a 194 Card or entry permit (J-1) at the time of registration at the high school.

#### Grade Placement and Graduation

Course enrollment of foreign exchange students shall be determined on the basis of each student's previous course work. Since foreign exchange students normally return to their home country to complete one (1) or two (2) more years of instruction at a secondary institution/gymnasium, these students will be placed at a level no higher than as a junior for their first year in the District.

All foreign exchange students shall be issued an official transcript of completed courses upon termination of their stay in the District.

#### Compliance with Policies and Supervision

Each foreign exchange student is expected to comply with the policies of the Board, including the Code of Student Conduct, and with all other legal provisions pertaining to him/her. Repeated violations of the Board's policies may result in the student's withdrawal from the school in which s/he is enrolled.

It is the sponsor's responsibility to resolve any problems that may arise between/among the student, the host family and the school, including, if necessary, the changing of the host family or the return of the exchange student to his/her country, in the event any differences cannot be reconciled.

The principal shall notify the local representative of the sponsoring organization of any suspected neglect of the student on the part of the host family.

All school-related expenses for the student are the responsibility of the sponsoring organization/host family.

Any request for modification of these rules shall be approved by the Supervisor of World Languages (or designee).

#### Athletic Eligibility

Students are governed by the Florida High School Activities Association rules and regulations regarding participation in interscholastic athletics. For any foreign exchange student who wishes to participate in interscholastic athletics, a letter indicating his/her foreign exchange status shall be included with the principal's annual eligibility list.

### **FOREIGN STUDENTS**

When a foreign national is physically present and seeks to enroll in a District school the following requirements apply:

- A. The student will be enrolled in accordance with formal enrollment and placement procedures regardless of any actual knowledge of the student's immigration status.
- B. The school will not request proof of immigration status, such as alien registration number, tourist visa, or student visa as a requirement for entry into school.
- C. The school will not refer or report students or prospective students to the Bureau of Citizenship and Immigration Services for any reason.



## 5120 - ASSIGNMENT WITHIN DISTRICT

The assignment of students will be pursuant to the following policy.

### **(1) Guiding Principles of the Student Assignment Plan**

The principles of the Student Assignment Plan are aligned to federal and state law, Board policies, and the District Strategic Plan. The guiding principles of the student assignment plan are the following:

- A. predictable feeder patterns;
- B. multiple school options to address individual family circumstances;
- C. zoned schools that are reasonably close to each student's residence;
- D. students with access to peers from multiple cultures and diverse backgrounds that possess a broad variety of diverse skills, talents, and abilities;
- E. that transportation issues for parents and families are reduced, along with transportation costs for the District;
- F. a simple enrollment process;
- G. consistency in the application of the Plan;
- H. equitable allocation of funds and resources to schools and programs, meaning that certain schools and programs will receive proportionately higher funding and resources than other schools or programs based upon needs demonstrated through verifiable data. The degree of funding will be determined during the annual budget process; and
- I. school zones are contiguous.

### **(2) Defining School Zone Capacity**

A program capacity will be determined annually for all schools. The following will be taken into consideration when determining capacity for school zones:

- A. density of population;
- B. permanent program capacity of school facilities;
- C. transportation patterns;
- D. educational offerings;
- E. placement of District application programs and schools; and
- F. the guiding principles of the Plan as set forth above.

Program capacity will be controlled through a five (5) year plan just as are construction and capital improvements. Any additional changes to program capacity shall be made between school years unless program needs require an immediate adjustment to be made.

The Board seeks to minimize the rezoning of residential grids to the extent reasonably possible. The aspirational goal is that, unless necessitated by school closings, a student will not be rezoned more than once at each of the elementary, middle, and high school levels.

### **(3) Process for Determining a Student's Zoned School**

The district is divided into grids, which are used to create school zones. The grids are contained in the Grid Atlas that divides the county into 1,123 unique grids. The Grid Atlas, dated March, 15, 2011 and amended December 6, 2011, which is maintained in the Student Assignment Office, is incorporated herein by reference. From the grids are established 15 high school, 16 middle school, and 63 elementary school zones. Periodically school zone boundaries are redefined, for the purposes set forth above, by the addition or deletion of grids. Upon enrollment and change of residence, a student's address of record is matched to a grid, and the four (4) digit grid number becomes part of the student's record.

A student's school zone is determined by associating the student's residential address with a grid, which in turn is associated with a school zone. Parents can identify their child's zoned school by using the Zone School Locator at <https://sap.pinellas.k12.fl.us/PublInfo/> or by contacting the Student Assignment Office at:

301 4<sup>th</sup> Street SW  
Largo, FL 33770  
727-588-6210

### **Falsification of Residential Address and Address Verification**

District forms pertaining to residence and household membership shall be verified under penalties of perjury.

Where there is a reasonable suspicion that a student is not residing at the claimed address, the District may conduct an investigation and require updated information from the parent. If it is determined that the parent submitted fraudulent documents the student shall be withdrawn from the enrolled school and reassigned to the appropriate school. The fraudulent documents may be submitted to the State Attorney's office for prosecution.

State law provides that whoever knowingly makes a false statement in writing with the intent to mislead a public servant in the performance of his/her official duty commits a misdemeanor of the second degree. Additionally, a person who knowingly makes a false declaration under penalties of perjury commits a felony of the third degree. (F.S. 92.525 and 837.06)

### **Notice of Change of Address**

Parents are responsible for notifying the school principal via the Student Reservation System if there is a change in residence or custody of the student, even if the parent thinks the student is still in the school's zone. The parent must tell the principal within five (5) days of the change. Failure to give timely notice may result in a reassignment to the student's zoned or a space available school and/or loss of eligibility for athletics and other activities.

### **Homeless Students**

The District is sensitive to the fact that there are homeless students who are sharing the housing of other persons due to loss of housing, economic hardship or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement. The students have special rights and protections under Federal and State law and Board policy. See paragraph (10)B.1. and School Board Policy 5111.01 — Homeless Students.

### **(4) School Closings and Conversions**

Schools will be closed only after careful consideration of such factors as overall student enrollment, class size requirements, demographic trends, and cost of facility maintenance.

The principal, the region superintendent, and the Director of Student Assignment shall meet with parents and the school community to explain the proposal and to gather input and concerns.

The Superintendent shall consider all available input before preparing a written recommendation for approval by the Board. Copies of this recommendation shall simultaneously be sent to the school principal(s) and the School Advisory Council(s).

### **(5) Relocatable Classrooms**

The District may place relocatable classrooms at a school only as required to meet student station or program capacity requirements and only if the school is able to support them. A school's ability to support relocatables is determined by the size of the dining area, the size of the site, and the number of restrooms at each school.

The program capacity of the permanent facilities, plus the program capacity of the relocatables placed according to the above principles will be the total program capacity for each school. Student assignments will be made to schools according to the capacity available.

## **(6) Student Assignment Process**

### **General**

- A. Students in Kindergarten, Grade 6, and Grade 9 shall be assigned to their zoned school. Students in other grades who are new to the District, as well as those students who have a change in residence will be assigned to their zoned school based on space availability. If space is not available at the zoned school, the student will be assigned to another school in the transportation cluster on a space available basis.

Students attending a non-zoned elementary school during the 2011-2012 school year will be assigned to their zoned school for the 2012-2013 school year, unless covered under (10) Special Circumstances below. .

- B. Students at any grade level who move out of one zone into another zone during the school year may remain at their current school for the remainder of the school year, but will not be afforded transportation. Students will be assigned to their zoned school the following school year. However, students who move during their eleventh grade school year may remain at their current school through graduation, but shall also not be afforded transportation.
- C. Students who qualify for Exceptional Student Education and English for Speakers of Other Languages programs will exercise their options from among the schools that offer the needed services. These students will not be disadvantaged in the assignment process.
- D. Changing schools during the school year may occur only when there is a change of address, substantiated hardship, or administrative reason.
- E. Students who leave an application program to participate in early admission to college, including the Early College Program, will not receive a certificate of magnet program completion. These students will remain assigned to the regular education program at the most recently attended high school through graduation or until they exit the college program. Students who leave the college program by choice or for failure to meet the requirements will be assigned to their zoned high school, or another nearby high school if a zoned seat is not available, to complete their high school requirements.

## **(7) Process**

Students are assigned to schools based upon their acceptance to a District application program, placement in their zoned or space available school, or special program. The timeline for assignments will be announced each year.

## **(8) Zoning Exceptions**

Whenever possible, zoning exceptions shall be requested by June 30th prior to the start of the academic year. Parents may request individual assignment exceptions for the following reasons:

- A. Special Assignment Request

Parents who have children that are not assigned to their zoned school may make a special assignment request for their children to attend their zoned school. This group includes parents of 2011-12 K-2 children who were assigned a non-zoned school through open enrollment. Parents may also make a special assignment request for their children to attend a non-zoned school. Parents must make such a request in accordance with a timeline and procedures that are published annually on the District's website. Parents will be notified of the decision prior to the end of the school year. Requests will not

be granted unless there is space available. All such assignments are valid for one school year only. Parents wishing to remain at the assigned school must re-apply each year.

Special assignment requests shall be received during the published time period. After the end of the request period, all requests shall be assigned a computer-generated random number. Sibling requests shall be assigned first, starting with the lowest random numbered request. After sibling requests are addressed, remaining requests will be assigned starting with the lowest numbered request.

Students will not lose their current seat assignment until parents accept the special assignment.

**B. Medical Condition**

A request may be made if the student has a medical condition that requires attendance at a different school from the one assigned. A written order from a licensed physician is required for a transfer based on medical condition. The order must include:

1. a description of the student's condition;
2. the reason this condition requires the removal of the student from his/her zoned school;
3. the reason this condition requires the enrollment of the student in the requested school;
4. the duration of time for which the zoning exception is needed.

**C. Parents Employed by Board**

Children of full-time Board employees may be transferred to the school site at which their parents are employed full-time. Children of full-time Board employees may also be granted zoning exceptions on a space-available basis. These transfers are granted with the understanding that the arrangement will not interfere with the work hours or the responsibilities of the employee and that s/he must arrange before and/or after-school care for the child.

**D. Change of Residence**

If the primary legal residence of the parent, legal guardian, other person with primary legal custody, or the adult student changes during the school year, parents may choose to have their child remain in the school for the remainder of the school year, but will not be afforded transportation. Parents are responsible to ensure timely student arrival and pickup. In the event of excessive tardies, excessive late pickups, or excessive absences, or in the event of behavioral issues attributable to the school assignment, the student may be reassigned to the zoned school or space available school. Students will be assigned to their zoned or space available school for the following school year.

**E. Students Residing in Another County**

If a parent, legal guardian, other person with primary legal custody, or an adult student has his/her primary legal residence in a county other than this county, s/he may apply for an exception.

If approved for school attendance in the District, the student will be assigned to the requested school, provided the school has available space and it is the best interest of the educational program at the school. All such assignments are valid for one school year only. Parents wishing to remain at the assigned school must re-apply each year.

A student on suspension or who has been expelled cannot be approved for transfer to the District. To receive final approval, an out-of-county student may be required to provide a written release from the home district's school board.

**F. Temporary Supervision within the County**

A student who lives within the District but whose parent, legal guardian, or other person with primary legal custody lives outside the county may be enrolled if, in accordance with applicable law, a relative or other responsible adult accepts in writing the temporary supervision.

G. Siblings of ESE Students

If an ESE student is assigned to a non-zoned school for ESE services, his/her siblings may be considered for assignment to the same school on a space available basis. The student may remain in the school until the ESE sibling has completed the highest grade.

H. Hardship

If the student's attendance in the assigned school creates substantial and undue hardship for the family, a request for a hardship exception will be considered. The hardship must be based upon unusual facts and circumstances applicable to the individual parent, legal guardian, other legal custodian, or adult student in question. Hardship exceptions shall be granted based upon a case-by-case analysis by the Student Assignment Department of such facts and circumstances.

I. Middle and High School Students Affected by 2011-2012 Zoning Changes

Parents of students in grades 7, 10, and 11 during the 2011-12 school year whose address was rezoned to a different school for the 2011-12 school year may remain at the current school through the highest grade.

## **(9) Zoning Exception Rules**

The following provisions apply to all zoning exceptions:

- A. The student's behavior and school attendance may be considered when reviewing requests for assignment exceptions.
- B. A student's zoning exception may be revoked by the Region Superintendent if the student has multiple unexcused absences, excessive disciplinary referrals, or is not making sufficient academic progress.
- C. The Board is not responsible for providing transportation to students with zoning exceptions.
- D. In reviewing requests for hardship zoning exceptions, consideration shall be given to whether the requested school has sufficient space available for the student and is projected to have sufficient space for the student in the future.

## **(10) Special Circumstances**

- A. Certain students, identified below, may stay at their current 2011-12 school through the highest grade provided that parents of these students (1) declare their intent to remain in that school for the 2012-13 school year by January 31, 2012, and by January 31 of each year thereafter through the highest grade, and (2) assume responsibility for transportation. Parents shall use the Student Reservation System to declare their intent. Failure to make a timely declaration may result in reassignment to the student's zoned school or a space available school.

The affected students are:

1. all students in the 4th grade during the 2011-2012 school year,
2. those students in Kindergarten during the 2008-09 school year who were assigned through Open Enrollment,
3. those students in grades Kindergarten through 3<sup>rd</sup> grade were not assigned to their zoned school due to a lack of available space, or

4. were assigned under a zoning exception, as defined above in section (8) Zoning Exceptions

Students who are assigned as a result of NCLB Choice or Opportunity Scholarship Choice may remain at their school of choice in accordance with Federal and State laws and regulations.

B. The Student Assignment Department staff will assist in the assignment process of:

1. homeless students as defined in Board Policy 5111.01;
2. students in foster care;
3. full-time school based employees who request for their children to attend the school where the employee works full-time;
4. unanticipated attendance issues that arise due to custody issues, legal situations, and administrative circumstances.

Staff will make reasonable efforts to provide an assignment that is appropriate for the individual circumstances.

Parents will visit a school to initiate the registration and assignment process. All assignments are based upon available space at schools, except for Kindergarten, Grade 6, and Grade 9.

### **(11) Eligibility for Extra-Curricular Activities for Home Education, Charter School, and Private School Students**

Home education, charter school, and private school students are eligible to participate in extracurricular activities at their zoned school in accordance with State law, Federal law, and District policies, as well as rules and regulations of any governing body recognized by the Board.

### **(12) Private School and Home Education Students**

Services shall be provided to private school and home education students with disabilities or who are gifted at their zoned school or at such other location as required by applicable law and Board policy.

Home education students who desire to enroll in public school courses shall be assigned on a space available basis to their zoned school or to the school where the course or courses are offered

### **(13) Appeals**

Parents who believe the established procedures regarding the assignment process have not been followed as written may appeal to the Director of Student Assignment, who will determine whether the assignment process has been followed and whether reconsideration of assignment is appropriate. Parents who wish to appeal the decision of the Director of Student Assignment must do so within five (5) working days of the date of receipt of the Director's decision. The appeal shall be in writing and directed to the Deputy Superintendent, Chief of Staff, who shall render a decision within five (5) working days. The Deputy Superintendent's decision shall be final. The student shall remain in the assigned school during the appeal process.

### **(14) Obtaining Information about the Student Assignment Plan**

#### **Introduction**

The student assignment plan needs to be effectively communicated throughout the community. Parents needing information should go to any school or visit the District's website ([www.pcsb.org](http://www.pcsb.org)). Resources at the school shall include but not be limited to:

- A. school options
- B. specific information about available schools
- C. directions for selecting a school

- D. transportation information
- E. Exceptional Student Education information
- F. assistance for parents who do not speak English or with limited literacy skills
- G. magnet, fundamental, career, academy, Centers of Excellence, and charter school opportunities

### **Parent Outreach**

District staff members will employ various outreach strategies, including, but not limited to, visiting libraries, day care centers and community centers, and speaking to parent groups about the registration process, the academic programs and opportunities for parental involvement in their public school. There will be an aggressive marketing plan directed to the economically and educationally disadvantaged populations to inform and educate them about special programs in the District on an annual basis.

### **(15) Superintendent's Authority**

The Superintendent may assign or reassign a student to any school or program in the District if in the judgment of the Superintendent, such assignment or reassignment is in the best interest of the student, another student, staff, or the District in general.

### **(16) Annual Review**

The Superintendent shall conduct an annual review of the Student Assignment Plan to determine if any improvements are necessary or appropriate. The Superintendent shall be authorized to retain the services of an outside evaluation contractor to examine the effectiveness of the Plan in attaining the state guiding principles. The contract amount shall be subject to Board approval if beyond the Superintendent's delegated authority. The annual review will include, but not be limited to, consideration of the Plan's effectiveness in creating schools zones, creating predictable feeder patterns, providing multiple school options, and to the extent possible creating opportunities for students to attend diverse school assignments. The Superintendent or designee shall include the results of the review and any recommended changes to the Plan in the Superintendent's annual report to the District Monitoring and Advisory Committee (DMAC) made pursuant to Board Policy 2130.

Thereafter, the Superintendent shall present such results and recommendations, together with any recommendations DMAC deems appropriate, to the Board for consideration and appropriate action.

### **(17) Glossary of Terms**

**Appeals Process.** The process that outlines the steps a parent may take when s/he feels the rules or procedures of the Student Assignment Plan were not followed.

**Assignment Process.** The process used to fill the student spaces at a school using the provisions of the student assignment plan.

**Zoned School.** The designated school for each student in the District determined by consideration and weighing of factors including, without limitation, proximity, keeping neighborhood students together to the extent practicable, program capacity, and feeder patterns from one (1) school level to the next.

**Equitable Funding.** Allocation of funds and resources meaning that certain schools and programs will receive proportionately higher funding and resources than other schools or programs based upon needs demonstrated through verifiable data

**Program Capacity.** The number of spaces available at a given school based upon State and District guidelines for room usage, staffing model, and class size amendment rules.

**Proximity.** The distance a student lives from the school. All proximity distances will be computed to the nearest hundredth of a mile.

**Hardship.** The student's attendance in the assigned school creates substantial and undue hardship for the family. The hardship must be based upon unusual facts and circumstances applicable to the individual parent, legal guardian, other legal custodian, or adult student in question. Hardship exceptions shall be granted based upon a case-by-case analysis of such facts and circumstances.

F.S. 1000.05, 1001.41, 1002.20, 1002.31

Adopted 12/9/09; Revised 12/7/10, 3/15/11, 12/6/11



## 5130 - WITHDRAWAL FROM SCHOOL

In accordance with F.S. 1003.21(1)(c) a student sixteen (16) years old may withdraw from school by submitting an intent to terminate school enrollment form signed by the student and the parent or guardian. A copy of the signed form will be sent to the parent or guardian.

Whenever a student wishes to withdraw, effort should be made to determine the underlying reason for such action and the District should 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.

The Superintendent shall notify the Registrar of Motor Vehicles whenever a student under the age of eighteen (18) withdraws from school without 1) moving out of State; 2) transferring to another approved school; 3) being granted certificate of exemption; or 4) enrolling in and attending an approved program. In addition, if a student is of compulsory school age, notice of the withdrawal will be provided to the appropriate authorities in compliance with law.

Appropriate notification is to be given after the Superintendent confirms the student is not properly enrolled in and attending another approved school or program or has moved out of State.

The Superintendent shall develop and update, as needed, administrative procedures for withdrawal from school which:

- A. make counseling services available to any student who wishes to withdraw;
- B. help the student define his/her own educational goals and help plan the realization of those goals;
- C. inform the student of alternative programs;
- D. require the timely return of all District-owned supplies and equipment in the possession of the student.

In accordance with Board policy, the Superintendent shall initiate proceedings that may result in expulsion or reassignment against a student who has committed an act that warrants such action under Board policy even if the student withdraws from school prior to the hearing being held or decision rendered.

### Elementary and Middle School

A statement of progress shall be given to an elementary or middle school student or parent if the student withdraws prior to the last two (2) weeks of school.

F.S. 450.081, 1002.20, 1003.01, 1003.21, 1003.23, 1003.27

## 5131 - STUDENT TRANSFER - IMPACT ON ATHLETIC ELIGIBILITY

The School Board recognizes the value to a student to participate in the interscholastic athletic program providing it does not interfere with his/her academic program and s/he meets all of the requirements of the Florida High School Athletic Association.

The Board will send the necessary release to the Executive Director of the FHSAA for a student who has transferred to another district but resides in this District, providing the student meets all other eligibility requirements.

The Board, however, does not condone a student transferring to another district, while still residing in this District, for the express purpose of participating in the other district's athletic program. Therefore it will not issue a special attendance permit to release the student from the District.

[Handbook of the Florida High School Athletic Association](#)

F.S. 1006.15

## 5200 - COMPULSORY ATTENDANCE

### Compulsory Attendance

All children 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 hereinafter provided, are required to attend school regularly during the entire school term. Regular and punctual attendance is essential for highest student achievement.

### Maximum Compulsory Attendance Age

In accordance with F.S. 1003.21(1)(c) a student sixteen (16) years old may withdraw from school by submitted an intent to terminate school enrollment form signed by the student and the parent or guardian. A copy of the signed form will be sent to the parent or guardian.

### Withdrawal of a Student Over Maximum Compulsory Attendance Age

When a student who is sixteen (16) years of age or older has been absent for ten (10) consecutive days, and the school, having documented a diligent effort through the Child Study Team, has been unable to contact the parent(s)/guardian or the student, the school may withdraw the student from the school.

### Married/Pregnant Students

Students who become or have become married, unmarried students who are pregnant, and students who have previously had a child outside of wedlock shall not be prohibited from attending school, and shall be entitled to the same educational instruction or its equivalent as other students, but may voluntarily be assigned to a special class or program better suited to their special needs.

### Regular Attendance Expected

Any student enrolled in school shall be expected to be in regular attendance even though because of age the student may not be subject to the compulsory attendance law.

### Pre-Kindergarten Programs for Students with Disabilities

Students ages birth to five (5) who meet eligibility requirements as specified in the Pinellas County Schools *Special Programs and Procedures for Exceptional Students Handbook* as incorporated in [Policy 2460](#), are eligible for placement in the Pre-Kindergarten Program for Students with Disabilities.

### Kindergarten Eligibility

Any child who has attained the age of five (5) years on or before September 1st of the school year is eligible for admission to public kindergarten during that school year.

### First Grade Eligibility

Any child who has attained the age of six (6) years on or before September 1st of the school year and who has satisfactorily completed kindergarten will be admitted to the first grade at any time during the school year. No child will be admitted or promoted to the first grade in any public school until s/he has satisfactorily completed kindergarten in a public school or a nonpublic school from which the School Board accepts transfer of academic credit or s/he otherwise meets the criteria for admission or transfer in a manner similar to that applicable to other grades.

### Out-of-State Transfers into Kindergarten or First Grade

Entry into kindergarten and first grade by out-of-state transfer students who do not meet regular age requirements for admission to Florida public schools shall be in accordance with F.A.C. 6A-1.0985.

### School-Sponsored Trips

All students participating in school-sponsored trips shall be counted as present for attendance purposes.

Procedure for Enforcement of Attendance (see Policy [5500.05](#) for definition of excused absence)

Each school will track excused and unexcused absences.

A representative of the school will contact the student's home in the case of an unexcused absence from school, or an absence from school for which the reason is unknown.

When a student has accrued five (5) unexcused absences or absences for which the reasons are unknown, within a calendar month, or ten (10) unexcused absences, or absences for which the reasons are unknown, within a ninety (90) calendar day period, the principal shall refer the case to the school's Child Study Team to determine if early patterns of truancy are developing.

The Child Study Team will implement interventions to address the student's non-attendance as specified in F.S. 1003.26.

If all efforts to remedy the student's non-attendance have been unsuccessful, the Superintendent may file a truancy petition in the Circuit Court, pursuant to F.S. 984.151.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1002.20, 1003.21, 1003.24

F.S. 1003.26, 1003.27

## 5210 - LATE ENTRIES

### High School:

A student entering high school within two (2) weeks after the regular opening date who has not been in attendance in another school system shall receive a zero (0) in all classes for each day missed prior to the end of the second week. Two-thirds (2/3s) of such reduction may be removed by proper application and achievement by the student during the remainder of the grading period.

A student entering high school after the second week and who has not been in attendance elsewhere will receive an "I" (incomplete) in all subjects for the first grading period. Two-thirds (2/3s) of the reduction caused by late entry may be removed by proper application and achievement by the student prior to the end of the second grading period.

A student unable to enter high school at the regular opening date for reason of illness or of the illness or death of a member of his/her immediate family shall be given, with the help of his/her teachers, an opportunity to make up all work missed during such a period.

### Middle School:

A student enrolled in the District who enters middle school after the regular opening date of the first grading period must make up all work missed by the end of that grading period. A zero will be recorded for all work not made up by the student within said time period. Students not already enrolled in the District who enter middle school after the regular opening date will not be required to makeup missed work.

## 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 may 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

## 5223 - ABSENCES FOR RELIGIOUS INSTRUCTION

- (1) 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.
- (2) Upon receipt of a signed, written request 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; and
  - (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.
- (3) 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.
- (4) 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.
- (5) 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.
- (6) 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.
- (7) 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

Adopted 12/9/09; Revised 7/26/11

## 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.

In the event that the school receive conflicting direction from divorced or separated parents concerning a student, the school may rely on the direction of the parent identified by the following criteria, which are listed in order of priority.

- A. First, the parent who is designated in a parenting plan or other Florida court order as having either educational decision-making authority or sole parental responsibility over the student; or
- B. Second, if both parents are designated as educational decision-makers with shared parental responsibility, the parent who resides at the address specified in the parenting plan or other Florida court order as the address to be used for school assignment purposes; or
- C. Third, if no such parenting plan or order exists or no such address is specified, the parent who resides at the address used by the District for student assignment purposes; or
- D. Fourth, if this address cannot be ascertained, the parent who enrolled the student.

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 which 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.

A married student may be released from school without parental consent.

A minor student who is a single custodial parent may be released from school when an emergency condition exists involving parental care of his/her child.

A student who is eighteen (18) years of age or older may be released from school without parental consent.

A secondary student may be released with written permission from a parent or legal guardian.

No students shall be permitted to leave school grounds during the lunch period.

Students may not be excused during the regular school day for private instruction except for religious instructions as provided by law.

F.S. 1001.43



## 5310 - HEALTH SERVICES

Health services conducted as a part of the total school health program are carried out to appraise, protect, and promote the health of students. School health services supplement, rather than replace, parental responsibility and are designed to encourage parents to devote attention to child health, to discover health problems, and to encourage use of the services of their physicians, dentists, and community health agencies.

Schools are responsible to provide required health services during the school day to enable students to access a free and appropriate public education. School health activities include student health screenings; administration of treatments and procedures, administration of medication as prescribed by a physician/healthcare provider; and education of school staff, students, and families. Professional nursing staff provide training to unlicensed assistive personnel and school level personnel in administration of medications and procedures required to support students.

All students attending the District shall participate in noninvasive screening as defined by the school health services plan (developed jointly with the county department of health) such as vision, hearing, etc., or for communicable disease and infestation without the need for written parental permission. The principal or designee will notify the parent when treatment is necessary. A written consent shall be requested from the parent/guardian for students to participate in any invasive screening procedures (e.g., tuberculosis skin testing, blood testing, etc.).

The District may request parents to provide:

- A. general physical examinations for participation in athletics;
- B. dental examinations;
- C. tests for communicable disease;
- D. vision and/or audiometric screening;
- E. height and weight screening (BMI);
- F. postural screening;
- G. pediculosis screening.

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, pediculosis, or postural (scoliosis) screening.

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 thirty (30) days after receipt of the Board's annual public notice.

20 U.S.C. 1232h  
F.S. 381.0056

## 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 in accordance with State statutes, unless specifically exempt for medical or religious 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 immunization if a physician certifies in writing that immunization from a particular disease is medically contraindicated. Florida statutes require that school districts grant homeless children a temporary exemption for thirty (30) school days to submit the certification of immunization.

A student who has not completed immunization may not be admitted to school, except as is consistent with the law.

F.S. 1003.22

## 5330 - USE OF MEDICATIONS

The School Board shall not be responsible for the diagnosis and treatment of student illness. The administration of prescribed medication 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/health care provider and any over-the-counter drugs, herbal preparations, and/or remedies. "Treatment" refers both to the manner in which a medication is administered and to health-care procedures which require special training, such as catheterization.

Before any medication or treatment may be administered to any student during school hours, the Board shall require the written prescription from the child's physician/health care provider accompanied by the written authorization of the parent. This document shall be kept on file at the school site, and made available to the persons designated by this policy as authorized to administer medication or treatment. School personnel designated by the principal as being responsible for administration of medication shall participate in a scheduled training program provided by the school nurse. 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 a violation of the Code of Student Conduct.

Administrative procedures necessary to implement this policy shall be set forth in the [School Health Services Manual](#) dated January 10, 2012, which is incorporated herein by reference.

F.S. 1006.062

Adopted 12/9/09; Revised 1/10/12

### 5330.01 - SELF-ADMINISTERED MEDICATION

(1) 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.

(2) 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 a metered dose inhaler, epinephrine auto-injector, prescribed pancreatic enzyme supplement and/or diabetic supplies and equipment.

(3) Administrative procedures necessary to implement this policy shall be set forth in the [School Health Manual](#), which is incorporated by reference in Policy 5330.

F.S. 985.04, 1002.20, 1002.221

F.A.C. 6A-6.0251

Adopted 7/26/11

## 5335.01 - FOOD ALLERGIES

- (1) The School Board recognizes that some students need dietary modifications due to life threatening food allergies.
- (2) 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.
- (3) The parent shall submit to the Principal the appropriate form on which a medical doctor has certified that the student has a food allergy. This certification must:
  - (a) Attest that special meals are needed because of the student's food allergy, and
  - (b) Identify the food(s) to be omitted and the choice of food(s) that may be substituted
- (4) The Principal shall notify Food Services and School Health Services.
- (5) School Health services will implement the PCS Guidelines for Managing Students with Severe Food Allergy in School as set forth in the School Health Manual.

7 C.F.R. Part 15b, USDA Regulations

Adopted 7/26/11

## 5341 - EMERGENCY MEDICAL AUTHORIZATION

The District will distribute annually to parents or guardians of all students a District Student Clinic Card and Release Form. In the event emergency medical treatment for a student is necessary, the District will adhere to the instructions on the form.

The form will be kept in a separate, easily accessible file in each school building during the school year.

Any time a student or a group of students is evacuated from the school or taken off the school site to participate in a school event, the staff in charge of the event must take a copy of the form for those students. This includes, and is not limited to, students involved in music trips, athletic trips, field trips, and academic contests. This does not include student spectators at events.

District personnel are not to abide by any "Do Not Transport" directive or a "Do Not Resuscitate" (DNR) agreement that may exist for a student, unless ordered to do so by a court of competent jurisdiction.

F.S. 1001.43, 1006.062

## 5410 - STUDENT PROGRESSION

The School Board shall provide for the placement and progression of students pursuant to Policy 5410.01 through Policy 5465, which shall constitute the *Student Progression Plan*. The plan describes a comprehensive program for student progression which shall include but not be limited to the following:

- A. Student placement and progression at the elementary, middle, and senior high school levels during the regular school year (180 days).
- B. Extended learning opportunities.
- C. Adult education programs in which eligible students may enroll to earn high school credits toward graduation or for high school graduation in the adult education program.
- D. Dual or early entrance to postsecondary institutions to earn credit toward high school graduation.
- E. High school equivalency tests such as the General Education Development Test.
- F. Compliance with State Board of Education minimum performance standards.
- G. Florida high school on-line for high school credit and possible diploma.
- H. Students with disabilities who graduate or have met graduation requirements for a special diploma may audit courses at postsecondary institutions.

F.S. 1003.415, 1003.4156, 1008.25  
F.A.C. 6A-1.094222

Adopted 12/9/09; Revised 12/6/11

## 5410.01 - REQUIRED CORE CURRICULUM/PROMOTION/RETENTION/ACCELERATION - ELEMENTARY

### **Required Program**

The required core curriculum for elementary school grades in the District reflects State and local requirements for elementary education. The following core curriculum areas are required for each grade, K-5.

- A. Art
- B. Language Arts (reading and writing)
- C. Mathematics
- D. Music
- E. Science and Health (must include substance abuse and human growth and development)
- F. Social Studies (must include economic education and law education)
- G. Character Education
- H. Computer Literacy Skills
- I. Physical Education - Physical education is part of the required curriculum in elementary school and should be scheduled for 150 minutes per week. The physical education classes should be staffed by a certified physical education teacher and non-certified assistants when appropriate. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. The physical education program will reflect the outcomes that are developmentally appropriate for the elementary student. The attainment of these program outcomes is beneficial to students, and one-on-one counseling shall be made available to students concerning such benefits (F.S. 1003.455(2)).
  - 1. Students will demonstrate competency in many movement forms and proficiency in a few forms of physical activity.
  - 2. Students will apply movement concepts and principles to the learning and development of motor skills.
  - 3. Students will understand that regular participation in physical activity provides a major component in personal fitness and wellness.
  - 4. Students will achieve and maintain a health enhancing level of physical fitness.
  - 5. Students will demonstrate responsible personal and social behavior in physical activity.
  - 6. Students will understand how participating in physical activity promotes inclusion and an understanding of the abilities and cultural diversity of people.
  - 7. Students will understand that physical activity provides the opportunity for enjoyment challenge, self-expression, and communication.
- J. Critical thinking skills, problem solving skills, and student responsibility for learning, in the context core curriculum areas of mathematics, science and health, social studies, reading, and writing will also be included in the instructional program for the elementary students.



- K. English for Speakers of Other Languages (ESOL) shall be provided for those students in need of such instruction.
- L. In addition, exceptional student education services are required for eligible students as specified by state statutes, State Board of Education regulations and IDEA.

### **Pinellas Instructional Assessment Plan (PIAP)**

The Pinellas Instructional Assessment Plan (PIAP) is the District plan designed to provide curriculum, assessment, and instructional information for teachers in the academic areas of reading, writing, mathematics, and science, as well as information about health, social development, and behavior strategies. Periodic and ongoing assessments are an integral part of instruction. The Pinellas Instructional Assessment Plan (PIAP) lists specific assessments that are to be given at each grade level for each assessment cycle. Additional diagnostic assessments to determine the nature of the student's difficulty and areas of academic need are included. Each K-5 student shall have a Pinellas Instructional Assessment Plan folder. The folder should contain assessments, which support the student's instructional needs, and Progress Monitoring Plans (PMPs) for identified students. Kindergarten students should have a student record sheet, which includes all PIAP assessment data. Students with disabilities whose core curriculum is the Special Diploma SSS will have an alternate assessment portfolio in lieu of a PIAP folder.

### **Progress Monitoring Plans (PMPs)**

Each student must participate in the statewide assessment tests required by F.S. 1008.22.

- A. A Progress Monitoring Plan (PMP) is a specific, detailed plan tailored to identify the individual assistance that will be given to remedy a student's individual diagnosed deficiencies. The purpose of the PMP is to detail the current services provided to the student and the intensive, supplemental instructional, and support services that will be provided to the student to meet the desired level of performance. A PMP must be developed for any student (including ESOL) who has been retained or identified as not meeting State or District expectations for proficiency in reading in kindergarten or for proficiency in reading, writing, mathematics, or science in grades 1-5. The PIAP information, published by Curriculum and Instruction, identifies the criteria for a PMP. A PMP must be developed in consultation with the student's parent or legal guardian and must include the intensive remedial instruction that will be given in the areas of weakness.
- B. A copy of the PMP will be given to the parent. Students at any grade who have been identified as having a deficiency in reading must have a progress monitoring plan that identifies the student's specific area of deficiency in phonemic awareness, phonics, fluency, comprehension, and vocabulary as well as desired levels of performance in these areas. Schools shall also provide for the frequent monitoring of the student's progress in meeting the desired levels of performance. Any student who exhibits a substantial deficiency in reading, based upon locally determined assessments or Statewide assessments must be given intensive reading instruction outside of the ninety (90) minute reading block immediately following the identification of the reading deficiency.
- C. The parent of any student who exhibits a substantial deficiency in reading as determined by the current District assessment, must be notified in writing of the following:
  - 1. that his/her child has been identified as having a substantial deficiency in reading;
  - 2. a description of the current services that are provided to the child;
  - 3. a description of the proposed supplemental instructional services and supports that will be provided to the child that are designed to remediate the identified area of reading deficiency;
  - 4. that if the child's reading deficiency is not remediated by the end of grade 3, the child must be retained unless s/he is exempt from mandatory retention for good cause;
  - 5. strategies for parents to use in helping their child succeed in reading proficiency;

6. that the FCAT is not the sole determiner of promotion and that additional evaluations, assessments and portfolio review may be used to determine if the student is reading at or above grade level;
  7. when there is a change in the PMP status.
- D. Each student who does not meet minimum performance expectations for the Statewide assessment tests in reading, writing, science, and mathematics must continue remedial instruction or supplemental instruction until expectations are met. If the documented deficiency has not been remediated according to the Progress Monitoring Plan (PMP), the student may be retained. The intensive reading instruction shall be continued until the reading deficiency is remediated. Reading proficiency is reassessed by the use of Florida Assessments of Instruction in Reading (FAIR), locally determined assessments, or through teacher observation at the beginning of each year and in an ongoing manner in accordance with District procedures.

### **Potential Retainee Lists**

Potential retainee lists for grades kindergarten through five shall be developed at the school, based on the student's performance on the Pinellas Instructional Assessment Plan (PIAP), teacher evaluation/assessment, Statewide assessments, and progress report grades during the first two (2) reporting periods. The parent of a student with a substantial deficiency in reading must be notified in writing after the initial PIAP testing that the student is a potential retainee. The parents of each identified potential retainee shall be notified in writing of the possibility of non-promotion no later than the middle of February. In the case of transfer students, notification shall be given within nine (9) weeks of transfer.

### **Elimination of Social Promotion and Mandatory Retention for 3rd Grade**

No student may be assigned to a grade level based solely on age or other factors that constitute social promotion. Any student whose reading deficiency is not remediated by the end of grade 3, as demonstrated by scoring at Level 2 or higher on the Statewide assessment test, must be retained unless s/he is exempt from mandatory retention for good cause.

### **Exemption from 3rd Grade Mandatory Retention for Good Cause**

The School Board may only exempt students from mandatory retention for good cause. Good cause exemptions shall be limited to the following:

- A. limited English proficient students who have had less than two (2) years of instruction in an English for Speakers of Other Languages program;
- B. students with disabilities whose Individual Education Plan indicates that participation in the Statewide assessment program is not appropriate, consistent with the requirements of the State Board of Education rule;

The core curriculum for these students is the Special Diploma SSS Access points.

- C. students who demonstrate an acceptable level of performance on an alternative standardized reading assessment approved by the State Board of Education;
- D. students who demonstrated, through a student portfolio, that the student is reading on grade level as evidenced by demonstration of mastery of the Sunshine State Standards in reading equal to at least a Level 2 performance on the FCAT;
- E. students with disabilities who participate in the FCAT and who have an Individual Education Plan or a Section 504 plan that reflects that the student has received the intensive remediation in reading, for more than two (2) years but still demonstrates a deficiency in reading and was previously retained in kindergarten, grade 1, grade 2, or grade 3;

- F. students who have received the intensive remediation in reading and who were previously retained in kindergarten, grade 1, grade 2, or grade 3 for a total of two (2) years.

Intensive reading instruction for students so promoted must include an altered instructional day based upon a Progress Monitoring Plan (PMP) that includes specialized diagnostic information and specific reading strategies for each student.

Requests for good cause exemption shall be submitted from the student's teacher to the school principal. Documentation must indicate that the promotion of the student is appropriate and based on the student's academic record. Documentation shall consist only of the existing Progress Monitoring Plan (PMP), Individual Education Plan (IEP), if applicable, student progress report or student portfolio. The principal shall review and discuss such recommendation with the teacher and determine whether the student should be promoted or retained. If the school principal determines that the student should be promoted, a recommendation shall be made in writing to the Superintendent who will accept or reject the recommendation in writing.

Mid-Year Promotion Policy For Retained Students – District procedures are contained in the Pinellas Instructional Assessment Plan (PIAP) for students retained in grades K, 1, 2, 3, 4 and 5. These procedures are located in the Elementary Education Moodle Site under PIAP. Parents can obtain copies of these procedures by contacting the school principal.

### **Promotion/Retention/Acceleration Decisions**

- A. Students scoring below Level 3 on FCAT Reading or Mathematics, below 2.0 on FCAT Writing or below Level 2 on FCAT Science test will receive remediation and may be retained. Students identified with a deficiency or substantial deficiency as outlined in the Pinellas Instructional Assessment Plan will receive remediation and may be retained.
- B. Additional screening, progress monitoring, diagnostic, and outcome measures in reading may be administered as needed. Upon subsequent evaluation, if the documented deficiency has not been remediated in accordance with the progress monitoring plan, the student may be retained.
- C. A school committee will review the student's performance data and make a recommendation to the principal regarding promotion or retention. The decisions to retain, promote, or accelerate shall follow State statute and be based upon multiple factors and the professional judgment of the principal and staff with the principal having final jurisdiction with the exception of 3<sup>rd</sup> 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. In all instances of retention and challenged promotion parents' input will be solicited and included in the decision process.
- D. When a student meets or exceeds promotional guidelines, (see below) the student shall be promoted to the next grade, except when the principal and staff provide documentation to the parent(s) indicating that promotion to the next grade level would not be in the best interest of the student and offer the parent(s) an opportunity for a conference. An articulation conference between the elementary and middle school principals or their designees will be held for fifth grade students who are promoted but do not meet the promotional guidelines.
- E. Promotional Guidelines:
  - 1. Consideration should be given to teacher made tests, acceptable averaged final progress report grades, classroom participation, daily performance, level of student maturity, social development, and the number of retentions in elementary school.
  - 2. The student shall demonstrate proficiency in core curriculum areas of reading, writing, mathematics, and science as measured by the PIAP assessments. Students must also demonstrate satisfactory progress in the core curriculum areas of art, music, physical education, health, social studies, and where offered, world languages. These areas are aligned to the Sunshine State Standards and are necessary for students to meet graduation requirement.

3. Student progression from one (1) grade to another is partially based on proficiency in reading, writing, science, and mathematics.
  4. It is recommended that all fifth grade students will demonstrate adequate reading ability before promotion to the sixth grade. Acceptable demonstration of adequate reading ability includes:
    - 1) scoring a level 2 or higher on the most recent FCAT Reading or
    - 2) scoring at a level that meets grade level expectations on other District approved reading assessments or
    - 3) demonstrating a year's growth on FCAT Reading or
    - 4) meeting the District's fifth grade portfolio requirements.
  5. Students and parents will be informed of academic progress and student achievement of proficiency through the end of the grading period progress reports, parent/teacher conferences, and the Progress Monitoring Plan (PMP) when appropriate.
- F. Retained students will receive intensive remediation/alternative instructional strategies as defined on their Progress Monitoring Plan (PMP).
- G. Students who have been retained two (2) or more years will receive interventions as described in their Progress Monitoring Plan (PMP).
- H. Allocation of remedial and supplemental instruction resources will occur in the following priority: 1) students who are deficient in reading by the end of grade 3 and 2) students who fail to meet performance levels required for promotion consistent with the District's procedures.

### **Prekindergarten to Kindergarten Promotion**

Students who are kindergarten age eligible (age five (5) years on or before September 1st) are promoted to kindergarten. In extenuating circumstances, the Individual Educational Plan (IEP) team for a student with a disability may recommend that a kindergarten-age eligible student be assigned to a prekindergarten program.

### **Annual Reports**

The parent of each student will receive information regarding the progress of the student towards achieving State and District expectations for proficiency in reading, writing, science, and mathematics, including the student's results on each Statewide assessment test. The evaluation of each student's progress will be based upon the student's classroom work, observations, test data, District and State assessments, and other relevant information. Progress reporting must be provided to the parent in writing in a format adopted by the Board. Additional forms of progress reporting include reporting at parent/teacher conferences, and on the Progress Monitoring Plan (PMP) and Individual Education Plan (IEP), when appropriate. Multiple factors will determine promotion or retention.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.455, 1008.22, 1008.25

Adopted 12/9/09; Revised 12/6/11

5410.02 - REGULAR PROGRAM CORE  
CURRICULUM/PROMOTION/RETENTION/ACCELERATION - MIDDLE SCHOOL

### Regular Program Requirements

Each middle school student will be registered in a minimum of seven (7) courses per year while in a Pinellas County middle school.

### Basic Course Requirements

The basic course requirements are listed below for middle school student progression. Students must pass all twelve (12) of these courses or higher level courses:

- A. Language Arts: Grades 6, 7, 8
- B. Mathematics: Grades 6, 7, 8
- C. Science: Grades 6, 7, 8
- D. Social Studies: Grades 6, 7, 8

### Additional Requirements

- A. Reading is required for the following students:
  - 1. All sixth grade students in the standard diploma program who scored Level 1 or 2 on the fifth grade FCAT Reading Sunshine State Standards test must take a year long reading course. Sixth grade students who scored Level 3 or higher must take a semester or year long reading course, as determined by the school unless this requirement was completed at the elementary level. Sixth grade students enrolled in the gifted reading program, the sixth grade MEGSSS program, or the approved magnet world languages programs at John Hopkins and Bay Point may exempt this requirement if they scored at Level 3 or above on the fifth grade FCAT Reading Next Generation Sunshine State Standards test.
  - 2. Seventh and eighth grade students in the standard diploma program who scored at Level 1 or 2 on the previous year's FCAT Reading Next Generation Sunshine State Standards test must take a year-long reading course. Seventh and eighth grade students who are fluent Level 2 students may receive the required reading intervention in a District approved content area class.
  - 3. A middle school student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.
- B. All students scoring a level 1 or level 2 on FCAT mathematics must receive remediation the following school year.
- C. Career Education and Planning

Students entering sixth grade in the 2006-2007 school year and beyond must complete a course containing the standards of Career Education and Planning before finishing eighth grade. Each student must generate an academic plan in the ePEP(FACTS.org).
- D. Computer literacy is incorporated into seventh grade reading, gifted, world languages programs, and as appropriate in all curriculum areas.

- E. Physical education is required in grades 6, 7, and 8 for a minimum of one (1) semester. Any student having written parental consent (see PCS Form 2-3097) or who is enrolled in a remedial class may be exempt from the physical education requirement.

Physical education teachers should be certified in physical education. Physical education shall consist of physical activities of at least a moderate intensity level and for a duration sufficient to provide a significant health benefit to students, subject to the differing capabilities of students. The physical education program will reflect the following program outcomes that are developmentally appropriate for the middle school student. The attainment of these program outcomes is beneficial to students, and one-on-one counseling shall be made available to students concerning such benefits (F.S. 1003.455(2)).

The K-12 Physical Education Program shall implement the Next Generation of Sunshine State Standards for Physical Education:

1. Identify, analyze, and evaluate movement concepts, mechanical principles, safety considerations, and strategies/tactics regarding movement performance in a variety of physical activities.
2. Participate regularly in physical activity.
3. Develop and implement a personal fitness program to achieve and maintain a health-enhancing level of physical fitness.
4. Demonstrate competency in many and proficiency in a few movement forms from a variety of categories (locomotor, non-locomotor, manipulative, non-manipulative, educational gymnastics and dance, aquatics.)
5. Exhibit responsible personal and social behavior that respects self and others in physical activity settings.
6. Value physical activity for health, enjoyment, challenge, self-expression, and/or social interaction.

- F. Health is required in grades 6 and 8 for a minimum of twelve (12) weeks.

1. Eighth grade students in the John Hopkins magnet are taught health integrated with science.
2. M/J Health 3 (08000200) or Personal Development (85002300) will meet the requirement for Comprehensive Health Education/Family Life Education.
3. Sixth grade students enrolled in a yearlong program (i.e., band, strings, chorus, world languages, etc.) may opt out of the sixth grade health requirement.
4. Only eighth grade gifted students enrolled in the gifted program as an elective may opt out of the eighth grade health requirement. Written parental consent is required. (see PCS Form 2-3097)

- G. School-Based Requirements

Reading, physical education, and health may be scheduled beyond the minimum requirements shown above.

- H. Elective Program Grades 6, 7, and 8

Elective courses are part of the core curriculum and are described in the Middle School Course Code Directory with recommendations regarding course length and grade level. Middle schools should attempt to schedule a variety of elective offerings, but no attempt should be made to establish classes that are not feasible or practical for a particular school as it strives to meet the needs of its students.

I. Advisor/Advisee

Each middle school will provide advisement support to meet the needs of students.

### Placement in Advanced Courses

Placement in advanced courses will be based on the consideration of a variety of indicators such as grades, classroom performance, assessment data and student motivation/interest. For placement in sixth grade classes, fifth grade teacher recommendation will also be considered. If a student is not recommended for placement, placement may be requested by signing a Request for Placement in Advanced/Honors Courses form (PCS Form 2-3059). The classroom teacher and other school personnel will work with the student to help them be successful and the parent is expected to provide additional support that the student may need to succeed in the course. Students experiencing difficulty (i.e. a grade of "D" or "F") in the placement may be removed from the advanced course and placed in the appropriate course at the end of a grading period/semester for the remainder of the school year. All end of the grading period grades will be included in the final grade average for the course. The principal will make the final decision on placement based on consideration of the best interests of the student. There will be no appeal or grievance concerning the principal's decision.

### Exceptional Student Requirements

The IEPs for each student with disabilities must specify the student's instructional levels and level of participation in the general education curriculum. Course selections (general or exceptional education), progress reporting, participation in assessment, and implication for diploma options must be clearly communicated to parents. The decision to pursue a standard or special diploma must be made by the IEP team no later than the end of the first semester of eighth grade, or during the school year of the student's 14<sup>th</sup> birthday, whichever comes first. This decision is reviewed annually by the IEP team. The decision may be changed, understanding that it may increase the amount of time required to graduate.

Students with disabilities are enrolled in coursework in one (1) or more of the following options:

- A. general education classes with no accommodations required (Speech only);
- B. general education classes with accommodations required;

Accommodations cannot change course performance standards. They specify changes in instructional strategies that are required as a result of a student's disability and may address methods and materials for instruction, assignments and classroom assessments, learning environment, time demands and scheduling, or special communication systems. Courses may be taught by ESE teachers, but students must be graded based on the grade level performance standards.

Students in "A" and "B" above are pursuing standard high school diplomas and participate in all State and District assessments.

- C. Below grade level curriculum: Students enroll in one (1) or more exceptional student education courses with special diploma performance standards to attempt to remediate academic skills. Students continue to participate in all State and District assessments. Parents are informed that students are working on different performance standards and may not be able to meet graduation requirements for a standard diploma.
- D. Sunshine State Standards with Access Points for students pursuing a Special Diploma: Students enroll in exceptional student education courses teaching Sunshine State Standards with Access Points performance standards which focus on varying levels of complexity identified as independent, supported, and participatory in academic and functional living. Students must be exempt from State and District assessment to participate in the Florida Alternate Assessment, as specified on their IEPs. Parents are informed that students are working toward a special diploma.
  - 1. The basic course requirements for middle school students pursuing a special diploma are listed below. Students must pass all twelve (12) of these courses:
    - a. ESE Language Arts: Grades 6, 7, 8
    - b. ESE Mathematics: Grades 6, 7, 8

- c. ESE Science/ESE Health: Grades 6, 7, 8
    - d. ESE Social Studies: Grades 6, 7, 8
  2. All ESE academic courses address the general education Sunshine State Standards as appropriate for the individual student as well as the eleven (11) additional Sunshine State Standards with Access Points.
  3. Additional requirements are listed below. Students must pass five (5) out of nine (9) units:
    - a. ESE Reading: Grades 6, 7, 8
    - b. ESE Exploratory Vocational or ESE Unique Skills: Grades 6, 7, 8
    - c. Physical Education: One (1) semester in grades 6, 7, and 8 or written parent consent waiving the requirement (see PCS Form 2-3097)
    - d. Electives: One (1) semester in grades 6, 7, and 8
  4. Students who have Special Diploma signified on their IEP must complete a course containing the standards of Career Education and Planning before finishing eighth grade. Each student must generate an academic plan in the ePEP (FACTS.org).

#### Student Promotion, Retention and Acceleration

##### A. Promotion from Elementary School to Middle School

Students entering middle school must have successfully completed the requirements and standards of the elementary school program and demonstrated adequate reading ability as specified in the elementary promotional guidelines in Board policy or shall have been administratively promoted by the elementary school.

##### B. Promotion/Retention/Acceleration

1. Promotion of middle school students shall be based upon their achieving minimum standards as identified in program objectives and meeting the required number of courses. Students scoring below Level 2 on FCAT Reading or Mathematics, below 4.0 on FCAT Writing, or below Level 2 on FCAT Science will receive remediation and may be retained. Additional diagnostic assessments aligned to FCAT will be administered. Upon subsequent evaluation, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student may be retained. In cases in which minimum standards have not been met, the decision to promote a student to the next grade shall be made by the school's principal and staff, based upon supporting data concerning classroom performance, reassessment results, and past educational history. For promotion to high school, an eighth grade student must successfully complete three (3) courses in Language Arts, three (3) courses in Science, three (3) courses in Social Studies, and three (3) distinct courses in Math. All courses must be at the middle school level or higher. To be considered for promotion, an eighth grade student must also successfully complete a career planning course (currently embedded in US History and Adv. US History) and an ePEP. The promotion of a student from a regular middle school to high school is also based upon successful completion of the Next Generation Sunshine State Standards. The standards are embedded in the middle school curriculum. A decision will be made by the middle school staff in consultation with the receiving high school principal for any student meeting State mandated requirements for promotion, but not completing District promotion requirements for eighth to ninth grade promotion. No students may be assigned to a grade level based solely on age or other factors that constitute social promotion.
2. Basic Course Requirements
  - a. Promotion to grades 7 or 8: To be promoted from grade to grade within the middle school program, a student may fail only one (1) basic course. The student will be



required, however, to pass the course either during the following year or in the extended learning program or its equivalent.

- 1) If a sixth or seventh grade student fails two (2) basic courses, the student may be promoted upon passing one (1) course in the extended learning program and taking one (1) course during the following school year.
  - 2) If a sixth or seventh grade student fails three (3) basic courses in an academic year, the student will be retained at the same grade level or will be promoted upon passing two (2) courses in the extended learning program and taking one (1) course during the following school year.
  - 3) If a sixth or seventh grade student fails more than three (3) basic courses within an academic year, the student will be retained.
- b. Promotion to High School: If an eighth grade student fails one (1) or more basic courses, the student will be retained or will be administratively promoted upon passing the course(s) in the extended learning program. Promotion from a middle school to a high school is contingent upon the student's passing not fewer than twelve (12) basic courses and five (5) of the additional requirements as stated in Board policy and related arts courses, for a total of seventeen (17) courses. Students who pass the required courses will be considered to have demonstrated adequate progress for promotion to ninth grade.
3. Other Requirement: If a student fails a related arts, vocational, or elective course, including physical education/health, the student will be promoted but will be required to pass five (5) such courses before promotion to a high school.
  4. In all instances the parents' input shall be solicited and considered for purposes of promotion, retention, and challenged promotion; however, the decision to retain, accelerate, promote, or place a student in an alternative program shall be based upon the professional judgment of the principal and staff, with the principal having final jurisdiction.
  5. The decision to accelerate promotion of a sixth to seventh grade student or seventh to eighth grade student shall be made by the principal and staff. Students promoted from eighth to ninth grade must complete the promotion requirements in the Student Promotion, Retention, and Acceleration section above item "B".

#### Progress Monitoring Plan

Each student must participate in the Statewide assessment tests. Each student who does not meet specific levels of performance for each grade level, or who does not meet specific levels of performance on Statewide assessments, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction. The school in which the student is enrolled must develop, in consultation with the student's parent, and must implement a progress monitoring plan which provides the school flexibility in meeting the academic needs of the student and reduces paperwork. A student who is not meeting the School District or State requirements for proficiency in reading and math shall be covered by a school wide system of progress monitoring for all students. The plan must assist the student or the school in meeting State and District expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan shall include instructional and support services to be provided to meet the desired levels of performance. Students may be required to attend remediation programs held before or after regular school hours or during the summer if transportation is provided. Upon subsequent evaluation, if the deficiency has not been remediated the student may be retained. Each student who does not meet the minimum performance expectations for the Statewide assessment testing program must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school.

#### Enrollment in Florida Virtual School

With the approval of the principal (or designee) and the student's parent, a middle school student may enroll in a Florida Virtual School course or courses during or beyond the regular school day/year.

- A. The course must fulfill an educationally valid purpose and be an appropriate course placement based on the student's academic history, grade level, and age. The assistant principal will collaborate with the guidance counselor and teacher(s) to decide if placement in a virtual course is appropriate. A parent may appeal the staff decision to the principal who will make the final decision on placement.
- B. Certain District required middle school courses or course sequences may not be substituted by taking a Florida Virtual School course.
- C. The student must meet the recommended prerequisites.
- D. Students enrolled in a magnet program may not take their specific magnet courses through Florida Virtual School.
- E. A student may not be enrolled simultaneously in the same course at both their school and the Florida Virtual School. Students should enroll in Florida Virtual courses at the beginning of a semester. While students await acceptance in a Florida Virtual School course, they must be enrolled full time in a District school.
- F. Although Florida Virtual School may have institutional drop/add procedures and timelines, students must be enrolled in a full schedule in the District and may not drop a Florida Virtual School course that results in less than a full course load. Florida Virtual School "W/F" grades will be treated as a grade of "F" on a student's transcript.
- G. During a grading period, a student must be enrolled in and attending at least four (4) courses in middle school or be a full time student of the Pinellas Virtual School Program in order to be a District student.
- H. Middle schools may build Florida Virtual School courses into their master schedules during the school day.

#### Middle School Courses Offering High School Credit

Placement in a course that offers high school credit in middle school will be based on the consideration of a variety of indicators such as grades, classroom performance, assessment data, student motivation/interest, and by the student making a plan with the guidance counselor and parent for a sequence of courses that would allow the student to earn college credit while in high school through advanced placement course(s) or dual credit course(s). If a student is not recommended for placement, placement may be requested by signing a Request for Placement form (PCS Form 2-3059). The classroom teacher and other school personnel will work with the student to help them be successful and the parent is expected to provide additional support that the student may need to succeed in the class. The high school credit can be awarded only upon successful completion of all course requirements including performance assessments for specific courses. Students enrolled in a year long Algebra 1 class must pass the End of Course Exam beginning with the 2011-2012 school year to earn credit for Algebra 1. Beginning in the 2012-2013 school year, students enrolled in a Geometry course must pass the End of Course Exam to earn credit for Geometry.

Grades for courses that offer high school credit in middle school will be used to calculate high school class rank and grade point average. A middle school student enrolled in a course awarding high school credit and earning a grade of "C", "D", or "F" may repeat the course for forgiveness as defined in Board policy.

#### Magnet Requirements

Students who intend to apply for admission to the IB or CAT magnet program for ninth grade must complete the prerequisite courses by the last day of the regular school year of their eighth grade year to be eligible. The prerequisite course for CAT is successful completion of Algebra I Honors. The prerequisite courses for IB are successful completion of Algebra I Honors and a minimum of one (1) full year of foreign language.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.415, 1008.25

Adopted 12/9/09; Revised 12/6/11

## 5420.01 - REPORTING STUDENT PROGRESS - ELEMENTARY

### Class or Grade Level Conference

Each teacher of grades PreK-5 shall hold by the end of the first six (6) weeks of school, a group conference or equivalent with parents of the students in his/her class or shall hold a grade level conference cooperatively with other teachers on the grade level for the purpose of interpreting the curriculum, the general school program, and reporting practices.

### Parent/Teacher Conference

Each teacher of grades PreK-5 shall hold a scheduled parent/teacher conference concerning each student during the school year. It is highly desirable that these conferences be held by the end of January. In kindergarten, the optimum time is during October, November, or December. Additional conferences shall be held throughout the year as needed with parents of students who have special concerns. A record shall be kept of each conference in the student's PIAP (Pinellas Instructional Assessment Plan) folder.

### Kindergarten Progress Reports

Kindergarten progress reports will be issued at the same time as the grades 1-5 progress reports. There are no letter grades given at the kindergarten level. The progress report provides information on the student's performance on the Pinellas Instructional Assessment Plan (PIAP) assessments for reading, writing, and mathematics relative to grade level expectations. The progress report states if a child is "performing successfully" or "not yet" for each assessment.

### Elementary Progress Reports

The progress report provides a grade for the student's academic performance in each subject and grades for the students' conduct and work habits. Attendance information is also provided on each progress report. The final progress report for the school year contains information regarding promotion or non-promotion of the student. Progress reports for grades K-5 will be issued at the end of each of the three (3) grading periods. Students experiencing academic difficulties must receive a mid-period (mid-term) progress report prior to the first progress report, between the first and second progress reports and between the second and third progress reports.

### Grades

In arriving at the academic grades of all students, teachers are expected to carefully distinguish between the academic grade and the students' work habits and effort and conduct grades. In no case shall the student receive an academic grade which is contingent upon his/her work habits and effort and conduct.

- A. In all areas for grades 1-2 and for the core curriculum areas of Art, Music, Physical Education, and Work Habits in grades 3-5 and fundamental schools (grades 1-5) the following codes will be used: E (excellent), V (very good), S (satisfactory), N (needs improvement), U (unsatisfactory).
- B. In grades 3-5 (and grades 1-5 in fundamental schools), in the academic areas, achievement shall be designated as follows:
  1. A = (90-100)
  2. B = (80-89)
  3. C = (70-79)
  4. D = (60-69)
  5. F = (0-59)
- C. The assignment and grading of homework is a school-based decision.

- D. At the end of each report period, the teacher shall record in the comment section of the progress report only factual information which gives additional meaning to the report.
- E. No changes shall be made in the form of the progress report except pursuant to District procedures. Schools may develop their own progress report and have it approved according to District procedures.

#### Exceptional Students

- A. The IEP (Individual Educational Plan) of each student with a disability specifies the student's curriculum, instructional level, and level of participation in the general education curriculum. Progress reporting, participation in State/District assessment, and implications for diploma options must be clearly communicated to parents. Students with disabilities are enrolled in coursework in one (1) or more of the following options:
  - 1. grade level expectation, without accommodations.
  - 2. grade level expectations, with accommodations: Accommodations cannot change the student expectations. They specify changes in instructional strategies that are required as a result of a student's disability and may address methods and materials for instruction, assignments and classroom assessments, learning environment, time demands and scheduling, or special communication styles.  
  
Progress for students in "1" and "2" above is reported based on grade level expectations.
  - 3. Below grade level curriculum: A student's instructional level in reading, writing, and/or mathematics is two (2) or more years below grade level. The student's IEP and progress reports specify instructional levels and progress is reported based on specified instructional levels.
  - 4. Sunshine State Standards with Access Points: If a student is involved in a functional academic and functional life skills curriculum, progress is reported based on the Sunshine State Standards with Access Points at the independent, supported, or participating level, as selected by the student's IEP team.
- B. Students with disabilities must receive progress reports indicating progress towards Individual Educational Plan (IEP) goals and the likelihood they will accomplish the goals during the validity period of the IEP, in addition to the general education progress report each time the general education progress report is provided.

F.S. 232.246(5)(c), 1001.32, 1001.41, 1001.42, 1001.43

F.A.C. 6A-1.0955(3)(a)7

Adopted 12/9/09; Revised 12/6/11

## 5420.02 - REPORTING STUDENT PROGRESS - MIDDLE SCHOOL

### **Progress Reports**

The progress report provides a grade for the student's academic performance in each class or course, the student's conduct and the student's attendance. Student evaluations shall be reported to parents as a formal student progress report at six (6) week intervals in middle schools. Each progress report shall contain information regarding a student's performance at grade level or below, behavior and attendance. The final progress report shall contain information regarding a student's promotion or non-promotion.

### **Interim Progress Reports**

Interim conferences or written progress reports or both are recommended for those students having such need of them. Some schools choose to distribute interim progress reports to all students. Interim progress reports must be given to students whose performance indicates that a D or F grade for the grading period is likely. Interim progress reports are to be issued near the midpoint of the grading period.

### **Alternate Progress Reports**

No changes shall be made in the form of the progress report without the express approval of the Superintendent.

### **Exceptional Students**

Exceptional students with disabilities must receive progress reports indicating progress towards Individual Education Plan (IEP) goals and the likelihood they will accomplish the goals during the period covered by the IEP, in addition to the general education progress report each time the general education progress report is provided.

The IEP of each student with a disability specifies the student's curriculum:

- A. grade level expectations, without accommodations.
- B. grade level expectations, with accommodations: Accommodations cannot change the student expectations. They specify changes in instructional strategies that are required as a result of a student's disability and may address methods and materials for instruction, assignments and classroom assessments, learning environment, time demands and scheduling, or special communication styles.
- C. Below grade level curriculum: A student is below grade level curriculum if the student's instructional level in reading, writing, or mathematics is two (2) or more years below grade level. The student's IEP and progress reports specify instructional levels and progress is reported based on specified instructional levels.
- D. Sunshine State Standards with Access Points: If a student is involved in a functional academic and functional life skills curriculum, progress is reported based on the Sunshine State Standards with Access Points at the independent, supported, or participating level, as selected by the student's IEP team.

Exceptional Student Education courses identified in the District course code directory may be used to meet requirements for promotion. Note: ESE courses with special diploma performance standards do not prepare a student to pursue a standard diploma.

### **Academic and Conduct Grades Separate**

In arriving at the academic grades of all students, teachers are expected to carefully distinguish between the academic grade and the student's conduct. All progress reports shall provide some form of evaluation concerning the student's conduct or department. In no case shall the student receive an academic grade which is contingent upon his/her conduct, except as provided in the Code of Student Conduct.

## Grading Scale

The grading system and interpretation of letter grades used in middle and high school shall be as follows:

- A. A = 4 grade points (90%-100%) (outstanding progress)
- B. B = 3 grade points (80%-89%) (above average progress)
- C. C = 2 grade points (70%-79%) (average progress)
- D. D = 1 grade point (60%-69%) (lowest acceptable progress)
- E. F = 0 grade points (0-59%) (failure)
- F. I = 0 grade points (Incomplete)

Percents between eighty-nine percent (89%) and ninety percent (90%), seventy-nine percent (79%) and eighty percent (80%), sixty-nine percent (69%) and seventy percent (70%), and fifty-nine percent (59%) and sixty percent (60%) shall be rounded up to the higher grade if at the midpoint (.5) or above; those below the midpoint (.5) shall be rounded down to the lower grade.

## Final Grades

- A. Final Examinations

Middle school students enrolled in high school credit classes will be required to take a common District developed exam each semester for a separate grade beginning with the 2012-13 school year. Grading for these classes will follow the high school semester grading policy. There will be no final exam exemptions permitted for middle school students in high school credit bearing courses. Students enrolled in a year long Algebra 1 class must pass the End of Course Exam beginning with the 2011-2012 school year to earn credit for Algebra 1. Beginning in the 2012-2013 school year, students enrolled in a Geometry course must pass the End of Course Exam to earn credit for Geometry.

No middle school classes will have a final examination counting as a separate grade.

- B. Grade Computation

The six (6) marking period grades shall be used to formulate the final grade for the yearlong course. In the case of semester courses, the three (3) six weeks' grades will be used to determine the final grade. In the case of twelve (12) weeks' courses, the two (2) six (6) weeks' grades will be used to determine the final course grade. Final grades are computed by summing the grade point value (A=4, B=3, C=2, D=1, F and I=0) for each grade and dividing by the number of grades. The resulting final grade average is converted to a letter grade based on the scale below (see also paragraphs Options for Grading, Three or More Fs, and Plus and Minus below):

- 1. A = 3.5-4
- 2. B = 2.5-3.5
- 3. C = 1.5-2.5
- 4. D = .5-1.5
- 5. F = 0-.5

- C. Incomplete Progress report Grades

A student receiving a grade of Incomplete (I) in a course(s) during any grading period shall have a period of three (3) weeks after his/her return to school to make up any work missed that is needed for the teacher to be able to assign an appropriate grade. Any incomplete grade will revert to an "F" if the

student does not make up the work missed within the three (3) weeks of returning to school. Extensions of time may be granted by the principal for the final grading period of the year.

D. Grades for Courses Awarding High School Credit

1. Grades for courses that offer high school credit in middle school will be used to calculate high school class rank and grade point average.
2. Grade Forgiveness: A middle school student enrolled in a course awarding high school credit and earning a grade of "C", "D", or "F" may repeat the course for forgiveness as defined in Board policy.
3. Semester grades for courses that offer high school credit in middle school are calculated according to the **Final Grades** section, letter **A**, in Policy 5420.03 - REPORTING STUDENT PROGRESS AND CLASS RANKING – HIGH SCHOOL

E. Options for Grading

If the student's grade point average in a course is 3.5, 2.5, 1.5, or .5 it will be the option of the teacher as to whether the higher or lower grade will be given. If the lower grade is given, the decision must be documented and approved by the principal (or designee).

F. Three or More Fs

When three (3) or more of the marking period grades are "F" and the grade point average is .67 (rounded) or above, it will be the option of the teacher and principal as to the final grade.

G. Plus and Minus

No plus (+) or minus (-) symbols shall be used for any final grade.

### Grading In Secondary Physical Education

The grades received by students enrolled in secondary physical education classes will be determined by "weighting" the various areas of the program, such as participation (50%), skill (25%) and knowledge (25%).

### Secondary Course Modification

Schools may combine the content of two (2) courses into one (1) single period of instruction through the development of a course modification. Students may be granted credit for both of the courses represented in the course modification. In order to participate in a secondary course modification for students other than those enrolled in dropout prevention or exceptional student education, a school must complete the steps of the course modification process developed by the Division of Curriculum and Instruction.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43  
F.A.C. 6A-1.0955(3)(a)7

Adopted 12/9/09; Revised 12/6/11

## 5420.03 - REPORTING STUDENT PROGRESS AND CLASS RANKING - HIGH SCHOOL

### **Report Card**

The report card provides a grade for the student's academic performance in each class or course, the student's conduct and the student's attendance including absences and tardiness. Each report card for the school year shall contain information regarding a student's performance at grade level or below, behavior, and attendance. The final report card shall contain information regarding a student's promotion or non-promotion.

### **Alternate Report Card**

No changes shall be made in the form of the report card without the express approval of the Superintendent.

### **Grading Scale**

The following point scale will apply to all high schools, as well as to middle school students enrolled in high school courses in grade 7 or 8 for credit toward graduation:

- A. A = 4 grade points (90-100) (outstanding progress)
- B. B = 3 grade points (80-89) (above average progress)
- C. C = 2 grade points (70-79) (average progress)
- D. D = 1 grade point (60-69) (lowest acceptable progress)
- E. F = 0 grade points (0-59) (failure)
- F. I = 0 grade points (incomplete)

Percents between eighty-nine percent (89%) and ninety percent (90%), seventy-nine percent (79%) and eighty percent (80%), sixty-nine percent (69%) and seventy percent (70%), and fifty-nine (59%) and sixty percent (60%) shall be rounded up to the higher grade if at the midpoint (.50) or above; those below the midpoint (.50) shall be rounded down to the lower grade.

### **Incomplete Grades**

A student receiving a grade of Incomplete (I) in a course(s) during any grading period shall have a period of three (3) weeks after his return to school to make up any work missed that is needed for the teacher to be able to assign an appropriate grade. Any incomplete grade will revert to an "F" if the student does not make up the work missed within the three (3) weeks of returning to school. Extensions of time may be granted by the principal for the final grading period of the year.

### **Final Examinations**

- A. Definition  

A final examination is a comprehensive assessment covering the course student performance standards for the entire term (a term is a semester in all high schools).
- B. Students shall take the final examination as set forth in "C" below as an academic performance requirement for the completion of the courses for which such examinations are required. The student's neglect of this responsibility shall result in a failing grade for the exam in that course.



1. Final examinations shall be required in the following courses: art, music, social studies, science, language arts and reading, math, world languages, physical education, driver's education, health education and vocational.
2. All students shall take final examinations in those courses for which such examinations are required, as provided in "C" below. An Advanced Placement or International Baccalaureate exam may be taken in lieu of a teacher developed final exam in those designated courses. In such case, the student must still attend his or her regular subject area classes for structured activities and/or projects until the end of the grading period.
3. In the event a student is unable to take an examination at the given time because of a legitimate absence through illness or some other serious reason, the student shall be given an opportunity to make up the examination without penalty of any kind.
4. In the event a student is under suspension during such an examination period, the principal shall provide for the student's taking of the examinations either at the given time or through some special arrangement, at the discretion of the teacher and principal.
5. Students who enter college at mid-year will be permitted to take their final examinations in accordance with "D" below, of this policy provided such students shall furnish to their respective principal (or designee) a copy of the receipted bill for college tuition.

C. Final Exam Requirement

With the following enumerated exceptions, students who have a course grade of "A" or "B" in the 1st and 2nd six weeks and have a provisional course grade of "A" or "B" in the 3rd six weeks are not required to take the final in that course. Except for second semester seniors, this provision shall apply to no more than three courses each semester, regardless of the number of periods in a student's schedule. The provisional 3rd six weeks grade will be based on the grades earned for the first four weeks of the third grading period. The student must maintain the "A" or "B" grade through the remainder of the 3rd six weeks.

Exceptions:

1. The student is enrolled in the same course during two (2) terms of the same school year. In such cases, the student is required to take at least one (1) final exam in that course.
2. The student has been enrolled in a District public high school for less than the entire term. In such cases, the student is required to take all exams.
3. The student has five (5) or more absences per semester in any class. If so, the student is required to take the final exam in all classes. Regardless of the number of minutes in a class period, an absence from the class is only counted as one (1) absence in the class for purposes of this policy. For purposes of this policy a student who is not present in class at least one half of the class period shall be counted absent. Preapproved absences for school sponsored activities, religious holidays, and college/post-secondary visitation shall not be counted in calculating the five (5) or more absences specified above. Absences for college/post-secondary visitation are limited to three (3) days per year for seniors and one (1) day per year for juniors.
4. The final exam is a State-required End of Course exam.

Students not required to take a final exam may elect to take their final examinations to improve the final grades. A final grade shall not be reduced as a result of the examination grade, should the student elect this option.

If a school requires final exams for specific Advanced Placement courses, the school should clearly communicate this in their school's curriculum guide.

#### D. Early Exams

If a secondary student withdraws or leaves school for the remainder of the year during the last ten (10) school days of the semester for a reason acceptable to the school principal, the student may be permitted to take early examinations.

1. No early exams shall be administered prior to the last twelve (12) school days of each semester.
2. Students shall pay a reasonable fee per examination as established by the Superintendent. The teacher who prepared the examination and the person (a certified instructional professional) who administers the examination will each be paid one-half (1/2) the fee per exam.
3. Early examinations shall not be given during regular school hours. Early examinations may be administered after school hours and on weekends.
4. In courses where the teacher chooses to give an oral/participation examination the exam shall be administered by that teacher.

### Final Grades

The final grade in high school courses is a semester grade determined by giving equal value to each of the grades of the three (3) marking periods and to the final examination.

#### A. Calculating Final Grades

To obtain the semester grade, add the unweighted grade point values of the three (3) term grades (T) and the unweighted grade point value of the exam grade (E), and divide that total by four (4):

$$(T_1+T_2+T_3+E)/4 = \text{Semester Grade}^*$$

In courses for which final examinations are not prescribed or required, the final grade will be determined by averaging the unweighted grades of the three (3) terms:

$$(T_1+T_2+T_3)/3 = \text{Semester Grade}^*$$

The resulting semester grade average is converted to a letter grade based on the scale below (see paragraph (c) regarding grades at the midpoint):

$$A = 3.5-4$$

$$B = 2.5-3.5$$

$$C = 1.5-2.5$$

$$D = .5-1.5$$

F = 0-.5

\*These formulas for arriving at a student's grade may be nullified in any course in which the passing of a county test is part of the requirements, as stated in the County Course Description Catalog.

B. Academic Grades vs. Evaluation of Conduct

In arriving at the academic grades of all students, teachers are expected to carefully distinguish between the academic grade and the students' conduct. All report cards will provide some form of evaluation concerning the students' conduct or department. In no case will the student receive an academic grade which is contingent upon his/her conduct, except as provided in the Code of Student Conduct.

C. Grades at the Mid-point of Each Grade Level

At the mid-point of each grade level, (i.e., 3.5, 2.5, 1.5, .5) it will be the option of the teacher as to whether the higher or lower grade will be given. If the lower grade is given, the decision must be documented and approved by the principal (or designee).

D. Teacher/Principal Discretion in Determining the Final Grade

If a high school student fails his/her final marking period and his/her final examination, the student may be given a failing semester grade, at the discretion of the teacher and principal, regardless of the grade point average. If a high school student fails all three (3) marking periods or two (2) marking periods and the final examination, the student may receive a failing semester grade in that course at the discretion of the teacher and principal, regardless of grade point average. If a failing grade is given, the decision must be documented and approved by the principal or designee.

E. Final Grade Point Average

All high school courses will be included in the GPA calculation unless the grade has been forgiven.

F. Unweighted Grade Point Average

Grades are assigned the following point values except as identified in Board policy (e.g. when determining eligibility for extra-curricular activities and for determining the cumulative grade point average for graduation):

1. A = 4
2. B = 3
3. C = 2
4. D = 1
5. F = 0

G. Weighted Grade Point Average for Standard Curriculum Students

Grades are assigned the following point values only when determining class ranking and for averages for summa cum laude, magna cum laude, cum laude status, valedictorian, salutatorian, and the National Honor Society:

1. to receive an "A" in:
  - a. Honors (Q) - A = 5
  - b. Regular - A = 4
  - c. Basic (B) - A = 3
2. to receive a "B" in:
  - a. Honors (Q) - B = 4
  - b. Regular - B = 3
  - c. Basic (B) - B = 2
3. to receive a "C" in:
  - a. Honors (Q) - C = 3
  - b. Regular - C = 2
  - c. Basic (B) - C = 1
4. to receive a "D" in:
  - a. Honors (Q) - D = 1
  - b. Regular - D = 1
  - c. Basic (B) - D = .5
5. to receive an "F" in:
  - a. Honors (Q) - F = 0
  - b. Regular - F = 0
  - c. Basic (B) - F = 0

#### H. Honors Quality Points

A weighted grade point average is achieved by assigning one (1) extra honors quality point to A, B, and C grades earned in selected honors, advanced placement, dual credit, Pre IB and IB courses (see above). The District's *High School Uniform Course Descriptions* and the individual high school curriculum guides will use a (Q) to indicate the Board approved honors quality point courses.

1. When an honors quality point is approved for an existing course in the District's High School Uniform Course Descriptions, the application of the extra point will begin with the next school year after it is approved and will only impact the entering ninth grade class that school year or the entering seventh and eighth grade classes that school year if the high school course is taken at the middle school level. These honors quality points are not applied retroactively.
2. When a new honors quality point course is added to the District's High School Uniform Course Descriptions, the honors quality point may be earned by all students in grades 9-12 enrolled in the course during its implementation year and subsequent years.

3. Quality points earned in approved high school courses taken in middle school will not be applied to a student's record until the student enters high school.

### **Forgiveness Policy**

- A. A high school student who chooses to repeat a specific course to replace a "D" or "F" with a grade of "C" or higher will be given that opportunity in the regular school program to repeat the course. The opportunity to take a replacement course is subject to course availability. There is no assurance that an appropriate replacement course will be available to all students. All replacement courses must be completed no later than the second semester of the senior year. The repeated course can also be taken in the Extended Learning Program to replace an "F" grade or to replace a "D" grade if the student has less than a 2.0 unweighted GPA. The repeated course can also be taken in an adult education evening class to replace an "F" grade for students within one (1) month of their 16<sup>th</sup> birthday and older. Pending available space, students may choose to attend an adult education class to replace a "D" grade with a grade of "C" or higher if the student is working toward a twenty-four (24) credit standard diploma and has an unweighted GPA of less than 2.0.

Upon completion of such repeated course, only the higher of the two (2) grades will be used to compute the student's grade point average. "Forgiven grades", however, will be included on a student's transcript. Credit may be earned only one (1) time for the course repeated. Any course grade not replaced according to this forgiveness policy shall be included in the calculation of the cumulative grade point average.

- B. A required course may only be replaced with the same or comparable course or an advanced or honors version of the course being "forgiven". An elective course may be replaced with any other course. Because there is more than one (1) course/series of courses that can be used to meet the algebra requirement for high school graduation, a student may apply the grade forgiveness rule to one (1) or both semesters of Algebra Ia for the first semester of Algebra I and vice versa and a student may apply the grade forgiveness rule to one (1) or both semesters of Algebra Ib for the second semester of Algebra I and vice versa. A student must successfully complete one (1) of the State-approved courses/series of courses to meet the algebra requirement for high school graduation. NOTE: Criteria related to receiving credit for only one (1) of the courses/series of courses to meet the algebra requirement are outlined in the Florida Course Descriptions.
- C. A student in the middle grades who takes any high school course for high school credit and earns a grade of "C", "D" or "F" or the equivalent of a grade "C", "D", or "F," may replace the grade with a grade of "C" or higher or the equivalent of a grade "C" or higher, earned subsequently in the same or comparable course.

### **Grading In Secondary Physical Education**

The grades received by students enrolled in secondary physical education classes will be determined by "weighting" the various areas of the program, such as participation (50%), skill (25%) and knowledge (25%).

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.437, 1003.33, 1003.43(5)(c)  
F.A.C. 6A-1.0955(3)(a)7

Adopted 12/9/09; Revised 6/29/10, 9/14/10; 12/6/11

## 5430 - CLASS RANK

### Procedures For Ascertaining the Rank In Class Of Standard Curriculum Students

- A. Class rank will be computed based on all courses taken for high school credit through the first semester of the 12<sup>th</sup> grade year or through first semester of 11<sup>th</sup> grade for students in the eighteen (18) credit accelerated graduation option. Grades for courses taken in middle school, the Extended Learning Program, adult education, etc., awarding high school credit, will be used to calculate high school class rank. For the purpose of identifying class ranks of one (1) and two (2) (Valedictorian and Salutatorian), extra courses beyond those needed for graduation that were earned in middle school or outside the regular school day in grades 9-12 (twenty-four (24) in high school) may be deleted from the class rank computation by student request in writing to the principal prior to the end of the first semester of the 12<sup>th</sup> grade year.
- B. Students transferring from a 4x4 schedule school will be class ranked with all other students based on all courses taken. The principal (or designee) will determine the class rank status of transferring students and the decision will be final. In the event that the transfer negatively affects a current valedictorian or salutatorian status, co-honors will be bestowed.
- C. Rank in class will be computed at the end of each term including all course work completed prior to July 1st of each school year for all students. The final ranking is computed after the first semester of the 12<sup>th</sup> grade year.
- D. Grades earned in all courses (basic, regular, honors) will be weighted in determining final GPA, as provided in administrative procedures.

### Valedictorian and Salutatorian Identification

Each high school will identify a valedictorian and salutatorian based on class rank and students who qualify for summa cum laude, magna cum laude or cum laude status based upon the cumulative weighted grade point average as determined within this policy. Such selection does not provide that the students will address the graduating class. The choice of graduation speaker shall be made at the discretion of the principal. Students graduating as early admission to college, early college program, or eighteen (18) credit students in the accelerated graduation option are not eligible for Valedictorian or Salutatorian.

While students enrolled in the International Baccalaureate (IB), Center for Advanced Technology (CAT), or Engineering Academy (EA) programs shall graduate with other students of the host school, separate valedictorians, salutatorians, and class rankings shall be designated for students of the IB, CAT, and EA programs, based upon their weighted grade point averages.

### Honors Diploma

Graduating seniors who achieve a cumulative weighted grade point average of 3.5 or higher shall be granted an Honors Diploma as prescribed by the School Board and shall be designated in the graduation program.

### Cum Laude Status

Students must earn the following cumulative weighted grade point averages (not rounded) to qualify for cum laude status. High school seniors who become eligible for a cum laude status during the second semester of their senior year shall have their cum laude seals mailed to them.

- A. Summa cum laude - GPA greater than 4.0
- B. Magna cum laude - GPA greater than 3.8 but less than or equal to 4.0
- C. Cum laude - GPA greater than or equal to 3.5 but less than or equal to 3.8
- D. With distinction - GPA greater than or equal to 3.25 but less than 3.5

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.33, 1003.43(5)(c), 1003.437  
F.A.C. 6A-1.0955(3)(a)7

## 5440 - HIGH SCHOOL CREDIT AND STUDENT PERFORMANCE STANDARDS

### Credit Defined

Based on F.S. 1003.436, one (1) full credit is defined as a minimum of 135 hours of instruction (162 fifty (50) minute classes or equivalent) or 120 hours of instruction where block scheduling is implemented (eighty-two (82) eighty-five (85) minute classes or equivalent) in a course which contains student performance standards. One-half (1/2) credit is defined as one-half (1/2) the requirement for a full credit (eighty-one (81) fifty (50) minute classes or equivalent or forty-one (41) eighty-five (85) minute classes or equivalent) where block scheduling is implemented. Students must demonstrate mastery of course performance standards based on Sunshine State Standards in order to earn course credit.

### Equivalent Defined

"Equivalent" for the purposes of this policy is defined as school assembly programs which meet student performance standards, field trip experiences which meet student performance standards, and class assignments for the purpose of meeting performance standards which may be assigned to be accomplished at times other than the regular length class period. Whenever possible, school assemblies shall be scheduled so that a single class period is not disproportionately affected.

### Mastery of Performance Standards

Student mastery of performance standards will be determined based on the final semester grade as computed using the formula referenced in the "Final Grades" section of policy [5420.03](#). Course credit will be granted if the student receives a passing final semester grade.

### School-Sponsored Activities in Lieu of Classes

A student who attends a school-sponsored activity shall be considered as being present for instruction. In instances in which there is a question concerning a curricular event that cannot be resolved at the school or the validity of an activity, the determination shall be made by the Superintendent.

### Making Up Class Work Missed

Students who have excused absences from instructional time shall be permitted to make up work for full credit and to demonstrate mastery of the student performance standards which were introduced and/or measured during the absence. All work made up for an unexcused absence will be assessed a letter grade penalty. Students attending field trips or other school-sponsored student activities not related to the class missed may earn credit by making up all work missed.

### Course Enrollment Limitation

A student may not enroll in a course used as a prerequisite for a higher sequence of the subject area once the student has earned credit at the higher level of a subject; (e.g., a student who has earned credit in Algebra II may not enroll in an Algebra I course).

### Cooperative Education

High school credit may be earned by vocational students using the cooperative method of instruction. Cooperative education involves paid, supervised, concurrent employment that is directly related to the student's in-school training. The cooperative education method is available to students in grades 10-12. Ninth grade students in dropout prevention or exceptional student education programs are eligible for credit through cooperative education. The District Cooperative Education Program Guidelines dated January 16, 2001, is hereby adopted by the School Board as a rule and is incorporated in this policy manual by reference and made a part hereof.

### International Baccalaureate Student Credit

Students enrolled in the International Baccalaureate Program who have completed the geometry course are deemed to have met the requirements of a full year's work (one (1) credit) in one (1) semester.



## Progress Monitoring Plan

Each student must participate in the Statewide assessment testing program. Each student who does not meet specific levels of performance for each grade level, or who does not meet specific levels of performance on Statewide assessments, must be provided with additional diagnostic assessments to determine the nature of the student's difficulty, the areas of academic need, and strategies for appropriate intervention and instruction. The school in which the student is enrolled must develop (in consultation with the student's parent) and must implement a progress monitoring plan which provides the school flexibility in meeting the academic needs of the student and reduces paperwork. A student who is not meeting the School District or State requirements for proficiency in reading and math shall be covered by a school-wide system of progress monitoring for all students. The plan must assist the student or the school in meeting State and District expectations for proficiency. If the student has been identified as having a deficiency in reading, the K-12 comprehensive reading plan shall include instructional and support services to be provided to meet the desired levels of performance. Students may be required to attend remediation programs held before or after regular school hours or during the summer if transportation is provided. Each student who does not meet the minimum performance expectations for the Statewide assessment testing program must continue to be provided with remedial or supplemental instruction until the expectations are met or the student graduates from high school.

## Student Performance Standards

Student performance standards based on the Sunshine State Standards will be provided for each course in grades nine through twelve for which credit toward graduation is granted. Students must demonstrate mastery of course performance standards in order to earn credit in the course. The student performance standards are considered a part of the District's student progression plan.

## Secondary Course Modification

Schools may combine the content of two (2) courses into one (1) single period of instruction through the development of a course modification. Students may be granted credit for both of the courses represented in the course modification. In order to participate in a secondary course modification for students other than those enrolled in dropout prevention or exceptional student education, a school must complete the steps of the course modification process developed by the Division of Curriculum and Operations.

F.S. 252.921 et seq., 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.436

Adopted 12/9/09; Revised 9/14/10, 12/6/11, 7/24/12

## 5451 - STUDENT RECOGNITION

(1) 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.

(2) The Board authorizes the Superintendent to develop a plan for recognition of outstanding student achievement based on well-defined, consistent criteria and standards.

(3) 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.

F.S. 1001.43(14), 1012.22(g)

Adopted 12/9/09; Revised 7/26/11

## 5451.01 - STUDENT HONORS

### Elementary

A. Honor Roll

Students in grades 3-5 who receive no grade lower than a "B" in the academic subjects, and who achieve all "E's"/"V's"/"S's" in grades for conduct, work habits, physical education, art, and music shall have their names entered on the Honor Roll.

B. Principal's List

Students in grades 3-5 who receive all "A's" in the academic subjects, and who achieve all "E's"/"V's"/"S's" in grades for conduct, work habits, physical education, art, and music shall have their names entered on the Principal's List.

### Secondary

A. Honor Roll

Students who achieve an unweighted grade point average of 3.0 with not more than one (1) grade of "C" during a grading period shall have their names entered on the Honor Roll.

B. Dean's List

Students who achieve an unweighted grade point average of 4.0 during a grading period shall have their names entered on the Dean's List.

C. National Honor Society and National Junior Honor Society

1. The National Honor Society shall be open only to juniors and seniors in the District's high schools. National Junior Honor Society shall be open only to students in grade 8 in the District's middle schools.

2. Students shall be inducted into the National Honor Society and National Junior Honor Society according to the school bylaws which have been enacted in accordance with the National Honor Society and National Junior Honor Society constitution and the criteria established in these administrative procedures.

3. The number of inductees cannot be limited.

4. Students who have attended the school for less than one (1) semester must have a recommendation from their former principal or have the faculty council waive this provision.

5. Academic Achievement

a. National Junior Honor Society

A minimum overall cumulative grade point average of 3.5 (not rounded) shall be required as a prerequisite for membership in National Junior Honor Society. The grade point average is calculated based on end-of-year final grades for 6th and 7th grades combined.

b. National Honor Society

A minimum overall unweighted grade point average of 3.0 (not rounded) and a

minimum overall weighted grade point average of 3.5 (not rounded) shall be required as a prerequisite for membership in National Honor Society.

- c. All individual school chapters must use this grade point average standard and may not set a different standard.
  - d. A grade point average less than the minimum that could be rounded to the minimum shall not be acceptable.
6. Selection Process Guidelines
- a. Since membership in the National Honor Society is an honor conveyed by the school faculty, no student may serve on the faculty council.
  - b. The faculty council will create a list of all students with the necessary grade point average and notify those students.
  - c. Students who want to seek induction will complete and submit by the deadline a student activity form that outlines their leadership and service experiences. Other information may be required by school bylaws.
  - d. Faculty or Staff Recommendation
    - 1) The evaluation instrument shall be measurable and quantifiable (i.e., a point score shall be established so that a negative evaluation shall not override more positive responses). A 3.5 average will be required in each area of service, leadership, and character. The faculty council will review the student's discipline record as listed in the computer.
    - 2) A list of eligible students will be given to all teachers. Teachers may only evaluate students they have taught or worked with on a school or community activity sponsored by that teacher (i.e., cheerleaders, student council).
    - 3) The selection procedures shall not allow a single, negative response to deny the admission of a student.
    - 4) The evaluation instrument shall provide explanations for each low measurement. No anonymous or unwritten input will be considered. All information shall be signed and documented.
    - 5) All materials considered are student records and must be maintained as such. This information may be reviewed by the parent or student.
  - e. The faculty council creates the list of new members.
7. The honors shall be designated in the high school graduation program unless the student objects.
8. All appeals must follow the grievance procedure outlined in the Code of Student Conduct.
9. Each school shall create, maintain, and notify students and parents of written criteria for dismissal.

D. Awarding Academic Letters and Chevrons

Students who earn an unweighted grade point average of 3.75 or above and who receive not less than a "B" in each subject for a semester grade shall be eligible for an academic letter, and each such student who repeats the achievement in a subsequent semester(s) shall be eligible for a chevron for each such repetition, consistent with the following provisions:

1. First Semester

Students who become eligible for an academic letter during the first semester of the academic year shall be recognized, as deemed appropriate by the individual high school, and shall receive their letters as soon as possible after the data processing printout has been made available to the school. Such students shall also be recognized at the school's annual awards ceremony.

2. Second Semester

Students who become eligible for an academic letter during the second semester of the academic year shall be recognized, as deemed appropriate by the individual high school, and shall receive their letters at the beginning of the next academic year. Such students shall also be recognized at the school's annual awards ceremony.

3. Second Semester Seniors

High school students who become eligible for an academic letter during the second semester of their senior year shall have their letters mailed to them.

4. Each student who repeats the eligibility requirements for an academic letter shall receive a chevron for each such repetition, which shall be given to the student consistent with the above procedures.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1008.25

## 5455 - FLORIDA'S BRIGHT FUTURES SCHOLARSHIP PROGRAM

### Community Service Work Experience for Florida Bright Futures Awards

#### A. Policy

This policy addresses only community service work experience required for students to be eligible to receive the Florida Academic Scholars, Florida Medallion Scholars, or the Florida Gold Seal Vocational Bright Futures Scholarship.

#### B. Requirements

1. To be eligible to receive the Florida Academic Scholars Award a student must complete a program of community service work that includes a "minimum of one hundred (100) hours of community service."
2. To be eligible to receive the Florida Medallion Scholars Award a student must complete a program of community service work that includes a "minimum of seventy-five (75) hours of community service."
3. To be eligible to receive the Florida Gold Seal Vocational Scholars Award a student must complete a program of community service work that includes a "minimum of thirty (30) hours of community service."
4. The student will identify a social problem that interests him/her, develop a plan of personal involvement in addressing the problem and evaluate and reflect upon the experience.
5. The community service work shall address a social problem with preference to benefiting the State of Florida and/or Pinellas County.
6. The service may be performed at more than one (1) agency and address more than one (1) social problem, however, each agency must be approved by the high school's community service designee prior to the beginning of the experience.
7. The high school's community service designee must approve the student's plan prior to the beginning of the experience.
8. The student must be a high school student enrolled in grades 9-12.

#### C. Procedures

The following steps are the process that the student will use for documenting the community service experience.

1. Meet with the community service designee at the student's high school to review policies and procedures on the Student Community Service Information Sheet (PCS 2-2602-1).
2. Contact the community agency for an interview to discuss the social issue and a plan of action to address the social issue.
3. Complete form #1 (PCS 2-2602-2) after developing a detailed identification of the social problem and plan of action.
4. Submit community service form #1 (PCS form 2-2602-2) to the community service designee at the high school for approval.

5. Log community service hours on form #2 (PCS form 2-2602-3). The agency contact person must sign this documentation.
6. Summarize, evaluate, and reflect upon the community service work experience and the persons in the community that the student interacted with during this service work. Submit this information to the high school community service designee by completing the reverse side of the community service form #2 (PCS form 2-2602-3).
7. The completed forms shall be placed in the student's official cumulative file at the high school.

D. Restrictions

What hours cannot be counted?

1. Hours logged prior to the high school community service designee's approval and signature.
2. Court mandated community service.
3. An activity for which a student benefited financially or materially for the community service work.
4. All forms of duty within the family. The student's family to include: parents (including step), siblings (including step), any of their grandchildren (including step) and any of their spouses.
5. Religious devotion or any activity which can be interpreted primarily as proselytizing.
6. An activity where there is no leader or responsible adult on site to evaluate and confirm student performance.

E. Appeals

If a proposed plan is not approved by a high school's community service designee, the student may appeal the denial to the Bright Futures Community Service Appeals Committee, which will render a final decision on the student's plan. The committee will be appointed by the District Guidance office who will develop procedures for the committee. Decisions of the committee (without personal identifiable information about an individual student) will be distributed to all high schools.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 12/9/09; Revised 12/6/11

## 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.

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.

Commencement exercises will include only those students who have successfully completed requirements for:

- A. a standard high school diploma
- B. a special diploma
- C. an in-school GED program diploma
- D. a performance diploma option (GED exit option)
- E. or a certificate of completion for graduation as certified by the high school principal and accepted by the student. If the student does not accept the certificate of completion the student may continue their enrollment in accordance with the terms of the Code of Student Conduct.

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 graduation ceremony based on misconduct.

The Board also shall grant an adult education diploma to all District residents over the age of sixteen (16) who have legally left a K-12 program and met the requirements established by the State Board of Education.

### **GRADUATION REQUIREMENTS: HIGH SCHOOL**

#### Graduation Defined

Graduation from a District high school implies that students have satisfactorily completed the prescribed high school core curriculum in accordance with the provisions of Board policy and that they have satisfactorily passed any examinations and other requisites set by the State Board of Education and the Board. These requirements are based on the assumption that a high school education represents the successful completion of a four (4) year program of studies, with enough flexibility to allow qualified students other alternatives for graduation. High school credits earned in grades 7 and 8 will apply to graduation requirements but will not be used for acceleration of graduation.

#### Standard Diploma

- A. Number of Credits Required for Graduation

The minimum number of credits required for graduation from a four (4) year program in high school is twenty-four (24). Students may also select the three (3) year eighteen (18) credit standard college preparatory program or three (3) year eighteen (18) credit career preparatory program (for eighteen (18) credit options see GPA Requirement and Accelerated Graduation). Students in their third year in the eighteen (18) credit option program may participate in senior activities directly related to graduation but are not eligible for participation in other senior activities or privileges.

- 1. Graduation Program Options



- a. four (4) year twenty-four (24) credit program
  - b. three (3) year eighteen (18) credit standard college preparatory program
  - c. three (3) year eighteen (18) credit career preparatory program
2. Selection of a Graduation Program Option
    - a. Students make their initial selection of a graduation program option while in 8th grade during the spring high school registration process. Students may elect to change this option at anytime through 12th grade.
    - b. A student must achieve at least a level 3 on the most recent FCAT reading, mathematics and writing assessments in order to select an eighteen (18) credit accelerated graduation program option.
  3. Procedure for Changing the Graduation Program Option
    - a. Students may elect to change this option at anytime through 12th grade.
  4. Failure to Complete the Eighteen (18) Credit Graduation Program within Three (3) Years
    - a. A student who selects a three (3) year eighteen (18) credit graduation program option and does not meet the specific program requirements within three (3) years, automatically reverts to the four (4) year twenty-four (24) credit graduation program option.
    - b. An eighteen (18) credit student who does not score at level 3 or higher on the grade 10 FCAT writing assessment, or achieve five (5) credits by the end of grade 9 or eleven (11) credits by the end of grade 10 will be reassigned to the twenty-four (24) credit program option.
- B. Specific Credit Requirements for Graduation

(See F.S. 1003.43(1) for specific content requirements of designated courses.)

1. Beginning with students entering their first year of high school in the 2007-2008 school year, specific course requirements for graduation include:
  - a. Sixteen (16) core curriculum credits:
    - 1) English – Four (4) credits in English, with major concentration in composition, reading for information, and literature.
    - 2) Mathematics – Four (4) credits in mathematics, one (1) of which must be Algebra I, a series of courses equivalent to Algebra I, or a higher-level mathematics course. For students entering 9<sup>th</sup> grade in the 2010-2011 school year, Geometry or equivalent courses must be one of the four required mathematics courses, and the Algebra I EOC Assessment requirement must be met (see section M – Statewide Assessment Program below). School districts are encouraged to set specific goals to increase enrollments in, and successful completion of, geometry and Algebra II.

- 3) Science – Three (3) credits in science, two (2) of which must have a laboratory component.
  - 4) Social Studies – Three (3) credits in social studies as follows: one (1) credit in United States history; one (1) credit in world history; one-half (1/2) credit in economics; and one-half (1/2) credit in United States government.
  - 5) Fine or Performing Arts – One (1) credit in fine or performing arts, which may include speech and debate.
  - 6) Physical Education/Health – One (1) credit in Health Opportunities through Physical Education (HOPE) to include integration of health. Participation in an interscholastic sport at the junior varsity or varsity level for two (2) full seasons shall satisfy the one (1) credit requirement in physical education if the student passes a competency test on personal fitness with a score of “C” or better. The competency test on personal fitness must be developed by the Department of Education. A school may not require that the one (1) credit in physical education be taken during the 9<sup>th</sup> grade year. Completion of one (1) semester with a grade of “C” or better in a marching band class, in a physical activity class that requires participation in marching band activities as an extra-curricular activity, or in a dance class shall satisfy one-half (1/2) credit in physical education or one-half (1/2) credit in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan. Completion of two (2) years in a Reserve Officer Training Corps (R.O.T.C.) class, a significant component of which is drills, shall satisfy the one (1) credit requirement in physical education and the one (1) credit requirement in performing arts. This credit may not be used to satisfy the personal fitness requirement or the requirement for adaptive physical education under an individual education plan (IEP) or 504 plan.
- b. A minimum of eight (8) credits in elective courses selected by the student as part of the education plan.

Elective courses are selected by the student in order to pursue a complete education program to meet eligibility requirements for scholarships.

2. Level 1 Courses, Remedial Courses, Non-academic Activities and Community Service Work
  - a. Level 1 Courses: A student will not be placed in a Level 1 course for graduation credit unless the student's assessment indicates that a more rigorous course of study is inappropriate to meet the student's needs. A written assessment of the need must be included in the student's Progress Monitoring Plan or IEP.
  - b. Remedial Courses: Remedial instruction provided during high school may not be in lieu of English and mathematics credits required for graduation.

- c. High school students who score at Level 1 on FCAT Reading are required to complete an intensive reading course. Those students who score at Level 2 must be in an intensive reading course or a content reading intervention. A high school student who scores at Level 1 or Level 2 on FCAT Reading but who did not score below Level 3 in the previous 3 years may be granted a 1-year exemption from the reading remediation requirement; however, the student must have an approved academic improvement plan already in place, signed by the appropriate school staff and the student's parent, for the year for which the exemption is granted.
  - d. Nonacademic Activities: Credit for high school graduation may be earned for volunteer activities and nonacademic activities that have been approved by the State Board of Education.
  - e. Community Service Work: Students may earn credit towards graduation by completing voluntary community service work or school service work. Credit may be earned by passing a one-half (1/2) credit elective social studies course and/or a one-half (1/2) credit elective course as designated by the District. Students must complete seventy-five (75) hours of service for each one-half (1/2) credit and meet other procedures established by the District. Community service credits may not be used for acceleration of graduation. The community service project site will be selected (within the District procedures) by the student. Each participating student must meet the community service requirements specified in F.S. 1003.43(1)(k). Credit may not be earned for community service provided as a result of court action. (See also Florida's Bright Futures Scholarship Program)
- C. Career and Technical Education Course Substitutions to Fulfill Graduation Requirements
- 1. Any student in grades 9 through 12 who enrolls in and satisfactorily completes a job preparatory program listed below may substitute credit for a portion of the required four (4) credits in English, three (3) credits in mathematics, or three (3) credits in science as specified.
  - 2. The credit substituted for English, mathematics, or science earned through the vocational job preparatory program shall be on a curriculum equivalency basis. Vocational course substitution may not exceed two (2) credits in each subject area. A program, which has been used to substitute in one (1) subject area, may not be used to substitute for any other subject area.
  - 3. Job preparatory programs which have been identified as being the equivalent of Business English I (#1001440), Business English II (#1001450), Business Mathematics (#1205540), Pre-Algebra (#1200300) General Science (#2002310), and Anatomy and Physiology (#2000350) are listed below:
    - a. Business English I: Accounting Operations 8203300, Administrative Assistant 8212000, and Business Supervision and Management 8215100.
    - b. Business English I and/or Business English II: Administrative Assistant 8212000.

- c. Business Mathematics: Administrative Assistant 8212000, Business Computer Programming 8206300, PC Support Services 8207200, Business Supervision and Management 8215100, Accounting Operations 8203300, Academy of International Business 8216100.
  - d. Pre-Algebra: Electronics 8730000.
  - e. General Science: Nursery & Floriculture Operations 8121200, Environmental Horticulture 8121500, Natural Resources & Forest Ecology 8118200 and Animal Science 8106100.
  - f. Anatomy and Physiology: Allied Health Assisting 84171310, Electrocardiograph Aide 84171610, First Responder 84171710, Home Health Aide 8417190, Nursing Assistant 84172110 and Health Unit Coordinator 84171810, Veterinary Assistant 8115110.
4. A student who completes a job preparatory program and substitutes part of that program for Business Mathematics, Business English, Business English II, General Science, or Anatomy and Physiology may not take these courses and receive additional credit.
5. Business Technology Education Program Guidelines
- a. Business English I and Business English II are yearlong courses for vocational students. Students who earn a full credit in both of these courses may substitute them for English III and IV. Students who earn credit only in Business English I must take English III as their fourth English credit. Students who complete only one (1) semester of Business English I must take one (1) semester of English III to complete their third English credit and a full year of English IV to complete their fourth English credit.
  - b. Business Mathematics satisfies one (1) year of the mathematics requirement for graduation. Since Business Mathematics is a level 1 course (waiver required) and does not prepare a student to meet the algebra requirement for graduation, it is recommended that students take this course as their third mathematics credit only when a more rigorous course would not be appropriate. Business Technology Education program completers may use course substitution for this course as outlined in the Florida Course Code Directory and Instructional Personnel Assignments.
  - c. In determining program completers in Business Education, Keyboarding and Business Skills (8200320) and Computer and Business Skills (8200330) may be combined as a substitute for Business Systems and Technology I (8209020).
  - d. The first semester or a full year of Word Processing I (8212010) may be substituted for the second semester of Business Systems and Technology I (8209020) provided the equivalent Student Performance Standards have been met.
  - e. Practical Computer and Business Skills (8200330) may substitute for the first semester of Business Systems and Technology II (8209030) provided the equivalent Student Performance Standards have been met.
- D. Exceptional Student Requirements

Exceptional students must meet the requirements outlined for high school students in the general education program to earn a standard diploma. Additional policies pertaining to exceptional student education are located in the District's [Special Programs and Procedures for Exceptional Students Handbook](#) as referred in Exceptional Student Education. Access to a standard diploma for any exceptional student means that:

1. Exceptional students may enroll in any general education or exceptional student education course that is described in the District Course Code Directory to meet graduation requirements. Courses with special diploma performance standards will count only as elective credit toward a standard diploma.
2. Course accommodations are provided as needed in regular and vocational courses as specified on the Individual Education Plan (IEP). Accommodations cannot change course performance standards.
3. Test accommodations for classroom, District and State test administration procedures are provided as needed in regular and vocational courses as specified on the Individual Education Plan (IEP).
4. Exceptional students (except gifted, vision impaired, or speech impaired only) may pursue a special diploma if they are unable to meet standard diploma requirements. The diploma decision must be made by the IEP team no later than the end of the first semester of eighth grade or during the school year of the student's 14<sup>th</sup> birthday, whichever comes first. This decision is reviewed at least annually by the IEP team. The decision may be changed, understanding that it may increase the amount of time required prior to graduation.

E. Progress Toward Graduation in High School

1. Progress toward graduation in grades 9-12 shall be based on passing the FCAT, mastery of subject matter by earning the required twenty-four (24) credits and earning the required cumulative unweighted 2.0 GPA. Students progress through high school each year at their own pace. When a student accumulates a minimum of seventeen (17) high school credits and completes three (3) full years of high school, senior or 12th grade status will be granted.
2. Students scoring below Level 2 on FCAT Reading or Mathematics, below 4.0 on FCAT Writing or the District writing test, or below Level 2 on FCAT Science or the District science test will receive remediation and may be retained. Additional diagnostic assessments aligned to FCAT will be administered. Upon subsequent evaluation, if the documented deficiency has not been remediated in accordance with the academic improvement plan, the student may be retained.
3. No students may be assigned to a grade level based solely on age or other factors that constitute social promotion.

F. Full Time Enrollment Requirement in Regular Schedule High School

Students shall be enrolled full time according to their school's master schedule during a school calendar year. A school calendar year includes first semester, second semester, and coursework completed prior to July 1st of each year. Students may earn credits in the regular high school program, including Florida Virtual School, and additional credits in the Extended Learning Program, adult school, the Florida Virtual School or college dual credit. A student may also earn credit in a regionally accredited public or private summer term program. During a grading period, a student must be enrolled in and attending at least four (4) courses at the high school in order to be a District student. Home education students may not enroll in more than three (3) courses (see also [Policy 9270](#) - Home Education).

Credits earned in summer term, the Extended Learning Program, the Florida Virtual School, college dual credit or adult school may not be used for the purpose of accelerating graduation except for students in the Early Graduation Option program or an approved District Dropout Prevention Program.

#### G. Credit Requirements for Students Transferring from Out-of-State

If a student enters from out-of-state with fewer than six (6) credits, but is classified as a tenth grade student, the student must earn eighteen (18) additional credits to graduate. If a student enters from out-of-state with fewer than twelve (12) credits but is classified as an eleventh grade student, the student must earn twelve (12) additional credits to graduate; these credits must include as many required subjects as possible in order to give greater emphasis to the academic subjects. If a student enters from out-of-state with fewer than eighteen (18) credits but is classified as a twelfth grade student, the student must earn six (6) additional credits to graduate; these credits must include as many required subjects as possible in order to give greater emphasis to the academic subjects. For each such student transferring from out-of-state, "OUT-OF-STATE TRANSFER" should be entered in the comment section of the student academic history screen to explain the possibility of a student's graduating with fewer than the regularly required number of credits for graduation. (See also Acceptance of Credits).

#### H. High School Students in Adult High School

With the approval of the high school principal/designee, twenty-four (24) credit standard diploma high school students who are within one (1) month of their sixteenth (16th) birthday or older may enroll in adult high school credit courses if any of the following apply:

1. A student who is in his/her third or fourth year of high school, is behind in earned credits, and cannot earn all needed credits in day school in time to graduate with his/her class, may enroll in a required subject area course s/he has not taken before for subject area credit with the exception of any courses that require an End of Course (EOC) exam to receive credit.
2. A student who is in his/her third or fourth year of high school, is behind in earned credits and cannot earn all needed credits in day school in time to graduate with his/her class, may enroll in an elective course s/he has not taken before for elective credit with the exception of any courses that require an End of Course (EOC) exam to receive credit.
3. A student needs forgiveness for a failed course with the exception of any courses that require an End of Course (EOC) exam to receive credit.
4. A student with an unweighted GPA of less than a 2.0 may enroll to replace a "D" grade with a grade of "C" or higher on a space available basis only with the exception of any courses that require an End of Course (EOC) exam to receive credit.

5. Course work is needed to meet requirements of the Florida Bright Futures Scholarship Program Certificate or the Early Graduation Option program (EGO).
6. Under extenuating circumstances with approval of the principal and Director of High School Education.

I. High School Students in the Florida Virtual School

With the approval of the high school principal/designee and the student's parent, high school students may enroll in course work during or beyond the regular school day/year through the Florida Virtual School. High schools may also build Florida Virtual School courses into their master schedules during the school day.

1. A student may not be enrolled simultaneously in the same course at both their school and the Florida Virtual School. Students should enroll in Florida Virtual courses at the beginning of a semester. While students await acceptance in a Florida Virtual School course, they must be enrolled full time in a District school.
2. Although Florida Virtual School may have institutional drop/add procedures and timelines, students must be enrolled in a full schedule in the District and may not drop a Florida Virtual School course that results in less than a full course load. Florida Virtual School "W/F" grades will be treated as a grade of "F" on a student's transcript.
3. During a grading period, a student must be enrolled in and attending at least half of the courses at a regular high school.

J. Additional Credit for Dropout Prevention Students

A student enrolled in a Department of Education approved District Dropout Prevention Program may earn additional credit if enrolled in course modification classes and/or an after school work experience program and may be eligible to graduate in less than twelve (12) years (grades 1-12). Students enrolled in the school who have previously been retained one (1) or more grades may be eligible to participate in an upgrade program. If a student is in an eighth grade upgrade, the student will be classified as a ninth grader and enrolled in high school credit courses which may include approved course modifications if the student remains at the discovery school for the entire year. Eighth grade students at the school not eligible for the upgrade program may earn up to 1.5 non-academic high school credits.

K. Summer Term Credits

A student may earn high school credit by successfully completing a summer term course in a regionally accredited public or private summer term program.

The summer grades of students are acceptable as credit needed to meet graduation requirements provided the program meets the 120 class hours required by the State Department of Education and that the students shall have successfully completed an examination given by the school granting the credit.

L. GPA Requirement

1. Students entering 9th grade during 2000-2001 and subsequent years must achieve a cumulative unweighted grade point average of 2.0 or above on a 4.0 scale to be eligible for a diploma. All high school courses taken will be included in the GPA calculation unless the grade has been forgiven. For diploma purposes, a grade point average of 1.950 or higher will be rounded to a 2.0.

2. Students selecting the eighteen (18) credit three (3) year Standard College Preparatory graduation program options must earn at least a cumulative weighted grade point average of 3.5 on a 4.0 scale.
3. Students selecting the eighteen (18) credit three (3) year Career Preparatory program must earn at least a cumulative weighted grade point average of 3.0 on a 4.0 scale.

M. Statewide Assessment Program

Each student must meet the requirements of the Statewide Assessment Program and must earn a passing score in FCAT reading, mathematics, and/or appropriate End-of-Course (EOC) assessments to be eligible for a diploma. The FCAT and EOC assessments also serve as the assessment of a high school student's readiness to enter the workforce. Exceptional students are eligible for test administration accommodations as specified on their Individual Education Plan. Students with disabilities, whose abilities cannot accurately be measured by the Statewide assessment test, may be determined eligible for a waiver of the FCAT and EOC requirement for graduation (WFW code). (See Exceptional Student Education Procedures and Assessment). In order to select an eighteen (18) credit graduation option, a student must achieve at least a level 3 on the most recent FCAT reading, mathematics, and writing assessments.

All courses that have a required End-of-Course (EOC) assessment shall be yearlong courses in which credit will only be awarded at the end of the school year. According to state guidelines, courses that have an EOC assessment may require the student pass the EOC assessment in order to earn credit in the course. Students will be required to take the first semester exam. A second semester exam will not be administered in courses with an EOC. For courses in which the state requires that the EOC assessment comprise 30 percent of the final grade, the following formula will be used to determine the course grade:

$$[((T1+T2+T3+E)/4) \times 35\%] + [((T4+T5+T6)/3) \times 35\%] + [(EOC \text{ Assessment converted to 0-4 scale}) \times 30\%] = \text{course average}$$

Note: all T grades (six weeks) use letters to compute.

Credit Acceleration Program (CAP); a student who is not enrolled in or who has not completed the related course may take the EOC during the regular administration of the assessment. If the student earns a passing score, they will receive regular course credit (i.e. Geometry, not Geometry Honors) and a "P" for the course grade. The "P" does not impact a student grade point average.

N. Elective Credits

Remedial and compensatory courses taken in grades 9-12 may only be counted as elective credit. Credits for electives for a standard diploma may not include more than a total of nine (9) credits of remedial and compensatory courses, nor more than one (1) credit for exploratory vocational, nor more than three (3) credits for practical arts family and consumer sciences classes. ESE students pursuing a special diploma may earn additional elective credits.

O. Dual Credit Program



The Board has established articulation agreements with St. Petersburg College (SPC), the University of South Florida and the University of Florida. The SPC agreement enables District high school students to take college courses on the high school campuses or on a St. Petersburg College campus. Students who satisfactorily complete the requirements of the courses within the program receive college credit by complying with the District rules and high school credit prorated according to the college credit hours for each college course successfully completed.

1. To be eligible to participate in the dual credit program, a student must be a sophomore, junior, or senior attending a public high school in Pinellas County who has demonstrated prior academic achievement by attaining at least an unweighted 3.0 grade point average for academic dual credit or an unweighted 2.0 GPA for technical dual credit. Participating sophomores must be in need of a college course in order to meet specific graduation requirements. The University of South Florida agreement provides for early admission into the Honors College only. Students entering the Honors College must have an unweighted minimum GPA of 3.8.
2. Approved dual credit courses are listed in the current District Course Code Directory. Courses may be added or deleted throughout the year by the mutual agreement of the College President and the Superintendent.
3. If a high school does not have enough students to form a dual credit class on the high school campus, two (2) options are available to eligible students:
  - a. A student may travel to a St. Petersburg College campus to take a district approved dual credit class as part of a student's class schedule. Class time in scheduled high school courses held on the high school campus may not be missed due to participation in this dual credit option. The student must provide his/her own transportation.
  - b. A student may participate in a dual credit class formed after school on a high school campus if the instructional materials are purchased from the school's instructional materials allocation. The School District is not eligible to collect FTE for this option.

P. Diploma Requirements for Pinellas County Students Participating in Foreign Study

A twelfth grade student who participates in a foreign studies program may be granted a diploma from his/her regular District high school under the following conditions:

1. The student shall have successfully completed the eleventh grade or the first semester of the twelfth grade in a District public high school.
2. The principal of the District public high school from which the student intends to graduate agrees to the student's participation in the foreign studies program.
3. The student presents to his/her principal evidence indicating that the foreign school is a recognized/accredited institution qualified to grant such credit consistent with the standards of the country in which the school is located.
4. The principal subsequently approves the twelfth grade student's program of studies at the foreign school and verifies that credits earned at the foreign school are comparable to those approved for credit by the Board.

5. The student, upon completion of his/her foreign program of studies, presents to his/her regular school registrar an official transcript from such foreign school of attendance indicating that the student successfully completed the planned program of studies.
6. The student has successfully completed all other State and District requirements for high school graduation.
7. The principal has determined that the foreign school will not grant a diploma to the student because graduation requirements for the foreign school exceed those required by the Florida State Department of Education and the Board.

#### International Baccalaureate (IB) Program Diploma

The IB Program is the curriculum whereby students are enrolled in a program of studies offered through the IB Program and administered by the IB Office. A student who has successfully completed the following IB course requirements will receive a standard high school diploma.

- A. four (4) credits of language A (student's native language)
- B. four (4) credits of language B (foreign language)
- C. four (4) credits of Study of Individuals in Societies
- D. four (4) credits of experimental sciences
- E. four (4) credits of mathematics
- F. two (2) credits of IB sixth subject
- G. one (1) credit (100 hours) Theory of Knowledge
- H. one (1) credit Inquiry Skills (or equivalent)

Requirements equal twenty-four (24) total credits plus an extended essay, at least 150 hours of Creativity/Activity/Service and all internal and external IB assessments required by the IB Organization for diploma candidates.

The State Board of Education has established rules that specify the cutoff scores and IB Examination that will be used to grant postsecondary credit at community colleges and universities. Students shall be exempt from payment of any fees for administration of the examinations regardless of whether or not the student achieves a passing score on the examination.

#### Accelerated Graduation and Early Admission to College

An accelerated graduation student shall achieve the appropriate cumulative grade point average in high school and complete all requirements of the Statewide Assessment Program as specified in GPA Requirement and Statewide Assessment Program. Earned credits shall meet all requirements specified in above.

- A. Standard College Preparatory Program (three (3) year). Students must earn at least a "B" (3 points) in an unweighted class and a "C" (3 points) in a weighted class to receive course credit in the Standard College Preparatory Program. Eighteen (18) credits are required in the following courses:
  1. English – four (4) credits (major concentration in composition and literature).

2. Mathematics – three (3) credits at the Algebra I level or above from the list of courses that qualify for state university admission. For students entering 9<sup>th</sup> grade in the 2010-2011 school year, four (4) credits are required and Geometry or equivalent courses must be one of the four required mathematics courses, and the Algebra I EOC Assessment requirement must be met.
3. Science – three (3) credits in natural science (two (2) must have a laboratory component).
4. Social Sciences – three (3) credits (one (1) credit world history, one (1) credit United States history, one-half (1/2) credit United States Government, one-half (1/2) credit economics).
5. World Language – two (2) credits or demonstrated proficiency in same second language.
6. Electives – three (3) credits. For students entering 9<sup>th</sup> grade in 2010-2011, two (2) credits are required.

At least six (6) of the eighteen (18) credits required for this program must be earned in classes that are advanced placement, IB, or dual enrollment.

- B. Career Preparatory Program (three (3) year). Students must earn at least a weighted or unweighted "C" (at least two (2) points) in a class to receive course credit in the career preparatory program. Eighteen (18) credits required in the following courses:

1. English – four (4) credits (major concentration in composition and literature).
2. Mathematics – three (3) credits (one of which must be Algebra I). For students entering 9<sup>th</sup> grade in the 2010-2011 school year, four (4) credits are required and Geometry or equivalent courses must be one of the four required mathematics courses, and the Algebra I EOC Assessment requirement must be met.
3. Science – three (3) credits in natural science (two (2) must have a laboratory component).
4. Social Sciences – three (3) credits (one (1) credit world history, one (1) credit United States history, one-half (1/2) credit United States Government, one-half (1/2) credit economics).
5. Career Preparation – three (3) credits in a single vocational or career education program, three (3) credits in career and technical certificate dual enrollment, or five (5) credits in vocational career technical courses.
6. Electives – two (2) credits in electives unless five (5) credits are earned as referenced above. For students entering 9<sup>th</sup> grade in 2010-2011, one (1) credit is required.

- C. Early Admission to College/University

The Board has approved a graduation plan whereby students who meet the conditions of an early admission and advanced studies program may enter a designated college or university with fewer than four (4) years in grades 9-12. Such programs shall meet the following conditions:

1. Application for Early Admission to college which has a Board approved articulation agreement, as described in Policy 2271, may be made after satisfactory completion of three (3) full years of high school and a minimum of eighteen (18) credits.
2. The student who meets the conditions of an early admission and advanced studies program may be excused by the Board for the fourth (senior) year of high school providing the student has obtained the principal's signature on the District High School Application for Early Admission to College and has been enrolled as a public school student for at least the semester prior to participation in the early admission program.
3. The student may be awarded a diploma at the regular time of his/her class graduation, or at a time convenient to the principal, based on the following:
  - a. The student has completed one (1) academic year of college or equivalent with a normal class load and maintained at least a "C" average or equivalent; and the student has earned sufficient college credits creditable toward the high school diploma to fulfill graduation requirements as specified by the Board in Regular Diploma.
  - b. The student provides the high school with a complete official college transcript of grades and credits earned.
  - c. The student's permanent record shall show adequate notations covering work accomplished while in college.
4. No early admission student will be included in class rank computations for valedictorian or salutatorian status. Early admission students are included, however, in a school's Talented 20 calculation.
5. Early admission students may participate in high school sponsored athletics, the graduation ceremony and other school activities but must abide by the Code of Student Conduct.
6. Early admission is a form of dual enrollment. The early admission student is not a full-time registered student in high school unless enrolled in an institution, which has a dual enrollment agreement with the District.
7. Students who have attended a high school for three (3) years based on magnet enrollment or an approved SAP may receive their standard high school diploma from that school upon successful completion of the early admission to college program. These students will not, however, receive any recognition, special certification or diploma for magnet program completion. A student who leaves the early admission program to return to high school may attend the high school where the student attended grades 9-11.
8. Early admission students are exempt from the payment of registration, matriculation and lab fees.

#### Special Diploma Options for Exceptional Students

The purpose of the special diploma is to prepare students with disabilities for adult living and employment after graduation. Students earning the special diploma will not be eligible for entry into two (2) year AA programs or into a four (4) year university or college.

To earn a special diploma, exceptional students must:

- A. acquire the minimum number of credits twenty-four (24) in a seven (7) credit schedule and twenty-nine (29) in a 4x4 schedule. Courses may be selected from general education, vocational, and special diploma courses;
- B. achieve required minimum GPA;
- C. demonstrate mastery of Sunshine State Standards with Access Points:
  - 1. Florida Sunshine State Standards with Access Points are designed to prepare students with disabilities for adult living and employment after graduation. The Sunshine State Standards with Access Points address the following strands: appropriate Sunshine State Standards, functional academics, life work, personal care, self-management, working with others, and communicating with others.
  - 2. The student's IEP team determines annually whether the student will master each standard at the independent, supported, or participatory level. Alternate assessment, selected by the IEP team, is used to measure mastery of the Sunshine State Standards with Access Points. Successful completion of special diploma coursework, which includes the Sunshine State Standards with Access Points in the performance standards of the courses, also documents mastery.
- D. meet Option 1A, Option 1B or Option 2 requirements:
  - 1. Option 1A Independent/Supported Credit Requirements:
    - a. Language Arts/Reading - three (3) credits
    - b. Mathematics - three (3) credits
    - c. Science - one (1) credit
    - d. Career Preparation or Exploratory Education - one (1) credit
    - e. Physical Education - one-half (.5) credit
    - f. Social Studies - one (1) credit
    - g. Career Education - one (1) credit
    - h. Vocational Transition - two (2) credits
    - i. Electives - eleven and one-half (11 1/2) credits for a seven (7) schedule
  - 2. Option 1B Supported/Participatory Credit Requirements:
    - a. Academic/Supported/Participatory/Special Skills - eight (8) credits
    - b. Physical Education - one-half (.5) credit
    - c. Prevocational and Electives - fifteen and one-half (15 1/2) for a seven (7) credit schedule
  - 3. Option 2 Vocational Transition Credit Requirements:
    - a. Language Arts/Reading - one-half (.5) credit
    - b. Mathematics - one-half (.5) credit

- c. Career Preparation or Exploratory Education - one-half (.5) credit
  - d. Career Placement/Vocational/Electives - twenty-two and one-half (22 1/2) credits for a seven (7) credit schedule
4. The student should be at least seventeen (17) years of age.
  5. The student should have successfully completed one (1) full semester of career placement.
  6. The student should have completed at least one (1) semester of ESE language arts/reading, mathematics, and career preparation.
  7. The student must be employed at least thirty (30) hours per week.
  8. Selected PTEC students may combine employment and vocational training only if approved by the District and specified in the Student's Training Plan. Full-time high school students enrolled at a PTEC Center seeking a special education diploma are required to meet the State-mandated one-half (1/2) credit in Physical Education.
  9. All necessary training plans and IEP information must be completed and signed.
- E. An exceptional student (except gifted, Vision Impaired or Speech Impaired) who meets all standard diploma requirements but cannot achieve a passing score on the State's assessment test may earn a special diploma.

#### Certificate of Completion

- A. A student will be eligible to receive a certificate of completion (W08) if the student has acquired the minimum number of required credits for graduation in grades 9 through 12, but has not achieved the appropriate cumulative grade point average and/or has not met the requirements of the Statewide Assessment Program as specified above.
- B. A student eligible to receive a certificate of completion (W8A) who has achieved a cumulative grade point average as specified above but has not met the requirements of the Statewide Assessment Program shall be awarded a College Placement Test Eligible certificate and will be awarded a standard high school diploma upon successfully meeting the requirements of the Statewide Assessment Program. The standard diploma will be issued by the high school the student last attended. The adult high school will issue the standard diploma if the student earned the majority of their twenty-four (24) credits in the adult program.

#### Graduation Assistance Opportunities

The following opportunities are available to assist students who need extra help to meet graduation requirements.

- A. Lacking the Credits Required for Graduation
  1. Repeating a course to improve a grade.
  2. Extended Learning Program.
  3. Adult Evening School - for students sixteen (16) years or above in third or fourth year of high school and cannot earn all needed credits in a day school in time to graduate with their class. Courses with an EOC exam may not be taken in Adult Evening School.

4. Options for Students Needing One (1) Credit or Less to Graduate After Four (4) Years in High School

A student who has been enrolled in high school and who has completed his/her fourth year and who needs one (1) credit or less to graduate from a regular day high school may, within one (1) year of completing the fourth year, enroll in an adult high school (with the exception of EOC exam courses), an approved dual enrollment course, Florida Virtual School, or a regionally accredited correspondence school to complete the credit needed for graduation without the necessity of re-enrolling in the regular day high school for the last semester immediately preceding graduation.

B. Lacking the GPA Required for Graduation

1. Repeating a course to improve a grade.
2. Adult Evening School – students sixteen (16) years or above may choose to attend an adult education class to replace a "D" grade with a grade of "C" or higher if the student is working toward a twenty-four (24) credit standard diploma and has an unweighted GPA of less than 2.0. Students will be enrolled to improve a "D" grade on a space available basis only. Courses with an EOC exam may not be taken in Adult Evening School.
3. Homework Helpline.
4. School-based assistance programs (e.g., National Honor Society tutoring).
5. Extended Learning Program.

Note: Parents of students who have a cumulative GPA of less than one-half (.5) above the cumulative GPA required for graduation at the end of each semester in grades 9-12 will be notified that the student is at risk of not meeting graduation requirements and options of the district has in place to assist these students in meeting the GPA requirement.

C. Lacking the Minimum Number of Attendance Hours Required for Course Credit

1. Repeating a course to improve a grade.
2. Adult evening school (sixteen (16) years or older) with the exception of EOC exam courses.
3. Extended Learning Program.

D. Lacking Statewide Assessment Program Requirements

1. After school tutorial services.
2. Adult evening school (sixteen (16) years or older) with the exception of EOC exam courses.
3. Homework Helpline.
4. School-based assistance programs (e.g., National Honor Society tutoring).
5. Thirteenth year of school.
6. Extended Learning Program.

- A. Any student who is otherwise entitled to a certificate of completion (but has elected not to receive it) may elect to remain in a high school during the following school year for the duration of one (1) additional year either as a full-time student or as a part-time student to receive special instruction designed to remedy his/her identified deficiencies.
- B. Exceptional students are eligible for services until they earn a standard diploma or GED or through the school year in which they turn twenty-two (22). Exceptional students who have received a certificate of completion or special diploma may walk in a high school graduation ceremony and then return to high school through the school year in which they reach age twenty-two (22).

#### Eligibility for Students Younger than Eighteen (18) to Take the General Educational Development (GED) Tests

Students sixteen (16) years of age to eighteen (18) years of age who are residents of Pinellas County, shall be permitted to take the comprehensive examination for the equivalency diploma if one of the following conditions exists:

- A. The student's class (defined as that class in which the student would have entered kindergarten) has already graduated.
- B. The student is married and/or a parent.
- C. The student is experiencing extraordinary life circumstances and has written approval from the appropriate Assistant Superintendent.
- D. The student is a resident of Pinellas County and has met all of the following:
  - 1. is enrolled in a dropout prevention, dropout retrieval, in-school GED, exceptional student program funded through the Florida Education Finance Program (FEFP); or is court ordered to a GED class; or has been withdrawn from regular day school for at least three (3) months;
  - 2. has been counseled as to the educational alternative appropriate to the student's needs;
  - 3. has obtained a pretest score of 500 or better on all five (5) parts of the official GED Practice Test.

#### Unauthorized Diplomas

The granting of diplomas other than those approved by the Board is not allowed.

#### Final Semester Attendance Requirement for Diploma Eligibility

- A. Students who transfer out of the District before the last full semester of their senior year and do not return to this school system to complete the last semester of their senior year shall not be eligible for a diploma from the District.
- B. A student who transfers out of the District during the last full semester of their senior year shall not be eligible for a diploma from a District public high school unless the student has transferred to a school district with a policy which will not allow that district to grant a diploma to a student who was not enrolled for the entire semester prior to graduation. In this instance the District will work with the receiving high school to verify the student's final grades, GPA, and diploma eligibility.



- C. Students who transfer into a District high school during their senior year must be enrolled full time in District courses for the entire semester prior to graduation in order to be eligible for a diploma from a District public school. These courses may not be taken through Florida Virtual School. However, a District high school diploma may be granted to a student transferring in from a school district with a policy, which will not allow that district to grant a diploma to a student who was not enrolled for the entire semester prior to graduation.

#### Mid-term Graduation Ceremonies

Mid-term graduation ceremonies shall not be held in high schools.

#### Code of Conduct for High School Graduation Ceremonies

- A. It is the intent of the Board to set guidelines for high school graduation ceremonies that will help make graduation a dignified occasion, worthy of the time and effort students and parents have expended to accomplish the goal of students' graduating from high school. It is imperative that students, parents, teachers, and school administrators take an active part in implementing this code.
- B. Student Rights and Responsibilities:
  - 1. Student Rights:
    - a. Each graduating senior has the right to expect a dignified ceremony, worthy of recognizing the effort that has been applied in achieving graduate status.
    - b. Each graduating senior has the right to be properly recognized before family and friends without interference from any source.
  - 2. Student Responsibilities: Students attending graduation ceremonies are expected to fulfill the following responsibilities:
    - a. Students shall abide by all rules of dress and conduct as developed by the school.
    - b. Students shall avoid any behavior that would cause discomfort or embarrassment to any other graduate or the family or friends or a graduate.
    - c. Students shall follow all directions given by members of the school staff or administration.
- C. Student Conduct at Graduation

All students are expected to conduct themselves in a manner that will contribute to the best interests of the graduating class. School authorities have jurisdiction over all students during the graduation ceremonies. The Board's current Code of Student Conduct shall apply to all participants and student spectators attending the graduation ceremonies.

F.S. 1001.32(2), 1001.41(2), 1001.42(23), 1003.03, 1003.428, 1003.429  
F.S. 1003.43, 1003.435, 1003.438  
F.A.C. 6A-1.095

Adopted 12/9/09; Revised 12/7/10, 12/6/11

## 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.

### **ACCEPTANCE OF CREDITS**

#### **Student Transfers from Other School Systems**

Students transferring to District public schools from other school systems shall meet the Board's graduation requirements, but such students shall not be obliged to retroactively meet such requirements so long as they have met all graduation requirements of their respective school districts and states prior to transferring to District public schools.

#### **Accepting Credits of Transfers**

High schools shall accept at face value the credits of students transferring from a Florida public school; from a public school in one (1) of the other forty-nine (49) states; from a Department of Defense school; from a school accredited by a regional accrediting agency under the governance of National Study of School Evaluation, National Council on Private School Accreditation member agencies, the Florida Council on Independent Schools and the Florida Association of Christian Colleges and Schools, or from a foreign school that is a recognized/accredited institution qualified to grant such credit consistent with the standards of the country in which the school is located, based on an official transcript from the transferring school. The regional accrediting agencies under the governance of National Study of School Evaluation are Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, Northwest Association of Colleges and Schools, AdvancEd - Southern Association of Colleges and Schools, and Western Association of Colleges and Schools.

A. High schools shall accept credits of students transferring from schools including home education that do not meet the above guidelines subject to the following conditions:

1. A student will be placed in the appropriate sequential course level in mathematics, science, social studies, and language arts. The student's credit will be based on successful completion of one (1) grading period of course work in each of the four (4) subject areas. Credit for all other courses will be accepted at face value provided that an equivalent course is contained in the listing of approved courses for high schools in Florida.

For each subject area in which the student earns a C or higher during the student's first grading period after transferring to a District high school, the grades and credit earned in the school from which the student is transferring will be entered on the student's transcript. For each subject area in which the student earns a D or lower during the student's first grading period after transferring to a District high school, the grades and credit earned in the school from which the student is transferring will be validated using the Alternative Validation Procedure before being entered on the student's transcript.

2. Alternative Validation Procedure. If validation based on performance as described above is not satisfactory, then any one (1) of the following alternatives shall be used for validation purposes as determined by the teachers, principal, and parent:
  - a. portfolio evaluation by the Superintendent or designee;
  - b. written recommendation by a Florida certified teacher selected by the parent and approved by the principal;
  - c. demonstrated performance in courses taken through dual enrollment or at other public or private accredited schools;

- d. demonstrated proficiencies on nationally-normed standardized subject area assessments;
  - e. demonstrated proficiencies on the FCAT; or
  - f. written review of the criteria utilized for a given subject provided by the former school. Students must be provided at least ninety (90) days from the date of transfer to prepare for assessments outlined in paragraphs of this policy if required.
- B. Accreditation agencies that do not meet the criteria outlined in this subsection for credits to be accepted by District high schools at face value may appeal to the Assistant Superintendent for Secondary Curriculum to have their accreditation process reviewed. If such an agency can show that their accreditation standards are equivalent to those of agencies under the governance of National Study of School Evaluation in the areas of instructional program design, governance and organization, personnel, services, plant operations and facilities, and finance and business operations as outlined in the Standards for Secondary Schools published by the regional accreditation agencies under the governance of National Study of School Evaluation, then credit from a school accredited by that agency may be accepted at face value.

### **Transfer of College Credit or Credits Earned Outside Pinellas County Schools**

Credit for high school graduation shall not be granted a District student for courses taken in a high school that does not meet the guidelines outlined in this policy except under conditions outlined further in this policy, or for courses completed in college, except in a Board approved dual credit program. Such schoolwork shall be evaluated, however, to determine if the student should be placed at a higher level.

### **Transfer of St. Petersburg College Credits Earned During Home Education**

St. Petersburg College credits earned by home education students will be accepted toward high school graduation since SPC is SACs accredited. An official college transcript must be provided to the high school so that credits from the school which delivered the instruction (SPC vs. the school of record – home education) may be accepted.

### **Transfer of Correspondence Credits**

The District shall accept correspondence credits earned by students living in wilderness areas where correspondence credit and itinerant teachers are an integral part of the state's educational system.

### **Correspondence Credit Provisions**

Students who have completed two (2) full years in high school may earn one (1) credit per school calendar year by correspondence under the following conditions:

- A. Prior approval is obtained from the principal.
- B. The correspondence course is taken from the University of Florida or a school, which is accredited by a regional accrediting agency under the governance of National Study of School Evaluation to grant high school credit for correspondence course work.
- C. The student presents an official transcript indicating successful course completion to the high school principal or designee.
- D. A maximum of two (2) credits may be earned via correspondence for high school graduation.

### **Acceptance of Early Admission to College Credits**

A student who enters college prior to graduation from high school may be awarded a high school diploma upon successful completion of the first year of college, provided that prior arrangements have been made with the school principal and the student meets all the provisions of the District's Early Admissions to College application PCS Form 2-2446. In order to be eligible to receive a District high school diploma the student must have been enrolled in a District high school for the entire semester prior to participation in the early admission program.

### **Transfer of Area Vocational and Technical School Credit**

High school students attending specialized courses at area vocational or technical schools shall be given credit for such courses toward graduation requirements.

### **Acceptance of Adult High School Credit**

When a student sixteen (16) years of age or older withdraws from a regular day high school program and enters an adult high school program and later desires to re-enter a regular day high school, the student shall be re-admitted with the permission of the principal, and the school shall accept the transfer of all credits earned in State-approved adult high schools, provided all other Board requirements are met and provided further that the student will be enrolled for at least one (1) full semester before graduation from the regular day high school to which the student wishes to return.

### **In Order to Have Credits Awarded**

A student who wished to have credits transferred to a District high school from any educational institution as outlined in this policy shall provide an official transcript of completed course work in such educational institution. The official transcript(s) shall include the grading scale used by the transferring school(s).

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1003.21, 1003.25, 1003.31

F.S. 1003.413, 1003.436, 1007.24

F.A.C. 6A-1.095, 6A-1.09941

Adopted 12/9/09; Revised 12/6/11

## 5464 - EARLY COMPLETION OF GRADUATION REQUIREMENTS

Students who have completed all requirements for graduation, as specified in Policy 5460, may, elect to graduate early from high school. Early graduation is defined here as completing all requirements for graduation earlier than 8 semesters.

If eligible for a Florida Bright Futures Scholarship Program award under FS. 1009.53-1009.538, a student who graduates from high school midyear may receive an initial award in the spring term following the student's graduation.

F.S. 1003.429

## 5465 - GENERAL EDUCATION DEVELOPMENT (GED) TESTS

### **Eligibility for Students Younger than Eighteen (18) to Take the General Educational Development (GED) Tests**

Students sixteen (16) years of age to eighteen (18) years of age who are residents of Pinellas County, shall be permitted to take the comprehensive examination for the equivalency diploma if one of the following conditions exists:

- A. The student's class (defined as that class in which the student would have entered kindergarten) has already graduated.
- B. The student is married and/or a parent.
- C. The student is experiencing extraordinary life circumstances and has written approval from the appropriate Region Office Assistant Superintendent.
- D. The student is a resident of Pinellas County and has met all of the following:
  - 1. is enrolled in a dropout prevention, dropout retrieval, in-school GED, exceptional student program funded through the Florida Education Finance Program (FEFP); or is court ordered to a GED class; or has been withdrawn from regular day school for at least three (3) months;
  - 2. has been counseled as to the educational alternative appropriate to the student's needs;
  - 3. has obtained a pretest score of 500 or better on all five (5) parts of the official GED Practice Test.

F.S. 1004.02, 1004.93, 1003.43

## 5470 - BIOLOGICAL EXPERIMENTS ON LIVING SUBJECTS

The supervisor(s) of academic science courses shall acquaint teachers of biology with the provisions of F.S. 233.0674.

Teachers of biology are expected to teach, experiment, and permit students in their classes to experiment strictly in accordance with the provisions of F.S. 233.0674.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 5500 - CODE OF STUDENT CONDUCT

The primary goal of the District is to ensure that each student achieves at the highest possible level. Education is to be provided in a manner that does not discriminate or cause harassment on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background. In order for this to be accomplished every school staff member will strive to create a positive, safe environment that encourages and supports student success. Underlying causes for misbehavior will be explored, and when possible, positive redirection will occur and acceptable alternative behaviors will be taught. Such redirection may involve a collaborative effort of parents, school, and community.

It is the objective and policy of the School Board to recognize, preserve, and protect the individual rights of all students; and, at the same time, to encourage and enforce the exercise of these rights within the framework of an orderly and efficient school program. Within this framework, it is the duty of the Board, the administrative staff, and the faculty of each school to prevent and to prohibit student conduct that becomes dangerous, disruptive, or destructive, and therefore endangers the proper maintenance and function of the school program. It is expected that all disciplinary measures will be conducted in a manner that is respectful to the student and preserves that student's dignity wherever possible. Staff members model core value behaviors (Commitment to Children, Families, and the Community, Respectful and Caring Relationships, Cultural Competence, Trustworthiness, Responsibility, and Connectedness) that set an example for students who are expected to learn and practice those behaviors. It is the expectation that each student will behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education and will accept responsibility for their behavior. An effective school environment must be safe and free from disruption.

The Board further recognizes that students are protected and have certain rights extended to citizens under the United States Constitution and its amendments; and that these rights cannot be abridged except in accordance with the due process of law. Therefore, in order to clarify the guidelines of student behavior in the schools and establish procedures to be followed, the Code of Student Conduct has been adopted by the Board. The Code shall be mandatory and applied in a manner that is consistent with this philosophy of discipline. Individual schools may adopt additional regulations governing actions not covered by the Code, but such additional regulations may neither substitute for nor negate any Code provisions unless approved through the Board waiver process. It is essential that all students, their parents, teachers, and administrators understand and abide by the Code of Student Conduct.

"Parent" or "parents" is either or both parents of a student, any guardian of the student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.

F.S. 1001.42, 1001.43, 1002.20, 1003.01, 1003.53, 1006.07, 1006.08  
F.S. 1006.12, 1006.13  
F.A.C. 6A-1.0404

Adopted 12/9/09; Revised 7/26/11



## 5500.01 - CODE OF STUDENT CONDUCT - PARENTAL RESPONSIBILITIES

School staff and parents must work together in order to maximize a student's success at school. The District commits to working with and supporting families and the District needs parents to work with and support the District.

### Responsibilities of Parents:

- A. Get to know the people at their child's school by going to teacher conferences and school-parent activities like PTA meetings and the School Advisory Council (SAC) meetings.
- B. The parent must complete the clinic card annually. Promptly notify your child's school of any change in your telephone numbers, including home phone, cell phone, work phone, emergency contact number, or home address.
- C. Understand and support the rules of this Code of Student Conduct and talk to their child about them.
- D. Teach their child to dress neatly and appropriately for school since it is a place to work and learn.
- E. Make sure their child arrives at school on time every day. Parents should be aware that if they live within two (2) miles of their child's school and the District has established safe walk pathways in that area, School District transportation would not be provided.
- F. Will not leave their child at school more than thirty (30) minutes before the start of the school day or pick their child up more than thirty (30) minutes after the school day unless the parent has made special arrangements with a teacher, administrator, or a before/after school care program. Supervision will not be provided beyond that time. This also includes school activities outside the regular school day such as clubs, dances, carnivals, practices, and games.
- G. Contact the school within forty-eight (48) hours after their child is absent to tell them the reason for that absence. Some schools require notes.
- H. Tell the school principal if there is a change in residence or custody of the student, even if the parent thinks the student is still in the school's attendance zone. The parent must tell the principal within five (5) days of the change. If the school discovers that the parent moved and the parent has not told them, their child could be considered to be "found out of that school's attendance zone". This could mean an immediate change of school for their child and their child could be deemed ineligible for athletics and other activities.
- I. Work with school staff members to solve any discipline or problems. The parent should let the school know if something has happened at home that could affect how their child does in school.
- J. Present a photo ID and sign in at the office before entering on campus while school is in session.
- K. Identification must be shown to the office staff when someone takes an elementary or middle school student from school during the day. Identification may be required at high schools.

When parents are divorced or separated, both parents have full rights to participate in the child's school activities and know what is happening at school unless there is a court order limiting that access. If such an order exists then the principal must have a certified copy.

Absent prior permission from the parent, no student shall be permitted to leave school prior to dismissal at the request of or in the company of anyone other than an authorized school employee; a law enforcement officer; child protective investigator, or other official acting in the exercise of his/her lawful authority; or the parents of the student. Prior parental permission must be evidenced on the Student Clinic Card and Release Form or on a separate written instrument signed by the parent.

In the event that the school receives conflicting direction from divorced or separated parents

concerning a student, the school may rely on the direction of the parent identified by the following criteria, which are listed in order of priority:

1. First, the parent who is designated in a parenting plan or other Florida court order as having either educational decision-making authority or sole parental responsibility over the student; or
  2. Second, if both parents are designated as educational decision-makers with shared parental responsibility, the parent who resides at the address specified in the parenting plan or other Florida court order as the address to be used for school assignment purposes; or
  3. Third, if no such parenting plan or order exists or no such address is specified, the parent who resides at the address used by the District for student assignment purposes; or if this address cannot be ascertained, the parent who enrolled the student.
- L. Give the school written permission if they want a stepparent who is not the legal guardian of the child to have information about the child or sign forms related to the child. Permission must be submitted to the school every year.
- M. Be prepared to pay for any damage done to School Board property by their child. If payment is not made and the amount is substantial, the principal will send the matter to the Superintendent.
- N. Pay for lost or damaged books or other teaching materials. Failure to pay may mean that no other books or materials will be given to their child, their child will not be able to participate in extra-curricular activities, or their child will be required to pay the debt through community service at the school. The principal will make those decisions.
- O. Adhere to school developed, on-site traffic plans for vehicles when bringing students to school or picking them up after school, and encourage their children if they are walkers and bicyclists to follow safety rules and use pedestrian-safety features where available.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

## 5500.02 - CODE OF STUDENT CONDUCT - STUDENT RIGHTS

### **In General**

To District students, a student has a right to an education, regardless of his/her race, color, creed, religion, sex, marital status, heritage, age, disability, or sexual orientation. Some of a student's basic rights include the right to:

- A. learn
- B. disagree
- C. petition
- D. freedom of expression
- E. publish
- F. assembly
- G. privacy

A student's exercise of these rights must conform to the Code of Student Conduct. Things a student cannot do include:

- A. violate the rights of others;
- B. disrupt the classroom;
- C. disrupt the operation of the school;
- D. bring drugs, weapons, or contraband to school.

### **First Amendment Freedom of Expression**

The United States Supreme Court ruled in 1969 that public school students do not leave their constitutional right to freedom of expression at the schoolhouse gate. A student has a right to freedom of expression; however, when a student exercises that right, the student must do so in a responsible manner that does not cause a disruption of the school or a school activity. A principal may impose reasonable time, place and manner restrictions on your exercise of First Amendment freedom of expression when there is evidence of imminent disruption of the school.

### **Searches and Seizures**

A student's locker, vehicle, purse, backpack, and other personal possessions can be searched if there is a reasonable suspicion that any of them contain drugs, weapons, contraband or other items not permitted on campus. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons at school. The routine checks by the dogs are not considered a search by law. They are safety preventions to give students a safe and healthy school in which to learn.

### **Sororities, Fraternities & Secret Societies**

These organizations are not allowed in schools. A student cannot participate or join in any type of initiation to such organizations.

### **Investigations at School**

- A. Criminal

Law enforcement may have the lawful authority to question and arrest students on school property. If a student is a suspect in a criminal investigation by the police that may result in a student's arrest or

criminal charges, an administrator will make an effort to contact the student's parent before the police begin questioning the student unless law enforcement confirms that prior notification of a parent would jeopardize public safety. If a parent cannot be located, the police may go ahead with questioning. If the student's parent is contacted, the police may allow the student's parent to be present during the student's questioning.

A school representative will ordinarily, when reasonably available, be present, in the absence of a parent, during suspect interrogation of students on campus by outside law enforcement concerning a non-school related offense. The law enforcement officer, parent, or student may direct that the school representative not be present. The school representative shall not be expected or required to advocate on behalf of the student, and neither the representative nor the School Board is responsible for the manner or outcome of the interrogation. The parties recognize that police interrogation is a law enforcement function. Chapter 39, F.S., prescribes different procedures in the case of child protective investigations, which shall be followed whenever applicable.

B. Administrative

If a student is suspected of violating the Code of Student Conduct, school officials can question the student without first contacting the student's parent. The student does not have a right to have his/her parent present or a right to an attorney when the student is questioned.

C. Victim or Witness

If a student is a victim or a witness, the police or administrative investigators are allowed to question the student without first contacting his/her parent. If the investigation involves child abuse, the official conducting the investigation will decide who can be present during the student's interview.

D. Removal of Student from School Property

If a student is a witness, the police cannot remove the student from school property without a subpoena or first obtaining the consent of the student's parent. If the student is subject to arrest, with or without a warrant, the officer can remove the student without his/her parents' consent or the consent of school officials. The administrator will try to notify the student's parent as soon as possible unless law enforcement confirms parent notification would jeopardize public safety.

If a student needs to be taken into protective custody, the police can remove the student. Anytime a student is taken from school by a police officer, the police officer must sign a Release Order, giving the original to the Director of School Operations, a copy to be filed at school, and a copy for your parents unless law enforcement confirms parent notification would jeopardize the student's safety.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

Adopted 12/9/09; Revised 7/27/10

## 5500.03 - CODE OF STUDENT CONDUCT - STUDENT RESPONSIBILITIES

To be successful and to help maintain an orderly learning environment, the student should:

- A. attend school each day;
- B. arrive on time;
- C. be prepared with proper materials and supplies;
- D. keep a planner/agenda;
- E. complete all assignments including homework to the best of his/her ability and on time;
- F. dress appropriately;
- G. be tolerant of and respectful to self and others;
- H. see teachers about makeup work and complete it in a timely manner;
- I. contact the principal, assistant principal, guidance counselor, teacher, or peer tutor regarding conflicts or concerns;
- J. set goals for success;
- K. get enough sleep;
- L. set responsible working hours outside of school.

A student must participate in school crisis plan activities and practices such as lock-down and fire drill. (Failure to meet these requirements may lead to disciplinary action.)

If a school uses I.D. cards, students will follow school guidelines related to the card.

A student living alone or away from home is subject to the same policies as all other students.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

Adopted 12/9/09; Revised 7/26/11

## 5500.04 - CODE OF STUDENT CONDUCT - DRESS CODE

The dress and grooming of District students shall be neat and clean, promoting a positive educational environment. Apparel that disrupts educational activities and processes of the school will result in the removal of the student from the regular school environment until acceptable apparel can be secured for the student. The administration will be the final judge about whether a student's clothing is appropriate for school or whether it will create an environmental climate that is distracting to learning. Principals, faculty, and staff members will enforce the dress code. Failure to comply with the dress code will be handled similarly to other disciplinary infractions. Non-compliance may result in consequences including but not limited to detention, in-school suspension and loss of eligibility to participate in extracurricular activities.

Pursuant to F.S. 1006.07, wearing clothing that exposes underwear or body parts in an indecent or vulgar manner or that disrupts the learning environment will have the following specific consequences. In addition to these consequences, the violation shall be corrected before the student is allowed back in the regular school environment:

- A. For a first offense, a student shall be given a verbal warning and the school principal (or designee) shall call the student's parent or guardian.
- B. For a second offense, the student is ineligible to participate in any extracurricular activity for a period of time not to exceed 5 days and the school principal (or designee) shall meet with the student's parent or guardian.
- C. For a third or subsequent offense, a student shall receive an in-school suspension pursuant to F.S. 1003.01(5) for a period not to exceed 3 days, the student is ineligible to participate in any extracurricular activity for a period not to exceed 30 days, and the school principal (or designee) shall call the student's parent or guardian and send the parent or guardian a written letter regarding the student's in-school suspension and ineligibility to participate in extracurricular activities.

Individual schools may have additional dress and grooming requirements, if recommended by administrators, faculty, and staff, and if approved by a majority of School Advisory Council (SAC) members. Notice of amended requirements must be provided to all parents in a timely manner through at least one (1) written or verbal communication and published in a document, such as the school handbook or student planner.

Requirements for student dress in all schools are listed below:

- A. All shirts and blouses must cover midriff, back, sides, and all undergarments including bra straps at all times. All shirts, tops, and dresses shall have sleeves and cover the shoulders.
- B. Shorts, skirts, divided skirts, dresses and culottes are allowed. They must be mid-thigh length or longer.
- C. All trousers, pants, or shorts must totally cover undergarments, including boxer shorts.
- D. All clothing, jewelry, or tattoos shall be free of the following: profanity; violent images, wording or suggestion; sexually suggestive phrases or images; gang related symbols; alcohol, tobacco, drugs or advertisements for such products.
- E. Safe and appropriate footwear must be worn. Inappropriate footwear includes, but is not limited to, roller skates, skate shoes, and bedroom slippers.

### **Further Clarification/Other Requirements:**

- A. Form fitting leotard/spandex type clothing (including sport bras) is not allowed unless proper outer garments cover it.
- B. See through or mesh fabric clothing may only be worn over clothing meeting requirements.

- C. Clothing must be appropriate size, with the waist of the garment worn at the student's waist.
- D. Clothing not properly buttoned, zipped, fastened, or with inappropriate holes or tears shall not be worn.
- E. Clothing and footwear traditionally designed as undergarments or sleepwear shall not be worn as outer garments.
- F. Sunglasses may not be worn inside unless a parent provides a doctor's note to the school.
- G. Bandanas or sweatbands are not allowed to be visible on school grounds during the regular school hours.
- H. Hats or other head coverings may be worn during outside P.E. activities and may not be worn during any portion of the regular school day without the expressed permission of the principal.
- I. If the school has a mandatory school uniform policy, the student must adhere to those requirements.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

Adopted 12/9/09; Revised 7/26/11

## 5500.05 - CODE OF STUDENT CONDUCT - STUDENT ATTENDANCE

(Elementary School, Middle School, High School, Dual Enrollment)

### **Philosophical Basis and Purpose:**

The classroom experience is of unique value and cannot be duplicated by make-up work. The purpose of this attendance policy is to foster responsibility and reliability on the part of District students to attend all classes. Students will acknowledge greater emphasis on attendance at school because credit in their classes will be contingent upon their presence.

### **DEFINITIONS**

#### **I. COMPULSORY SCHOOL ATTENDANCE**

- A. All children who have attained the age of six years or who will have attained the age of six years by February 1 of any school year, or who are older than six years of age but who have not yet attained the age of 16 years, except as hereinafter provided, are required to attend school regularly during the entire school term. (F.S. §1003.21) (1) (a))
- B. A student who attains the age of 16 years during the school year is not subject to compulsory school attendance and may withdraw from school only if the student files a formal declaration of intent to terminate school enrollment with the School Board. The declaration must acknowledge that terminating school enrollment is likely to reduce the student's earning potential and must be signed by the child and parent. A student who attains the age of 18 years during the school year is not subject to the legal sanctions for compulsory school attendance. (F.S. §1003.21 (2) (c)) An exit interview must be conducted by school personnel to determine the reasons for the student's decision to terminate school enrollment and actions taken to keep the student in school. (F.S. §1003.21(2) (c))
- C. Students under 16 years of age may not be withdrawn from school for any reason unless expelled through Board action or covered by an exemption allowed by Florida Statute (F.S. §1002.20 (2)(b))
- D. Compulsory school attendance requirements may be met by attendance in a home education program. A "home education program" means the sequentially progressive instruction of a student directed by his or her parent in order to satisfy the attendance requirements of Florida law. (F.S. §1002.01(1))
- E. For students enrolled in Department of Juvenile Justice Programs, the compulsory school attendance requirement is governed by state law and regulations and includes a longer term (F.S. §§1003.01(11), 1003.52)

#### **II. ABSENCES**

##### **A. ABSENCE DEFINED**

A student who is not present in class at least one half of the class period shall be counted absent from that class. To be counted present for the school day, a student must be in attendance for at least one half of the class periods during the school day.

##### **B. EXCUSED ABSENCES**

Students must be in school unless the absence has been permitted or excused for one of the reasons listed in paragraph V below.

##### **C. UNEXCUSED ABSENCES**

Any absence which does not meet the criteria of an excused absence is an unexcused absence. The



following are examples of unexcused absences:

1. out-of-school suspensions
2. family vacations
3. Students without a completed Certificate of Immunization indicating compliance with the current required schedule of immunizations will not be allowed to attend classes until this document is provided or a waiver is obtained. Absences due to non-compliance with immunization requirements shall be considered unexcused. However, students transferring into Pinellas County, including foster care students, or homeless students, a temporary 30-day waiver of both health examination documents and certificates of immunization will be granted. (F.S. 1003.22(1) (5) (e))

### **III. TARDIES**

A student is tardy when the student is not in his or her assigned seat or station when the bell rings.

#### **A. EXCUSED TARDY**

A tardy is excused only if the student is late for one of the reasons described in section V.

#### **B. UNEXCUSED TARDY**

A tardy is not excused unless it is caused by reasons set forth in section V. Examples of unexcused tardies include:

1. oversleeping
2. missing the school bus
3. shopping trips
4. pleasure trips
5. car problems (ex: flat tire, no gas, car won't start, student getting a parking decal)
6. heavy traffic
7. returned for forgotten items

Habitual tardiness is unacceptable and unfair to other students because instruction is interrupted every time a late student arrives. Every three (3) unexcused tardies within a grading period count as one unexcused absence. Additionally, individual schools may develop school-based consequences for tardy students.

### **IV. EARLY SIGN OUT**

Once students arrive on campus, they may not leave without permission from an administrator. Students who must leave school during school hours must have their parent request this release by phone or in person to the office in order to obtain pre-approval.

#### **A. EXCUSED EARLY SIGN OUT**

The same criteria used to determine an excused absence and an excused tardy will be used to determine whether an early sign out is excused

#### **B. AN UNEXCUSED EARLY SIGN OUT INCLUDES:**

The same criteria used to determine an unexcused absence and an unexcused tardy will be used to determine whether an early sign out is unexcused.

Numerous incidents of early release are unacceptable and unfair to the other students whose instruction is interrupted each time a student leaves early. Every three (3) unexcused early sign outs within a grading period will count as one unexcused absence.

**V. REASONS WHY AN ABSENCE, A TARDY OR AN EARLY SIGN OUT WILL BE EXCUSED**

An absence, a tardy or early sign out will be excused if caused by one of the following reasons:

- A. The student is ill or injured.
- B. There is a major illness in the student's immediate family (this means parents, brothers, sisters, grandparents, or others living in the home).
- C. There is a death in the immediate family.
- D. The student attends religious instruction or there is a religious holiday in the student's own faith.
- E. The student is required by summons, subpoena or court order to appear in court. A copy of the subpoena or court order must be given to the principal.
- F. Special event. Examples of special events include important public functions, conferences, state/national competitions, as well as exceptional cases of family need. The student must get permission from the principal at least five days prior to the absence.
- G. The student has a scheduled medical or dental appointment.
- H. Students having, or suspected of having, a communicable disease or infestation which can be transmitted are to be excluded from school and are not allowed to return to school until they no longer present a health hazard (F.S. 1003.22). Examples of communicable diseases and infestations include, but are not limited to, fleas, head lice, ringworm, impetigo and scabies. Students are allowed a maximum of five excused days for each infestation of head lice. Students on field trips and students who attend alternative to suspension programs are not considered absent.

**VI. MAKE-UP WORK.** (This does not apply to specific homework provided under F.S. § 1003.01 to certain suspended students.)

A. EXCUSED ABSENCES:

Make-up work for credit and grade is allowed for all excused absences. It is the student's responsibility to get the missed work. The number of days allowed to make up the work shall be the same as the number of days the student was absent.

B. UNEXCUSED ABSENCES: (EXCEPT OUT OF SCHOOL SUSPENSIONS)

Make-up work for credit and grade is allowed. It is the student's responsibility to get the missed work. The number of days allowed to make up the work shall be the same as the number of days the student was absent. Work made up after an unexcused absence in elementary or middle school may be dropped a letter grade and must be dropped a letter grade in high school.

C. SUSPENSIONS:

Make-up work for credit and grade is allowed. It is the student's responsibility to get the missed work. Work is due on the day of return from the suspension. Work made up after an unexcused absence in elementary or middle school may be dropped a letter grade and must be dropped a letter grade in high school.

**VII. RESPONSIBILITY OF PARENTS AND STUDENTS TO ATTEND SCHOOL**

**Parents and students must do the following in connection with school attendance:**

- A. Ensure the attendance of a child of compulsory school attendance age, as required by law. (F.S. 1003.24)
- B. Notify school personnel of their child's absence prior to the end of the school day of the absence, if possible and provide written notification within 48 hours of the child's return to school. Otherwise, the absence will be unexcused.
- C. If requested, provide documentation of illness from a physician or public health unit within 48 hours. The maximum number of days that a student may be absent without acceptable documentation justifying the absence is 5.
- D. Notify the school of any change of address, phone numbers and emergency contact numbers;
- E. Obtain application from currently assigned school if a student is eligible for homebound instruction.
- F. Notify school personnel if the family is moving out of town or out of the school's attendance boundary.
- G. Be aware of school district calendar and coordinate trips, vacations and personal business to support attendance on school days.
- H. Notify the school and request a copy of the Hospital/Homebound referral packet if a student is expected to miss at least 15 consecutive school days due to illness, medical condition, or social/emotional reasons, or may miss excessive days intermittently throughout the school year for the same reasons.

**VIII. RESPONSIBILITY OF SCHOOL DISTRICT REGARDING STUDENT ATTENDANCE**

**A. PATTERNS OF NON-ATTENDANCE**

Non-attendance for instructional activities is established by tardiness, early-release, or absences from school.

- 1. Each principal must make the necessary provisions to ensure that all school attendance reports are accurate and timely and must provide the necessary training opportunities for staff to accurately report attendance (F.S.1003.23 (1)). Principals are required to maintain an attendance record which shows the absence or attendance of each child enrolled for each school day of the year. (F.S.1003.23 (2))
- 2. When a student accumulates five (5) absences during a grading period, other than out-of-school suspensions, whether excused or unexcused, school personnel shall make a good faith effort to contact the parent by telephone to discuss the reasons for the absences and shall document such contact.
- 3. A letter shall be sent to the parent or guardian and a referral will be made to the school's Child Study Team for a student who has had at least five unexcused absences, or absences for which the reasons are unknown, within a calendar month, or 10 unexcused absences, or absences for which the reasons are unknown, within a 90-calendar-day period,.
- 4. If the parent or guardian of a child who has been identified as exhibiting a pattern of non-attendance enrolls the child in a home education program, the Superintendent shall refer the parent to a home education review committee composed of the district contact person for home education and at least two home educators selected by the parent from a district list of all home educators who have conducted a home education program for at least three years and have indicated a willingness to serve on the committee.
- 5. If a child subject to compulsory school attendance will not comply with attempts to enforce school attendance, the Superintendent may file a truancy petition pursuant to the procedures set forth in

Section §984.12, Florida Statutes. The superintendent may also refer the case to the case staffing committee which may file a child-in-need-of-services petition. The superintendent may also take such steps as are necessary to bring criminal prosecution against the parent. (F.S. §1003.26)

6. Students 14-18 years of age who have 15 unexcused absences within 90 calendar days and have a driver's license will have their driver's license suspended by the Division of Highway Safety and Motor Vehicles or will not be issued a license if they apply for one.

**High School Grading and Attendance:**

Guidelines for high school grading and attendance can be found in [Policy 5440](#) Credit Defined and [Policy 5420.03](#) Final Exam Requirement.

F.S. 1002.01, 1002.20, 1003.01, 1003.21, 1003.22, 1003.23, 1003.24, 1003.26, 1003.52

Adopted 12/9/09; Revised 9/14/10

## 5500.06 - CODE OF STUDENT CONDUCT - HIGH SCHOOL ATTENDANCE

### HOW LONG MAY A STUDENT ATTEND HIGH SCHOOL

Generally speaking, a student may attend high school until they graduate. There are some exceptions to this general rule.

- Q. How many semesters may a student be enrolled in high school?
- A. A student may not be enrolled in a regular high school for more than ten (10) semesters, unless the principal approves the student's enrollment beyond ten (10) semesters.
- Q. How will my principal decide if a student can enroll for more than ten (10) semesters?
- A. The principal will look at the reason that student wants to continue his/her high school education and also will consider the progress s/he has made and his/her commitment to his/her education. Based upon those factors, the principal will tell the student whether s/he can enroll in the regular high school beyond ten (10) semesters.
- Q. In what grade does the ten (10) semesters begin?
- A. The District starts counting the semesters when a student first enrolls in the ninth grade in any public or private school.
- Q. Is there an age limit on enrollment in high school?
- A. A student may not enroll in regular high school if they cannot earn the number of required credits to graduate by their 20th birthday, unless the principal approves the student's enrollment. The principal will consider the same factors used to decide if a student could enroll beyond ten (10) semesters.
- Q. If the principal decides a student cannot enroll, can s/he appeal?
- A. If the principal decides that a student cannot enroll because they have more than ten (10) semesters or they will be twenty (20) years old before they can graduate, the student can appeal that decision to the Region Associate Superintendent's office.
- The decision of the Region Associate Superintendent's office is final. To appeal the decision of the principal, the student should follow the grievance procedure contained in [Policy 5500.13](#).
- Q. What if a student is not allowed to enroll?
- A. The student may enroll in any adult program and earn his/her high school diploma.
- Q. May a student drop out of school?
- A. After a student's 16th birthday they may drop out of school. To be able to do so, the student must deliver a written statement to the school stating that s/he intends to drop out. That statement must also say that the student understands that s/he is likely to earn less money in the future by dropping out of school. The student and his/her parents must sign the statement and when the student delivers it to the school, the school will send a copy of it back to the student's parents.
- Q. What happens if a student does not deliver that written statement to the school?
- A. The student will be required to attend school until their 18th birthday.
- Q. What about students with disabilities?

- A. If a student has a disability, the student may enroll in school until s/he graduates with a regular diploma; satisfy the requirements for a special diploma, or until the end of the school year when the student has his/her 22nd birthday.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

## 5500.07 - CODE OF STUDENT CONDUCT - DISCIPLINE

MISCONDUCT THAT MAY RESULT IN DISCIPLINE (INCLUDING SUSPENSION, REASSIGNMENT OR EXPULSION):

### **In General**

A student is expected to behave at school, school activities, and the school bus stop. A student may be disciplined if they do anything at school, a school activity, or the bus stop (or attempt to do anything) that violates a school rule or may:

- A. hurt, harass or threaten others;
- B. damage property;
- C. disrupt class or school;
- D. violate a criminal law.

Off-campus student misconduct can result in discipline in certain circumstances, including where the misconduct has a connection to school-related activities or incidents or if the misconduct is directed at a Board official or employee or their property.

### **Specific Acts**

Listed below are some acts that fall within these four (4) types of misconduct. These acts are not the only acts that may result in discipline (including suspension, reassignment or expulsion). They are only examples. Other acts that are not listed below may result in discipline (including suspension, reassignment or expulsion) if a student should have known that the act might hurt, harass, or threaten others, damage property, disrupt class or school, or violate a criminal law.

Some, but not all, of the acts that may result in discipline are:

- A. cheating (teacher shall also record a "zero" for each act of cheating);
- B. falsifying or altering records (for example, computer records or attendance notes);
- C. improper use of computers or electronic devices;
- D. threatening to hurt someone;
- E. hitting someone;
- F. using physical force against someone;
- G. stealing;
- H. fighting;
- I. extortion;
- J. blackmail;
- K. repeated misconduct;
- L. arson;
- M. vandalism;

- N. interference with school personnel;
- O. interference with the movement of another student;
- P. bullying;
- Q. gambling;
- R. trespassing;
- S. defiance;
- T. verbal abuse of another;
- U. profanity;
- V. failure to give correct name;
- W. participation in disruptive demonstration;
- X. leaving school grounds without permission;
- Y. sexual activity at school, at a school activity, or on a school bus;
- Z. sexual or other harassment;
- AA. making a false alarm (this includes pulling a fire alarm);
- BB. possession of common objects that could hurt someone (such as; self-defense chemical spray, pocketknives with a blade of four inches or shorter);
- CC. possession of toy or replica gun or knife;
- DD. possession of drug paraphernalia;
- EE. possession of tobacco;
- FF. possession of hazardous material;
- GG. the use of cellular telephones, electronic communication devices and other electronic devices (See following section CELLULAR TELEPHONES, ELECTRONIC COMMUNICATION DEVICES, AND OTHER ELECTRONIC DEVICES);
- HH. violation of a school rule; e.g. dress code violation
- II. Other serious misconduct which will lead to disciplinary consequences include but are not limited to the following: cyberstalking, sexting, gang participation or display of gang-like behavior, disseminating or posting to the internet any recordings of fighting or acts of bullying, assault, or battery, whether staged or real.

#### CELLULAR TELEPHONES, ELECTRONIC COMMUNICATION DEVICES, AND OTHER ELECTRONIC DEVICES

Parents are advised that the best way to get in touch with their child during the school day is by calling the child's school office.

Students may possess a cellular telephone, electronic communication device (ECD), or other electronic device, such as, but not limited to, the following: personal digital assistant (PDA) , portable media player (PMP), iPod, iPad, Kindle, mp3 player, and other devices designed to receive and send an electronic signal, so long as they do so in strict compliance with this policy. Any student who fails to abide by the terms of this policy forfeits any right or privilege to possess any electronic device described in this policy.



Violations of this policy may result in disciplinary action and/or confiscation of the cellular telephone, ECD, or electronic device. If the cellular telephone, ECD, or electronic device is confiscated, it will be released/returned to a parent unless an alternative arrangement is agreed to by the principal (or designee).

A student may possess a cellular telephone, electronic communication device (ECD), and other electronic devices in school, on school property, at school-related functions, provided these items are powered off and concealed from view while school is in session.

Students may not use cellular telephones, other ECDs, or other electronic devices 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.

When directed by the administrator or sponsor, cellular telephones, ECDs, and other electronic devices shall be powered off, and concealed from view during school activities occurring outside the student day.

Cellular telephones, ECDs, and other electronic devices are to be powered off, and concealed from view on district buses, except as authorized by the driver.

The requirement that cellular telephones, ECDs, and other electronic devices must be powered off, and concealed from view will not apply when the student obtains prior approval from a school administrator.

The use of cellular telephones, ECDs, and other electronic devices in locker rooms, classrooms, bathrooms, and/or swimming pools is prohibited.

The student who brings a cellular telephone, ECD, or other electronic device to school does so at his/her own risk. The student who possesses a cellular telephone, ECD, or other electronic device is responsible for its care. The school staff is not responsible for preventing theft, loss, damage, or vandalism to cellular telephones, ECDs, or other electronic devices brought onto its property, including any electronic devices confiscated due to inappropriate use.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2), 1006.13

Adopted 12/9/09; Revised 6/29/10, 7/27/10, 7/26/11

## 5500.08 - CODE OF STUDENT CONDUCT - MISCONDUCT THAT REQUIRES SPECIFIC CONSEQUENCES

### **In General**

There are some things that result in a specific consequence if a student is found to have done them. These include acts involving:

- A. use of tobacco products;
- B. illegal drugs, alcoholic beverages, and harmful substances;
- C. bombs and bomb threats;
- D. chemical and biological attacks or threats;
- E. guns, weapons, and dangerous objects;
- F. violent acts resulting in serious injury;
- G. felony charges and convictions.

An administrator shall report an incident of student misconduct to law enforcement (School Resource Officer, Pinellas County Schools Police, or outside law enforcement) if the administrator reasonably believes that the conduct poses a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to School Board property.

Certain acts are considered a serious threat to schools safety and must be reported to law enforcement. These acts include, but are not limited to, the following:

- A. possession or use of a bomb and making of a bomb threat;
- B. chemical and biological attacks or threats;
- C. possession or use of a gun, weapon, or firearm.

Petty acts of misconduct need not be reported to law enforcement. Petty acts of misconduct are those that an administrator reasonably believes do not pose a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to Board property.

### **Tobacco and Nicotine**

Use of tobacco and nicotine products on school grounds is a violation of the Code of Student Conduct.

#### A. Illegal Use of Tobacco

Smoking by minors within 1,000 feet of a school is illegal. Also, if a student is caught smoking inside a school building s/he will receive a written citation from the School Resource Officer. The first time a student receives a citation the court may fine the student up to \$100. For any additional citations, the court may fine a student up to \$500.

#### B. Violation of Code of Student Conduct

In addition to possible fines, if a student is caught using any form of tobacco or nicotine product at school, at any school-sponsored activity, at a bus stop, or on the bus, the student will be suspended for three (3) days. The first time a student is caught, s/he can avoid the suspension by completing a smoking treatment program approved by the principal.

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any other matter or substances that contain tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes. If a student is found with a lit cigarette, pipe, or cigar the student will be considered to be using tobacco.

### **Illegal Drugs, Alcoholic Beverages, Harmful, and Other Substances**

#### **A. Elementary School Students**

If a student is an elementary student when s/he violates this policy for the first or second time, the principal will suspend the student for ten (10) days and, if appropriate, may recommend reassignment to an alternative program. Before a student may return to his/her regular school, the student's parent must have a conference with the principal or someone designated by the principal. If the student's parent agrees that s/he will complete an approved drug or alcohol educational program, the student's suspension will be reduced to five (5) days. The program specialist must provide proof that the student successfully completed the educational program within the allocated period of time. If the student violates this policy a third time while in elementary school, then s/he will be suspended for ten (10) days and may be recommended for expulsion.

#### **B. Middle School and High School Students**

If a student is in middle or high school when s/he violates this policy s/he will be suspended for ten (10) days and reassigned to an alternative program, for one (1) or two (2) semesters. If this is the student's first offense and s/he was not charged with a felony offense, the student and his/her parent will be offered an opportunity to participate in the District's drug/alcohol educational program. If the student's parent agrees that s/he will complete this program, the student's suspension will be reduced to five (5) days. The program specialist must provide proof that the student successfully completed the program within the allocated period of time. Failure to successfully complete the program will result in the student's immediate assignment to an alternative school program. If the student is caught a third time while s/he is still a student in the District, the student will be suspended for ten (10) days and may be recommended for expulsion.

#### **C. Policy**

A student may not possess illegal drugs (including prescription drugs that are not the student's own) or alcoholic beverages use them or are under the influence of them:

1. on school property,
2. on a school bus or at a bus stop,
3. at any school activity,
4. before a student arrives on school grounds,
5. before a student arrives at any school activity, or
6. on any field trip.

#### **D. Purchase, Sale and Distribution**

A student may not sell, purchase, or distribute illegal drugs or alcoholic beverages. Additionally, a student may not be involved in negotiating the sale or purchase of illegal drugs or alcoholic beverages at school, at a school activity, or on a school bus, even if the sale/purchase does not actually take place.

E. Definition of Illegal Drugs

"Illegal drugs" include any drug that is illegal under Florida law such as marijuana, cocaine, and heroin as well as prescription drugs for which a student does not have a valid prescription.

"Illegal drugs" also includes any illegal or legal substances that may be used as an intoxicant, hallucinogen, mind-altering agent, or may be used for any other unsafe purpose. Examples include, but are not limited to, inhalants, over-the-counter drugs, bath salts, and spice cannabinoid (JWH-018).

"Illegal drugs" also include any prescription drug that is not used as prescribed or that is in the possession of someone whose name is not on the prescription. This means that a student may not give his/her prescription medication to anyone else.

F. Possession Based upon Knowledge

If a student arrives at school or a school activity in a car that contains illegal drugs or alcoholic beverages, and the principal believes there is evidence that s/he knew about the illegal drugs or alcoholic beverages, then the student will be considered as being in possession of the illegal drugs or alcoholic beverages.

Likewise, if a student is at a school function and are in a specific area or room where there are illegal drugs or alcoholic beverages, then s/he may be considered in possession of the illegal drugs or alcoholic beverages if the principal believes the evidence shows that the student knew about the illegal drugs or alcoholic beverages and chose to remain in the area or room. If student is in his/her own hotel room and become aware that another student in the room has an illegal substance, s/he is expected to alert a school staff chaperone immediately to request a room change.

G. Guilty of Unlawful Sale or Possession

If a student has been found guilty or delinquent for the unlawful sale or possession of any controlled substance as defined in F.S. Chapter 893, the student may be suspended for ten (10) days and recommended for expulsion.

H. Fake Drugs

If a student is caught in possession of or caught distributing a substance that is represented to be an illegal drug, s/he will be suspended for ten (10) days. The student may ask to have the ten (10) day suspension reduced to five (5) days by participating in a work back program which would include the completion of an approved drug or alcohol assessment.

I. Attempted Suicide

If a student attempts suicide with or without illegal drugs, it will be treated as a mental health issue. A mental health assessment will be conducted before deciding what to do.

### **Waiver Of The Discipline Or Expulsion**

Any student who is subject to discipline or expulsion for unlawful possession or use of any substance controlled under F.S. Chapter 893 may be entitled to a waiver of the discipline or expulsion under the following conditions:

- A. If the student divulges information leading to the arrest and conviction of the person who supplied such controlled substance to him/her, or if the student voluntarily discloses his/her unlawful possession of such controlled substance prior to his/her arrest. Any information divulged which leads to such arrest and conviction is not admissible in evidence in a subsequent criminal trial against the student divulging such information.
- B. If the student commits himself/herself, or is referred by the court in lieu of sentence, to a State-licensed residential drug abuse program and successfully completes the program.

A student may be disciplined or expelled for unlawful possession or use of any substance controlled under F.S. Chapter 893 upon the third violation of this provision.

## **Bombs And Bomb Threats**

If a student is involved in the making of a bomb, plans for a bomb or a fake bomb, for use at school or at a school activity or while the student is at school or a school activity, s/he will be suspended for ten (10) days, recommended for expulsion, and reported to law enforcement for prosecution. The same actions will be taken if a student makes a bomb threat by any means that causes a disruption.

## **Chemical And Biological Attack Or Threats**

If a student is involved in the making of a chemical or biological attack or threat against the school, a school function, or anybody at school or a school function, s/he will be suspended for ten (10) days, recommended for expulsion, and reported to law enforcement for prosecution to the fullest extent of the law. This applies whether or not the attack or threat is real or fake.

## **Guns, Weapons, And Dangerous Objects**

### Guns:

Any student who brings a gun to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a gun at school, at any school function, or on any school-sponsored transportation, shall be suspended for ten (10) days and recommended for expulsion for not less than one (1) full year. Guns shall mean firearms as defined by F.S. 790 and include any objects (whether operable or inoperable), including starter guns, which will fire a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, or any destructive device. Guns also include any weapons which are designed to or may readily be converted to such purpose.

### Weapons:

Any student who brings a weapon to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a weapon at school, at any school function, or on any school-sponsored transportation, shall be suspended for ten (10) days and recommended for expulsion. Weapons as defined by F.S. 790 are any objects such as, but not limited to, the following: dirks, metallic knuckles, slingshots, billies, tear gas guns, chemical weapons or devices, knives or other deadly weapons, other than common pocketknives (blade of four (4) inches or less which are considered a dangerous object), plastic knives, or blunt bladed table knives.

Guns and weapons are not allowed in a vehicle on school property, at a school bus stop, or at a school activity. If a student is a secondary student who arrives at school or a school activity in a car that contains a gun or weapon, and the principal believes there is evidence that the student knew about the gun or weapon, then s/he will be considered to be in possession of the gun or weapon.

If a student is an elementary or secondary student at a school function and are in a specific area or room where there is a gun or weapon, then s/he may be considered to be in possession of the gun or weapon if the principal believes the evidence shows that s/he knew about the gun or weapon and chose to remain in the area or room. If a student is in his/her own hotel room and become aware that another student in the room has a gun or weapon, s/he is expected to alert a school staff chaperone immediately to request a room change.

The principal may give a student written permission to possess a gun or weapon while on campus or at a school function when the gun or weapon is part of the curriculum of the school. An example of this is when a gun or rifle may be part of JROTC drill and firing ranges.

### Dangerous Objects:

Dangerous objects include, but are not limited to, common pocketknives with a blade of four (4) inches or less, ice picks, razor blades, box cutters, air guns, bb guns, pellet guns, or spring guns of any sort (whether operable or inoperable).

Any student who brings a dangerous object to school, to any school function, or on any school-sponsored transportation, or any student who possesses or exhibits a dangerous object at school, at any school function, or on any school sponsored transportation, with use or threatened use in an offensive or defensive manner, will be suspended for ten (10) days and recommended for expulsion.

Any student who brings, possesses or exhibits a dangerous object at school, or to any school function, or on any school-sponsored transportation, without the use or threatened use in an offensive or defensive manner, is guilty of a serious breach of conduct and that student will be suspended from school for ten (10) days and may be recommended for reassignment or expulsion.

### **Violent Acts Resulting In Serious Injury**

If a student violently attacks another person or acts as a decoy in a physical attack at school, a school function, on the bus or at a bus stop and that person is seriously injured, the student will be suspended from school for ten (10) days and recommended for expulsion. If the attack by the student was unprovoked, even if there was no serious injury, the student will be suspended from school and may be reassigned or recommended for expulsion.

If a student violently attacks another person somewhere else other than school, s/he may be removed from the general education program and administratively assigned to another program when there is evidence that the student's presence on campus may be disruptive.

### **Felony Charges And Convictions For Off-Campus Conduct**

#### **A. Notice of Felony Charges and Hearing**

If a student commits a crime off campus and a prosecuting attorney formally charges the student with a felony or with a delinquent act that would be a felony if s/he were an adult, s/he may be suspended for ten (10) days by the principal. Before suspending the student, the principal will call him/her in with his/her parent to discuss the charges against the student. This discussion will be a "hearing" that will take place after the principal notifies the student's parent in writing by certified mail that the principal has received notice that s/he has been charged by the prosecuting attorney. That written notice will tell the student's parent of the specific charges against the student and advise them that they have a right to the "hearing."

#### **B. Hearing Procedures**

The "hearing" must take place within five (5) school days but no sooner than two (2) school days from the postmark date or the delivery date of the certified notice to the student's parent. At the "hearing" the principal will listen to witnesses called by the principal and the student also may present witnesses. The student may speak on his/her own behalf but s/he does not have to do so. If the student does not speak on his/her own behalf, s/he cannot be threatened with punishment or later be punished for not speaking.

The "hearing" will not be conducted like a court proceeding. There will be no "rules of evidence" nor will there be a court reporter to provide a transcript of the "hearing." After the "hearing" the principal will let the student and his/her parent know, in writing, if the student is being suspended for ten (10) days. The decision to suspend the student cannot occur without conclusive evidence that the prosecuting attorney has formally filed a felony charge against the student. The principal must also determine that the student's presence at school, after being formally charged for the incident, will have an adverse impact on the school.

#### **C. Types of Charges That May Justify Suspension**

The types of charges that may justify suspension under this provision are:

1. any felony involving violence,
2. rape or sexual battery,
3. lewd and lascivious act on a student under sixteen (16) years of age,
4. concealed weapon,
5. armed robbery,

6. sale of illegal drugs,
7. possession of a bomb,
8. any felony involving the use of a firearm,
9. battery on school system employee or official, or
10. aggravated battery.
11. There may be other charges that will justify suspension under this provision, if the principal determines that the student's presence at school after being charged will have an adverse impact on the school.

D. Extension of Ten (10) Day Suspension

If the principal suspends a student for ten (10) days, the Superintendent may extend the student's suspension until the outcome of the criminal charges that have been filed against the student. During the student's suspension, pending the outcome of the criminal charges, s/he will be assigned to an alternative educational program.

E. Expulsion upon Finding of Guilt

If the court determines that a student is guilty, the Board may expel the student. During the student's expulsion, s/he may still attend the alternative program to which s/he has been assigned.

F.S. 1003.57, 1006.07, 1006.08, 1006.09, 1006.13  
Fl. Educational Equity Act of 1984  
F.A.C. 6A-6.03312

Adopted 12/9/09; Revised 7/27/10, 7/26/11

## 5500.09 - CODE OF STUDENT CONDUCT - CONDUCT ON SCHOOL BUSES

### **In General**

By riding a school bus the student consents to his/her being videotaped and audio recorded while s/he is riding the bus.

Parents are responsible for their child's behavior at the bus stop prior to the arrival of the bus in the morning and after the departure of the bus at the end of the day. However, if a student is at the bus stop and violates the school rules, the school can still discipline the student for his/her behavior. Students are to be on time and stand off the roadway.

The District seeks to ensure the safety of all students who ride District buses and staff who operate them. Unauthorized individuals including, but not limited to: parents, students, and siblings may not board a school bus or attempt to conference with a bus driver or authorized rider, while en route to or from school. Any concerns related to transportation should be communicated to the school or the transportation department.

Individuals who do not adhere to this expectation may face criminal prosecution for trespassing, in addition to other charges which may be brought pursuant to local and State law.

If a student causes any damage to the bus or another vehicle, the student's parent shall be responsible to pay for the damage.

A student can be disciplined for doing anything at the bus stop that s/he can be disciplined for if they did that same thing at school.

If a student must cross a roadway to board a bus, s/he must wait for the bus to come to a stop and then walk in front of the bus in order to board.

### Things a Student Cannot Bring on a Bus:

- A. glass containers of any kind
- B. sharp objects
- C. balls
- D. bats
- E. roller skates
- F. skateboards
- G. cutting instruments of any kind
- H. any large or bulky item that interferes with proper seating of students (examples: large musical instruments or athletic equipment)
- I. any animal
- J. batons, drum sticks, tennis rackets (unless in proper carrying case)
- K. or any other item prohibited elsewhere in the Code of Student Conduct

### **Rules While on the Bus**

The bus driver is in charge and the student must obey the driver at all times. The student must tell the bus driver his/her correct name when asked. The bus driver and school will keep a seating chart. The student can be disciplined if s/he does not follow all District and school rules and the following special rules:



- A. sit in the student's assigned seat and use the seat belt if available
- B. stay seated at all times while the bus is in motion
- C. do not put any part of a student's body outside the bus windows
- D. do not distract the driver with loud conversation or noises
- E. do not eat or drink on the bus
- F. maintain absolute silence at all times when the overhead dome lights are on for railroad crossings
- G. do not throw any items on the bus or out of the bus windows
- H. do not mark, cut or damage bus seats or the bus itself
- I. do not display signs from the bus
- J. do not use obscene language or gestures

### **Discipline if a Student Does Not Follow the Rules**

The School Board believes that the student and his/her fellow students, as well as the bus driver, should be able to ride safely on school buses. Therefore if a student misbehaves, s/he may be removed from the bus.

If a student commits minor infractions, the school bus driver has the authority to address his/her behavior.

If a student causes repeated problems on the bus by doing something the bus driver considers a more serious rule violation, the bus driver will report the student to the school office. The bus driver will give the school a written referral about what the student did.

School administrators can take any of the following disciplinary steps against a student for misbehaving at a bus stop or on a bus, and will notify the student's parents, on an approved form, when they take any of these steps:

- A. Warn the student that his/her behavior is not allowed and if repeated, may result in further discipline as well as suspension of his/her bus riding privilege.
- B. Discipline the student the same as if s/he had misbehaved at school (detention, ABC room, Saturday school, suspension, expulsion, etc).
- C. Suspend the student from riding the bus. The student can be suspended for up to ten (10) days at a time.
- D. Expel the student from riding a school bus if previous discipline has not worked or if s/he commits a serious offense. The process by which a student is expelled from riding the bus is the same as the process for being expelled from school. The principal makes a recommendation to the Superintendent, who then recommends it to the Board. If fewer than thirty (30) school days remain in the semester when the Board considers the issue then the expulsion will include the remainder of the current semester as well as the designated semesters of expulsion.

Even if a student transfers to a new school, s/he will be held responsible for any previous incidents of bus misconduct from your previous school.

- E. Appeal of Bus Suspension

A student's parent may appeal a bus suspension by calling the school principal or assistant principal. The parent must come to the school and have a conference with a school administrator and a representative from the transportation department as part of the appeal. The student may be permitted to ride a bus pending the outcome of his/her bus suspension appeal as long as s/he behaves. If expulsion has been recommended, a student cannot ride a bus until the Board rules on his/her expulsion.

If a student engages in violent or very unsafe behavior while riding the bus, the school shall additionally suspend his/her bus riding privileges until the school can hold a conference with the student's parent. The school will then determine whether to take additional disciplinary steps, including bus expulsion, and whether to impose further rules for the student's return to bus riding.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2)

## 5500.10 - CODE OF STUDENT CONDUCT - DISCIPLINARY ACTION

The use of corporal punishment is prohibited. However, school personnel may use reasonable force to maintain a safe and orderly learning environment. Any use of reasonable force shall be in accordance with School Board policy and State Board of Education rule. The prohibition against the use of corporal punishment also extends to parents or guardians on school grounds. The following types of discipline may be used, as well as those found in the school discipline plan at each school.

### **Detention**

A student can receive a detention either before school or after school. The school will give the student's parent twenty-four (24) hours notice before s/he serves the detention. For elementary and middle school students, the administrator must contact the student's parent and have a conversation with the student's parent before the student serves the detention. For high school students, the administrator must make an effort to contact the student's parent by telephone. If the administrator is unable to contact the student's parent by telephone, the student will still be required to serve the detention. The administrator must document that an attempt to contact the student's parent was made. The student's parent is responsible for the student's transportation when s/he has detention.

### **In-School Suspension**

A student can be assigned and sent to designated rooms or programs (examples: IC, ABC) in his/her school during the school day. A student will receive full credit for class work completed while in the assigned room or program and his/her absence will be a Code 6.

### **Student Work Assignments**

If the student's parent and a school administrator agree, the administrator can assign the student to a work detail at the school for up to ten (10) hours for each offense. The principal will decide who will supervise the student's work.

### **Saturday School**

A student can be sent to Saturday School if an administrator has contacted the student's parent and had a conversation with them at least twenty-four (24) hours in advance.

### **Removal from Class**

A teacher may require that a student be removed from class if it has been documented that his/her behavior has seriously disrupted the teaching or learning in the classroom. If a student is removed from a class the principal may place the student in another appropriate classroom, in-school suspension, an alternative education program, or the principal may recommend the student for suspension or expulsion.

A student cannot be returned to that teacher's classroom unless the teacher consents or a school-based placement review committee has determined that doing so is the best or only available alternative. A decision on whether to return a student to the classroom must be made by the teacher or the committee within (5) days of the removal.

### **Parent Shadows Student**

With reasonable notice, and if the principal and the parent agree, the parent will attend classes with a student for a day or specific period of time.

### **Out-of-School Suspension**

A student can be suspended from school for up to ten (10) days at a time. If a student is suspended s/he cannot be on school grounds or attend any school activities. The administrator may consider the following before deciding to suspend a student:

- A. has the student been sent to the administrator at least once before?
- B. has the student's parent been told that his/her behavior is a problem and that s/he may be suspended?
- C. has the student been referred to his/her guidance counselor?
- D. has the student been given a work assignment before?
- E. has the student been referred to an outside agency for assistance?

There are circumstances under which the administration will suspend a student on the first offense.

### **Transfer**

A student may be transferred to another school, including an alternative school (such as Pinellas Secondary, TELESCHOOL, adult school, etc.). The principal must recommend the student's transfer in writing to the Director of School Operations for the student's area and provide the student's parent with a copy of the recommendation. The student's parent may appeal a transfer to the Director of School Operations within five (5) days of being notified of the transfer recommendation. The Director of School Operations decides whether the student will be transferred. If the student's parent disagrees with the Director's decision, they may appeal it to the Region Associate Superintendent.

### **Disciplinary Reassignment**

If the principal determines that a student has done something wrong that requires removal from the regular school program, s/he will be suspended for ten (10) school days and then sent to an alternative school.

- Q. How long does a student have to attend the alternative program?
  - A. For one (1), two (2), or three (3) semesters. If a student does not behave or does not do his/her work at the alternative school, s/he may have to stay there even longer. Students may be offered the opportunity to enter into an early workback agreement if there are extenuating circumstances.
- Q. What if a student gets reassigned a second time?
  - A. If the student is a general education student, s/he will be reassigned for one (1), two (2), or three (3) semesters. Most second reassignments will be to TELESCHOOL. If a student is an ESE student s/he may be returned to an appropriate alternative school.
- Q. Can a student go back and visit his/her regular school or other schools while s/he is reassigned to an alternative school?
  - A. No. A student cannot go back to his/her school, or visit any other school, or be on any property leased or owned by the Board. A student cannot attend any school activity (sports events, graduation, performances, banquets, etc.), even as a spectator without permission from the Director of School Operations.
- Q. What if a student is reassigned to attend an alternative school for the last semester of his/her senior year?
  - A. If a student is reassigned to attend an alternative school during the last semester of school before s/he graduates, the following rule applies:

The student's parent may appeal to a District Review Committee to ask for permission to participate in the student's regular school's graduation ceremony. The Committee will consider the following factors:

    - 1. the nature of the offense
    - 2. the student's discipline history

3. the student's performance, attendance, and discipline record in the alternative program

4. other factors it considers to be mitigating or aggravating

Q. When will the District Review Committee meet?

A. No later than ten (10) days before the last day of school.

Q. Who sits on the District Review Committee?

A. The District Review Committee shall consist of the Region Associate Superintendents and Directors of Operations and the President of the County Council of PTAs or a designee. Region Associate Superintendents and Directors shall not vote on an appeal involving a school from their area. The PTA representative shall also not hear an appeal from a school with which s/he is associated.

Q. Can a student appeal the decision of the District Review Committee to anyone?

A. No.

Q. What if a student is reassigned after the District Review Committee has met?

A. Then the principal will decide whether the student can attend graduation and end of the school year activities considering the same factors considered by the District Review Committee. The student cannot appeal the principal's decision.

Q. Can a student appeal his/her reassignment to an alternative school?

A. No, a student can only appeal the ten (10) days of suspension. If the suspension is removed, the reassignment will not occur.

Q. How does a student appeal a suspension linked to a reassignment?

A. Within two (2) school days of being suspended, the student or his/her parent writes a letter to the principal explaining why the student thinks s/he should not be suspended. The student's parents may prefer to have the appeal with the principal by telephone. The principal will write to the student's parents within two (2) school days to tell them whether the student's suspension is being upheld.

If the principal upholds a student's suspension, s/he or his/her parents may write a letter to the Director of School Operations appealing the suspension within two (2) school days of receiving the principal's decision. The Director will review the facts of the case and determine whether the student was given due process. The Director will not reinvestigate the incident. The student cannot appeal the Director's decision.

Q. What does a student do about class work during the ten (10) day suspension before s/he begins to attend the alternative school?

A. Your withdrawal grade will be established at the time of reassignment from the regular school. The alternative school staff will assign all work after that time.

Q. What if a student is reassigned at the end of the semester during high school—how does that affect his/her classes?

A. If a student's suspension begins fifteen (15) days or less before the end of the semester, then the regular school staff will supply the student's regular class work, and they will also supply review and testing material and arrange for the student to take his/her exams. In addition, if there are less than thirty (30) school days left in a semester then the period of reassignment will include the remainder of the current semester in addition to the designated semesters of reassignment.

## Expulsion

An expulsion means that a student cannot attend any District school except as allowed by the Board. If a student is serving an expulsion during the last semester of his/her senior year, s/he is not allowed to participate in his/her home school graduation ceremony. If a student commits an offense that is considered exceedingly serious, (a student causes critical human injury, extensive property damage, or excessive school disruption) the Board may decide not to allow the student to attend any school, including TELESCHOOL. In this instance referrals to community resources will be made.

- Q. Can a student go back and visit his/her regular school or other schools while s/he is expelled?
- A. No. A student cannot go back to his/her school, or visit any other school, or be on any property leased or owned by the Board. A student cannot attend any school activity (sports events, graduation, performances, banquets, etc.).
- Q. May a student attend other schools or programs that are not run by the District during the expulsion?
- A. Yes, a student can attend local Juvenile Services Programs, PACE, Urban League, or other such programs, but acceptance is entirely up to that program's staff. Other public schools and most private schools will not allow a student to enroll during the expulsion period.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2), 1006.13

## 5500.11 - CODE OF STUDENT CONDUCT - DISCIPLINE FOR STUDENTS WITH DISABILITIES

Students with disabilities are expected to comply with the Code of Student Conduct and school rules just like any other student. If a student violates the Code of Student Conduct or school rules, s/he is generally subject to discipline just like any other student. However, there are some special rules dealing with suspensions and expulsions. Common questions regarding suspensions and expulsions of students with disabilities are answered below.

- Q. How are in-school suspensions handled?
- A. If a student with a disability receives an in-school suspension, the student's Individual Educational Plan (IEP) will continue to be in force. An in-school suspension is not considered a change in placement.
- Q. Can a student with a disability receive an out-of-school suspension (defined as a removal from all schools without IEP services)?
- A. Yes, however, a student with a disability may not be suspended out of school without IEP services for more than ten (10) cumulative days in a school year because students with disabilities are entitled to IEP services after the 10<sup>th</sup> day of removal without services.
- Q. Can a principal use other forms of in-school discipline on a student with a disability?
- A. A principal may use any other form of in-school discipline when dealing with a student with a disability who has violated the Code of Student Conduct or a school rule. These can include detentions, in-school suspension, tobacco education, or Saturday school. The student must be provided with his/her IEP services in those settings.
- Q. What happens when a student with a disability reaches five (5) days of out-of-school suspension, or displays a pattern of behavior that impedes their learning or the learning of others?
- A. School personnel who are familiar with the student and his/her IEP will meet with the parents as the IEP team and try to find out why the student is misbehaving. The team will also determine if the student's disability is causing the misconduct and whether there needs to be any changes to the IEP.
- Q. Can a student with a disability receive a disciplinary reassignment to an alternative school?
- A. A student with a disability may be reassigned to an alternative school because of the student's misconduct so long as the student's IEP can be implemented at the alternative school. Before reassignment to the alternative school, a team consisting of the parents and school personnel familiar with the student must meet and develop the Functional Behavioral Assessment/Problem Solving Worksheet and the plan on how to deal with the student's misconduct. The team must also determine if the student's disability is causing the misconduct. Such a reassignment to an alternative program may or may not be a change in placement. If it is a change in placement, then all of the procedural safeguards for students with disabilities will be followed as required under the Individuals with Disabilities Education Act (IDEA), the Federal law providing for the education of students with disabilities.
- Q. May a student with a disability be expelled?
- A. Yes, so long as the IEP services are provided. Because students with disabilities are entitled to receive the educational services provided for in their IEP during any expulsion, they must receive a disciplinary reassignment to an alternative school or other placement where their IEP can be implemented, rather than receiving a true expulsion without any services.
- Q. May a student with a disability be suspended from the bus?

- A. Students with disabilities may be suspended from the bus according to the rules listed below. During the suspension from the bus, it is the student's responsibility to obtain transportation to school. If the student is unable to obtain transportation during the suspension from the bus, the bus suspension days will be considered out-of-school suspension days. Principals may use other forms of discipline instead of suspension from the bus.
- Q. What happens when a student with a disability reaches five (5) bus suspension days during the year?
- A. The team consisting of the parents and educators familiar with the student will meet and develop a plan to correct the misbehavior on the bus. That plan will be known as the Bus Intervention Plan. The team may develop a Functional Behavioral Assessment/Problem Solving Worksheet and will also consider any changes needed in the IEP.
- Q. What happens when a student with a disability reaches ten (10) bus suspension days during the year?
- A. The team will meet to review the Bus Intervention Plan and develop or review the Functional Behavioral Assessment/Problem Solving Worksheet. The team will also determine whether the misconduct on the bus is caused by the student's disability and whether any changes are needed in the IEP.
- Q. What if transportation is a related service identified in the IEP?
- A. If transportation is a related service identified in the student's IEP, and expulsion from the bus is recommended, then transportation alternatives will be provided for the student.
- Q. What about misconduct involving drugs and weapons?
- A. School personnel can place a student with a disability in an interim alternative educational setting, such as an alternative school, for forty-five (45) calendar days if the student violates certain school rules regarding drugs or weapons, regardless of whether the misconduct was caused by the student's disability. The student will continue to receive the IEP services during this time.

F.S. 1001.41, 1001.42, 1001.43, 1003.57, 1006.07, 1006.13  
F.A.C. 6A-6.03312

Adopted 12/9/09; Revised 7/26/11



## 5500.12 - CODE OF STUDENT CONDUCT - SUSPENSION/EXPULSION

### HOW A STUDENT MAY BE SUSPENDED OR EXPELLED FROM SCHOOL

#### In General

A student has a right to attend school and have an opportunity to learn. A student can lose that right to attend school if s/he violates the Code of Student Conduct or a school rule. A student loses the right to attend school by being suspended or expelled. During the period of suspension or expulsion, a student may not enter upon District property or attend any District or school sponsored activity or event without the permission of an administrator.

#### Suspension

- Q. Who can suspend a student?
- A. The principal or someone designated by the principal (such as an assistant principal) can suspend a student.
- Q. How long can a student be suspended?
- A. A student can be suspended from school for one (1) school day or up to ten (10) school days.
- Q. What happens before a suspension?
- A. The principal or assistant principal becomes aware that a student has broken a rule in the Code of Student Conduct or a school rule. S/He will investigate by talking to students, teachers, or others who may know something about what happened. Even if the student is one (1) of the students who broke the rule, the principal or assistant principal may talk to the student as part of the investigation. After talking to people who were involved or witnesses, the principal or assistant principal will determine who s/he thinks broke a rule.
- Q. What if the principal or assistant principal determines that a student broke a rule?
- A. As soon as possible the principal or assistant principal will talk to the student. The administrator will tell the student that s/he has broken a rule in the Code of Student Conduct or a school rule. The student also will be given something in writing, like a discipline referral, that tells the student the same thing. A student will then be told why the administrator thinks that s/he has broken the rule. After this happens, the student should know what s/he is accused of doing and what evidence there is that supports the accusations.
- Q. What happens next?
- A. The student will now have an opportunity to tell the principal or assistant principal his/her side of the story. The student can ask that they talk to someone s/he thinks may know something about what happened. The student can give the principal or assistant principal a written statement to read. After listening to the student and reading anything that s/he has given them, the principal or assistant principal may talk to the people s/he told them about and anybody else that they need to contact.
- After that, the principal or assistant principal will decide if the student has broken a rule in the Code of Student Conduct or a school rule. If s/he decides that the student has broken a rule, they will then decide if the student should be suspended from school and how long the student will be suspended. The student will be told about this decision.
- Q. Will the student's parents know?
- A. The principal or assistant principal will try to telephone the student's parents and let them know about the suspension. If they cannot reach the student's parents by telephone, then they will write down

how many times they tried and what happened. The student's parents will be mailed a letter titled Written Notice of Suspension within twenty-four (24) hours of the decision. The student will be given a copy of that letter. If the student or his/her parents claim that s/he did not receive the letter, it will not change the suspension. The student will be given another copy of the letter if s/he requests one.

Q. How can a student appeal a suspension?

A. If the student's parents want to appeal the suspension, they should notify the principal in writing before the student's suspension is over. When the principal receives the notice from the student's parents that they wish to appeal, s/he will offer to arrange a conference with the student's parents. The student's parents may prefer to discuss their appeal with the principal by telephone. If the student's parents do not notify the principal in writing before the end of the student's suspension that they want to appeal, the suspension is final.

Q. What happens at the conference?

A. The student's parents (and the student if s/he is present) will discuss with the principal what has occurred. The principal will go over the incident that led to the suspension and review the evidence supporting the suspension. The principal also will review the process that was followed leading up to the decision to suspend the student. This will include a review of how the student was told about the accusations and the evidence against the student and how the student was allowed an opportunity to tell his/her side of the story.

If the student or his/her parents believe that the school did not follow all of the requirements for suspending the student, the student must tell the principal exactly what was not done that the student believes should have been done. For example, if the assistant principal did not give the student something in writing that told the student what s/he was accused of doing, the student must tell the principal that at this conference or the student cannot later complain about not being advised in writing of the accusations against the student.

If the principal agrees with the student's parents that one (1) or more requirements for suspending the student were overlooked, the principal can then comply with those requirements at the conference or can start the suspension process from the beginning and go through it again.

If there are witnesses who had not been interviewed prior to the suspension, whom the student thinks may have information about the incident, then the student should inform the principal of the names of those witnesses at this conference. The principal may decide to interview those witnesses before making his/her final decision or the principal may believe that s/he has enough information already to make a final decision.

Q. When will the principal decide the appeal?

A. The principal will provide the student and his/her parents a written decision within five (5) school days of the conference.

Q. Is the student suspended during the appeal?

A. The student will continue to serve the suspension until a final decision is made after all appeals.

Q. What if the suspension was not appropriate?

A. Any record of the suspension will be taken out of the student's records and the student will be given the opportunity to make up all schoolwork that s/he missed, without penalty.

Q. Can the student appeal the principal's decision?

A. The student may appeal the principal's decision to the Director of School Operations or a person designated by the Director of School Operations. To appeal to the Director of School Operations the student must notify him/her in writing within five (5) school days of the date of the principal's final decision.

- Q. What will be reviewed on this appeal?
- A. This appeal only concerns whether or not the proper procedures were followed in making the final decision to suspend the student. There will be no further investigation or interviews with witnesses about the incident, although the facts of the case will be reviewed.

If the proper procedures were not followed, then the suspension will be sent back to the principal to follow the proper procedures and decide on whether or not to suspend the student. If, after following the proper procedures, the principal decides that the student should not be suspended, any record of the suspension will be taken out of the student's records and s/he will be given the opportunity to make up all schoolwork that s/he missed, without penalty.

## Expulsion

- Q. Who can expel a student?
- A. Only the Board can expel a student based upon a recommendation by the Superintendent. The Superintendent will make a recommendation for expulsion only after receiving a recommendation from the principal. The principal will make such a recommendation for expulsion only after having suspended the student for ten (10) school days. The principal's recommendation will contain a detailed explanation of the incident and the student's record of attendance, academics, and discipline.
- Q. Will a student's parents be notified?
- A. The student and his/her parents will be notified in writing if the Superintendent recommends that the Board expel a student. The allegations against the student will be explained. The student will also be told that s/he can request a hearing.
- Q. What if the student's parents want to request a hearing?
- A. The parents should submit a written request for a hearing to the School Board Attorney's office. After the parents request a hearing, the Superintendent will assign the student to an appropriate school program other than his/her regular school.
- Q. What if the student's parents do not request a hearing?
- A. If the parents do not ask for a hearing, the charges are considered to be true. The student and his/her parents may come to the Board meeting to talk about the length of the expulsion.
- Q. Who conducts the hearing?
- A. A local attorney who is a volunteer will preside over the hearing. The attorney is an impartial hearing officer who is not an employee of the School District.
- Q. When will the hearing take place?
- A. The Superintendent's attorney will schedule the hearing and notify the student and his/her parents in writing of the date, time, and place of the hearing. The student will receive this notification at least two (2) weeks before the hearing takes place.
- Q. Can a student have an attorney at the hearing?
- A. The student is entitled to have an attorney or other representative provide him/her with legal representation. Any fees for such representation will be the student's parents' responsibility.
- Q. What happens at the hearing?
- A. The Superintendent's attorney will present witnesses and documents to support the allegations to the impartial hearing officer. The parents or attorney will have an opportunity to cross-examine the witnesses and to present witnesses and evidence on the student's behalf.

- Q. Will there be a record of the hearing?
- A. The Board will provide a certified court reporter for the hearing. The court reporter will take down everything that is said at the hearing. If the student's parent wants a full or partial transcript of the hearing, they can pay the court reporter to provide one for them. The court reporter may require payment in advance.
- Q. What happens after the hearing?
- A. The impartial hearing officer will make a decision based upon the evidence presented at the hearing. S/He will decide what the facts are and make a recommendation in writing to the Board. A copy of that recommendation will be provided to the student, his/her parents, and the Superintendent's attorney.
- Q. Who makes the final decision?
- A. The Board will make the final decision on whether or not the student should be expelled and if so, for how long. The student, his/her parents, and their attorney will have an opportunity to appear before the Board in private to discuss the recommendation of the impartial hearing officer. The parents may request to meet in public to discuss the recommendation with the Board.
- Q. How long can the Board expel a student?
- A. A student can be expelled for the remainder of the current school year and one (1) additional school year. Usually the length of the expulsion is specified in the number of semesters. If there are fewer than thirty (30) school days left in the current semester when the student's suspension begins, the student's will stay out the rest of that semester plus the designated semesters of expulsion. A student who is serving an expulsion during last semester of his/her senior year may not participate in the graduation ceremony.
- Q. Can a student appeal the Board's decision to expel?
- A. A student can appeal the Board's decision to the District Court of Appeal in Tampa. The student must do so within thirty (30) days of the date of the Board's order expelling the student.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2), 1006.13

## 5500.13 - CODE OF STUDENT CONDUCT - GRIEVANCE PROCEDURES

### **HOW CAN A PARENT OR STUDENT SOLVE PROBLEMS OTHER THAN SUSPENSIONS OR EXPULSIONS (GRIEVANCE PROCEDURE)**

#### **In General**

If parents or students have a problem with a teacher or an administrator, or disagrees with their decision on some matter other than suspensions or expulsions, they are encouraged to attempt to solve the problem or disagreement directly with the teacher or administrator. Decisions involving suspensions or expulsions are governed by the discipline procedures in the Code of Student Conduct. This policy does not apply to complaints of discrimination or harassment on the basis of the student's age, sex, race, color, national origin, ethnicity, religion, disability, sexual orientation, marital status, or other characteristics protected by federal or state law or Board policy. Such complaints are governed by Policy 5517.

#### **What a Student Needs to Do**

- Q. What should the student do first when a problem arises?
- A. The student should first talk courteously to the teacher or administrator to attempt to solve the problem. This should be done outside of regular class time.
- Q. What if the student is not satisfied after talking to the teacher or administrator?
- A. If the student does not believe the problem has been solved after talking with the teacher or assistant principal, the student should describe the problem in writing and give it to the principal within three (3) school days of when the problem occurred. Complaints related to discrimination or harassment must be submitted within sixty (60) days of the problem occurring.
- Q. What will the principal do?
- A. The principal will investigate the student's problem and give the student a written decision on how s/he will resolve the problem. That written decision will be provided to the student within five (5) school days from the day the student gave the written description of the problem to the principal.
- Q. Can the student appeal the principal's decision?
- A. If a student is not satisfied with the way that the principal has resolved the problem, the student may request in writing that the Region Associate Superintendent's office or his/her designee, review the decision of the principal and make a final decision in the matter. The Region Associate Superintendent's office will give the student the final decision within five (5) school days from the date that the office received the student's written request to review the matter. There is no appeal from the final decision of the Region Associate Superintendent's office.
- Q. What if the student's problem was originally with the principal?
- A. If the student's problem originally was with the principal and the student does not believe the problem was solved after talking with the principal; the student should describe the problem in writing and give it to the Region Associate Superintendent's office within three (3) school days of when the problem occurred. Complaints related to discrimination or harassment must be submitted within sixty (60) days of the problem occurring. The matter will be reviewed by the Region Associate Superintendent's office and they will provide the student with a final written decision within five (5) school days from the date that the student gave them the written description of the problem. There is no appeal from the final decision of the Region Associate Superintendent's office.

F.S. 1001.41, 1001.42, 1001.43, 1006.07(2), 1006.13

Adopted 12/9/09; Revised 3/15/11

## 5501 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION

The Code of Student Conduct for Postsecondary Career, Technical, and Adult Education is comprised of Policy 5501 through Policy 5501.13.

The primary goal of the District is to ensure that each student achieves at the highest possible level. Education is to be provided in a manner that does not discriminate or cause harassment on the basis of race, color, religion, sex, age, national or ethnic origin, political beliefs, marital status, disability, sexual orientation, or social and family background. In order for this to be accomplished, every school staff member will strive to create a positive safe environment that encourages and supports student success. Underlying causes for misbehavior will be explored and when possible positive redirection will occur and acceptable alternative behaviors will be taught. Such redirection may involve a collaborative effort of school, community, and parents/guardians.

It is the objective and policy of the School Board to recognize, preserve, and protect the individual rights of all students, and at the same time to encourage and enforce the exercise of these rights within the framework of an orderly and efficient school program. Within this framework, it is the duty of the Board, the administrative staff, and the faculty of each school to prevent and to prohibit student conduct that becomes dangerous, disruptive, and destructive and therefore endangers the proper maintenance and function of the school program. Staff members are expected to model core value behaviors that set an example for students. It is expected that all disciplinary measures will be conducted in a manner that is respectful to the student and preserves the student's dignity wherever possible. It is the expectation that each student will behave in a manner that does not threaten, interfere with, or deprive other students of their right to an education and will accept responsibility for their behavior. An effective school environment must be safe and free from disruption.

The Board further recognizes that students are protected and have certain rights extended to citizens under the United States Constitution and its amendments and that these rights cannot be abridged except in accordance with the due process of law. Therefore in order to clarify the guidelines of student behavior in the schools and establish procedures to be followed, the *Code of Student Conduct for Postsecondary Career, Technical, and Adult Education* has been adopted by the Board. The Code shall be mandatory and applied in a manner that is consistent with this philosophy of discipline. Individual schools may adopt additional regulations governing actions not covered by the *Code* but such additional regulations may neither substitute for nor negate any *Code* provisions unless approved through the Board waiver process. It is essential that all students, their parents/guardians, teachers, and administrators understand and abide by the *Code of Student Conduct for Postsecondary Career, Technical, and Adult Education*.

"Parent" is either or both parents of a student, any guardian of the student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent.

## 5501.01 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION - STUDENT RIGHTS

### In General

- A. Each student, regardless of race, color, creed or religion, sex, marital status, national origin, age, disability, or sexual orientation has the right to an opportunity for an education.
- B. Each student has the right to learn, to dissent, to petition, to participate in school programs and activities, and the rights of freedom of expression and publication, assembly, and privacy. However, the exercise of these rights shall be consistent with this *Code* and shall not infringe on the rights of others and may not interfere with the orderly operation of a school or classroom.

### First Amendment Freedom of Expression

The United States Supreme Court rules in 1969 that public school students do not leave their constitutional right to freedom of expression at the schoolhouse gate. A student has a right to freedom of expression; however, when a student exercises that right, the student must do so in a responsible manner that does not cause a disruption of the school or a school activity. A principal or administrator may impose reasonable time, place, and manner restrictions on a student's exercise of First Amendment freedom of expression when there is evidence of imminent disruption of the school.

### Searches and Seizures

Each student has the right to freedom from unreasonable searches and seizures. A student, a student's locker, and other possessions may be searched if there is reasonable cause to believe that the student has drugs, weapons, contraband, or items not permitted on campus. Trained sniff-screening dogs are allowed in the schools to prevent drugs and weapons at school. The routine checks by the dogs are not considered a search by law. They are safety preventions to give students a safe and healthy school in which to learn. Personnel of the school system shall not conduct searches of students or their property, including vehicles that violate constitutional law.

### Investigations at School

Each student has certain rights when being interviewed or questioned by police or by the pTEC Campus Director and/or the Adult/Community School Administrator or designee during criminal or administrative investigations.

- A. Law enforcement may have the lawful authority to question and arrest students on school property. When a student who is a minor is a subject in a criminal investigation that could lead to arrest or criminal charges, the pTEC Campus Director or Adult/Community School Administrator or designee shall make a diligent effort to contact the student's parent before law enforcement officers question the student unless law enforcement confirms that prior notification of a parent would jeopardize public safety. If a parent cannot be located, the policy may go ahead with questioning. If the student's parent is contacted, the policy may allow the student's parent to be present during the student's questioning. The pTEC Campus Director or Adult/Community School Administrator or designee shall document these efforts.
- B. When a student is the subject of an administrative investigation, school officials shall be permitted to conduct necessary interviews.
- C. When a student is not the subject in a criminal or administrative investigation but is being interviewed as a victim or witness, the investigator, pursuant to F.S. Chapter 39, will determine who may be present during the interview.
- D. Each student has certain rights when a police officer or an identified representative of the court wishes to remove a student from school premises.
- E. Should the officer request to take the student out of the school, it shall only be done with the consent of the student or the consent of the student's parent/guardian if the student is under the age of

eighteen (18) or with a warrant or a subpoena requiring the student to be a witness. If the officer desires to make an arrest, either with or without an arrest warrant, s/he shall be allowed to do so without objection by the pTEC Campus Director or Adult/Community School Administrator or designee or teacher in charge. If a student under the age of eighteen (18) is removed by an officer, the pTEC Campus Director or Adult/Community School Administrator or designee shall make a diligent effort to notify the parents prior to the student's removal from the school premises or as soon thereafter as possible unless law enforcement confirms parent notification would jeopardize public safety. The pTEC Campus Director or Adult/Community School Administrator or designee shall document those efforts.

- F. If a student is removed from school by an officer under the aforementioned conditions, a Release Order shall be signed. The Release Order shall be signed in triplicate with the original being filed in the office of the Director of School Operations, a copy to the parents, and a copy retained in the school files unless law enforcement confirms parent notification would jeopardize the student's safety.

### **Property Damage**

Any student who deliberately damages Board property is responsible for prompt reimbursement to the Board. Failure to complete payment may lead to legal action.

### **Sororities, Fraternities, and Secret Societies**

Sororities and Fraternities: Sororities, fraternities, and secret societies are prohibited in the District. Such organizations shall not be recognized by the school in any way. Any attempt to hold any part of initiations to such organizations on the school premises at any time is prohibited. All employees of the Board shall be particularly directed and instructed not to sponsor or give any assistance to such organizations and further instructed to be constantly on the alert to keep such types of organizations out of the schools.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984



## 5501.02 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION- DRESS CODE

Each student has the responsibility to dress appropriately for the school environment. Apparel that disrupts educational activities and processes of the school will result in the removal of the student from the regular school environment until acceptable apparel can be secured for the student. The administration will be the final judge about whether a student's clothing is appropriate for school or whether it will create an environmental climate that is distracting to learning. Administrators, faculty, and staff members will enforce the dress code. All dress and grooming shall conform to health and safety or special program requirements, and all such requirements shall be enforced. Specialized programs may call for more specific dress and grooming requirements which shall be set forth in the program description. The following minimum standards of dress and grooming shall apply to all students in the postsecondary/workforce education schools of the District.

- A. All shirts and blouses must cover midriff, back, sides, and all undergarments including bra straps at all times.
- B. Shorts, skirts, divided skirts, dresses, and culottes are allowed. They must be mid-thigh length or longer.
- C. All trousers, pants, or shorts must totally cover undergarments including boxer shorts.
- D. All clothing, jewelry, or tattoos shall be free of the following: profanity, violent images, violent wording or suggestions; sexually suggestive phrases or images; gang-related symbols; alcohol, tobacco, drugs, or advertisements for such products.
- E. Safe and appropriate footwear must be worn. Inappropriate footwear includes, but is not limited to, roller skates, skate shoes, and bedroom slippers. Individual programs may require specialized footwear such as steel-toed shoes.
- F. Form-fitting leotard/spandex type clothing (including sport bras) of any fabric is not allowed unless covered by proper outer garments.
- G. See-through or mesh fabric clothing may only be worn over clothing meeting requirements.
- H. Clothing must be the appropriate size with the waist of the garment worn at the student's waist.
- I. Clothing not properly buttoned, zipped, fastened, or with inappropriate holes or tears shall not be worn.
- J. Clothing traditionally designed as undergarments or sleepwear and footwear traditionally designed as sleepwear shall not be worn as outer garments.
- K. Sunglasses may not be worn inside school buildings unless required by a physician or authorized by school administration (except as required in certain vocational programs).
- L. Specific uniforms, safety goggles/devices or protective clothing shall be worn as required by individual programs.

NOTE: Adult/Community school students while attending classes on the campus of a District high school will be required to adhere to the high school dress code.

5501.03 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER,  
TECHNICAL, AND ADULT EDUCATION - STUDENT ATTENDANCE

- A. Each student enrolled in the District is required to have regular and punctual attendance. Each student is also required to complete all work assigned in each course in which the student is enrolled.
- B. Attendance requirements may vary by individual programs. See the Pinellas Technical Education Centers (pTEC) catalog for current program attendance requirements. Failure to adhere to attendance requirements may adversely affect eligibility for financial aid.
- C. pTEC students must use the automated time clock system to clock in and out to document actual hours of attendance in the program. Failure to use the automated time clock system may result in reduction of grade, loss of financial assistance, and/or disciplinary action.
- D. Loitering about the campus is not permitted. Students attending pTEC shall wear proper identification badges at all times. Each student shall be in class as scheduled. Late arrivals must report immediately to their class location. A student needing to leave before class is over must receive permission from his/her instructor. pTEC needing to leave before class is over must notify the instructor, clock out, and leave the campus immediately.
- E. Each student under the age of eighteen (18) shall have in the school records the name and address of a parent/guardian.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984

5501.04 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY  
CAREER, TECHNICAL, AND ADULT EDUCATION - GROUNDS  
FOR SUSPENSION/DISMISSAL

Any conduct by a student which is injurious to others, poses a threat to the health or safety of persons or property, or conduct which disrupts or interferes with the education of him/her or other students shall result in disciplinary action. Where appropriate, misconduct may result in criminal penalties being imposed. The following actions, or the attempts to commit them, shall be considered SERIOUS MISCONDUCT and may warrant suspension/dismissal without consideration of alternative punishment.

- A. Cheating - The teacher shall also record a "zero" for each act of cheating.
- B. Falsifying or Altering Records - for example, computer records or attendance notes
- C. Improper Use of Computers or Electronic Devices
- D. Threatening to Hurt Someone
- E. Hitting Someone
- F. Using Physical Force Against Someone
- G. Stealing
- H. Fighting
- I. Extortion
- J. Blackmail
- K. Repeated Misconduct
- L. Arson
- M. Vandalism
- N. Interference with School Personnel
- O. Interference with the Movement of Another Student
- P. Bullying
- Q. Gambling
- R. Trespassing
- S. Defiance
- T. Verbal Abuse of Another
- U. Profanity
- V. Failure to Give Correct Name
- W. Participation in Disruptive Demonstration

- X. Leaving School Grounds Without Permission
- Y. Sexual Activity at School, at a School Activity, or on a School Bus
- Z. Sexual or Other Harassment
- AA. Making a False Alarm - This includes pulling a fire alarm.
- BB. Possession of Common Objects that Could Hurt Someone - examples, self-defense chemical sprays or pocketknives with a blade of four (4) inches or shorter
- CC. Possession of Toy or a Replica Gun or Knife
- DD. Possession of Drug Paraphernalia
- EE. Possession of Tobacco
- FF. Possession of Hazardous Materials
- GG. The Use of Electronic Items - This includes tape player/records, electronic communication devices (ECD), CD players, personal digital assistant (PDA), portable media players (PMP), radios, cameras, cellular phones (including the camera that may be part of the phone), camcorders, televisions, MP3 players, iPods, pagers, or beepers are not permitted in the classroom without instructor permission. If students are in possession of these electronic items, they are to be kept powered off or on mute in the classroom unless they are permitted for use in connection with the program of instruction. School staff is not responsible for preventing theft, loss, damage, or vandalism to cellular telephones, ECDs, or other electronic devices brought onto its property including any electronic devices confiscated due to inappropriate use.
- HH. Violation of a School Rule
- II. Other Serious Misconduct

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46, 1008.35  
Fl. Educational Equity Act of 1984

5501.05 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY  
CAREER, TECHNICAL, AND ADULT EDUCATION - STUDENT  
MISCONDUCT THAT REQUIRES SPECIFIC CONSEQUENCES

A. In General

There are some things that result in a specific consequence if a student is found to have done them. These include acts involving:

1. use of tobacco products;
2. illegal drugs, alcoholic beverages, and harmful substances;
3. bombs and bomb threats;
4. chemical and biological attacks or threats;
5. guns, weapons, and dangerous objects;
6. knives with a blade longer than four (4) inches or a non-foldable knife regardless of length, excluding a butter knife or dull table knife;
7. violent acts resulting in serious injury;
8. felony charges and convictions.

B. An administrator shall report an incident of student misconduct to law enforcement (School Resource Officer, District Police, or outside law enforcement) if the administrator reasonably believes that the conduct poses a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to Board property.

C. Certain acts are considered a serious threat to school safety and must be reported to law enforcement. These acts include, but are not limited to, the following:

1. possession or use of a bomb or making of a bomb threat;
2. chemical and biological attacks or threats;
3. possession or use of a gun, weapon, or firearm.

D. Petty acts of misconduct need not be reported to law enforcement. Petty acts of misconduct are those that an administrator reasonably believes do not pose a threat to the safety of students, staff, volunteers, or other persons, or a threat of harm to Board property.

5501.06 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY  
CAREER, TECHNICAL, AND ADULT EDUCATION - TOBACCO  
AND NICOTINE

Student use of tobacco and nicotine products shall mean all uses of tobacco including cigars, cigarettes, pipe tobacco, snuff, chewing tobacco, or any other matter or substances that contain tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes. If a student is found with a lit cigarette, pipe, or cigar, the student will be considered to be using tobacco. Tobacco and nicotine products are not permitted in school or on school property (including buses), at a bus stop, or at a school activity. Students observed smoking are subject to disciplinary action up to and including dismissal and may be referred to law enforcement.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984

## 5501.07 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION - PROHIBITED SUBSTANCES INCLUDING ILLEGAL DRUGS, ALCOHOLIC BEVERAGES, AND HARMFUL SUBSTANCES

### A. Definition

Illegal drugs are defined to include drugs for which the student does not have a valid prescription, alcohol, or intoxicating beverages, or any illegal or harmful substances including non-prescription drugs, inhalants, or items used in a harmful or inappropriate manner. The use of any drug when such use is unlawful and use of any drug when such use is detrimental to the user or to others but is not unlawful is prohibited.

### B. Offenses Cumulative

Drugs and alcohol offenses shall be cumulative from year to year and school to school within the District's school system. Additionally, referral shall be made to the appropriate law enforcement agency.

### C. Prohibition

The use of or possession of or being under the influence of illegal drugs, materials, substances, drug paraphernalia, or alcoholic beverages on school property at any time (including buses), or at school functions, or prior to arriving at school or school functions shall be considered prohibited conduct. This includes but is not limited to the bringing of such items to school for another person, or having such items on one's person or one's personal effects, or placing such items in a locker, desk, or other hiding place. Students who arrive at school or at a school function in a vehicle in which there are illegal drugs or alcohol are considered to be in possession of that substance if the pTEC Campus Director or Adult/Community School Administrator determines, based upon the evidence, that the student knew there were illegal drugs or alcohol present. Students at a school function who are in a specific area, including but not limited to a hotel room where there are illegal drugs or alcohol, may be considered to be in possession of that substance if it is determined after an investigation that the student knew there were illegal drugs or alcohol present and chose to remain in that area. Students are prohibited from selling, purchasing, distributing, receiving, or negotiating the sale, purchase, distribution, or receipt of illegal drugs or alcohol as defined in the preceding section. The sale of, negotiations for sale of, or distribution of a prescription drug (for which the student has a valid prescription) to another student is also forbidden. Distribution is the transfer of substances from one person to another.

### D. Violations

A student who is found to have been in violation of the drug and alcohol prohibited shall be dismissed. Any case of attempted suicide including those involving illegal substances will be treated as a mental health issue and a mental health assessment will be conducted prior to determining consequences.

### E. Reentry

Reentry after dismissal will not be allowed until evidence of successful completion of an approved drug or alcohol assessment is provided.

### F. Felony Conviction

Pursuant to law, if a student is adjudicated guilty or delinquent for the unlawful possession or sale of any controlled substances under F.S. Chapter 893, the student may be dismissed.

5501.08 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER,  
TECHNICAL, AND ADULT EDUCATION - BOMBS AND BOMB THREATS

Any student involved in the making of a bomb or planning the use of a bomb (including the use of a facsimile bomb) shall be dismissed. Additionally, any student involved in making or planning a bomb threat that is directed at a person or persons or is in written form (including computer communications), or a bomb threat that significantly disrupts the educational process, or a false report as defined in F.S. 790.162 and 790.163 shall be dismissed and referred to law enforcement for prosecution.

- A. F.S. 790.162 - "It is unlawful for any person to threaten to throw, project, place, or discharge any destructive device with intent to do bodily harm to any person or with intent to do damage to any property of any person..."
- B. F.S. 790.163 - "It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, or other deadly explosive..."

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984



5501.09 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER,  
TECHNICAL, AND ADULT EDUCATION - POSSESSION OF  
GUNS AND WEAPONS

*When a student has been in possession of*

- A. a gun which shall mean firearm as defined by F.S. 790 and includes any object (whether operable or inoperable) including starter guns which will fire a projectile by the action of an explosive, the frame or receiver of any such weapon, any firearm muffler or silencer, any destructive device, any weapons which are designed to or may readily be converted to such purpose but not necessarily operable at the time of confiscation, or
- B. a weapon, meaning any dirk (dagger), metallic knuckles, slingshots (a small mass of metal, or similar material fixed on a flexible handle or strap), billies, tear gas guns, chemical weapons or devices, knives or other deadly weapons other than common pocketknives (blade of four (4) inches or less which are considered a dangerous object), plastic knives, or blunt bladed table knives, or
- C. a dangerous object (including but not limited to box cutters, ice picks, razor blades, air guns, bb guns, pellet guns, or spring guns of any sort whether operable or inoperable) brought with the intent of doing harm to others including bringing an object for self-defense

the student shall be dismissed. This prohibition against possession of guns or weapons on School Board property includes the possession of a gun or weapon at school-sponsored functions, on a school bus or at a bus stop, and the storing of such in a school facility or on Board property. The pTEC Campus Director or Adult/Community School Administrator or designee may give written permission to possess a gun or weapon when the gun or weapon is required by the curriculum. A student in a vehicle in which there is a gun or weapon on Board property or at a school activity may be considered to be in possession of that gun or weapon if it is determined by the pTEC Campus Director or Adult/Community School Administrator or designee based upon evidence that the student knew of the presence of the gun or weapon.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984

5501.10 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER,  
TECHNICAL, AND ADULT EDUCATION - FELONY CHARGES

A student who is formally charged (has a petition filed) by the proper prosecuting attorney with committing a felony or with a delinquent act which would be a felony if committed by an adult including, but not limited to those listed below, as a result of conduct off of school grounds shall be dismissed if after affording the student due process, the pTEC Campus Director or Adult/Community School Administrator or designee finds that the incident has an adverse impact on the educational program, discipline, or welfare of the school.

- A. any felony involving violence
- B. rape/sexual battery
- C. lewd and lascivious act on a child under sixteen (16) years of age
- D. concealed weapon
- E. armed robbery
- F. sale of illegal drugs
- G. possession of a bomb
- H. any felony involving use of a firearm
- I. battery on an elected school official or school system employee
- J. aggravated battery

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46(6)(d)  
Fl. Educational Equity Act of 1984

**5501.11 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER,  
TECHNICAL, AND ADULT EDUCATION - DISCIPLINARY ACTIONS  
AND PROCEDURES**

**Types of Disciplinary Action Permitted**

The use of corporal punishment is prohibited. However, school personnel may use reasonable force to maintain a safe and orderly learning environment. Any use of reasonable force shall be in accordance with School Board policy and State Board of Education rule. The prohibition against the use of corporal punishment also extends to parents or guardians on school grounds. While the following types of disciplinary action may be considered, there is no intent that the listing implies that any sequence must be followed. It is expected that the School Discipline Plan will be followed whenever possible.

A. Probation

A student may be placed on disciplinary probation for a period of time not to exceed one (1) year.

B. Suspension

A student may be suspended from school or class for up to ten (10) days for any one (1) offense. While on suspension, the student is not permitted to return to any campus or attend any school activities without the permission of an administrator. Except in cases in which the safety of others is involved or the orderly operation of the school is threatened, the following alternatives may be considered prior to suspending a student:

1. The student may be placed on a disciplinary probation contract - the breach of which may lead to suspension.
2. The student may be referred to the Student Services Department for counseling.

C. Dismissal

In most cases, dismissal will mean that a student is excluded from all public school programs in the District. Dismissed students of appropriate age may apply to local Juvenile Services Programs (J.S.P.), Urban League, or Catalyst but acceptance is entirely up to that program's staff based upon their dropout prevention criteria. Instances involving exceptional education students will be handled according to law. A student shall be withdrawn for:

1. possession of a gun or weapon;
2. physical attack result in serious injury or while using a weapon;
3. an act of unprovoked violence while using a weapon regardless of the severity of the injury to the victim;
4. making of a bomb or planning the use of a bomb (including the use of a facsimile bomb). Additionally, any student involved in making or planning a bomb threat that is directed at a person or persons or is in written form (including computer communications), or a bomb threat that significantly disrupts the educational process, or a false report as defined in F.S. 790.162 and 790.163 (see Paragraph (4)(c)(1 and 2) shall be recommended for dismissal.

## 5501.12 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION - DUE PROCESS PROCEDURES

In order to ensure that each student receives fair treatment consistent with the fundamental requirements of due process, student suspensions and dismissals shall be made in accordance with the following procedures.

### A. Suspension

#### 1. Hearing Required

The hearing shall consist of an informal interview between the pTEC Campus Director or Adult/Community School Administrator or designee, and the student. The student shall be informed orally and in writing of the charges and an explanation of the evidence against him/her. The student shall be allowed to give a personal version of the incident, and the pTEC Campus Director or Adult/Community School Administrator or designee hearing the case shall decide whether the charges against the student have been sustained. The pTEC Campus Director or Adult/Community School Administrator or designee shall then determine whether to suspend the student if such is the appropriate disciplinary action.

#### 2. Time of Hearing and Imposition of Sanction

The pTEC Campus Director or Adult/Community School Administrator or designee may suspend a student for any one (1) offense for a period of time up to and including ten (10) school days. The pTEC Campus Director or Adult/Community School Administrator or designee shall hold a hearing immediately after the pTEC Campus Director or Adult/Community School Administrator or designee becomes aware of the violation by or the charge against the student. In an emergency situation, the pTEC Campus Director or Adult/Community School Administrator or designee shall have the authority to suspend the student on the basis of facts known to the pTEC Campus Director or Adult/Community School Administrator or designee, and the hearing shall be held within a reasonable time after the imposition of the suspension.

#### 3. Notice of Suspension to Students

The pTEC Campus Director or Adult/Community School Administrator or designee shall deliver by hand or shall mail a copy of the written notice of the suspension to the student within twenty-four (24) hours of the suspension. Failure of the student to receive a formal written notice of the suspension shall not affect the validity of the suspension or any other proceeding herein.

#### 4. Notice of Suspension to Parents of Minors

After suspending a minor, the pTEC Campus Director or Adult/Community School Administrator or designee shall immediately attempt to notify the parent(s) by telephone and shall document the fact of such notice or the diligent effort to give such notice. The pTEC Campus Director or Adult/Community School Administrator or designee shall also complete the form "Written Notice of Suspension" and shall, if possible, deliver by hand a copy of it to the minor and shall mail a copy of the written notification of the suspension to the parent(s)/legal guardian within twenty-four (24) hours of the suspension. Failure of the student or parent(s) to receive a formal written notification of the suspension shall not affect the validity of the suspension or any other proceeding herein.

#### 5. Appeal of Suspension

If a student or the parent of a minor wishes to appeal the due process procedures implemented in the suspension process, the appeal shall be submitted to the pTEC Campus Director or Adult/Community School Administrator or designee in writing prior to the

termination date of the suspension. The pTEC Campus Director or Adult/Community School Administrator or designee shall arrange for a conference with the student or parent. The pTEC Campus Director or Adult/Community School Administrator or designee shall notify the student or parent(s) in writing of his/her final decision within five (5) days of the hearing of the appeal. In the letter the pTEC Campus Director or Adult/Community School Administrator or designee shall advise the student or the parent(s) of the following:

- a. The pTEC Campus Director's or Adult/Community School Administrator's or designee's decision as to whether the student was provided due process in the suspension procedure.
- b. If due process was not provided, it shall be provided at that time by the pTEC Campus Director or Adult/Community School Administrator or designee. If after providing due process the pTEC Campus Director or Adult/Community School Administrator or designee determines that the suspension was not appropriate, the student's record shall be expunged of the suspension and the student shall be given the opportunity to make up all work without penalty.
- c. No disciplinary action shall be postponed during an appeal.
- d. The student may initiate an appeal in writing to the Chief Operating Officer of pTEC or the Director of Career, Technical, and Adult Education or designee within five (5) school days of the date of the previous decision. This is the last appeal step for a student's out-of-school suspension. This step of appeal will involve only a review to see if the student received appropriate due process. There will be no reinvestigation of the incident.

**B. Dismissal**

Statutory authority for dismissal is provided in F.S. 1001.42(6) and 1002.21(3).

1. Initiation of the Dismissal Process

An instructor, department chairperson, or administrator or designee shall send a letter to the pTEC Campus Director or Adult/Community School Administrator or designee as appropriate. Such letter shall contain a detailed explanation of the charges against the student and a recommendation for dismissal. The pTEC Campus Director or Adult/Community School Administrator or designee makes the dismissal decision.

2. Notice to Parent(s) and Student

If the pTEC Campus Director or Adult/Community School Administrator or designee recommends dismissal, the student and the parents of the student, if a minor, shall be informed in writing of the decision. The student and the parent(s) of the student, if a minor, may request a hearing before the pTEC Campus Director or Adult/Community School Administrator or designee who retains the final decision authority for the dismissal.

3. Procedures for a Hearing

- a. The parent(s)/legal guardian of a minor student or the student shall, if age eighteen (18) or older, within five (5) days from the receipt of the pTEC Campus Director's or Adult/Community School Administrator's or designee's letter of notification of the recommendation for dismissal notify the Chief Operating Officer or Director of Career, Technical, and Adult Education in writing that a hearing is requested. For good cause shown, any procedural defect in the request for a hearing may be waived by the pTEC Campus Director or the Adult/Community School Administrator or designee.
- b. The pTEC Campus Director or Adult/Community School Administrator or designee shall schedule a hearing and notify the parent(s)/legal guardian of a minor student or the student in writing of the date, time, and place of the hearing.

- c. The parent(s)/legal guardian of a minor student or the student may be represented by an attorney or other representative.
- d. The record shall only consist of the notice and summary of grounds; evidence received; all written statements submitted; any decision overruling objections; all matters placed on the record after an ex parte communication; the transcript, if either party has the proceeding transcribed; and any decision, order, or report by the pTEC Campus Director or the Adult/Community School Administrator or designee.
- e. The pTEC Campus Director or the Adult/Community School Administrator or designee shall make a final decision in writing based on the evidence presented.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46  
Fl. Educational Equity Act of 1984

## 5501.13 - CODE OF STUDENT CONDUCT FOR POSTSECONDARY CAREER, TECHNICAL, AND ADULT EDUCATION - GRIEVANCE PROCEDURES

### **School-Related Problems or Student Complaints Not Connected to Suspension or Dismissal**

A student has the privilege to question a decision by a school teacher or administrator. The privilege to question includes decisions perceived by the student to be discriminatory regarding any phase of educational programs, activities, application of the rules of behavior, sanctions, or treatment. It is the aim of these procedures to settle a grievance at the lowest level possible. The following procedures shall be used to submit a grievance for a decision:

- A. The student shall first talk courteously to the teacher or administrator concerned at a time other than regular class time.
- B. If the student is not satisfied after talking with the teacher or administrator concerned, the student may submit an appeal in writing to the pTEC Campus Director or Adult/Community School Administrator or designee of the school to review the matter. Such an appeal shall be submitted within three (3) days of the incident.
- C. The pTEC campus Director or Adult/Community School Administrator or designee of the school shall investigate the problem and shall render a decision on whether to sustain or overrule the decision of the teacher or administrator. The decision shall be given to the student in writing within five (5) days from receipt of the written notice of appeal.
- D. Any appeal beyond the pTEC Campus Director or Adult/Community School Administrator or designee of the school may be made in writing to the Chief Operating Officer of pTEC or the Director of Career, Technical, and Adult Education or designee within five (5) days from receipt of the previous decision. This is the last step in the grievance procedure.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.46  
Fl. Educational Equity Act of 1984

## 5502 - REMOVAL OF STUDENTS FROM CLASS

Pursuant to Policy 5500, *Code of Student Conduct*, a teacher may remove a student from class.

ESE students recommended for removal by a teacher and not returned or placed in a comparable class within ten (10) school days will be afforded a change of placement review by the school's staffing team.

ESOL students recommended for removal by a teacher and not returned will be placed in comparable ESOL services.

### **Procedure for Removal of Student**

- A. Teacher will complete Notice of Intent to Remove Student from Class form. This form includes the teacher's summary statement and record of interventions, parent contacts, and guidance/administrative referrals.
- B. Form is submitted to principal for alternative placement of the student.
- C. The principal or designee will communicate to parent/guardian that the child's teacher has recommended the student for removal from that teacher's class.
- D. The principal may not return the student to that teacher's class without the teacher's consent unless the Placement Review Committee determines that such placement is the best or only available alternative.
- E. If the teacher refuses consent, the Placement Review Committee must render a decision within five (5) school days of the removal of the student from the classroom.
- F. The Placement Review Committee shall review cases in which the teacher withholds consent to readmit a student who has been removed from class for disciplinary purposes. The Committee is composed of at least three (3) members, including at least two (2) teachers, one (1) selected by the school's faculty and one (1) selected by the teacher who has removed the student. The third is a staff member selected by the principal.
  1. The teacher who withheld consent to readmitting the student may not serve on the committee.
  2. If the Placement Review Committee's decision is contrary to the decision of the teacher to withhold consent to the return of the removed student to the teacher's class, the teacher may appeal the Committee's decision to the Superintendent.
- G. The principal must notify each teacher in the school about the availability, the procedures, and the criteria for the Placement Review Committee.

The student's prohibition from school-sponsored activities shall be an administrative decision made by the school principal.

According to State statute, any teacher who removes twenty-five percent (25%) of his/her total class enrollment shall be required to complete professional development to improve classroom management skills. Additionally, in the District any teacher who removes fifteen percent (15%) of his/her total class enrollment may be required to complete professional development to improve classroom management skills. It is suggested that the Behavior Management Component offered by the Pro Ed Department be utilized.

The principal must report on a quarterly basis to the Superintendent (who will report to the School Board) each incidence of a teacher's withholding consent for a removed student to return to the teacher's class and the disposition of the incident, and the Superintendent must annually report this data to the Department of Education.



## 5513 - CARE OF SCHOOL PROPERTY

Each student is responsible for the proper care of school property and the school supplies and equipment entrusted to his/her use. Refer to School Board [Policy 7530](#) for temporary removal of District equipment by students for school projects, and the use of the "Property Removal Contract" form (PCS # 3-1943).

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 or of age or older shall also be liable for damage they cause. Intentional destruction of Board property may result in the revocation of student privileges including, without limitation, parking, and participating in or attending graduation ceremonies and extra-curricular activities.

The Board may report to the appropriate law enforcement agency any student whose damage of school property has been serious or chronic in nature.

F.S. 1006.42

## 5517 - POLICY AGAINST HARASSMENT AND DISCRIMINATION

### **General Policy Statement**

No employee, student, applicant for employment, volunteer, vendor, or member of the public, shall, on the basis of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, be excluded from participation in, be denied the benefits of, or be subjected to unlawful discrimination or harassment under, any educational program, activity, service, or in any employment condition, policy or practice conducted by the Board.

The Board encourages any individual who feels that he or she has been subjected to unlawful discrimination or harassment to seek assistance to rectify the problem. The Board will investigate all allegations of unlawful discrimination or harassment and, in those cases where unlawful discrimination or harassment is substantiated, will take immediate steps to end the discrimination or harassment. The Board will take appropriate disciplinary action against any employee found to have engaged in unlawful discrimination or harassment and will take such other appropriate action against individuals who are not employed by the Board, but may be under the control or supervision of the Board.

### **Definitions**

**A. Unlawful Discrimination** is conduct which deprives a person of the opportunity to participate in employment, educational programs or activities, Board or school sponsored activities, or in any other activity offered or provided by the Board, on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy.

**B. Harassment** is conduct directed by a person or persons against another person or persons on account of age, sex, race, color, national origin, religion, disability, sexual orientation, marital status, or any other characteristic protected by federal or state law or Board policy, which is severe, persistent, pervasive, and objectively offensive to the point that the prohibited conduct substantially impairs the person's participation in their employment, educational programs, school sponsored activities, or any other activity offered or provided by the Board.

### **C. 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, occur when:

1. 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;
2. Submission or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting such individual;
3. 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:

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

2. Physical assault.
3. 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.
4. 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.
5. Sexually suggestive objects, pictures, audio or visual representation, or literature, placed in the work or educational environment, which may embarrass or offend individuals.
6. Unwelcome and inappropriate touching, patting, or pinching; obscene gestures.
7. 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.
8. Remarks speculating about a person's sexual activities or sexual history, or remarks about one's own sexual activities or sexual history.
9. 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.
10. 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 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.

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

#### **D. Other Prohibited Conduct**

The Board will also take immediate steps to impose disciplinary action against an employee or take such other appropriate action against individuals engaging in any of the following prohibited acts:

1. Retaliating against a person who has made a report or filed a complaint alleging unlawful discrimination or harassment, or who has participated as a witness in a discrimination or harassment investigation.
2. Filing a malicious or knowingly false report or complaint of unlawful discrimination or harassment.
3. Disregarding, failing to investigate adequately, or delaying investigation of allegations of unlawful discrimination or harassment, when responsibility for reporting and/or investigating such charges comprises part of one's supervisory duties.

### **COMPLAINTS**

#### **A. Procedure for Filing a Complaint**

Any employee, applicant for employment, student, or third party, who believes that he or she has been unlawfully discriminated against or has been harassed in violation of this Policy by an employee, student, or other party who is subject to the jurisdiction of the School Board, and who wishes to file a complaint, shall use the following complaint procedure:

1. The complaint shall be filed in writing with the Compliance Officer, appointed pursuant to Policy 1122, in the Office of Equal Opportunity, and shall be signed by the complainant or reporting administrator. The complaint shall be filed within 30 calendar days from the date of the incident.
2. Upon receipt of the complaint, the Compliance Officer shall review the complaint to determine whether it alleges the essential elements of unlawful discrimination or harassment prohibited by this Policy. If it does not, the Compliance Officer will notify the complainant in writing and no further action will be taken.
3. If the complaint does allege the essential elements of unlawful discrimination or harassment prohibited by this Policy, the Compliance Officer, will investigate the allegations of the complaint. A copy of the complaint shall be forwarded to the School Board Attorney. The Compliance Officer is authorized and encouraged to assign the investigation to an administrator at the school or site.
4. Upon completion of the investigation, the site based administrator or the Compliance Officer, as the case may be, in consultation with the Assistant Superintendent, Human Resources, and the School Board Attorney, will prepare a final written report containing factual findings.
5. In cases where the complaint is substantiated in whole or in part, the Compliance Officer will meet with the complainant regarding the factual findings, provide a copy of the investigative report and seek complainant's input into any resolution of the complaint.
6. A substantiated complaint against personnel will be forwarded to the Office of Professional Standards. Any employee against whom a complaint has been substantiated will be subject to an employee disciplinary action, which could range from conference summary to termination of employment.
7. If the complainant disagrees with the determination either under paragraph 2 or 5, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
8. If an administrator learns of an alleged incident of unlawful discrimination or harassment prohibited by this Policy against an employee or applicant, he or she is required to report complaints immediately to the Compliance Officer. These complaint procedures will be followed the same as if the complainant originally filed the complaint.
9. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
10. The right to confidentiality of student records will be respected, consistent with federal and state law and Board policy.
11. All complaints and other records that relate to a complaint of discrimination are exempt from the Public Records Act 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.

#### **B. Alternative Remedies**

The complaint procedures set forth in this Policy are not intended to interfere with the rights of any complainant to pursue a complaint of unlawful harassment or discrimination with the United States Department of Education, Office for Civil Rights, the Florida Civil Rights Commission, or the Equal Employment Opportunity Commission.

F.S. 1000.05, 1001.42, 1006.147  
F.A.C. 6A-19.001 et seq., 6B-1.006(3)(g)  
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  
28 C.F.R. Part 35  
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  
34 C.F.R. Parts 100, 104 and 106

Adopted 12/9/09; Revised 7/27/10; 3/15/11

## 5517.01 - POLICY AGAINST BULLYING AND HARASSMENT

### Statement Prohibiting Bullying and Harassment

It is the policy of the School Board that all of its students, employees, and volunteers learn and work in an environment that is safe, secure, and free from harassment and bullying of any kind. The Board will not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited. This policy shall be interpreted and applied consistently with all applicable State and Federal laws and the Board's collective bargaining agreements. Conduct that constitutes bullying, harassment, or discrimination, as defined herein and in F.S. 1006.147, is prohibited.

### Definition of Bullying and Definition of Harassment

**"Bullying"** means systematically and chronically inflicting physical hurt or psychological distress on one (1) or more students or employees and may involve but is not limited to:

- A. teasing
- B. social exclusion
- C. threat
- D. intimidation
- E. stalking, including cyberstalking as defined herein
- F. physical violence
- G. theft
- H. sexual, religious, or racial harassment
- I. public humiliation
- J. destruction of property

**"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 employee that:

- A. places a student or 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;
- C. has the effect of substantially disrupting the orderly operation of a school.

**"Bullying"** and **"harassment"** also encompasses:

- A. Retaliation against a student or employee by another student or employee for asserting or alleging an act of bullying or 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 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;
3. acting in a manner that has an effect substantially similar to the effect of bullying or harassment.

**"Cyberstalking"** which is defined as engaging 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. (see F.S. 784.048(1)(d))

In addition, "bullying", "cyberstalking", and "harassment" (hereinafter referred to as "bullying", as defined under *Definition of Bullying and Definition of Harassment* above, for the purpose of this policy) also encompass, but are not limited to, unwanted harm towards a student or employee in regard to their real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background, or being viewed as different in its education programs or admissions to education programs and, therefore, prohibits bullying of any student or employee by any Board member, Board employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, at a school bus stop, and at training facilities or training programs sponsored by the District. For acts of harassment against Federally identified protected categories, and acts of harassment, including sexual harassment, which do not meet the definition of bullying, refer to Board [Policy 1362](#), [Policy 3362](#), [Policy 4362](#), and [Policy 5517](#).

### **Description of the Type of Behavior Expected from Each Student and Employee**

The Board expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities, and expects students and employees to conduct themselves appropriately 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.

The Board believes that standards for student behavior must be set cooperatively through interaction among the students, parents/legal guardians, staff, and community members producing an atmosphere that encourages students to grow in self-discipline. The development of this atmosphere requires respect for self and others, including obeying and responding to those who hold lawful authority, as well as for District and community property on the part of students, staff, and community members. Since students learn by example, school administrators, faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate harassment or bullying.

The Board upholds that bullying of any student or employee is prohibited:

- A. during any education program or activity conducted by a District school;
- B. during any school-related or school-sponsored program or activity;
- C. on a school bus or at a school bus stop; or
- D. 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 school system.

Student rights shall be as outlined in this policy and in the Code of Student Conduct. To positively reinforce good conduct, self-discipline, good citizenship, and academic success, the Superintendent shall continue and, as needed, expand the District's student recognition programs and publicly congratulate students exhibiting exemplary qualities in these areas.

### **Consequences for a Student or Employee who Commits an Act of Bullying or Harassment**

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances. The physical location or time of access of a computer-related incident cannot be raised as a defense in any disciplinary action. Consequences and appropriate remedial action for students who

commit acts 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 an employee found to have committed an act of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Additionally, egregious acts of harassment by certified educators may result in a sanction against an educator's state issued certificate. (See State Board of Education Rule F.A.C. 6B-1.006, The Principles of Professional Conduct of the Education Profession in Florida.) Consequences and appropriate remedial action for a visitor or volunteer, found to have committed an act 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.

### **Consequences for a Student or Employee who is Found to have Wrongfully and Intentionally Accused Another of an Act of Bullying or Harassment**

Consequences and appropriate remedial action for a student found to have wrongfully and intentionally accused another as a means of bullying or harassment 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 an employee found to have wrongfully and intentionally accused another as a means of bullying or harassment may be disciplined in accordance with District policies, procedures, and agreements. Consequences and appropriate remedial action for a visitor or volunteer, 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. Accusations made in good faith, even though subsequently determined to be false, shall not be subject to discipline, consequences, or remedial action as called for by this section.

### **Reporting an Act of Bullying or Harassment, Including Provisions for Anonymous Reporting**

At each school, the principal or the principal's designee is responsible for receiving complaints alleging violations of this policy. All school-based employees are required to report alleged violations of this policy to the principal or the principal's designee. Other employees are required to report alleged violations of this policy to their supervisor. All other members of the school community, including students, parents/legal guardians, volunteers, and visitors are encouraged to report any act that may be a violation of this policy anonymously or in-person to the principal or principal's designee.

The principal of each school in the District shall establish and prominently publicize to students, staff, volunteers, and parents/legal guardians, how a report of bullying may be filed either in-person or anonymously and how this report will be acted upon. The victim of bullying, anyone who witnessed the bullying, and anyone who has credible information that an act of bullying has taken place may file a report of bullying. An employee, school volunteer, student, parent/legal guardian or other persons who promptly reports in good faith an act of bullying or harassment to the appropriate 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.

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.

### **Investigation of Whether a Reported Act of Bullying or Harassment is Within the Scope of the District School System and, if not, Referral of such an Act to the Appropriate Jurisdiction**

A principal or designee will assign a designee(s) who is trained in investigative procedures to initiate an investigation of whether an act of bullying or harassment is within the scope of the School District.

The trained designee(s) will provide a report on results of investigation with recommendations for the principal to make a determination if an act of bullying or harassment falls within the scope of the District and will act according to the following protocols:

- A. If it is within the scope of the District, further investigation will commence in accordance with *Prompt Investigation of a Report of Bullying or Harassment and the Persons Responsible for the Investigation* below.
- B. If it is outside scope of the District, and reasonably suspected to be a criminal act, refer to appropriate law enforcement, and inform parents/legal guardians of all students involved.



- C. If it is outside scope of the District, and determined not a criminal act, inform parents/legal guardians of all students involved.

### **Prompt Investigation of a Report of Bullying or Harassment and the Persons Responsible for the Investigation**

The investigation of a reported act of bullying or harassment is deemed to be a site-related activity and begins with a report of such an act.

At each school or site in the District, the procedures for investigating bullying and/or harassment include:

- A. The principal/site administrator or designee selects a designee(s), employed by the School District, trained in investigative procedures to initiate the investigation. The designee(s) may not be the accused perpetrator (harasser or bully) or victim.
- B. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
- C. The investigator shall collect and evaluate the facts including, but not limited to:
  - 1. description of incident including nature of the behavior; context in which the alleged incident occurred, etc.;
  - 2. how often the conduct occurred;
  - 3. whether there were past incidents or past continuing patterns of behavior;
  - 4. the relationship between the parties involved;
  - 5. the characteristics of parties involved (i.e., grade, age, etc.);
  - 6. the identity of the perpetrator, including whether the perpetrator was in a position of power over the student allegedly subjected to bullying or harassment;
  - 7. the number of alleged bullies/harassers;
  - 8. the age(s) of the alleged bullies/harassers;
  - 9. where the bullying and/or harassment occurred; and
  - 10. whether the conduct adversely affected the student victim's education or educational environment or the employee victim's work environment.
- D. Whether a particular action or incident constitutes a violation of this policy requires a determination based on all the facts and surrounding circumstances and includes:
  - 1. recommended remedial steps necessary to stop the bullying and/or harassing behavior;
  - 2. a written final report to the principal/site administrator.

Where the victim is a student, according to the severity of the infraction, the principal or designee shall promptly notify the parent/legal guardian of the victim via telephone or personal conference of any actions being taken to protect the victim. The frequency of notification will depend on the severity of the bullying incident.

Where the victim is not a student, the principal's or designee's report will be made to the employee victim's supervisor and the same process described above will be followed if the alleged bullying or harassment was not alleged to occur at a school, but another District site.

The initial filing of incidents and completion of the investigative procedural steps shall be completed within ten (10) school days.

## **Determination of Disciplinary Sanctions or Consequences and Due Processes for a Person who Commits an Act of Bullying Under this Policy**

Concluding whether a particular action or incident constitutes a violation of this policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the District.

Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, reassignment, or expulsion as outlined in the Student Code of Conduct.

Consequences and appropriate interventions for a school/District employee found to have committed an act of bullying will be instituted in accordance with Board policy. Additionally, egregious acts of bullying by certified educators may result in a sanction against an educator's State issued certificate (Rule F.A.C. 6B-1.006).

Consequences and appropriate intervention for a visitor or volunteer, found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials.

These same actions will apply to persons, whether they be students, school employees, or visitors/volunteers/independent contractors, who are found to have made wrongful and intentional accusations of another as a means of bullying.

If a complaint of bullying or harassment is made by the alleged victim during or after the commencement of an investigation into employee or student misconduct, it shall not be a defense to the allegations of employee or student misconduct but may be considered as a mitigating factor under Board policy, if appropriate.

### **Providing Immediate Notification to the Parents/Legal Guardians of a Student Victim of Bullying or Harassment and the Parents/Legal Guardians of the Student Perpetrator of an Act of Bullying or Harassment as well as Notification to all Local Agencies Where Criminal Charges may be Pursued Against the Perpetrator**

The principal, or designee, shall by telephone and in writing by first-class mail, report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

If the bullying incident results in the perpetrator being charged with a crime, the principal, or designee, shall by telephone or in writing by first class mail, inform parents/legal guardian of the student victim(s) involved in the bullying incident about the Unsafe School Choice Option (No Child Left Behind, Title IX, Part E, Subpart 2, Section 9532) that states: "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 a student 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."

Once the investigation has been completed, appropriate local law enforcement agencies will be notified by telephone and/or in writing to determine whether to pursue criminal charges.

### **Referral of Victims and Perpetrators of Bullying or Harassment for Counseling**

The Superintendent shall establish a procedure to refer victims and perpetrators of bullying or harassment for counseling, including a protocol for intervening when bullying or harassment is suspected or when a bullying incident is reported. The procedure shall include:

- A. a process by which the teacher or parent/legal guardian may request informal consultation with school staff (specialty staff, e.g., school counselor, school psychologist, etc.) to determine the severity of concern and appropriate steps to address the concern (the involved students' parents or legal guardian may be included);
- B. a referral process to provide professional assistance or services that includes:

1. a process by which school personnel or parent/legal 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 or legal guardian involvement is required at this point.)
  2. if a formal discipline report or formal complaint is made, the principal or designee must refer the student(s) to the school intervention team for determination of counseling support and interventions; (Parent or legal guardian involvement is required at this point.)
  3. referral of school personnel to the Employee Assistance Program;
- C. a school-based component to address intervention and assistance as determined appropriate by the intervention team that includes:
1. counseling and support to address the needs of the victims of bullying or harassment;
  2. interventions to address the behavior of the students who bully and harass others (e.g., empathy training, anger management);
  3. intervention which includes assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

### **Providing Instruction to Students, Parents/Legal Guardians, Teachers, School Administrators, Counseling Staff, and School Volunteers on Identifying, Preventing, and Responding to Bullying or Harassment**

The Board seeks to ensure that schools sustain healthy, positive, and safe learning environments for all students. It is important to change the social climate of the school and the social norms with regards to bullying. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians), parents/legal guardians, and students.

Students, parents/legal guardians, teachers, school administrators, counseling staff, and school volunteers shall be given instruction at a minimum on an annual basis on the District's policy and regulations against bullying and harassment. The instruction shall include evidence-based methods of preventing bullying and harassment, as well as how to effectively identify and respond to bullying in schools.

### **Training**

The School District will conduct training for students, parents, teachers, regional/District staff, school administrators, student support staff, counseling staff, bus drivers, School Resource Officers/Deputies, and school volunteers on identifying, preventing, and responding to bullying. At the beginning of each school year, the school principal/designee and/or appropriate regional/District administrator shall provide notice of this policy, as well as the process for reporting incidents, investigation, and appeal to students, school staff, parents, or other persons responsible for the welfare of a student through appropriate references in the Student Code of Conduct, the school website, and/or through other reasonable means.

### **Regularly Reporting to a Victim's Parents/Legal Guardians the Actions Taken to Protect the Victim**

The principal or designee shall by telephone and/or in writing report the occurrence of any incident of bullying as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident has been initiated. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the child; the frequency of notification will depend on the seriousness of the bullying or harassment incident. Notification must be consistent with the student privacy rights under the applicable provisions of the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Incident Reporting Requirements**

The procedure for including incidents of bullying in the school's report of data concerning school safety and discipline data is required under F.S. 1006.09(6). The report must include each incident of bullying and the resulting consequences, including discipline, interventions, and referrals. In a separate section, the report must include each reported incident of

bullying or harassment that does not meet the criteria of a prohibited act under this policy with recommendations regarding said incident.

The School District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/harassment in its codes.

Discipline, referral data, investigations, interventions, and actions of discipline shall be recorded on the specified data system as with other infractions from the Code of Student Conduct.

#### **Publication of the Policy, Including Publication in the Code of Student Conduct and in All Employee Handbooks**

At the beginning of each school year, the Superintendent or designee shall, in writing, inform school staff, parents/legal guardians, or other persons responsible for the welfare of a student of the District's student safety and violence prevention policy. The Superintendent shall also make all contractors contracting with the District aware of this policy. This information shall be published in the Code of Student Conduct and all employee handbooks.

Each school principal shall develop an annual process for discussing the School District policy on bullying and harassment with students in a student assembly or other reasonable format. Reminders of the policy and bullying prevention messages such as posters and signs will be displayed around each school and on the District school buses.

F.S. 110.1221, 1001.32(2), 1001.41, 1001.42, 1001.43, 1002.20, 1006.13

F.S. 1006.147

Florida Department of Education Model Policy (June 2008)

## 5517.03 - TEEN DATING VIOLENCE AND ABUSE

(1) The School Board strictly prohibits any act of teen dating violence and abuse committed by one student against another on school property, during a school-sponsored activity, or during school-sponsored transportation.

(2) Teen Dating Violence and Abuse Defined: "Teen dating violence and abuse" is a pattern of emotional, verbal, sexual, or physical violence and/or abuse by one person in a current or past relationship of a romantic nature to exert power and control over another when one or both of the partners is a teenager. Abuse may include insults, coercion, social sabotage, sexual harassment, threats and/or acts of physical or sexual abuse. The abusive partner uses this pattern of violent and coercive behavior to gain power and maintain control over the dating partner. To be subject to this Policy, teen dating violence and abuse committed by one student against another must occur on school property, during a school-sponsored activity, or during school-sponsored transportation.

### (3) Reporting Acts of Teen Dating Violence and Abuse

(a) Any student who is the victim of an act of teen dating violence and abuse, or has cause to believe that s/he is in immediate danger of becoming the victim of an act of teen dating violence and abuse, should report the matter to the Principal or to any member of the school staff.

(b) Any Board employee who receives a report of an act of teen dating violence and abuse, who directly observes an act of teen dating violence and abuse perpetrated by one student against another, or who has a good faith reason to believe that a student is a victim of teen dating violence and abuse shall report such report, observations, or suspicions to the Principal or designee.

(c) Any resident of the community or other member of the school community, including students, parents, volunteers, and visitors, who observes an act of teen dating violence and abuse perpetrated by one student against another as described above in paragraph (1), or who has a good faith reason to believe that a student is a victim of teen dating violence and abuse is encouraged to report the matter to the Principal or designee. These reports can be made in person or anonymously, in writing or online.

(d) The principal of each middle and high school in the district shall establish and prominently publicize to students, staff, volunteers, and parents, how a report of dating violence and abuse may be filed either in person or anonymously and how this report will be acted upon. Formal disciplinary action may not be based solely on an anonymous report.

### (4) Investigating Reports of Teen Dating Violence and Abuse

(a) Upon receiving a report of alleged teen dating violence and abuse, the Principal or designee shall conduct an investigation of the allegation promptly and the completion of the investigative procedural steps shall be completed within 10 school days.. As part of the investigation, the Principal or designee shall contact the parent(s) the day the investigation begins of the alleged victim and/or the parent(s) of the alleged perpetrator, if they are under the age of eighteen, to inform them of the report.

(b) The investigation of the report should include interviews of the alleged victim, the alleged perpetrator of the teen dating violence and abusive behavior, and any other person who may have witnessed the alleged act or who may reasonably be expected to have information relevant to the situation. All interviewed parties and witnesses will be provided an opportunity to present any evidence that they reasonably believe to be relevant to the situation. Each individual will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.

(c) The Board reserves the right to investigate a report of teen dating violence and abuse regardless of whether the student who is allegedly the victim of the teen dating violence and abuse wants to pursue the matter. If an investigation is pursued against the alleged victim's wishes, the Principal or designee will notify the victim and refer the victim to appropriate services for safety planning.

### (5) Consequences

(a) At the conclusion of the investigation the Principal or designee will determine whether or not the allegation of teen dating violence and abuse was substantiated. If the Principal or designee determines that a student has committed an act of teen dating violence and abuse, that violation of this policy shall result in disciplinary action in accordance with the

Student Code of Conduct, which may include suspension, assignment to another school or program, or recommendation for expulsion. All disciplinary action shall be taken in accordance with State law and applicable Board policy. (See Policy 5500 and Policy 5600) When imposing discipline, the totality of the circumstances involved in the matter, including the ages and maturity levels of those involved, shall be considered.

(b) Suspensions for acts of teen violence and abuse may be appealed in accordance with the procedures set forth in the Student Code of Conduct. (See Policy 5500)

(c) Further, the Department of Children and Families shall be notified if the student who is found to have perpetrated the act of teen dating violence and abuse is eighteen years of age or older and the student who was the victim of the act of teen dating violence and abuse is a minor.

(d) If the Principal or designee believes a crime has been committed, law enforcement will be immediately notified.

(e) In those cases where teen dating violence and abuse is not substantiated, the Principal or designee may consider whether the alleged conduct nevertheless warrants disciplinary action in accordance with the Student Code of Conduct or other Board policies.

#### (6) Support and Reasonable Accommodations

(a) If requested during or after the investigation, the Principal shall make reasonable accommodations for the student who is allegedly experiencing teen dating violence and abuse including, but not limited to the following:

1. "Stay Away Contract," that is, a contract with the alleged perpetrator to stay away from the victim, including electronic contact, while on school grounds, on school transportation, and during school sponsored programs and events;
2. Class schedule changes;
3. Protection that will enable safe egress/regress from school, as well as movement within the school; and
4. Referrals for outside support or counseling.

(b) Students should provide the Principal with a copy of an order of protection that has been issued by the court. The Principal shall then contact the student whose behavior is to be regulated by that order of protection and initiate a Stay Away Contract that is consistent with the terms of that order and provides penalties for known violations of the contract. Further, the Principal shall notify law enforcement immediately if a restraining order has been violated.

(c) Pinellas County Schools Police and/or the School Resource Officer shall respond immediately to a report of a violation of a criminal or civil restraining order.

(7) Other Violations of the Teen Dating Violence and Abuse 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 teen dating violence and abuse, or who has participated as a witness in an investigation of such an allegation.

(b) Filing a malicious or knowingly false report or complaint of teen dating violence and abuse.

(c) Disregarding, failing to investigate adequately, or delaying investigation of allegations of teen dating violence and abuse, when responsibility for reporting and investigating allegations of teen dating violence and abuse comprises part of one's supervisory duties.

(8) 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 the terms of this policy and its related administrative procedures shall be maintained as confidential to the extent permitted by law.

#### (9) Education and Training

(a) Training shall include a procedure for providing professional development to teachers, staff and school administrators in the area of proper identification, investigation, and intervention of teen dating violence and abuse incidents that fall within the scope of the school. It is important to change the social climate of the school and the social norms with regards to teen dating violence and abuse. This requires the efforts of everyone in the school environment – teachers, administrators, counselors, school nurses, and other non-teaching staff (such as bus drivers, custodians, cafeteria workers, and/or school librarians).

(b) The District shall provide instruction to students in comprehensive health education including a teen dating violence and abuse component consistent with state statute and rules of the State Board of Education.

(c) The comprehensive health components listed in Sec. 1003.42, F.S., include a health education curriculum for students in grades 7 through 12 in the area of teen dating violence and abuse. This instruction shall include, but is not limited to, the definition of teen dating violence and abuse, the warning signs of teen dating violence and abuse, the characteristics of healthy relationships, measures to prevent and stop teen dating violence and abuse, and community resources available to victims and perpetrators of teen dating violence and abuse. The curriculum chosen must also have an emphasis on prevention-based education.

F.S. 1003.42, 1006.148

Adopted 6/14/2011

## 5630 - USE OF REASONABLE FORCE AND RESTRAINT

Employees, within the scope of their employment, may use and apply reasonable force and restraint as necessary 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.

F.S. 1003.02, 1003.32

Adopted 7/26/11



## 5630.01 - USE OF SECLUSION AND RESTRAINT ON STUDENTS WITH DISABILITIES

It is the policy of the School Board to limit the use of seclusion and restraint in the education and discipline of students with disabilities to circumstances in which the strategy can be used safely in a manner that is in the best interests of the student with a disability and as defined in this policy.

### **Use of Seclusion**

“Seclusion” is defined as the involuntary confinement of a student alone in a room or area from which the student is physically prevented from leaving. It does not include a time-out, which is a behavior management technique that is part of an approved program, involves the monitored separation of the student in a non-locked setting, and is implemented for the purpose of calming.

The use of seclusion for a student with a disability shall not be permitted except when the conditions described in this policy exist. Seclusion may only be used at District exceptional student education centers.

School personnel may not close, lock, or physically block a student with a disability in a room that is unlit and does not meet rules of the State Fire Marshal for seclusion time-out rooms. An enclosure used for seclusion of a student shall have the same ceiling height, lighting, ventilation, and temperature as the surrounding room or rooms. The room or enclosure shall be large enough to accommodate the student with a disability being isolated. The room or enclosure shall not be locked or use any device that requires a key or other device or special knowledge such as a combination lock to exit from the enclosure or room, except that such room or enclosure may use an electro-magnetic blocking device that can only be engaged by constant human contact. The enclosure or room shall comply with all applicable health, fire and emergency safety requirements, and the student placed in seclusion shall be included in any evacuation or safety plan or drill for the facility. The enclosure or room shall not be named, labeled, or referred to by a staff member so as to label or stigmatize a student with a disability who is placed in the enclosure or room.

An enclosure or room used for seclusion must be constructed of materials or objects that cannot injure or be used by a student with a disability to injure himself or others. It must be designed so that a student with a disability cannot climb up the walls and shall allow continuous visual monitoring and communication with the student by a staff member. The staff member's duties shall be assigned so that the staff member can supervise the isolated student and see and hear the student at all times.

A student with a disability shall not be isolated for more than thirty (30) minutes **after** the student stops the specific behavior for which seclusion was imposed or any other behavior for which seclusion would be an appropriate response according to this policy. If a student with a disability is placed in seclusion pursuant to a Positive Behavior Intervention Plan (PBIP), the time limitations identified in the PBIP shall be determined and applied by the staff member immediately following placement of the student with a disability in seclusion.

### **Use of Physical or Mechanical Restraints**

“Physical restraint” is defined as a personal restriction that immobilizes or reduces the ability of a student to move his or her torso, arms, legs, or head freely. The term physical restraint does not include a physical escort. Physical escort means a temporary touching or holding of the hand, wrist, arm, shoulder, or back for the purpose of inducing a student who is acting out to walk to a safe location.

“Mechanical restraint” is defined as the use of any device or equipment to restrict a student's freedom of movement. The term does not include devices implemented by trained school personnel or devices used by a student that have been prescribed by an appropriate medical or related service professional and are used for the specific and approved purposes for which such devices were designed, such as:

- Adaptive devices or mechanical supports used to achieve proper body position, balance, or alignment to allow greater freedom of mobility than would be possible without the use of such devices or mechanical supports;
- Vehicle safety restraints when used as intended during the transport of a student in a moving vehicle;
- Restraints for medical immobilization; or
- Orthopedically prescribed devices that permit a student to participate in activities without risk of harm.

A student with a disability shall not be subjected to physical or mechanical restraint except as specifically authorized in this policy. Physical or mechanical restraints should only be used as a last resort, which is defined as an imminent risk of

serious injury or death to the student or others. Restraint of any kind shall not be used in any instance in which the sole justification is to punish the student for a violation of a directive from a staff member, violation of student conduct rule, the student's use of vulgar or profane language, a verbal threat, or a display of disrespect for another person. A verbal threat shall not be considered as sufficient justification for the use of physical or mechanical restraint unless a student with a disability has immediate access to the means of acting on the threat.

School personnel may not use a mechanical restraint or a manual physical restraint that restricts the breathing of a student with a disability. A restraint shall not be implemented with the intention of using physical pain to achieve control of the behavior or punish misconduct of a student with a disability, and a restraint of any kind shall never be applied in a manner that restricts the blood flow or respiration of a student with a disability.

Physical or mechanical restraint shall not be used if there is a medical contraindication to its use identified for the student with a disability, and shall only be applied and supervised by a staff member who has been trained in the safe application and supervision of the specific means of restraint applied. If a student with a disability is restrained pursuant to a PBIP, such restraint shall be in accordance with the PBIP.

A physical or mechanical restraint shall only be used as necessary to contain the behavior of the student with a disability until the student with a disability is no longer an immediate threat of causing physical injury to himself/herself or others.

A student with a disability shall be released from physical or mechanical restraint immediately upon a determination by the supervising staff member administering or overseeing the use of restraint that the circumstances permitting the use of restraint in this policy no longer exist.

In determining whether a student with a disability who is being physically or mechanically restrained should be moved from the area where the need was first noted or the restraint was first applied, the supervising staff member shall consider the potential for injury to the student with a disability, the educational and emotional well-being of the restrained student and other students with disabilities who would observe the application of the restraint, and any requirements of a PBIP established for a student with a disability.

If physical or mechanical restraint is utilized in compliance with this policy on a student with a disability whose primary mode of communication is sign language, the student with a disability shall be permitted to have his/her hands free of restraint for brief periods unless the supervising staff member determines that such freedom is likely to result in harm to the student or others.

### **Additional Rules for Mechanical Restraints**

A mechanical restraint may only be used on a student with a disability residing at a contracted residential facility and only if the student's treating physician has authorized the use of the mechanical restraint before the restraint is applied. Use of handcuffs or other mechanical restraints by law enforcement officers for law enforcement purposes does not require authorization from a student's treating physician. A mechanical restraint shall be applied and supervised by a staff member who is trained and competent to apply and supervise the specific mechanical restraint utilized. While a student with a disability is subject to a mechanical restraint, a staff member shall continuously monitor the student and the impact of the mechanical restraint on the student. If a mechanical restraint is used pursuant to this provision, the physician who authorized or approved the restraint or an attending physician must examine the student with a disability as soon as practicable following application of the restraint. A student with a disability who has been mechanically restrained must be given the opportunity to move and exercise the body parts that are restrained at least ten (10) minutes every sixty (60) minutes of restraint unless ordered otherwise by the physician who authorized or approved the mechanical restraint. If a mechanical restraint is used pursuant to this provision, a staff member shall loosen or discontinue the restraint every fifteen (15) minutes to determine if the restraint is still necessary and its implementation is not endangering the health of the student with a disability. A mechanical restraint shall be stopped immediately if a staff member determines that the student with a disability will stop or control his/her inappropriate behavior without the use of the restraint, the restraint restricts the student's respiration or blood flow, or the degree of the student's resistance to the mechanical restraint is likely to result in serious bodily injury to the student.

### **Mandatory Training for Staff**

No employee of the Board or person in a school facility shall be permitted to use seclusion, physical or mechanical restraint until the person has received sufficient training in the use of the strategy or procedure to allow the person to utilize the measure safely.

The Superintendent shall require that staff members responsible for implementing this policy receive training that includes:

- A. positive methods to modify the environment of students with disabilities to promote adaptive behavior and reduce the occurrence of inappropriate behavior;
- B. methods to teach skills to students with disabilities so that the students can replace inappropriate behavior with adaptive behavior;
- C. methods to enhance the independence and quality of life for students with disabilities;
- D. the use of least intrusive methods to respond to and discourage inappropriate behavior of students with disabilities while reinforcing positive behavior of those students;
- E. a process for designing interventions based upon the student's needs that are focused on promoting appropriate changes in behavior as well as enhancing the overall quality of life for the student; and
- F. the use of positive behavioral supports to deescalate problem behaviors.

The Superintendent shall also require that appropriate training is provided for the immediate supervisors of District employees who are authorized to supervise the use of seclusion or restraints to provide that those measures are only implemented as permitted in this policy.

### **Documentation and Reporting**

A school shall prepare an incident report within 24 hours after a student with a disability is released from restraint or seclusion. If the student's release occurs on a day before the school closes for the week-end, a holiday, or other reason, the incident report must be completed by the end of the school day on the day the school reopens.

The following must be included in the incident report:

- A. The name of the student with a disability who was restrained or secluded;
- B. The date and time of the event and the duration of the restraint or seclusion;
- C. The location at which the restraint or seclusion occurred;
- D. The type of restraint used;
- E. The name of the person using or assisting in the restraint or seclusion of the student with a disability;
- F. The name of any nonstudent who was present to witness the restraint or seclusion; and
- G. A description of the incident, including:
  - 1. The context in which the restraint or seclusion occurred;
  - 2. The behavior of the student with disabilities leading up to and precipitating the decision to use manual physical restraint or seclusion, including an indication as to why there was an imminent risk of serious injury or death to the student or others;
  - 3. The specific positive behavioral strategies used to prevent and de-escalate the behavior;
  - 4. What occurred with the student immediately after the termination of the restraint or seclusion;
  - 5. Any injuries, visible marks, or possible medical emergencies that may have occurred during the restraint or seclusion, documented according to district policies; and
  - 6. Evidence of steps taken to notify the parent or guardian of the student with a disability.

A school shall notify the parent or guardian of a student with a disability each time manual physical restraint or seclusion is used. Such notification must be in writing and provided before the end of the school day on which the restraint or seclusion occurs. Reasonable efforts must also be taken to notify the parent or guardian by telephone or computer e-mail, or both, and these efforts must be documented. The school shall obtain, and keep in its records, the parent's or guardian's signed acknowledgement that he or she was notified of his or her child's restraint or seclusion.

A school shall also provide the parent or guardian with the completed incident report in writing by mail within 3 school days after a student with a disability was manually physically restrained or secluded. The school shall obtain, and keep in its records, the parent's or guardian's acknowledgement that he or she received a copy of the incident report.

### **Monitoring**

Monitoring of the use of manual physical restraint or seclusion on students with disabilities shall occur at the classroom, building, district, and state levels.

Documentation prepared as required in this policy shall be provided to the school principal, the senior administrator in charge of Exceptional Student Education, and the bureau chief of the Bureau of Exceptional Education and Student Services electronically each month that the school is in session.

Any revisions to policies and procedures, which must be prepared as part of the school district's special policies and procedures, must be filed with the bureau chief of the Bureau of Exceptional Education and Student Services no later than January 31st of each year.

### **Disciplinary Action for a Violation of This Policy**

In addition to any penalty prescribed by law, the Superintendent is directed by this policy to see that a Board employee who intentionally, knowingly or recklessly violates this policy is subject to correction or disciplinary action as necessary to prevent a reoccurrence of the violation. A Board employee engages in conduct "intentionally" if, when s/he engages in the conduct, it is his/her conscious objective to do so. A Board employee engages in conduct "knowingly" if, when s/he engages in the conduct, s/he is aware of a high probability of a violation of this policy. A Board employee engages in conduct "recklessly" if s/he engages in conduct in violation of this policy in a plain, conscious, and unjustifiable disregard of harm that might result to a student with a disability and the disregard involves a substantial deviation from acceptable standards of conduct established by this policy.

Discipline of a staff member for violation of this policy shall take into account the degree to which the violation risked serious bodily injury to a student with a disability and the staff member's history of compliance with this policy and other Board policies.

### **Retaliation for Fully Implementing or Reporting Violations**

No Board employee shall be permitted to retaliate against a person for reporting or objecting to actions in violation of this policy or providing information regarding a violation of this policy.

F.S. 1003.573

Adopted 1/11/11

## 5722 – STUDENT PUBLICATIONS

This is the procedure by which the First Amendment rights of students are protected. For purposes of this policy, publication shall mean publication by written, audio/ video, or electronic means.

The principal shall be familiar with the First Amendment law as it impacts on student publications and other forms of expression on the campus. The principal shall seek advice from the School Board Attorney whenever there is a question concerning the application of the First Amendment law to a situation on campus.

The principal has the right to review any student publication or part thereof, or other form of written expression, prior to its publication or distribution on campus. It is the responsibility of the student editor or the student who intends to distribute such expression to bring the material to the principal if, in the good faith opinion of the student, such material is controversial, of great interest to school officials, or is likely to cause disruption to the educational system. A student who refuses to allow the principal to review material(s) described in this policy after the principal has requested to review such material(s) shall be deemed to have committed an act of defiance in violation of the Code of Student Conduct, and be subject to appropriate discipline thereunder.

The principal has the right to approve all surveys -- written and oral -- before they are conducted in the school.

The principal may deny the right of publication or distribution under the following conditions:

- A. Publications by students not produced through credit classes (journalism, yearbook, literary magazine, etc.) shall be considered non-academic publications and must be submitted to the principal for approval before distribution on campus. Grounds for denial of such permission to distribute non-academic publications shall include, but not be limited to, violation of School Board policy; handling and dissemination concerns; staff availability; conflicts with established school events calendars; obscenity and gross profanity and vulgarity which are incompatible with the normal activity associated with a public educational institution, as well as other forms of unprotected expression.
- B. The student publication falls within a category of unprotected expression, in which case reference should be made to *Guidelines for Student Publications* below.

The principal shall give a written explanation of the reasons for denial of the right to publish or distribute the material to the Regional Superintendent and will furnish the student and the teacher advisor with a copy of such statement, within two (2) days of submission of the material for review.

The principal's statement shall indicate whether the advice of the School Board Attorney to the principal (see *Responsibilities of School Officials*) was to proceed or not to proceed with the prior restraint of the material in question; although said advice shall not dictate a principal's course of action.

An aggrieved student may, within two (2) school days, appeal the decision of the principal to a publications appeal committee by delivering a short, written notice of appeal of the decision to the principal who rendered the decision. The principal shall, within twenty-four (24) hours of receipt of the notice of appeal, notify the Area Superintendent of the appeal. The Regional Superintendent shall convene the publications appeal committee described herein, and the committee shall elect a chairman by simple majority vote of the members. This committee shall consist of the Regional Superintendent, the SAC committee chairman (or designee who is a parent member of SAC), a student editor (other than the aggrieved) or designee, a faculty advisor, or designee, and a principal (other than the principal whose denial of publication is being appealed) appointed by the Regional Superintendent. The School Board Attorney will be an advisory member of the publications appeal committee but will not be entitled to vote. The Regional Superintendent will select the principal who will sit on the committee. The publications appeal committee will review the evidence, the principal's written decision and issue a written decision within ten (10) school days of the receipt of the appeal by the Regional Superintendent.

The student or the principal may, within two (2) school days, appeal an adverse decision of the committee to the Superintendent, who must render a decision in writing within four (4) school days.

The student or the principal may appeal an adverse decision of the Superintendent to the Board, which shall render its opinion at its next regularly scheduled Board meeting after the appeal is placed on the Board agenda. Action of the Board shall be final agency action from which the student may seek judicial review.

The publication appeal committee is charged with the responsibility of proposing necessary or desirable changes to District procedures for student publications and has jurisdiction to consider all relevant petitions to it made by any student, group of students, or student publication, and shall grant whatever relief is necessary to preserve the First Amendment rights of the students, faculty, and administration. An aggrieved party may always exercise the right of appeal from an adverse decision of the publications appeal committee as provided herein.

## **GUIDELINES FOR STUDENT PUBLICATIONS**

### **A. Preamble**

Student publications provide a forum to freely and vigorously inquire, question and exchange ideas. It is undeniable that students are protected in their exercise of freedom of expression by the First Amendment of the Constitution of the United States: "Congress shall make no law...abridging the freedom of speech, or of the press..." It is the responsibility of school officials to ensure the maximum of freedom of expression in student publications.

### **B. RESPONSIBILITIES OF SCHOOL OFFICIALS**

School officials are expected to:

1. communicate in writing to the advisor and student editors any guidelines which may affect student publications; these guidelines should be consistent with the law and the Constitution;
2. be aware of the most current court rulings as they relate to free expression;
3. consult with the School Board Attorney when an editor, advisor, or principal are in disagreement over the legality of content; final decision regarding content should be based solely upon its legality;
4. support the first amendment rights as set forth herein of students and the efforts of publications advisors to guarantee those rights in their daily work with publications;
5. communicate to other members of the school community the rights of student journalists to question, inquire, and express themselves through the student publications;
6. refrain from terminating, transferring, or removing a person(s) from advisorship for failure to exercise control over editorial content;
7. refrain from imposing academic disciplinary action upon students based solely on the student's exercise of constitutionally protected expression;
8. set up a prompt and adequate due process procedure to deal with any possible conflicts over publication of material.

### **C. RESPONSIBILITY OF THE ADVISOR**

Publications advisors are expected to:

1. serve primarily as teachers whose chief responsibility is to guide students to an understanding of the nature and functions and the ethics of a free press and of student publications; advisors are not censors;
2. encourage the student staff to produce an intelligible publication that presents a complete and unbiased report that reflects accurate reporting based upon verified facts; the facts upon which any editorial opinion is based, should be accurate and verified;

3. function as a liaison between school officials and students to ensure full communication of administrative guidelines to student editors and the First Amendment rights of students to school officials;
4. ensure that guidelines for the staffing and operation of school publications are developed with current publications staff and furnished to administrators.

D. RESPONSIBILITIES OF STUDENT JOURNALISTS

Student journalists are expected to:

1. rewrite material, as required by faculty advisors, to improve sentence structure, grammar, spelling, and punctuation;
2. check and verify the accuracy of all facts and quotations;
3. provide space in the same issue of the newspaper, when feasible, for rebuttal comments and opinions when news articles, editorials, or letters to the editor concerning controversial issues;
4. determine the content of the student publication within the limits of the law and the Constitution;
5. consult with legal resources -- local and national -- in any case in which the legality of content is questioned.

E. UNPROTECTED EXPRESSION

There are at least three (3) classifications of speech which are prohibited by law or not protected by the First Amendment. These types of materials may subject the person(s) responsible to legal and official school action.

1. The first classification is material which is "obscene as to minors." Obscene as to minors is defined as:
  - a. the average person, applying contemporary community standards, would find that the publication, taken as a whole, appeals to a minor's prurient interest in sex; and
  - b. the publication depicts or describes, in a patently offensive way, sexual conduct such as ultimate sexual acts (normal or perverted), masturbation, excretory functions, and lewd exhibition of the genitals; and
  - c. the work, taken as a whole, lacks serious literary, artistic, political, or scientific value.
  - d. "Minor" means any person under the age of eighteen (18).
2. The second classification is libel, material which is defined as a false and unprivileged statement about a specific individual, which injures the individual's reputation in the community. If the allegedly libeled individual is a "public figure" or "public official," as defined below, then school officials must show that the false statement was published "with actual malice," (i.e., that the student journalist knew that the statement was false, or that the statement was published with reckless disregard for the truth—without trying to verify the truthfulness of the statement).
  - a. A public official is a person who holds an elected or appointed public office.
  - b. A public figure is a person who either seeks the public's attention or is well known because of their achievements.
  - c. School employees are to be considered public officials or public figures in articles concerning their school related activities.

- d. When an allegedly libelous statement concerns a private individual, school officials must show that the false statement was published willfully or negligently (i.e., the student journalist has failed to exercise the care that a reasonably prudent person would exercise).
  - e. Under the "fair comment rule" a student is free to express an opinion on matters of public interest.
3. The third classification is material which will cause "a material and substantial disruption of school activities."
- a. Disruption is defined as student rioting; unlawful seizures of property; widespread shouting or boisterous conduct; or substantial student participation in a school boycott, sit-in, stand-in, walkout, or other related form of activity. Material that stimulates heated discussion or debate does not constitute the type of disruption prohibited.
  - b. In order for a school publication to be considered disruptive, there must exist specific facts upon which it would be reasonable to forecast that a clear and present likelihood of an immediate, substantial, material disruption to normal school activity would occur if the material were distributed. Mere undifferentiated fear or apprehension of disturbance is not enough; school administrators must be able to affirmatively show substantial facts which reasonably support a forecast of likely disruption.
  - c. In determining whether a student publication is disruptive, consideration must be given to the context of the distribution as well as the context of the material. In this regard, consideration ought to be given to past experience in the school with similar material, past experience in the school dealing with and supervising the students in the subject school, current events influencing student attitudes and behavior, and whether or not there have been any instances of actual or threatened disruption prior to or contemporaneously with the dissemination of the student publication in question.
  - d. School officials must act to protect the safety of advocates of unpopular viewpoints.
4. The fourth classification is speech which advocates the use or advertises the availability of any substance or material which may reasonably be believed to:
- a. constitute a direct and substantial danger to the health of students;
  - b. contain obscenity or material otherwise deemed to be harmful to impressionable students who may receive them;
  - c. incite violence, advocate the use of force, or urge the violation of law or school regulations.
5. The fifth classification is speech which is lewd or vulgar.
6. The sixth classification is speech which poses a grave and unique threat of harm to the school community, including threats of mass violence or mass destruction.

The Superintendent or designee shall have the authority whether or not to allow commercial advertising in any student publication, consistent with [Policy 9700.01](#).

F.S. 847.07, 1001.32(2), 1001.41, 1001.42, 1001.43  
Fla. Const. Art. I, Sec. 4  
U.S. Cont. Amend. I

Adopted 12/9/09; Revised 6/29/10



5730 - EQUAL ACCESS FOR NONDISTRICT-SPONSORED,  
STUDENT CLUBS AND ACTIVITIES

The School Board, pursuant to the "Equal Access Act," permits the use of secondary facilities (i.e., facilities in which students enrolled in grades 6-12 are located) by students for non-school activities during after school hours and not later than 5:00 p.m., subject to the following conditions:

- A. Attendance at any meetings/activities shall be completely voluntary on the part of the students, and the activities must be student initiated and student organized.
- B. Such use shall not materially and substantially interfere with the orderly operation of any school or school-sponsored activity.
- C. Such use shall not include activities directed, controlled, conducted, or regularly attended by non-school persons, but employees or agents may be present in a non-participatory capacity.
- D. Such use shall not incur the expenditure of additional tax funds.
- E. Such equal access use shall be coordinated by the appropriate director of school operations. Questions concerning such use shall be addressed to the director.
- F. No salary shall be paid to Board employees for supervising such meetings/activities, and no admission fee shall be charged for attendance at such meetings/activities.
- G. Application for such use shall be secured from the office of the principal of the secondary school for which such use is requested and may be made only by a student(s) enrolled in that school.
- H. Neither the Board nor any of its employees shall sponsor such meetings/activities; sponsorship means promoting, leading or participating in such meetings/ activities. The assignment of a teacher, administrator, or other school employee to such meetings/activities for custodial purposes shall not be construed as sponsorship of the meetings/activities, and such employees' presence shall be strictly non-participatory.
- I. In schools in which it is customary for staff members to make announcements over the public address system, such staff members may, but shall not be required to, make an announcement of such meetings/activities. However, students may be permitted to make an announcement of such meetings/activities at the customary time. Further, it is permissible for students to post simple notices of such meetings/activities on the student bulletin boards in the school.
- J. Such use shall not be denied on the basis of the number of participants attending such meetings/activities, except that numbers of persons in attendance may not exceed the capacity deemed safe for any given room; nor may use be denied on the basis of the content of presentation being made at such meetings/activities relative to religious, political or philosophical tenets being expounded; however, nothing in this policy is to be construed as limiting the authority of the Board or its employees to maintain order within the school facilities and to protect the well being of students, faculty and other persons on Board-owned premises and to ensure that student attendance at such meetings/activities is voluntary.
- K. Denial by the principal of the use of school facilities for such meetings/activities may be appealed as provided elsewhere in Board policy for other student appeals.

## 5735 - PRINCIPAL'S MULTICULTURAL ADVISORY COMMITTEE

Students have the right to attend a school where all ethnic and cultural heritages are welcome and respected. To ensure this environment each secondary school will create a Principal's Multicultural Advisory Committee.

### Membership

This committee should be balanced by gender and grade level, and represent a cross-section of the racial, religious, ethnic, and cultural backgrounds of the students at the school. The committee must be composed of at least ten (10) students and three (3) adult members.

### Responsibilities of the Principal's Multicultural Committee

Responsibilities of the principal's multicultural committee will include:

- A. act as an advisory group to the principal;
- B. engage in a facilitated dialogue about diversity centered concerns and make recommendations to the principal;
- C. promote multicultural activities and programs school-wide;
- D. learn and implement conflict resolution and mediation skills;
- E. provide service to school and community;
- F. improve school climate.

Each elementary school will create a multicultural committee composed of a balance of students by gender and grade level and representing a cross-section of the racial, religious, and cultural backgrounds of the students at the school. Members of this committee will learn about different cultures, participate in multicultural activities and programs, and will initiate at least one (1) school-wide multicultural activity per year.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 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.

Students participating in teenage parent programs are exempt from minimum attendance requirements for absences related to pregnancy or parenting but are required to make up work missed due to absence.

F.S. 1003.54

## 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.

Student fund-raising by approved school organizations, those whose funds are processed through the school's business office, may be permitted in school by the principal. Student fund-raising by approved school organizations off school grounds may be permitted under the administrative procedures of the Superintendent.

Fund raising by students on behalf of school-related organizations whose funds are not processed by the school's business office may be permitted on school grounds in accordance with the Superintendent's administrative procedures and must be approved by the school's principal.

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 verbal 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. All valid contractual agreements with the school must be in writing and signed by the principal or a designated administrator of the school.

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, fund-raising products, 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 principal, in writing, that s/he received such compensation and shall thereafter properly transmit said compensation to the school at his/her earliest opportunity.

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

## 6100 - UNIFORM RECORDS AND ACCOUNTS

The School Board, acting as a 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

All funds properly included in the District school budget shall be recorded and accounted for on an annual basis as prescribed in [Financial and Program Accounting and Reporting for Florida Schools \(Red Book\)](#), which is incorporated by reference in State Board Rule F.A.C. 6A-1.001.

B. Audits

School and department internal funds shall be audited at least annually by an internal auditor employed by the Board or an independent CPA firm. These audits shall be based on generally accepted auditing standards, Federal and State laws and regulations, District policies, and the [Manual of Internal Fund Accounting](#) dated December 8, 2009, amended July 27, 2010 and June 12, 2012, which is incorporated herein by reference.

C. Inventory

1. All tangible personal property with a value of \$1,000.00 or greater shall be inventoried annually to ensure accountability and that proper procedures are being followed based on the [Manual of Property Equipment Accounting and Control](#) dated December 8, 2009, amended June 12, 2012 and October 23, 2012, which is incorporated herein by reference.
2. All warehouse stock shall be inventoried annually to ensure adequate control and inventory.

Each school shall have only one checking account which shall be entitled '(SCHOOL NAME) Internal Fund, The School District of Pinellas County, Florida'. All monies received by the school will be deposited intact as collected into this account and all disbursements will be made by checks drawn on this account. Savings or investment accounts shall be titled in the same manner. Additional checking accounts may be utilized by designated area vocational technical centers if required in the administration of student grant or loan programs. The name of such program shall be incorporated in the account title. Each account shall have at least two authorized check signers, one of who must be the principal. These names shall be kept on file for audit. All checks must be signed with two signatures as prescribed by the principal if not prescribed by school board rule. The principal is responsible for all financial transactions and proper check signatures.

F.S. 1001.42, 1001.51  
F.A.C. 6A-1.001

Adopted 12/9/09; Revised 7/27/10, 6/12/12, 10/23/12

## 6105 - AUTHORIZATION TO USE FACSIMILE SIGNATURE

- (1) The School Board authorizes the Board Chair, Board Vice-Chair, Superintendent, School Board Attorney, and Chief Financial Officer to prepare and utilize a facsimile signature, in lieu of their manual signature.
- (2) 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.
- (3) Before using a facsimile signature, the authorized individuals must file manual signatures with the Department of State and certify those signatures under oath. The Clerk of the Board shall submit these filings.
- (4) 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.
- (5) The individuals holding the positions specified in this policy may affix their manual or facsimile signature to the instruments, orders, proclamations, resolutions, and other official documents so long as they continue to act as such officers/employees. The actual facsimile signature(s) should be maintained under the care, custody and control of such individuals or their designees.

F.S. 116.34 (Uniform Facsimile Signature of Public Officials Act)

Adopted 7/26/11

## 6107 - AUTHORIZATION TO ACCEPT AND DISTRIBUTE ELECTRONIC RECORDS, TO USE ELECTRONIC SIGNATURE, 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. 668.01 et seq., 668.50, 1010.11  
F.A.C. 6A-1.0012

Adopted 7/24/12



## 6110 - GRANT FUNDS

It is the objective of the School Board to provide equal educational opportunities for all students within the District. Therefore, it is the intent of the Board to research grant opportunities to enhance the educational opportunities, the educational environment, and the physical and mental growth for each student.

It is the intent of the Board to establish uniform requirements for the development, review, and administration of all grants that expand the financial capabilities of the District beyond the regular operating budget and provide additional resources to enhance and support student learning and performance. These requirements shall be consistent with the District's *Grants General Procedures Manual* and the Florida Department of Education's *Project Application and Amendment Procedures for Federal and State Programs* (Green Book).

Grant funds are awarded to the Board and not to individuals. Thus, the Board accepts full liability for the fund and fulfillment of each grantor agency's requirements. The Superintendent shall review new grant funding opportunities including Federal, State, and private sector grants, and prepare proposals for programs s/he deems would be of aid to the students of this District. The Superintendent is hereby authorized to approve and execute each such proposal for any amount up to \$250,000. School Board approval shall be required for each such proposal in excess of \$250,000 prior to its submission. In cases where the timing of Board meetings and proposal due dates do not allow for prior Board approval, the Superintendent may approve and execute the proposal and Board approval will be requested at the next regularly scheduled Board meeting. The Board may require withdrawal of any proposal submitted under these circumstances where the Board does not approve the proposal. The Superintendent will submit semi-annual reports to the Board summarizing grant proposals during the previous six (6) month period that were funded for amounts of \$250,000 or less.

The grant writer will be responsible for obtaining all required signatures and approvals and to submit the grant application to Special Projects Office before the grant is due to be sent to the funding organization. The special projects office will be responsible for insuring the content of the application and forms that must be submitted meet all requirements of the grant being applied for whether electronically or by mail.

The Board regards available grant funds of aid to local school districts and communities as a public trust. It forbids the use of grant monies for partisan political activities and for any use that would not be in accord with grant funding requirements, with special attention to Federal procedures on discrimination. All grant funds received by the District will be used in accordance with applicable Federal and State laws. Each draw of grant monies shall be as close as administratively feasible to the related program expenditures.

No grant funds received by the District shall be used to:

- A. develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- B. distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds or at school sponsored activities;
- C. provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence;
- D. operate a program of contraceptive distribution in schools.

The Superintendent shall develop and update as necessary administrative procedures to implement this policy.

Compliance Supplement for Single Audits of State and Local Governments  
20 U.S.C. 7906  
F.S. 1001.42, 1001.51

## 6140 - PUBLIC DEPOSITORY

All public funds shall be deposited in a qualified public depository as defined in F.S. 280.02, unless exempt under the laws of the State.

F.S. 136.01, 280.02(26), 1011.18  
F.A.C. 6A-1.0012

## 6144 - INVESTMENTS

### **Purpose**

The purpose of this policy is to set forth the investment objectives and parameters for the management of public funds of the School Board. These policies are designed to ensure the prudent management of public funds, the availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices. The designated backup for the Manager, Cash & Investments is the Cash & Investments Specialist. All references to the roles and responsibilities of the Manager, Cash & Investments apply to the Cash & Investments Specialist as well.

### **Authority**

The Superintendent is authorized to make transfers from financial institution to financial institution or within a financial institution for the purpose of investing or divesting Board funds. For the purposes of this policy, the term "financial institution" has the same definition of F.S. 280.02(13).

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, is appointed as designee of the Superintendent and is authorized and empowered for and on behalf of the Board to a) conduct investment transactions in accounts at financial institutions as provided under Authorized Investment Institutions and Dealers, and b) conduct other banking/financial transactions in financial institutions designated as Qualified Public Depositories under F.S. 280.02(26). Accounts at said institutions shall be established by two (2) signatures of the Associate Superintendent, Finance and Business Services; Executive Director, Budget and Resource Allocation; or Director, Accounting.

### **Investment Transactions**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, shall have the authority, under the conditions set forth herein, to make individual investment decisions and to direct the third party custodian to act on said decisions, consistent with this policy.

### **Banking/Financial Transactions**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, shall have the authority, under the conditions set forth herein, to establish services and execute transactions to, from, and between established Board accounts, consistent with this policy.

### **Facsimile Signatures**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, shall be designated, under the conditions set forth herein, as the custodian of the facsimile signatures of the Superintendent and Chairman of the Board. As custodian, the Manager, Cash & Investments will oversee the creation of any device or mechanism to apply said facsimile signatures to warrants drawn on Board accounts.

Appropriate fidelity bonding will be maintained by the Board to cover the Manager, Cash & Investments, the Associate Superintendent, Finance and Business Services, and other designated staff members who are in any way involved in the movement of Board funds from one (1) financial institution account to another.

### **Scope**

The investment policy shall apply to all funds held or controlled by the Board.

### **Investment Oversight Committee**

The Superintendent shall establish an investment oversight committee whose members shall be comprised of a minimum of six (6) individuals, three (3) of whom shall be Board personnel and three (3) non-Board personnel with relevant financial expertise. As an ex-officio resource, the Superintendent or designee shall serve on the committee. The Manager, Cash

& Investments shall serve as an ex-officio resource to the investment oversight committee. The investment oversight committee will meet at least quarterly to review and advise regarding the control procedures and investment performance as set forth in this policy.

### **Investment Objectives**

The investment objectives of the Board are safety of capital, liquidity of funds, and investment income, in that order.

### **Performance Measurement**

The Board's investment portfolio performance will be measured against two benchmarks. To measure the Board's investment portfolio performance against other pooled investments a weighted average of rate of return will be calculated from Merrill Lynch and Bloomberg published indices. To measure the Board's investment portfolio performance against the District's peers, the participate return will be used from the Florida Prime fund managed by the State Board of Administration.

### **Prudent and Ethical Standards**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, shall adopt and be guided by the "Prudent Person Rule," which states that, "Investments should be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived from the investment." The "Prudent Person Rule" shall be applied in the context of managing Board funds.

While the standard of prudence to be used by District employees in the management of Board funds, is the "Prudent Person" standard, any person or firm hired or retained to invest, monitor, or advise concerning these assets shall be held to the higher standard of "Prudent Expert." The standard shall be that in investing and reinvesting moneys and in acquiring, retaining, managing, and disposing of investments of these funds, the contractor shall exercise: the judgment, care, skill, prudence, and diligence under the circumstances then prevailing, which persons of prudence, discretion, and intelligence, acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims by diversifying the investments of the funds, so as to minimize the risk, considering the probable income as well as the probable safety of their capital. (F.S. 218.415)

### **Ethics and Conflicts of Interest**

Employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions. Also, employees involved in the investment process shall disclose to the Board any material financial interests in financial institutions that conduct business with the Board, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the Board's investment program.

In addition, the Manager, Cash & Investments shall not use the prestige or influence of their position, or District resources, to obtain personal financial, or political gain, or private advantage for themselves, their family, or an organization with which they are associated. Employees responsible for managing the District's investment portfolio are held in public trust and are obligated to maintain honesty and integrity in fulfilling their responsibilities.

### **Authorized Investments**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services shall be empowered to invest Board funds in:

- A. the State Board of Administration's Local Government Surplus Funds Trust Fund or any intergovernmental investment pool authorized pursuant to the Florida Interlocal Cooperation Act as provided in F.S. 163.01;
- B. Securities and Exchange Commission registered money market funds with the highest credit quality rating from a nationally recognized rating agency;

- C. interest-bearing time deposits or savings accounts in qualified public depositories as defined in F.S. 280.02(26);
- D. direct obligations of the United States Treasury;
- E. obligations of Federal agencies, government sponsored enterprises, and instrumentalities;
- F. securities of, or other interest in, any open-end or closed-end management type investment company or investment trust registered under the Investment Company Act of 1940, 15 U.S.C. 80a-1 et seq., as amended from time-to-time, provided the investment objectives of said investment company or investment trust are similar to the investment objectives of this policy;
- G. short-term obligations commonly referred to as "money market instruments", including, but not limited to commercial paper, provided such obligations carry the highest credit rating from a nationally recognized rating agency;
- H. asset-backed securities are permitted when a) the underlying asset is guaranteed by the issuer, or b) the security carries the highest quality rating by a nationally recognized rating agency.

Investment instruments will have the highest quality as rated by a nationally recognized rating agency at the time of purchase. If the rating of an investment should be downgraded to less than highest quality rating, the Manager, Cash & Investments, in consultation with the Investment Oversight Committee, will decide whether the investment will be sold or retained. Mortgage-backed investments that do not carry an investment rating are permitted when the issuer falls under items "D" and "E" above.

The Manager, Cash & Investments will take reasonable steps to keep informed of any ratings changes on District investments. In the event that a rating is downgraded, the Manager, Cash & Investments will notify the Investment Oversight Committee of the downgrade and, if known, the reason. Within a reasonable time frame, approximately two weeks, the Manager, Cash & Investments will make a decision on whether to keep or sell the investment. The Manager, Cash & Investments will notify the Investment Oversight Committee of the decision and its rationale.

The Manager, Cash & Investments, in consultation with the Investment Oversight Committee, shall have the discretion to invest in securities that do not fall under the above categories, provided the invested value of these securities does not exceed five percent (5%) of the total value of the Board funds, on the settlement date of said investment. Such securities must not otherwise be prohibited by State statute or this policy.

Investment of Board funds shall be made 1) so as to provide sufficient liquidity to meet the obligations of the Board as they come due and 2) in accordance with the investment objectives listed under Investment Objectives above. The Manager, Cash & Investments will comply with the "Prudent Person Rule" as outlined in Prudent and Ethical Standards above when evaluating investments for addition to the managed investment portfolio, particularly with regard to maturity, liquidity, risk, diversification, security type, and issuer.

### **Maturity and Liquidity Requirements**

The maturity and liquidity characteristics of the investments in the Board's managed investment portfolio shall be structured to provide sufficient liquidity to meet obligations of the Board in a timely manner. The weighted average "duration" of the investment portfolio shall not exceed five (5) years. The maturity and liquidity characteristics of the managed investment portfolio as a whole and of each individual security shall be in accordance with Investment Objectives and Prudent and Ethical Standards above.

### **Portfolio Composition**

The composition of the Board's managed investment portfolio, with regard to security type, issuer, and maturity, shall be diversified so as to 1) provide sufficient liquidity to meet obligations of the Board in a timely manner and 2) comply with Investment Objectives and Prudent and Ethical Standards above.

### **Risk and Diversification**

The risk and diversification characteristics of the investments in the Board's managed investment portfolio shall be structured so as to 1) provide sufficient liquidity to meet obligations of the Board in a timely manner and 2) comply with Investment Objectives and Prudent and Ethical Standards above.

### **Authorized Investment Institutions and Dealers**

- A. Any broker or dealer desiring to conduct securities transactions with the Board shall be required to submit a written response to the Board's broker/dealer questionnaire. The Manager, Cash & Investments shall be responsible for reviewing such requests and determining whether the requesting firm is qualified to conduct securities transactions with the Board. In addition to the broker/dealer questionnaire, the Manager, Cash & Investments may also use other publicly available information necessary to evaluate the qualifications of the applicant.
- B. The Manager, Cash & Investments shall maintain an approved broker list of those firms that have been reviewed and deemed qualified to conduct securities transactions with the Board. The Investment Oversight Committee will periodically review the list and recommend changes if appropriate. The Manager, Cash & Investments, shall be authorized to conduct securities transactions, in an established Board account, with any firm on the list of qualified firms.

### **THIRD PARTY CUSTODIAL AGREEMENTS**

Securities purchased, or otherwise acquired by the Board shall be properly designated as an asset of the Board and held in safe-keeping by a third party custodian. Said custodian shall issue trust receipts for all purchases and sales of securities in the Board's custody account. Securities held in safekeeping shall not be withdrawn, in whole or in part, except by the Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services.

The Board shall execute a third party custodial agreement with a bank or other depository institution, for the purpose of:

- A. establishing a securities custody account in which securities are deposited and held by the custodian;
- B. establishing the custodian as agent for the Board when settling purchases and sales of securities using the delivery versus payment method;
- C. empowering the custodian to inspect all securities delivered to the account and to verify the description, negotiability and good delivery form prior to payment;
- D. collecting and crediting interest and dividend payments to the Board's security account due on securities held in the account as of the payable date;
- E. acting on the Board's behalf in the redemption of all matured and called securities and crediting such proceeds in the custody account as received;
- F. establishing a mechanism for the wire transfer of temporarily idle funds held in the security account to Board accounts at other financial institutions;
- G. establishing a mechanism of transmitting and receiving instructions via the custodian, securities broker, and the Board;
- H. establishing the use of trust receipts as documentation for all securities transactions through the Depository Trust Company's Institutional Delivery System, the financial institution's Federal Reserve Account or a designated financial institution which has a correspondent relationship to the Board's third party custodian;
- I. providing the Board a detailed transaction statement indicating all cash entries to the security account, beginning and ending principal balances, and beginning and ending income balances for the period;
- J. providing the Board (monthly and upon request) an asset statement indicating description, par value, book and market value of all securities held in the account.

### **MASTER REPURCHASE AGREEMENT**

The Manager, Cash & Investments, under the supervision of the Associate Superintendent, Finance and Business Services, shall be required to have a fully executed master repurchase agreement from all approved banking institutions

and securities dealers' transacting repurchase agreements. All repurchase agreement transactions shall adhere to the requirements of the master repurchase agreement.

## **BID REQUIREMENT**

When appropriate, feasible and practicable, the purchase and sale of investment securities shall be competitively bid. Documentation will be retained for all bids, with the winning bid clearly identified.

## **INTERNAL CONTROLS**

The following internal controls shall be implemented to prevent loss of funds from fraud, employee error, misrepresentation by third parties, or imprudent actions by Board employees.

- A. Board accounts at financial institutions can only be opened and closed on two (2) signatures of the Associate Superintendent, Finance and Business Services; Executive Director, Budget and Resource Allocation; or the Director, Accounting. The Manager, Cash & Investments is prohibited from opening or closing Board accounts.
- B. Transactions in, from and between Board accounts can only be executed by the Manager, Cash & Investments, or his/her backup.
- C. The Board shall receive two (2) copies of all transaction confirmations and investment account statements. One (1) copy will be sent to the Manager, Cash & Investments and retained in the cash management department files. The second copy will be sent under separate cover to the Associate Superintendent, Finance and Business Services. The Associate Superintendent, Finance and Business Services will review the confirmations and statements, initial them and return them to the Manager, Cash & Investments for retention in the cash management department files.
- D. When the Manager, Cash & Investments completes a trade with a broker, the broker will immediately send the trade details to both the Manager, Cash & Investments and the Board custodian.
- E. On a monthly basis, the staff accountant will reconcile all Board money market accounts and the custodial account, the Manager, Cash & Investments will review the reconciliations and the Associate Superintendent, Finance and Business Services will review and approve them. All three (3) individuals will sign the cover page and the document will be placed in the cash management files.
- F. In addition to the annual audit of the Board, there will be a separate audit of the managed investment program. This audit is presented to the Investment Oversight Committee and is available for Board review.
- G. The Manager, Cash & Investments reports to the investment oversight committee ex-officio. The committee reviews the investment activities of the Manager, Cash & Investments for compliance with this policy and the "Prudent Person Rule".

## **CONTINUING EDUCATION**

The Manager, Cash & Investments shall complete eight (8) hours annually of continuing education classes in subjects or courses of study related to cash management and/or investment practices and products.

## **INVESTMENT PERFORMANCE AND REPORTING**

The investment portfolio's performance shall be reported to the Investment Oversight Committee through a set of reports, the contents of which are described below, on a quarterly basis. Said reports shall also be presented to the Board at a regularly scheduled Board meeting. Reports shall include the following:

- A. asset value and income statement for the current quarter, fiscal year-to-date, and prior fiscal year
- B. notes to value and income statement

- C. period ending portfolio statement inclusive of security type and description, book value, market value, book value versus market value comparison, prepaid and accrued interest to date, and the total value of each security as well as the total value of all securities
- D. management investment program income and rate of return statement for the current quarter, fiscal year-to-date, and prior fiscal year
- E. pro forma income and rate of return statement for the alternative State Board of Administration investment for the current quarter, fiscal year-to-date, and prior fiscal year
- F. any other reports the investment oversight committee or Board deems necessary, as well as those required by regulatory agencies

## **SALE OF SECURITIES**

When the Board invested funds are needed in whole or part for the purposes originally intended or for more optimal investments, the Manager, Cash & Investments may sell such investments at the then prevailing market prices and place the proceeds into the proper Board account or fund.

## **REVERSE REPURCHASE AGREEMENTS**

The Board may enter into a reverse repurchase agreement with any firm on the list of qualified firms as defined in Authorized Investment Institutions and Dealers above or a qualified public depository as defined under section F. S. 280.02(26), not for the purposes of increase leverage, but for legitimate funds management purposes only. The use of reverse repurchase agreements shall be limited to transactions in which the proceeds are intended to be used for liquidity and for which the Board staff has sufficient resources and expertise to manage.

## **ELECTRONIC TRANSFER OF FUNDS**

Board funds may be moved into, out of, and between any Board account by electronic means, including Fedwire, ACH, or any other method as may be developed and put into practice by financial institutions for the purposes of transferring money between accounts or between financial institutions. Movement of Board funds by electronic means shall comply with F.S. Chapter 668.

Board funds shall only be electronically transferred for the following reasons:

- A. payment of legitimate obligations incurred in the course of Board business
- B. receipt of Board revenue from local, State, and Federal sources
- C. settlement of investment transactions, e.g. purchases, sales, or principal and interest distributions
- D. transfers between Board accounts as needed for legitimate funds management activities

The Manager, Cash & Investments, or his/her backup, will execute electronic transfers of funds through qualified financial institutions as defined in Authority above. The Manager, Cash & Investments shall properly account for such transactions in the Board's general ledger system.

- A. **Fedwires**
  - 1. Fedwires between Board accounts can be initiated and approved by the Manager, Cash & Investments.
  - 2. Repetitive templates of Fedwire instructions to non-Board accounts shall be established by a Board employee, who is not a member of the Cash Management Department, using software provided by the Board's financial institution. The Manager, Cash & Investments shall be prohibited from altering such repetitive templates.
  - 3. Fedwires to non-Board accounts can be initiated and approved by the Manager, Cash & Investments, provided repetitive templates, as established in paragraph "2" above, are used.



**B. ACH Transactions**

1. Authorized Board vendors will be paid only via ACH Credit transactions. An ACH Credit transaction is where money is sent from a Board account to the Board vendors' appropriate bank account.
2. ACH Debit transactions are prohibited, unless the counterparty to the transaction is another governmental entity. An ACH Debit transaction is where money is retrieved from a Board account by the counterparty's financial institution.
3. Authorized Board vendors to be paid via ACH will be set up to receive such payments in the Board's general ledger system by accounting department personnel.
4. Payment of employees' wages via direct deposit will comply with procedures established by the payroll department.

**C. Other Electronic Funds Transfer Transaction Types**

Other electronic funds transfer transactions, through either an established method or any method that may be developed in the future, are permitted, so long as such transactions are structured so that Board funds may not be transferred to non-Board accounts at the sole discretion of the Manager, Cash & Investments. Instructions to transfer funds electronically, to non-Board accounts, shall be established by a Board employee who is not a member of the Cash Management Department. Said instructions can then be used by the Manager, Cash & Investments to execute an electronic transfer of funds.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1011.18  
F.A.C. 6A-1.085

Adopted 12/9/09; Revised 7/26/11, 7/24/12

## 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

## 6152 - STUDENT FEES, FINES, AND CHARGES

The School Board will provide the necessary textbooks and/or electronic textbooks required by the course of study free of charge 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](#).

Students shall not be required to contribute money for the purchase of incidental items such as physical education clothing, enrichment publications, and other materials not furnished by the Board. While these items may be suggested for purchase because of their usefulness and other values, they shall not be required. No student shall be penalized in any way for failure to purchase such items, and any attempt to impose such a penalty or a related reward shall be considered indefensible.

### Fees

For the purposes of this policy, "school fees" or "fees" mean 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.

- A. "School fees" include, but are not limited to, the following:
  - 1. all charges and deposits collected by a school for use of school property (e.g., locks, towels, laboratory equipment)
  - 2. charges or rental fees for uniforms or equipment related to varsity and intramural sports, or to fine arts programs
  - 3. charges to participate in extra-curricular activities
  - 4. charges for supplies required for a particular class or for gym uniforms
  - 5. graduation fees
  - 6. school records fees
- B. "School fees" do not include:
  - 1. library fines and other charges made for the loss, misuse, or destruction of school property;
  - 2. charges for the purchase of class rings, yearbooks, pictures, diploma covers, or similar items;
  - 3. charges for optional travel undertaken by a school club or group of students outside of school hours;
  - 4. charges for admission to school dances, athletic events, or other social events;
  - 5. optional community service programs for which fees are charged (e.g., preschool before and after-school child care, recreation programs).

A charge shall not exceed the combined cost of the outside service provided or material used, freight and/or handling charges. Money received from resale of such material, if any, shall be remitted to the School Business Office with an accurate accounting of all transactions.

### 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.

The District will follow the procedures described in [Policy 2510](#) when a student loses, destroys, or unnecessarily damages instructional materials.

The late return of borrowed books or materials from the school libraries will be subject to appropriate fines.

Any fees, fines, and/or other charges collected by members of the staff shall be remitted to the School Business Office within one (1) business day after collection.

Failure to pay fees and fines may result in the denial of participation in the graduation ceremony, athletics, or any other extra-curricular activity. 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

## 6152.01 - WAIVER OF SCHOOL FEES

The District may waive fees assessed by the District in the case of students who are found eligible in accordance with this policy.

Students shall not be required to contribute money for the purchase of incidental items such as physical education clothing, enrichment publications, and other materials not furnished by the Board. While these items may be suggested for purchase because of their usefulness and other values, they shall not be required. No student shall be penalized in any way for failure to purchase such items, and any attempt to impose such a penalty or a related reward shall be considered indefensible.

### **Eligibility Standards**

Students who may be 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.

### **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.

The decision of the Superintendent is final.

**Nondiscrimination**

The Board expects all staff members to exercise 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

## 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.

As required by the Department of Education, the District shall annually provide revenue projection related to student growth and class size reduction. This projection must be provided to and approved by the Department of Education prior to the legislative session where the education budget and requirements are determined.

Pursuant to Florida statutes the Board shall develop, advertise, and then approve a budget for each fiscal year, and monitor the budget status monthly. In addition, the Board shall develop a Five (5) Year Capital Work Program and a Capital Outlay Plan.

It shall be the policy of the Board to contain costs where possible so that annual expenditures do not exceed the annual resources. Furthermore, the Board shall strive to maintain an unreserved fund balance in its operating funds equal to one percent (1%) of the annual resources. To the extent resources are available, the contingency should be incrementally increased until it reaches a maximum level of three percent (3%) of appropriations. 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 two (2) mills, the local impact fees, and State capital outlay sources, unless the Board specifically directs otherwise in advance of drafting the budget.

Assigned fund balance accounts represent those that are constrained by the District's intent to be used for specific purposes, but not restricted, assigned or nonspendable. Authority for making these assignments rests with the Superintendent.

As required by Florida statutes and Board [Policy 8310](#) - Public Records, all records related to the annual budget, the Five (5) Year Capital Work Program, and the Capital Outlay Plan shall be open to inspection by State officials as well as residents of Florida.

It is understood that the District's records and financial statements shall be audited annually as provided in State statute. The auditor shall prepare and submit to the Board an annual review and opinion of said records.

F.S. 1001.42

## 6220 - BUDGET PREPARATION

The District's operation and educational plan is reflected in its budgets. Each year, the School Board will cause to have prepared and then review the General Fund as well as the other funds which comprise the budget.

The Superintendent's budget recommendation shall include budgeted reserves. 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 of meals shall be maintained at a level adequate to sustain a balanced budget. Insofar as allowed by applicable State statutes and State Board rules, appropriate flexibility in the use of capital funds shall be utilized to best meet the capital needs of the District.

The Board directs the Superintendent to present the budget to the Board for review and adoption in accordance with the Truth in Millage (TRIM) calendar. On final approval by the Board, the budget shall be submitted to the Florida 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



## 6231 - APPROPRIATIONS AND SPENDING PLAN

The operating budget shall be designed to carry out District operations in a thorough and efficient manner, maintain District facilities properly, and honor continuing obligations of the School Board.

An annual appropriations resolution shall be developed, approved, and filed according to statute and the requirements of the Auditor General of the State of Florida.

The plan shall be presented in such detail and form as the Superintendent prescribes.

F.S. 1001.42, 1011.01

## 6232 - APPROPRIATIONS IMPLEMENTATION

The School Board places the responsibility of administering the appropriations, once adopted, with the Superintendent.

The Superintendent shall be authorized to proceed with making financial commitments, purchases, and other expenditures within limits provided in the appropriations, limitations stated in Board policies, and within legal authority expressed in State statutes.

A monthly financial statement shall be submitted to the Board to keep members informed as to the status of the appropriations and overall financial condition of the District.

Expenditures may temporarily exceed the amount budgeted by object and function, provided the amount expended in the applicable fund does not exceed the amount budgeted for that fund and provided that the Board subsequently approves the resulting budget amendment no later than the fourth Board meeting following the month in which said amendment occurred. The Superintendent shall have the authority to enter budget amendments in the District computer accounting and budgeting system prior to Board approval of the monthly amendment. It is the intent of the Board that salary and benefit expenditures be controlled through Board approved and funded positions. Such recommendations shall be in accordance with requirements of the law and provisions of negotiated agreements. The final budget amendment for the fiscal year shall be submitted prior to or concurrent with the submittal of the Annual Financial Report as required by the Florida Department of Education.

F.S. 1001.51

## 6320 - PURCHASING AND BIDDING

### **GENERAL PURCHASING RULES**

This policy shall govern purchases of commodities and contractual services. Contractual services shall include construction projects, which terms shall be deemed to include a single contract or group of contracts with the same provider which is directly connected in terms of time, location, or services such that a reasonable person would consider the services to be provided as a single project.

District purchasing practices and procedures shall be governed by State Board Rule F.A.C. 6A-1.012.

The "[\*Purchasing Handbook: The Key to Best Purchasing Practices, Part A, General Bid Terms & Conditions 2003 Edition\*](#)" as amended December 8, 1998, February 25, 2003, April 10, 2007, December 8, 2009, March 20, 2012, and July 24, 2012 is hereby adopted by the School Board as a rule and is incorporated in this policy by reference.

The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$50,000, and does not exceed the applicable appropriation in the District budget. The Superintendent is also authorized to purchase commodities or contractual services under Department of Management Services State term contracts. The Director of Purchasing and the Director of Facilities are authorized to perform these purchasing tasks on the Superintendent's behalf and under his/her direction. If such purchase requires a written contract or agreement, then the Superintendent, the Director of Purchasing, and the Director of Facilities may sign such a document on behalf of the Board provided the School Board Attorney has approved the instrument as to form.

No person, unless authorized to do so under Board policy, may make any purchase or enter into any contract involving the use of school funds; no expenditures for any such unauthorized purchase or contract shall be approved by the Board.

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.

When making purchases the following thresholds shall apply, except for those exempt under one (1) or more subsections of State Board Rule F.A.C. 6A-1.012 or F.S. 1010.04.

- A. \$0.01 to \$5,999.99: No minimum number of quotations required. The Superintendent shall have the authority to initiate a purchase without further action required.
- B. \$6,000.00 to \$24,999.99: A minimum of three (3) written quotations must be requested. No minimum number of responses are required. E-mail shall qualify as a written response.
- C. \$25,000.00 to \$49,999.99: A minimum of three (3) written quotations must be requested. Three (3) responses are required. E-mail shall qualify as a written response. Requires approval of Executive Director or above.
- D. \$50,000.00 or more: A minimum of three (3) competitive solicitations for sealed proposals shall be requested in accordance with F.A.C. 6A-1.012(7). A public bid opening shall be conducted on the date and time when bids are due. Board approval shall be required before a purchase order may be released unless the purchase qualifies as an emergency under F.A.C. 6A-1.012(12)(e).

The procurement of commodities or contractual services may not be divided so as to avoid these monetary threshold requirements.

Purchases exceeding the competitive bid threshold, which require a written contract or agreement, shall be approved by the Board and signed by the Board Chairperson or designee prior to issuance of a purchase order. All such contracts or agreements must be approved to form by the School Board Attorney prior to signature by the Board Chairperson or

designee. No other person (s) shall be authorized to sign such contracts or agreements. The Director of Purchasing shall have the authority to enforce the use of District bid contracts.

Board approved purchases of products received in a quantity other than that specified in the order may be accepted, at the discretion of the Director of Purchasing, provided that such products are invoiced at the approved unit price and provided further that such products, when received in the vender's nearest quantity standard packaging, most nearly conform, more or less, to the quantity specified in the order.

Insofar as practicable, all purchases shall be based on requisitions. Within limits prescribed by the Board, the Superintendent is authorized to approve requisitions under regulations of the Board, provided that in so doing s/he shall certify that funds to cover such expenditures are authorized in the budget and have not been encumbered. Only the Superintendent or the Purchasing Agent for the District has the authority to approve and initiate a purchase using District funds by issuing a purchase order in advance of receipt of goods or services. Others who engage in this practice create an unauthorized financial liability for the District without pre-encumbering funds. All purchases must be properly initiated by first entering, posting, and approving a purchase requisition, which will then be reviewed and approved by the purchasing department, resulting in a purchase order. Employees who initiate purchases without first obtaining an approved purchase order subject themselves to personal liability for payment. The District assumes no liability to pay for purchases which were not properly pre-authorized.

The purchasing department will seek alternative bids whenever possible for selected paper and plastic products containing recycled materials. Such products shall be purchased as long as all specifications are met and the price does not exceed an amount ten percent (10%) more than the cost of comparable products made from 100% virgin materials.

Purchases in excess of the competitive bid threshold from Prison Rehabilitation Industries & Diversified Enterprises, Inc. (PRIDE) are exempt from the competitive sealed bid requirement under the provisions of F.S. 287.042(2)(a) and may be made without Board approval.

### **Pooled Purchases**

The District may jointly pool its requirements and resources with one (1) or more other districts and designate one (1) board or the Department of Education to act as agent for all in the requisitioning, bidding, and purchasing of supplies. Each district participating in such a pooled purchase shall pay its pro rata cost to the district designated as the agent district, and each district shall show only the net cost of such purchase in its annual report. The superintendent of the agent district shall in each case furnish each cooperating district a statement certifying that the purchase complied with all applicable laws and regulations. If the Department of Education is designated as the agent, purchases shall be made in accordance with the requirements of the Department of Management Services, Division of Purchasing, and such purchases shall be deemed to satisfy the legal requirements of each participating district. Purchases from such contracts administered by another district or the Department of Education do not require Board approval.

### **EMERGENCIES**

Requirements for competitive solicitations may be waived for the 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.

### **LEASES, LEASE-PURCHASES, AND INSTALLMENT SALES CONTRACTS**

The Board must approve and sign all lease and lease-purchase and installment sale contracts in excess of the competitive bid threshold prior to issuance of a purchase order. No lease or lease-purchase agreement shall be initiated for items whose total cost is less than \$2,500.

Lease, lease-purchase, or installment sales contracts shall specify the term of the lease, the dollar amount of the monthly installment, the interest rate charged, and the total dollar amount of the lease. The interest rate shall not exceed the allowable limit as authorized by Florida statutes. Any lease renewals must be approved by the Board. Those who wish to enter into a lease, lease-purchase, or installment sales contract shall be responsible to budget sufficient funds for this purpose each fiscal year until the term of the lease expires. The terms of the lease must contain a fiscal non-

appropriations clause relieving the Board of its remaining financial obligation under the lease in the event that funding previously appropriate for this purpose becomes unavailable in succeeding fiscal years.

Refinancing of lease, lease-purchase agreements, or installment sales contracts will be permitted to take advantage of lower interest rates but shall receive prior Board approval.

F.S. 1001.43, 1010.04

F.A.C. 6A-1.012

Adopted 12/09/09; Revised 3/20/12, 7/24/12, 10/23/12

## 6320.01 - NON-DISCRIMINATION IN PURCHASING AND CONTRACTING

The School Board prohibits discrimination in all purchasing and contracting. All vendors and contractors shall be judged solely by their qualifications and their ability to deliver the goods and services in accordance with the contract. The Board commits itself to contracting practices that shall not discriminate on the basis of race, color, creed or religion, sex, legal marital status, national origin, age, disability, sexual orientation, or other factors, which cannot lawfully be used as a basis for awarding contracts.

All vendors and contractors doing business with the Board shall not discriminate in the award of subcontracts on the basis of race, color, creed or religion, sex, legal marital status, national origin, age, disability, sexual orientation, or other factors, which cannot lawfully be used as a basis for awarding contracts.

Any vendor or contractor who believes discrimination has occurred contrary to the provisions of this policy shall file a written complaint with the Office of Equal Opportunity (OEO) within 180 days of the alleged discrimination. The complaint shall set forth a short statement of the facts and shall identify any witnesses and documents relative to the claim. OEO will use the following procedures in processing the complaint:

- A. The OEO Administrator shall conduct a fair and impartial investigation into the alleged discrimination and shall keep all parties involved fully apprised of the status during the investigation.
- B. Upon receipt of the formal written complaint of discrimination by the OEO, written acknowledgment of receipt of the complaint shall be forwarded to the complainant within five (5) working days. This acknowledgment shall identify the OEO Administrator responsible for the investigation of the complaint.
- C. The OEO Administrator will, within five (5) working days after acknowledging receipt of the formal written complaint, interview the complainant to obtain any additional information needed to clarify the complaint. If circumstances prevent the interview from occurring within five (5) working days, the interview will occur in a timely manner.
- D. The OEO Administrator, at this point, may inquire of the complainant as to a possible resolution of the complaint. If the complainant is amenable to a resolution of the complaint, the OEO Administrator shall begin discussion regarding a resolution. If an acceptable resolution cannot be reached within thirty (30) working days after the receipt of the initial formal written complaint, the complaint shall be further investigated.
- E. Before concluding the investigation of the complaint, the accused shall be advised of the receipt of the complaint and advised that any interference in the investigation or any retaliation against the complainant will subject the accused to the sanctions provided in this policy. The accused shall be given an opportunity to respond to the complaint. Such response shall be made to the OEO Administrator either orally or in writing.
- F. The OEO Administrator will appoint two (2) other District administrators to serve on a discrimination review committee to be chaired by the OEO Administrator. The committee will review the complaint, the response, relevant documents and interview any witnesses, including the complainant and the accused. The complainant and the accused shall have the right to cross-examine any witnesses and to be represented by counsel at their expense. Based on evidence, the committee shall make a determination as to whether or not discrimination contrary to this policy has occurred and if so the appropriate resolution or sanctions. Sanctions for vendors or contractors doing business with the District may include, but not be limited to, declaring a breach of contract, disqualification from doing future business with the District, or requiring the development of a corrective action plan acceptable to the committee. The decision of the committee shall be in writing and provided to the complainant and accused. All proceedings of the discrimination review committee shall be open to the public.

- G. The complainant or the accused may request a review of the determination of the discrimination review committee by the Superintendent or designee. The decision of the Superintendent or designee is final.

The District's purchasing department shall engage in the following activities designed to encourage participation in doing business with the District by women, minority, and small business enterprises:

- A. Enter into a partnership with the Florida Minority Supplier Development Council for the purpose of identifying sources of contract and procurement opportunities for minority businesses, identify minority-owned businesses in the District's accounts payable file and develop strategies to help increase participation by women, minority and small business enterprises.
- B. Notify the Florida Minority Supplier Development Council of procurement opportunities.
- C. Identify and assign a staff person as a partnership liaison and contact person with the Florida Minority Supplier Development Council.
- D. Provide the Florida Minority Supplier Development Council information about minority-owned businesses registered with the District.
- E. Continue participation in women, minority, and small business enterprise fairs.
- F. Open a computer workstation in the purchasing department for women, minority, and small business enterprises to access the NovusVendor website to register as a new vendor, or to research bidding opportunities.
- G. In conjunction with the University of South Florida Small Business Development Center, develop workshops on "How to do Business with Pinellas County Schools" and "How to Submit a Pinellas County Schools Bid Solicitation" for women, minority, and small business enterprises.
- H. Provide training to buyers, schools and departments on how to identify women, minority, and small business enterprises when making purchases.
- I. Provide a place in the NovusVendor on-line vendor registration system for women, minority, and small business enterprises to confirm their classification of certification.

The provisions of this policy shall be incorporated in contracts entered into by the District where appropriate.

The OEO Administrator will provide an annual report on the number of complaints, the nature of the complaints and the disposition of each complaint. The report will be provided to the Board in July of each year.

F.S. 287.093, 1001.32(2), 1001.41, 1001.42, 1001.43

6330 - ACQUISITION OF PROFESSIONAL ARCHITECTURAL, ENGINEERING,  
LANDSCAPE ARCHITECTURAL, OR LAND SURVEYING SERVICES, AND  
CONSTRUCTION MANAGERS AT RISK

**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 in connection with his/her professional employment or practice. Professional services include construction managers at risk as authorized by F.S. 1013.45.
2. "School Board" means the School Board, 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, planning activity, or facility construction described in the public notice. The Board shall prescribe, in compliance with State law, procedures for the determination of a project under its jurisdiction. Such procedures may also 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 this policy between the Board and a firm whereby the firm provides professional services to the Board for projects in which construction costs and/or fees for such professional services do not exceed the dollar values identified in F.S. 287.017 and 287.055(2)(g), or for work of a specified nature as outlined in the contract required by the Board, with not time limitation except that the contract shall provide a termination clause.

**B. Professional Service Advisory Committee**

The PSAC shall be comprised of one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, one (1) member designated by the Superintendent, one (1) Board member, and one (1) representative from the community.

1. The Board shall annually appoint, on a rotating basis, one (1) of its members to serve on the PSAC, and shall also designate, on a rotating basis, one (1) of its members as an alternate, who shall attend PSAC meetings when and if the designated member cannot. Additionally, the Board shall annually appoint a member of the community and shall also designate an alternate, who shall attend PSAC when and if the designated community member cannot.
2. The Superintendent shall appoint one (1) administrator from the Facilities Department, one (1) administrator from the Finance Department, one (1) administrator from the Operations Department, and one (1) other designee.



3. The Director of Facilities, or his/her designee, shall chair the PSAC.
4. A majority of the PSAC shall constitute a quorum.
5. Each member of the PSAC shall attest in writing on a form to be provided that s/he has no conflict of interest pursuant to *The Code of Ethics for Public Officers and Employees* as codified in F.S. 112.311 et seq.

**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 F.S. 287.017 for CATEGORY FIVE, or for planning or study activity when the fee for professional services exceeds the maximum amount established in F.S. 287.017 for CATEGORY TWO, except in cases of valid public emergencies so certified by the Superintendent. 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. With respect to CMR selection, additional consideration shall be given for the above during the selection procedure.
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 should 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 evaluation process for professional services shall include, but not be 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; location; recent, current, and projected workloads of the firms; and the volume of work previously awarded to each firm by the Board. One (1) objective shall be to effect an equitable distribution of contracts among qualified firms, provided such distribution does not violate the principle of selection of the most highly qualified firms 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. To effectuate these purposes the PSAC and the Board shall use the then current Construction Manager at Risk format.
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. For each proposed project involving the construction of a new facility or the rebuild/reconstruction of an existing facility, the PSAC shall use the then current Construction Manager at Risk format and each voting PSAC member shall award points to each firm in all

categories. The points for each firm in each category shall be totaled. The PSAC shall select (short-list) the three (3) firms most highly qualified to perform the required services.

3. The Board may, in its sole discretion, invite one (1) or more of the finalists to interview with the Board prior to the final ranking by the Board. The Board will evaluate qualifications of the three (3) finalists which evaluation shall include consideration of the written materials submitted by the applicants, performance data on file with the District, written materials submitted by other firms or individuals, and the evaluation of the PSAC. Although the Board shall consider the evaluation of the PSAC, the evaluation shall not be binding on the Board, and the Board retains the sole authority to rank the three (3) finalists, choosing a first, a second, and a third.
4. The Board, in its sole discretion, reserves the right to request additional presentations from applicants other than the three (3) finalists.
5. For each proposed project not involving the construction of a new facility or the rebuild/reconstruction of an existing facility the PSAC, if convened, shall rank the finalists. The Board, in its sole discretion, reserves the right to call up the matter for review, conduct such interviews as it deems appropriate, and to re-rank finalists for the benefit of the District.
6. In the event of a tie for first place, the last place firm shall be eliminated and the vote shall be retaken to break the tie. In the event there is a tie for second place, the vote shall be retaken only with respect to the tied finalists to resolve the issue.
7. The Board may request, accept, and consider proposals for the compensation to be paid under the contract only during competitive negotiations.
8. This subsection 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 the threshold amount provided in F.S. 287.017 for Category Five or for a planning or study activity when the fee for professional services is not in excess of the threshold amount provided in F.S. 287.017 for Category Two.
9. Nothing in this rule shall be construed to prohibit a continuing contract between a firm and the Board.

#### **E. Competitive Negotiation**

The Board, or its designee, shall negotiate a contract with the most qualified firm for professional services at compensation which the Board, or its designee, determines is fair, competitive, and reasonable. In making such determination, a detailed analysis of the cost of professional services shall be conducted in addition to considering the scope and complexity of the services required for the project.

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 F.S. 287.017 for CATEGORY FOUR, 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 one (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 may readvertise (for new RFQ's).
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. Reuse of Existing Plans**

Notwithstanding any other provisions of this rule, there shall be no public notice requirement or utilization of the selection process as provided in this rule 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).

F.S. 287.017, 287.055, 1001.41, 1001.43, 1013.355, 1013.45, 1013.46

## 6340 - MODIFICATIONS AND ALTERATIONS TO SCHOOL BUILDINGS

The School Board requires that all modifications or alterations to school buildings be approved prior to implementation. The following regulations shall be imposed:

- A. The Board shall approve any building alteration or site improvement which changes the function of the space, or which cost in excess of \$50,000, or which requires expenditures of funds not previously budgeted.
- B. The Superintendent may approve any building alteration or site improvement which cost no more than \$50,000 and which does not significantly change the function of the space.
- C. Any donation of a building or site improvement by a PTA, similar interest group, or other entity shall be subject to Board approval upon recommendation of the Superintendent.
- D. Superintendent's Authority to Approve Priority Change Orders Up To \$50,000

The Superintendent may approve priority change orders in the name of the Board up to \$50,000 for individual change order items for the purpose of expediting the work in progress. Change orders or construction change directives approved under this policy shall be brought to the Board in summary form on a quarterly basis to be entered into the minutes. Nothing in this paragraph shall nullify other requirements in F.A.C. Chapter 6A-2 pertaining to change orders.

F.S. 1003.02, 1013.23

## 6345 - CHANGE ORDERS

The School Board believes that thoughtful planning should minimize the change orders that are necessary to a construction contract for any construction or renovation project, but recognizes that all circumstances that might necessitate such changes cannot be anticipated. Therefore, this policy is established to prescribe the manner in which said change orders shall be approved and executed.

The Superintendent or a cabinet level designee, other than the Associate Superintendent for Facilities and Operations, is authorized to approve a change order or construction change directive to a construction contract on his/her own authority when the change order or construction change directive is \$50,000 or less.

Change orders or construction change directives approved under this policy shall be brought to the Board in summary form on a quarterly basis to be entered into the minutes.

When the cumulative total of all change orders and construction change directives exceeds five percent (5%) of the original contract amount on a new construction project or ten percent (10%) of the original contract amount on a remodeling or renovation project, then the authority amount provided for above is reduced to \$30,000.

The authorization contained above includes change orders or construction change directives that increase or decrease the contract amount by \$50,000 or less and further includes any other changes to the contract that do not have a specified dollar value. The approval authorization also includes change orders that solely address an extension or reduction in the contract completion time provided that the number of days of the change multiplied by the liquidated damage amount is within the authority amount contained above.

The contractor proposing a change order to the construction contract shall, prior to commencing the work involved, provide accurate cost data in sufficient detail to enable the Office of Facilities, Design and Construction and the architect and/or engineer involved with the project to evaluate the proposal. The evaluation shall confirm the accuracy of the estimate by establishing a fair market value of the costs for all labor, material, equipment, and incidentals required to accomplish the change.

For all proposed change orders, the architect or engineer of record for the project shall certify in writing to the Superintendent and the Board that the cost of the requested change is fair, reasonable, and in proper proportion to the cost of the original work covered by the contract and shall recommend action thereon.

All change orders to construction contracts shall be in compliance with Florida statutes and the State requirements for educational facilities both in form and content.

F.A.C. 6A-2.0111

## 6423 - USE OF CREDIT CARDS

The School Board authorizes the use of District credit cards. The authorization, handling, and use of credit cards have 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 of any kind, nor for any other purchase deemed inappropriate by administrative procedures.

The Superintendent shall develop administrative procedures that specify those authorized to use credit cards, the types of expenses which can be paid by credit cards, and their proper supervision and use. 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.

The Board directs the Superintendent to determine and specify those employees authorized to use District credit cards. The Superintendent shall be responsible for giving direction to and supervising such employees' use of District credit cards.

## 6424 - PURCHASING CARDS

The School Board recognizes that purchasing cards offer an alternative to existing procurement processes and provide a convenient, efficient method of purchasing supplies and non-tagable assets with a value of \$749.00 or less. Travel-related expenditures will be allowed so long as no single transaction exceeds \$5,000. Board employees authorized by the Superintendent may use purchasing cards only for school-related purposes in accordance with this policy and administrative guidelines to be developed by the Superintendent. Purchasing cards shall not be used to circumvent the general purchasing procedures required by Florida law and Board policy.

All approved cardholders must agree to abide by purchasing card procedures and regulations set forth in this policy and relevant administrative guidelines. All transactions must be made by the individual to whom the card is issued.

Purchasing card banks will be provided no personal cardholder information (e.g., credit records or social security numbers) other than the individual cardholder's work address.

The District's Internal Audit Department shall conduct independent regular reviews of each cardholder's activity to verify that the purchasing card is being used in accordance with this policy and administrative guidelines. Prices for commonly priced items should be periodically verified to prevent schemes of purposeful price inflation.

Cardholders must use common sense and good judgment when using school resources. This policy and related administrative guidelines cannot cover every issue, exception, or contingency that may arise during the cardholders use of the purchasing card.

Cardholders will immediately surrender their cards upon request of the Purchasing Card Administrator and shall surrender their cards upon separation from employment.

The purchasing card may never be used for personal items or services, nor is the personal gain of credit card rewards such as bonus points, frequent flyer miles, or any other affinity program reward permitted under any circumstances.

## 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 cooperative bids for the purchase of supplies, equipment, or services with the governing bodies of other governmental units.

The Board authorizes the Superintendent to competitively develop such cooperative bids 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 bids require approval by the Board. The participating contracting body(ies) shall jointly 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 bid. Such cooperative bids are subject to all legal bidding requirements.

F.S. 1001.43, 1010.04

F.A.C. 6A-1.013



## 6460 - VENDOR RELATIONS

No contract for supplying contract for materials, supplies, and services needed for the District school system shall be made with any member of the School Board, with the Superintendent, or with any business organization in which any Board member or the Superintendent has any financial interest whatsoever.

Board members and school personnel shall not accept any form of compensation 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 from a vendor after a decision has been made to purchase equipment, supplies, or services from said vendor. In addition, Board members or school personnel who recommend purchases, shall not enter into a contractual arrangement 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 in any form for services rendered.

Such compensation includes, but is not limited to, cash, checks, stocks, or any other form of securities, and gifts including, but not limited to the following: equipment, discount certificates, travel vouchers, tickets, passes, and other such things of value. In the event that a Board member or member of the school staff receives such compensation, albeit unsolicited, from a vendor, the Board member or school staff member shall notify the Chief Financial Officer, in writing, that s/he received such compensation and shall thereafter promptly transmit said compensation to the Chief Financial Officer at his/her earliest opportunity.

No salesperson or distributor (e.g., musical instruments, athletic equipment, etc.) shall be permitted to give demonstrations or sell directly to schools or through the schools to parents without first having approval of the principal.

F.S. 112.313, 1001.32(2), 1001.41, 1001.42, 1001.42(10)(i), 1001.43

## 6462 - PHOTOGRAPHS OF STUDENTS

The sale of student pictures shall be conducted in a school only as a service to the school and community and not as a project primarily to raise funds for the school. Any extension of photographic sales to include such items as key-ring photos, memory books, senior class pictures, and novelties is specifically prohibited. See [Policy 6464](#) for instructions on purchase of these items.

The Director of Purchasing shall maintain standard contracting guidelines for student day pictures which shall be used by schools to solicit their individual student picture bids.

The authority to accept and reject bids for the purchase of student pictures is reserved to the school principal.

This policy shall apply to all schools (grades K-12) and exceptional student education centers, excluding senior class pictures.

Picture contracts are to be made on an annual basis and may be canceled at any time during the school year if the quality, performance, or any other conditions are unsatisfactory.

A maximum charge of \$8.00 for the standard package (four (4) units of 5" x 7" color) has been established by the Board.

Before a school may award a contract, it is mandatory that the selected photographer have or shall establish a business office within a fifty (50) mile radius of the school administration building (301 Fourth Street SW, Largo, Florida 33778) to provide for direct contact with schools.

As part of the contract, the dealer shall agree to provide a minimum of twenty-five percent (25%) commission on the gross sales, exclusive of State sales tax, on all pictures sold by the school. The commission fee (twenty-five percent (25%)) shall be made payable to the school no later than June 1st. Should the photographer cancel a scheduled appointment, or fail to appear to take pictures on the appointed date, without written consent from the principal, the schools so affected would receive an additional five percent (5%) commission from the photographer.

Photographers will collect payment directly from the students or parents at the time pictures are ordered. To protect the financial interests of the students and parents, a "blanket" fidelity or dishonesty bond in the amount of \$25,000.00 covering all District schools shall be posted by the photographer as security with the District's purchasing department. For the benefit of the schools, the purchasing department will maintain an online list of vendors that have posted their bonds. Schools should not contract with a photographer who has not posted a bond.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 6464 - PURCHASE OF COMMEMORATIVE ITEMS

Each school or program, hereinafter referred to as school, shall solicit a bid for class jewelry, caps and gowns, announcements, name cards, medallions, and diploma covers. Other miscellaneous senior commemorative items listed on a supplementary price list may be purchased under this bid. The District's purchasing department will assist by providing standard specifications and bidding guidelines for the specific items listed above. These specifications shall be the only specifications used to solicit bids for these items. Schools shall bid other items classified as commemoratives including, but not limited to, senior class pictures, memory books, key ring photos, and yearbooks, but must develop their own specifications for these items. In all cases, bids must be solicited from not fewer than three (3) vendors whose primary business relates to commemorative items. If the bid which the school selects exceeds the competitive bid threshold listed in School Board [Policy 6320](#) under [Bidding](#), the bid must be submitted to the Board for approval by the school's Region Superintendent before a contract may be issued.

Selection of the successful vendor(s) shall be based upon price as well as quality, selection, service history, and warranty. The initial contract period for all bids shall be for no more than three (3) school years with one renewal option equal to the term of the initial contract.

All sealed proposals shall specify a date, time, and place for final acceptance. All sealed proposals will be opened at the designated time and place. When a selection committee is used, proposals must be opened in the company of at least a majority of the selection committee. Vendors are invited but not required to be present at the opening. The school may reject any or all bids if desired.

A school shall have the option of pooling its requirements with other District schools and soliciting a joint bid to increase its purchasing power. When doing so, the bid document must list which schools intend to purchase from the bid.

Company representatives are prohibited from contacting any committee members, school staff, or sponsors during the bid process for any reason other than to ask questions about a bid. This shall include sponsoring parties, breakfasts, luncheons, or any other type of pre-selection meeting. Violation shall result in disqualification.

Rebates or cash donations to the class, committee, school, or administration by vendors are prohibited. Violation shall result in disqualification. Board employees, students, or members of a selection committee may not overtly or covertly request any type of rebate, donation, etc.; or receive any prizes, gifts, discounts, or other advantages. Vendors are prohibited from making reference to free or bonus products or materials. Violation shall result in disqualification. Vendors may, however, offer several products or options as a package for a single price. Vendors may offer presentation folders, scratch pads, pens, and other normal company advertising items.

All contracts for commemorative items shall stipulate a privilege to cancel when, in the judgment of the principal, merchandise or service does not meet specifications.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 6470 - PAYMENT OF CLAIMS

The School Board directs the prompt payment of legitimate claims by suppliers of goods and services to the District.

Each bill or obligation of this Board must be fully itemized and verified before a voucher can be drawn for its payment.

When an invoice is received, the finance department shall verify that a voucher is properly submitted and that the amount of the invoice is correct.

F.S. 218.70 et seq., 1001.43, 1011.10

## 6470.01 - PAYMENT OF VOUCHERS

Expenditures for payment of vouchers which are properly made by the warrants of the School Board have already and separately received Board approval, either through the budgeting process (including budget amendments) or, in the case of expenditures over approved budget limits, specific Board approval. Because of this, approval of warrants themselves by the Board is not necessary.

## 6480 - EXPENDITURES

(1) 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. Pursuant to State law, neither the District, nor any person acting on behalf of the District, may 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.

(2) 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.

(3) Payroll Procedures

(a) No payment shall be made except to properly authorized and approved personnel and shall begin at the time employment is authorized.

(b) Payments shall be based upon a Board-adopted salary schedule for each position.

(c) Employees shall be paid on a bi-weekly basis with the exception of contracted services employees who are paid monthly.

(d) Salary adjustments may 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.

(e) Principals and department heads shall be responsible for submitting accurate payroll records and approving on-line time payrolls in accordance with established time schedules and procedures.

(f) Employees shall be paid by direct deposit.

(4) Overtime: Authorization to work overtime for nonexempt employees must be by prior approval of the department head or principal.

F.S. 1001.43, 1001.51, 1012.22

F.A.C. 6A-1.014, 6A-1.057

Adopted 12/9/09; Revised 7/26/11

## 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. This policy is promulgated to ensure that each person so compensated is validly employed by this District and that the compensation remitted fairly represents the services rendered.

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.

Each motion of the Board to employ or reemploy a staff member shall include the name of the individual, the position title, and the effective date of employment. 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.

All personnel are paid on a bi-weekly schedule with the exception of contracted services employees who are paid monthly. All personnel are paid by direct deposit.

### Payments by Outside Organizations

Outside organizations that are affiliated directly or indirectly with school programs are expected to pay for the services of personnel who are employed on an overtime basis in service to such organizations. However, payments shall be made to the Board and not to the individual employee. Only Board personnel are permitted to be employed in the schools for such functions.

F.S. 1001.51, 1012.22  
F.A.C. 6A-1.052

## 6520 - PAYROLL DEDUCTIONS

To the extent permitted by law and consistent with the specific provisions of any applicable negotiated agreement, the School Board authorizes deductions to be made from an employee's paycheck upon proper authorization on the appropriate form for the following purposes:

- A. Federal income tax
- B. Social Security or retirement contribution
- C. Section 125 deductions (cafeteria plans)
- D. State Teachers Retirement System
- E. U.S. Savings Bonds
- F. savings in a chartered credit union
- G. contributions to charitable and not-for-profit corporations and community fund organizations
- H. payment of dues to labor or other organizations
- I. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff
- J. voluntary retirement programs
- K. voluntary benefits
- L. IRS tax levies, child support, student loan, alimony, and other wage garnishments



## 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 payroll supervisor shall submit the required quarterly reports to the Internal Revenue Services, Social Security Administration, and the State of Florida's Division of Labor and Employment Security to ensure said statutory compliance.

When an employee applies for unemployment compensation, the Office of Human Resources shall investigate and provide documentation to the Division of Unemployment Compensation that will enable the Division to approve or deny the payment of benefits. The Superintendent or designee shall context all claims for unemployment compensation that are improper or unfounded according to applicable law and regulation.

F.S. 443.036, 443.191

## 6550 - TRAVEL AND PER DIEM

It is the intent of the School Board to administer its travel regulations within the scope of applicable Florida statutes, thus ensuring that all employees and other authorized persons are reimbursed for reasonable, ordinary and incidental expense in connection with job-related travel. All travel shall be administered uniformly regardless of funding source (District, internal, grant, or other).

### **SCHOOL BOARD MEMBERS**

- A. "Home base" for Board members shall be their residence; provided however, that no mileage allowance shall be paid for attendance at Board meetings.
- B. Board members may elect to accept a standard monthly travel allowance, the maximum amount of which shall be determined by the Board. The standard allowance shall be paid upon submission, at least annually, of a typical month's travel which is equal to or exceeds the standard amount requested when the sum of miles traveled during the typical month is multiplied by the mileage rate. Board members electing a standard monthly travel allowance shall do so in writing at such time as the typical month's travel is submitted to the District's director of accounting. Board members' travel vouchers, requests for the standard monthly travel allowance, and typical month's travel shall be submitted to the director of accounting.

### **FORMS**

All in-county travel and out-of-county travel require applicable approvals on Board authorized forms. Reimbursement will only be made upon submission of the approved Board authorized form, with supporting documentation.

- A. The traveler shall submit the In-County Travel Authorization and Reimbursement claim forms no later than the end of the fiscal year in which travel occurred; however, frequent travelers should submit on a periodic basis.
- B. The traveler shall submit the Out-of-County Travel Authorization and Reimbursement claim forms within thirty (30) days following the travel period. The traveler should make a concerted effort to submit June travel in sufficient time for the expenses to be included in the fiscal year in which the travel occurred.

### **MILEAGE RATE**

The mileage rate will be established July 1st for that fiscal year based upon the mileage rate determined by the Federal government at the beginning of the year. The rate established July 1st will remain in effect for the entire fiscal year through June 30th.

### **PER DIEM**

The per diem rate will be established July 1st for that fiscal year based on the standard rate specified in Internal Revenue Service Publication 1542. The rate established July 1st will remain in effect for the entire fiscal year through June 30th. Per diem includes both lodging and meals.

### **MEAL ALLOWANCE**

Meal allowances will be established July 1st for that fiscal year based upon the meal allowance portion of per diem specified in IRS Publication 1542. The meal allowance will be allocated for breakfast, lunch and dinner as determined by the Director of Accounting.

### **PROCEDURES**

Procedures governing the documentation and approval of employee travel reimbursement shall be set forth in the district's Accounting Procedures Guide.

F.S. 112.061, 1001.32(2), 1001.39, 1001.41, 1001.42, 1001.43  
F.A.C.6A-1.056

## 6555 - MEMBERSHIP DUES AND FEES

Schools and departments may pay institutional membership dues or fees, or individual dues or fees as expressly provided in Florida statutes, in accordance with the District's accounting procedures.

Criteria shall be established and maintained in the District's accounting department, to determine when membership is justified in support of the duties of the school or department requesting the membership.

Dues and membership contributions shall only be made to organizations whose financial, business, and membership records pertaining to the School Board are public record and subject to F.S. 119.07.

All organizations to which dues and fees are paid shall be approved by the Superintendent or designee. A list of approved organizations shall be maintained in the accounting department and shall be subject to annual review.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 6610 - INTERNAL ACCOUNT FUNDS

It is the purpose of this policy to establish financial controls for the administration of the normal, legitimate activities of the school organizations.

For purposes of this policy, "internal account funds" may include, but not be limited to co-curricular and approved extra-curricular activities such as clubs, publications, etc.

Each activity covered by this policy must be recognized by the School Board before moneys can be collected or disbursed in the name of said activity.

The Superintendent is directed to obtain annually a list of student activities with a brief description of their objectives, activities, and limitations of each fund.

The Board authorizes the maintenance of approved student activity funds.

The Board authorizes the Superintendent to act on its behalf to review and approve each expenditure from an internal account fund prior to disbursement. In approving an expenditure, the Superintendent shall require that it is related to achieving one (1) or more of the stated purposes for which the student activity has been organized.

All field trips or travel by school students or personnel in connection with the performance of the staff's duties or competitive type of events are considered to be school-sponsored and must be funded through the school's internal funds unless accounted for in the District level accounting system. If an outside support group is funding the project, this contribution should be made through donations to the school.

A charitable donation may be made to an organization or individual in accordance with the administrative procedures for internal account fund expenditures.

Trust funds shall be expended only for the purpose for which collected. When the purpose of the trust fund has been accomplished or becomes inoperative, unused trust funds shall be returned to the person(s) from whom collected if practicable. Donors may designate an alternative purpose. Funds which cannot be returned shall be transferred to a trust account to benefit economically disadvantaged students or the general welfare of the student body.

If a school organization undertakes a project extending beyond the current fiscal year, or receives a restricted donation to be used over a period of time beyond the year in which received, approval must be granted by the Superintendent or designee and the funds held in a trust account.

Contractual obligations and promissory notes shall not be executed in the name of a school or any school organization. The principal or director shall not enter the school or center into any financial contract for longer than one (1) year without the prior written authorization of the Superintendent.

A petty cash fund, not to exceed \$500.00 and to be administered by the principal or director, may be established. A home economics petty cash fund, administered by the department chairman and not exceed \$200.00, may also be established.

All moneys accumulated in the internal account fund of a specific class or activity will, upon the discontinuance of the activity, be disposed of in accordance with the procedures set forth in *Financial and Program Cost Accounting and Reporting for Florida Schools*, Chapter 7.

In addition to the procedures set forth in *Financial and Program Cost Accounting and Reporting for Florida Schools*, Chapter 7, the Superintendent shall implement any additional administrative procedures deemed necessary so that all internal account funds are managed, recorded, and deposited in accordance with law and sound fiscal practice.

F.S. 1001.43

Adopted 12/9/09; Revised 7/27/10

## 6620 - PETTY CASH FUNDS

The School Board recognizes the convenience afforded day-to-day operation of schools by the establishment of petty cash funds.

Schools and departments may establish petty cash funds according to State Board of Education rules and State Board accounting procedures.

The petty cash custodian for a school or department may be changed by a request to the Director of Accounting.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43  
F.A.C. 6A-1.057

## 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 an independent, certified public accountant or the State Auditor's Office. 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.

The District shall also prepare and publish an audited statement of the financial condition of the District at the close of each fiscal year.

The Board may select an independent auditor to perform audits of the District when the Auditor General advises a financial audit will not be completed within the twelve (12) month period immediately following the fiscal year or if otherwise deemed needed by the Board or Superintendent.

- A. Selection of the financial auditor shall be pursuant to F.S. 11.45. Other auditors may be selected as permitted by law.
- B. The certified public accountant who coordinates the financial audit shall comply with the rules of the Auditor General.
- C. At the conclusion of the audit field work, the preliminary findings shall be discussed with the Superintendent. The auditor's comments shall reflect items which are intended to be included in the final audit report.

F.S. 11.45, 218.39, 1001.42, 1001.453  
F.A.C. 6A-1.087

## 7100 - FACILITIES PLANNING

The School Board recognizes that careful, prudent planning is essential to the efficient operation of schools and that planning must be grounded on accurate data. In order to assure that future District construction supports the educational programs and responds to community needs, the Board will prepare a capital construction plan and will revise the plan as needed, but at least annually. The plan shall include a thorough description and analysis of local and regional demographic factors which 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; number of new residential units approved in the District; enrollment by grades during the school year;
- B. conduct a "kindergarten roundup" each spring of the number of students who will be enrolled in the schools of the District in the beginning of the following school year and report the results to the Board;
- C. 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.



## 7101 - BUILDING PERMITS AND THE CODE ENFORCEMENT OFFICE

The District shall appoint a qualified Building Code Administrator (BCA) to manage the building code compliance department. The BCA shall be licensed by the Department of Professional Regulation as a Building Code Administrator. The Office of Facilities, Design and Construction shall employ qualified inspectors, licensed by the Department of Professional Regulation, to administer the building inspection program. Approved project plans will be reviewed for code compliance, permits issued, and the work inspected. Two (2) types of permits will be issued: annual facility maintenance permits and building permits.

**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 undertakes 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 Educational 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.

**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 Educational Facilities 4.1(5) and shall follow approved processes as described under Florida statute.

### **CODE COMPLIANCE FOR ALL CONSTRUCTION**

All construction on Board property whether constructed by the facilities design and construction department, the maintenance department, the regional offices, school staff or students, a booster club, a parent group, a citizen group, or any other entity intending to construct improvements upon Board property, shall be in accordance with all applicable codes and regulations.

## 7110 - STUDENT ACCOMMODATION

The School Board recognizes the need to define the criteria for implementation of alternatives for student stations when funding for new facilities, including additions, is limited or not available.

For purposes of this policy, the following definitions apply:

A. Design Capacity

The maximum number of students eligible to be housed at the school is determined by taking the Florida Inventory of School Houses (FISH) report of space in a school and adjusting it for the space needs of the programs in the school and applying the appropriate student-teacher ratio for permanent, on-site facilities plus the program capacity of the relocatables placed according to these principles (adequate size on dining area, size of school site, and number of group restroom fixtures) will be the total program capacity for each school.

B. Enrollment Statistic

The enrollment statistic used to determine percent capacity at a particular school is based upon actual District students enrolled in October of the current school year.

### **Elementary Schools**

- A. The design capacity of elementary schools shall not exceed the latest Board approved Elementary Facilities List and shall comply with the calculated program capacity.
- B. At 100% of design capacity, if students cannot be adequately housed in the permanent, on-site facilities, students in impacted grades are assigned and transported (if eligible) to other schools with space available in the specified grades; and/or, temporary classrooms are provided within the constraints of available District inventory.

### **INTERMEDIATE/MIDDLE SCHOOLS AND HIGH SCHOOLS**

- A. The design capacity of intermediate/middle schools shall not exceed the latest Board approved Middle Facilities List and shall comply with the calculated program capacity while applying the State Requirements for Educational Facilities (SREF) utilization factor percentage (ninety percent (90%)). The design capacity of the high schools shall not exceed the latest Board approved High Facilities List and shall comply with the calculated program capacity while applying the SREF utilization factor percentage (ninety-five percent (95%)).
- B. At 100% of design capacity, if students cannot be adequately housed in the permanent, on-site facilities, students in impacted grades are assigned and transported (if eligible) to other schools with space available in the specified grades; and/or, students are scheduled for an extended day; and/or, temporary classrooms are provided within the constraints of available District inventory, or, if inadequate numbers of temporary classrooms are available, within the constraints of available resources until those resources are exhausted.

F.S. 1013.37, 1013.45

## 7217 - FIREARMS AND WEAPONS

A person shall not possess any firearm or weapon, except as authorized in support of school-sanctioned activities, at a school-sponsored event or on School Board property, including the property of any school, administration building, school bus, or school bus stop; however, a person may carry a firearm:

1. In a case to a firearms program, class or function which has been approved in advance by the principal or chief administrative officer of the school as a program or class to which firearms could be carried;
2. In a case to a career center having a firearms training range; or
3. In the case of non-employee persons 18 years of age or older: within the interior of a private motor vehicle and the firearm or weapon is carried for a lawful purpose, is securely encased or is not readily available for immediate use; provided, however, this exception shall not apply for purposes of student and campus parking privileges on school property; or
4. In the case of employees: If the employee is in lawful possession of a legally owned firearm that is locked inside or locked to a private motor vehicle in a parking lot and when the employee is lawfully in such area; provided, however, this exception shall not apply to any school property.

Concealed Weapon or Firearm. A person may be in lawful possession of a concealed weapon or firearm on School Board property with certain exceptions; a concealed weapon or firearm may not be carried:

1. Into any District elementary or secondary school facility or career center;
2. Into an administration building as defined below;
3. Into an athletic event that is not related to firearms; or
4. Into a School Board meeting.

For purposes of this policy the term "administration building" is any Board-owned or leased facility where one or more administrative employees are assigned.

For the purposes of this policy, "school property" means the property of any preschool, elementary school, middle school, junior high school, secondary school, career center, or postsecondary school, whether public or nonpublic.

"Firearm" means any weapon (including a starter gun) which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of any such weapon; any firearm muffler or firearm silencer; any destructive device; or any machine gun.

"Weapon" means any dirk, knife, metallic knuckles, slungshot, billie, tear gas gun, chemical weapon or device, or other deadly weapon except a firearm or a common pocketknife, plastic knife, or blunt-bladed table knife.

This policy shall not apply to possession by members of the armed forces, national guard, police or other licensed law enforcement officers, or other persons approved by the school or District on a case-by-case basis,

F.S. 790.001, 790.115, 1001.32(2), 1001.41, 1001.42, 1001.43  
18 U.S.C. 922

Adopted 12/9/09; Revised 7/26/11, 4/24/12

## 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 or designee 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.

Any gift conveying title shall be submitted to the 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.

Procedures governing the acceptance and handling of gifts and donations shall be set forth in the [Manual of Internal Fund Accounting](#) dated December 8, 2009, amended July 27, 2010, which is incorporated herein by reference, and the [Manual of Property Equipment Accounting and Control](#) dated December 8, 2009, which is incorporated herein by reference.

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.

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 which has made some outstanding contribution to the school or District.

F.S. 112.312, 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 12/9/09; Revised 7/27/10

## 7240 - SITE ACQUISITION

Suitable educational facilities are an essential component of providing quality educational services to the public. The School Board will maintain a sufficient inventory of land to accommodate the educational plant needs of the School District.

The Real Estate and Concurrency Services (RE&CS) Department will acquire land for new sites and will acquire land to expand existing sites when needed and when practical.

Land will be acquired based on the following criteria:

- A. Within geographic areas or adjacent to existing Board-owned sites as identified by school plant survey.
- B. According to need as identified by the Operations Team and other School District staff.
- C. According to need as identified by long-range student population studies.
- D. Within budget constraints as provided for in the Board's annual budget.

The RE&CS Department has the responsibility for negotiating and recommending sites for new schools whether by purchase, trade, or gifts.

Before acquiring a site, the RE&CS Department will consider existing and anticipated site needs and the most economical and practical locations of sites. The RE&CS Department will coordinate site planning with the long-range plans of governmental agencies.

Each new site selected must be adequate in size to meet the educational needs of the students to be served.

The RE&CS Department will coordinate with the appropriate local governmental or state agencies to obtain the necessary infrastructure or services to support the proposed educational facility, for example, traffic control and safety devices, fire and police protection, road ingress/egress, utilities, and storm drainage. The determination of the consistency of the site with the local governments' comprehensive plans will be determined through the provisions of an inter-local agreement between local governments and the Board, or in the absence of said agreement, in accordance with Florida statutes.

Every appraisal, offer, or counteroffer must be in writing, and is exempt from the provisions of F.S. 119.07(1) until an option contract is executed or, if no option contract is executed, until thirty (30) days before a contract or agreement for purchase is considered for approval by the Board. If a contract or agreement for purchase is not submitted to the Board for approval, the exemption from F.S. 119.07(a) will expire thirty (30) days after the termination of negotiations.

The RE&CS Department will maintain complete and accurate records of every appraisal, offer, and counteroffer.

Prior to acquisition of the proposed site, the RE&CS Department will obtain appraisals in accordance with Florida statutes.

The RE&CS Department will advise affected departments, e.g., facilities, maintenance, and area superintendent, of site purchases that include improvements which may be utilized by the School District.

The RE&CS Department will obtain a written disclosure from sellers of real property, as required by F.S. 286.23 in a manner as approved by the School Board Attorney.

The Board will not build facilities on land that is not Board owned unless there exists a long-term lease for a period of not less than forty (40) years or the life expectancy of the permanent facilities constructed thereon, whichever is longer.

Each October 1st, the real property management department will submit to each local government within the Board's jurisdiction a General Educational Facilities Report. The report will contain the following:

- A. the location of existing educational facilities and their needs;

- B. the Board's capital improvement plan, including planned facilities with funding over the next three (3) years;
- C. the District's unmet educational facility needs;
- D. the Educational Plant Survey once every five (5) years.

F.S. 1013.14

## 7250 - NAMING AND COMMEMORATION OF DISTRICT FACILITIES

### **Naming of District Facilities**

A name for a new facility shall be recommended to the School Board no later than a year from the date on which an architect is appointed to develop the school plans.

If named by location, the name of the facility shall be descriptive and brief.

If named for a person, that person shall have been an outstanding civic or educational leader of local or national repute who has been deceased for not less than one (1) year. Such name shall be limited to one (1) person.

The name selected shall be permanent, unless the facility's program or use shall be changed, in which case the facility may be completely re-named, as provided above.

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.

No individual, group, or organization shall be permitted to erect a memorial or structure of any kind upon school grounds except by approval of the 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 (e.g., planting of a tree, small flower garden), provided there is little or no maintenance and is consistent with the Board's master plan.

## 7300 - PROPERTY CUSTODIANSHIP AND INSURANCE

### **Insurance**

The School Board is self-insured for property losses to its buildings, equipment, and other property as reported on the principal's inventory and fixed assets inventory. The Board maintains a conventional property insurance program for losses to real and business property.

### **Custodianship**

#### **A. Responsibility of the Superintendent**

The Superintendent shall act for the Board as custodian of Board property and shall recommend to the Board such programs and procedures as are necessary to protect adequately against loss or damage to Board property and against loss resulting from any liability for which the Board or its officers, agents, or employees may be responsible under law.

#### **B. Responsibility of Principal, Director, and Department Head**

The principal, director, department head, or other employee so designated by the Superintendent is responsible for all Board-owned property and equipment assigned to the work site or department over which that employee has responsibility.

#### **C. Delegation of Responsibility**

The principal, director, department head, or other employee so designated by the Superintendent may delegate the responsibility to employees under their supervision.

#### **D. Responsibility for Lost or Damaged Property or Equipment**

Employees may be held personally accountable for property or equipment assigned to them for use in the normal course and scope of their employment, or temporarily checked out to them for use as needed in the course and scope of their employment.

A Lost Property and Equipment Review Committee shall be appointed by the Superintendent for the purpose of reviewing instances of loss or damage to Board-owned property or equipment. If the Lost Property and Equipment Review Committee determines that the employee was negligent by not adequately securing or otherwise reasonably safeguarding the property or equipment against loss, damage, or theft then the employee will be required to reimburse the District for the amount of the actual damages incurred.

If reimbursement is required, arrangements for payment that are acceptable to the Superintendent must be made within two (2) weeks following the committee's decision. At the employee's option, reimbursement may be made by check or through automatic payroll deduction. An extended repayment plan may be arranged in cases of extenuating circumstances.

The employee shall have five (5) days from the committee's determination to appeal the determination to the Superintendent who shall afford the employee with a reasonable opportunity to be heard. The decision of the Superintendent shall be final.



## 7305 - REAL PROPERTY RIGHTS

Other parties may occasionally find it necessary to seek partial property rights in School Board-owned land (for information on leases see [Policy 7510](#)), and the Board may occasionally have need to acquire partial property rights in the land of other parties. These partial property rights include but are not limited to the following:

- A. easements
- B. lease fee estates
- C. leasehold estates
- D. riparian rights
- E. mineral rights
- G. air rights
- H. life estates
- I. liens
- J. encumbrances

The Real Estate and Concurrency Services (RE&CS) Department will act as liaison with other governmental agencies or private parties seeking to acquire a real estate interest in Board-owned land. The RE&CS Department will act as liaison when the Board seeks to acquire a real estate interest in land owned by other governmental agencies or private parties.

The grant of any real estate interest, other than short-term facility leases, will be presented to the Board for approval. The acquisition of any real estate interest will be presented to the Board for approval.

The RE&CS Department will maintain records of property rights granted or acquired.

F.S. 704.01

## 7315 - DISPOSITION OF REAL PROPERTY

School Board-owned land or facilities may be sold or otherwise disposed of if the Board, by resolution, determines that the real property is unnecessary for educational purpose as recommended in an educational plant survey.

The Real Estate and Concurrency Services (RE&CS) Department may recommend disposal of any Board-owned land through a lease with an option to purchase or a lease-purchase agreement, to any person or entity, for any educational purpose, as the Board determines to be in its best interest. A copy of the final agreement will be attached to the Board agenda item submitted to the Board for approval.

The RE&CS Department may recommend disposal of real property by transfer, trade, or sale.

The RE&CS Department will advise the student assignment department and the accounting department on an annual basis of the real property disposed of, including information on the site location, site size, and funds or trade received by the Board.

## 7315.01 - LAND RECORDS MANAGEMENT

The Real Estate and Concurrency Services (RE&CS) Department will act as "house-of-record" for real estate instruments, such as deeds and easements, related to School Board-owned land.

Real estate instruments will be maintained by the RE&CS Department and will not be disposed of.

All original long-term real estate instruments will be kept in a fire-resistant vault in the RE&CS Department.

The RE&CS Department will advise the student assignment department and the accounting department at the close of each fiscal year of all land acquired or disposed of.

A database of real estate instruments will be maintained and continually updated by the RE&CS Department.

## 7320 - ACQUISITION AND REMOVAL OF 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 and under its full control. All property acquired from sources other than county school funds 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 for District purposes only with the prior written approval of the principal or department head on a completed Property Removal Contract form (PCS 3-1943).
- B. Major property items shall not be exchanged between schools or departments except upon the approval of division and/or department heads affected.

F.S. 287.14, 287.16, 1001.42, 1010.04

F.A.C. 691-73.003

## 7320.01 - DISPOSAL, SALE, OR EXCHANGE OF TANGIBLE PROPERTY

The Superintendent shall be responsible for the development and administration of procedures for the disposal of property declared surplus by the School Board. Such procedures shall be consistent with Florida statutes and State Board of Education Rules.

The Superintendent shall establish a Surplus Property Committee whose purpose shall be to designate property as surplus and dispose of surplus property in a manner which best serves the interests of the School Board. The Committee shall consist of the Budget Specialist, the Supervisor of Property Records, the Warehouse Manager and two maintenance and operations staff members designated by the responsible Associate Superintendent, three teachers and one principal assigned by the Area Superintendents, and one representative of our local business community.

The Committee shall make a determination as to whether items are usable by another school or department. If declared usable, the items may be redistributed on a first-come-first-served basis by completing the online property asset transfer form in order to maintain accountability for tagged equipment.

Surplus items that are made available to schools in the District shall be provided for a charter school's use on the same basis. A charter school receiving property from the school district may not sell or dispose of such property without written permission of the District.

The Committee shall seek Board approval before sale of taggable items identified as surplus that have been asset transferred to the Surplus Property warehouse. The Committee may dispose or arrange for the disposal of non-taggable items identified as surplus. All disposition of surplus property shall be in the best interest of the School Board, and consistent with Sec. 274.06, F.S., which is paraphrased for School Board purposes as follows:

*Having consideration for the best interests of the School Board, School Board property that is obsolete or the continued use of which is uneconomical or inefficient, or which serves no useful function, which property is not otherwise lawfully disposed of, may be disposed of for value to any legal entity, or may be disposed of for value without bids to the state, to any governmental unit, or to any political subdivision as defined in Sec. 1.01, F.S., or if the property is without commercial value it may be donated to a nonprofit organization either holding a certificate of exemption under Section 501(c)(3) of the Internal Revenue Codes, or organized under Ch. 617, F.S., destroyed, or abandoned. Property, the value of which the District estimates to be under \$5,000, may be disposed of in the most efficient and cost-effective means as determined by the District. Any sale of property the value of which the District estimates to be \$5,000 or more shall be sold only to the highest responsible bidder, or by public auction, after publication of notice not less than 1 week nor more than 2 weeks prior to sale in a newspaper having a general circulation in Pinellas County, and in additional newspapers if in the judgment of the District the best interests of the School Board will better be served by the additional notices.*

Any taggable inventoried item purchased with Federal grant monies, which has been determined to be surplus property having commercial value, shall be disposed of according to the "Uniform Federal Assistance Regulations" (7 C.F.R. Part 3015) and in the following manner:

- A. Equipment with a current market value of less than \$5,000 shall be disposed of in the same manner as surplus taggable inventoried items having commercial value.
- B. If Federal grant equipment with a current market value of \$5,000 or more is sold, then \$500 or ten percent (10%) of the total sales proceeds, whichever is greater, shall be deducted and retained from the amount otherwise due for selling and handling expenses. If the recipient's project or program, for which or under which the equipment was acquired, is still receiving grant support from the same Federal program, and if the awarding agency approves, the net amount due may be used for allowable costs of that project or program. Otherwise, the net amount shall be returned to the awarding agency by check or money order.

F.S. 274.05, 274.06, 274.07, 1001.32(2), 1001.42, 1001.43, 1002.33(18)(e), 1013.28(2)

F.A.C. 69I-73.005

## 7410 - MAINTENANCE AND OPERATIONS

The School Board recognizes that the fixed assets of this District represent a significant investment of this community and their maintenance and effective operation is of prime concern to the Board.

There will be a continuous program of inspection, maintenance, ~~and~~ rehabilitation, and proper operations for the preservation of all school buildings and equipment.

The Superintendent shall develop, for implementation by the custodial, maintenance, and professional/technical staff, a facility maintenance and operations program.

The Superintendent shall develop such procedures as may be necessary for the ongoing maintenance and operation of the physical plant and for the expeditious repair of those conditions which could affect the safety and security of the occupants or the integrity of the plant.

F.S. 1001.51

## 7420 - SANITATION AND HOUSEKEEPING

The Superintendent shall maintain an adequately trained plant operations staff to ensure that schools are properly cleaned, that equipment in the schools is properly operated in an energy-efficient manner, and that facilities are maintained in a safe condition for educational use.

Contracted services shall be used only as necessary and approved by the School Board.

F.S. 1001.51

## 7434 - TOBACCO AND NICOTINE USE

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

For purposes of this policy, "use of tobacco and nicotine products" shall mean all uses of tobacco, including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, or any substance or product that contains tobacco or nicotine. Such use shall not include use of smoking cessation products such as nicotine patches or nicotine gum for their intended purposes.

No person may use tobacco or nicotine products in any Board facility, including the outside grounds, or in any Board owned or operated vehicle.

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



## 7440 - PLANT SECURITY

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. Such a program may include video surveillance equipment, security alarm devices, or monitoring devices in appropriate public areas in and around the schools and other District facilities.

The Superintendent shall report to the Board each major case of vandalism and the extent of the damage.

F.S. 1001.51

## 7440.02 - VANDALISM, DAMAGE, LOSS, AND MALICIOUS MISCHIEF

The principal or administrator shall report, as appropriate, damage, loss, vandalism, or malicious mischief to the Superintendent and to the proper law enforcement agency giving all available information.

### **By Students**

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.

### **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 Agreements**

An organization granted 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

## 7450 - INVENTORIES AND PROPERTY RECORDS

"Property record accounting" pertains to the acquisition, supervision, accountability, control, transfer, or disposal of all tangible personal property owned by the School Board. The word "property" used here means equipment and other tangible personal property of a non-consumable nature and the normal life expectancy of which is one (1) year or more. "Custodian" means the person to whom the custody of District property has been delegated by the Board. The "custodian" (principal, director, or department head) shall be responsible for the supervision, accountability and control, and for reporting and recording the acquisition and disposal, of all property in the prescribed manner.

Tangible property, whether purchased or received through donation, the value of which at the time of acquisition was \$1,000.00 or more, shall be tagged and accounted for as an asset of the Board. Certain classifications of equipment or furniture, as designated by the Superintendent to be of special interest and possessing a value of less than \$1,000.00, may be tagged and controlled as a Board asset.

Federal contracts, wherever possible, shall be written to require tangible property of a unit value, at the time of acquisition, of \$1,000.00 or more to be tagged and inventoried annually.

All property within a school or other Board facility shall be physically inventoried annually. An inventory of tagged items under unit control and under group control shall be taken annually with the assistance of District personnel, and all discrepancies shall be traced and reconciled.

The principal, director, or department head shall be responsible for taking inventories of properties valued between \$300 and \$999.99. All cost centers' untagged tangible property inventory reports (formerly known as principal's inventory) shall be submitted to the Auditing and Property Records Department by October 31st of each year.

In addition, the principal or director shall be responsible for taking inventories of textbooks, library books, book stores, school stores, custodial and other instructional supplies, and food service supplies.

A change of principals or other custodial agents will be taken into consideration when scheduling the annual inventory.

Property which is not located during the annual physical inventory by the property records personnel shall be listed in the Annual Audit Report of Internal Funds and Tagged Property as unlocated property. In any cases in which it is determined that negligence has occurred, restitution shall be expected from the responsible individual. A record shall be kept of equipment that is assigned to an individual or department. Equipment shall not be taken from the school or center without approval of the principal or director (or designee) using the appropriate form. A record shall be made of the borrower, the date borrowed and the date the equipment is returned.

Warehouse inventories shall be maintained on an ongoing basis. An annual inventory shall be conducted and results shall be filed in the office of the District's Associate Superintendent of Facilities Operations, Safety and Security.

All materials and equipment within District school facilities, however obtained, are the property of the Board. The sale and/or other means of disposal of such items shall be in accordance with State statutes, State Board of Education Rules and the policies of the Board.

F.S. 274, 274.02, 1001.32(2), 1001.41, 1001.42(2), 1001.43(2c)  
F.A.C. 69I-73

## 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 of \$1,000.00 or more.

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 ensure proper purchase, transfer, and disposal of fixed assets.

F.S. 274.02, 1001.43

F.A.C. 69I-73.002, 69I-73.003(3)(j)

## 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 which will conserve all forms of energy used and/or ensure proper recycling of re-useable 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.

## 7510 - LAND AND FACILITY-USE AGREEMENTS

The School Board will cooperate with community and governmental requests to use Board-owned land and facilities in a manner that is consistent with the District's comprehensive plan.

The Board may enter into agreements that permit the use of Board-owned real property. When suitable, a standard Board-approved facility lease form will be utilized.

When a standard facility lease form is not suitable, the Real Estate and Concurrency Services (RE&CS) Department will develop a written agreement for Board consideration.

The RE&CS Department may lease any Board-owned land and facilities to any person or entity for such contract period, for such rent, and upon such terms and conditions as the Board determines to be in its best interests. Any such agreement may provide for the optional or binding purchase of said land and facilities by the lessee upon such terms and conditions as the Board determines are in its best interests. A determination that said land and facilities so leased are unnecessary for educational purposes is not a prerequisite to the leasing or lease-purchase of said land and facilities.

The agreement will contain standard contract features, including hold-harmless language, maintenance conditions, a termination date, conditions for canceling the agreement prior to the termination date, and fees to be paid, if any.

The agreement will be reviewed by the School Board Attorney prior to submitting the agreement to the Board for approval. The agenda item submitted for Board approval will include a complete copy of any new agreement.

Board-owned land and facilities may be used by another party within the context of a Board-approved agreement under any of the following conditions:

- A. The use is specifically enumerated within the agreement.
- B. The use is attached to the agreement as an exhibit.
- C. The use is added during the contract term by letter or form.

The RE&CS Department will maintain a data base of all land- and facility-use agreements managed by the RE&CS Department.

Prior to renewing any agreement, the RE&CS Department will advise principals, regional superintendents, and other District staff affected by the agreement of its pending renewal.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43(5), 1013.10, 1013.15

## 7511 - FACILITY LEASING

The School Board recognizes the community as a partner and has adopted policies to make School District facilities available to the public. The Board permits the public use of school facilities and maintains its primary aim of highest student achievement by establishing appropriate procedures for the use of school facilities.

The Superintendent, principal, center director, or designee, herein referred to as "school administrator," is authorized to consider the lease of a Board-owned educational plant, herein referred to as "school facility," by an individual or organization, herein referred to as "lessee," for non-school activities that do not interfere with the school program, provided such activities comply with facility-leasing procedure. Administrative and service-center facilities are not available for lease unless authorized by the Superintendent.

This rule does not include leasing procedure related to community schools, the extended-care program, or school facility uses permitted by other Board-approved agreements.

For the purpose of determining the procedure for the use of school facilities and payment of fees, if any, using individuals and groups are classified as follows:

- A. "School based" is a classification used to denote Board-approved activities involving individuals or groups that function as an integral component of the school's program; for example, SAC, school-approved student clubs, Arts Coordination Council activities, Florida High School Activities Association (F.H.S.A.A.) activities, Gus A. Stavros storefront sponsors, Drug Abuse Resistance Education (D.A.R.E.), activities sponsored by the School District's Risk Management employee-wellness program, and use by other District public schools. A facility lease is not required for "school-based" activities.
  1. The Superintendent is authorized to permit the use of a school facility for a public meeting that is related to the District or general education issues. A facility lease is not required. If the use is co-sponsored by another organization all fees are waived if the use occurs at a time when plant operations personnel are already scheduled to be on duty, otherwise, the meeting co-sponsor must pay the appropriate direct costs.
  2. The annual career day for girls sponsored by the American Association of University Women (AAUW) and the annual math competition (Math Counts) sponsored by the Florida Engineering Society are permitted the occasional use of school facilities without a lease for student-career and academic-competition activities. The use of a Saturday school location is permitted at no cost if the school can adjust plant-operation hours to cover the entire day without extra personnel cost. If the school cannot justify rotating coverage, or if additional plant operation hours are required, then the AAUW or Math Counts activities will reimburse all direct costs incurred, beginning from the time plant operations staff was originally scheduled to be off-duty.
  3. The school administrator is authorized to permit a crime watch meeting without a lease if the District Police Department participates in the event and if the use occurs at a time when plant operations personnel are already scheduled to be on duty.
  4. The school administrator is authorized to permit health-related, wellness activities without a lease, regardless of the profit status of the activity promoter, under the following conditions:
    - a. if the use occurs at a time when plant operations personnel are already scheduled to be on duty, and

- b. if the participants are solely School District employees, and
- c. if the activity is sponsored by a school or School District department and paid from School District operating funds, or
- d. the activity is sponsored by the School District's employee wellness program.

If the activity is sponsored by the School District's employee wellness program, fees can be paid by the School District, school, or the participating employees. A health-related, wellness activity, not already provided by the School District, can be sponsored by a school or department. Any fees must be paid from school or department operating funds, since the vendors of these activities would be considered contractors for the District. A lease is required for any vendor using School District facilities for any health-related, wellness activity that is not sponsored by the School District, a school, or department and which involves the payment of money by the participants, even when the only participants will be School District employees.

- B. "Government/Association" is a classification used to denote occasional municipal, county, regional, State, and Federal governmental-agency use of school facilities to carry out non-recreational, official functions or non-partisan public meetings. This classification includes governmental-agency or civic-association sponsorship of non-partisan, political-candidate, or political-issue forums. A facility lease is required if the use is not already covered under an existing Board-approved agreement. All fees are waived if the meeting occurs at a time when plant operations personnel are already scheduled to be on duty, otherwise, the lessee must pay the appropriate direct costs.
1. Occasional homeowner association meetings fall within the government/association classification. To have all fees waived, a homeowner association, in addition to the plant operator requirement in paragraph (B), must be contiguous to the school property and must include a crime watch activity that includes school or School District personnel as part of its agenda, otherwise the homeowner association must pay direct costs.
  2. To qualify under the government/association classification, the lessee of a political-candidate or political-issue forum will abide by, and plan for, the following conditions:
    - a. The general public will be invited to meet and hear all candidates in a particular race or races, or to meet and hear representatives of both sides of an issue appearing on a ballot.
    - b. An invitation, in writing, will be extended to all announced candidates for the specific office or offices, or to all representatives for or against each issue.
    - c. The presentation by each participant will be limited to the same amount of time.
    - d. Distribution of campaign materials will be confined to the immediate area in which the forum is being conducted.
    - e. No preferential treatment will be afforded any candidate or representative of an issue in any way.
    - f. The lessee will pay standard rates if the previous five (5) conditions are not met.



3. A political incumbent, political candidate, or campaign may visit a school facility without a lease when staff is on duty. The visit should be intended to gather information. A visitor is not permitted to record or film students, pass out literature or conduct any type of fund-raising activity while on the site. Visitors should request school site access in advance through the school administrator.
    - a. A political incumbent, political candidate, or campaign may use the school facility as a background for campaign events without a lease if the event is conducted off the site and at a time when school is not in session to avoid the filming of students.
    - b. A political incumbent may use the school facility for official purposes under the government/association classification.
    - c. A political incumbent, political candidate, or campaign must submit a lease for any fund-raiser, filming by or on behalf of an incumbent or candidate, formal speech or statement. Standard lease fees apply. An incumbent, political candidate, or campaign must submit a lease for any candidate's forum, issues forum, town meeting, or informational meeting. Standard lease fees apply if the conditions in paragraph (B)(2) are not met.
  4. Any training exercise at a school facility by a law enforcement agency or other emergency-response agency, in addition to complying with (B), must also be approved and coordinated before the date of use with the school administration and the District Police Department. The District Police Department will advise the School District's public information office.
- C. "School related" is a classification used to denote the use of school facilities by volunteer, non-profit, public, direct-support, or governmental organizations and agencies for a non-profit activity, which principally benefits the aims of the School District, such as highest student achievement, and the use is not covered by an existing Board-approved agreement. A facility lease is required.
1. The following are examples of groups whose activities typically qualify as school-related groups:
    - a. PTA
    - b. PTSA
    - c. parent teacher organizations
    - d. booster clubs
    - e. organized, youth-sports clubs
  2. A school-related lessee as defined in paragraph (C) will have all charges waived if all of the following conditions are met:
    - a. Plant operations personnel are already scheduled to be on duty regardless of whether the lease occurs, and no extra plant-operator hours due to the lease are required.
    - b. Inside facilities are not occupied by the lessee more than ten (10) times per year.
    - c. Any fees charged students, participants, or spectators are nominal and designed to cover only incidental or lease-related expenses.

- d. No athletic field lights or court lights will be used.
  3. A school-related lessee will pay direct costs if it does not meet all four (4) of the criteria in paragraph (C)(2), however, if the school-related lessee meets all waiver criteria except the number of occupancies, the school-related lessee will be eligible to have the first ten (10) days use on a fee-waiver basis.
  4. Use of sports equipment, play fields, athletic fields, and stadiums by youth-sports groups may result in extra direct costs to the School District, such as grounds-keeping expense. Although the lessee may qualify for a waiver of lease fees, the school administrator or Executive Director of Pre K-12 Extracurricular Activities may, depending on the intensity and the duration of field use, request services or fees from the lessee to defray costs, such as clay for infields. The Executive Director of Pre K-12 Extracurricular Activities may waive fees for stadium or field use. Questions regarding appropriate service-in-kind, additional charges for field use, or fee waivers should be referred to the Executive Director of Pre K-12 Extracurricular Activities.
  5. School-support fund-raisers do not require reimbursement of direct costs if all of the following conditions are met:
    - a. All proceeds collected are for the benefit of the school, school support group, school club, or activity and all funds are processed through the school's accounts.
    - b. A plant operator is already scheduled to be on duty.
    - c. A central chiller system is either already on or does not need to be used solely for the fund-raiser.
    - d. The fund-raiser is supervised and coordinated by a School District employee who is not paid or compensated for the event.
    - e. The fund-raiser is approved by the school administrator.
  6. A fund-raising carnival with mechanical rides will provide, in addition to the items listed in paragraph (5), the following additional certificates:
    - a. A certificate of insurance from the provider of the mechanical rides listing the Board as a certificate holder and additional insured, with proof of at least \$1,000,000 liability insurance coverage for bodily injury and personal property damage.
    - b. A list of all rides and attractions.
    - c. A copy of the most recent Amusement Device/Attraction Inspection Report for each mechanical ride which will be utilized.
    - d. Specific written approval by the Regional Superintendent.
- D. "Community" is a classification used for lessees or lease activities that do not fall within the classifications above, including, but not limited to, financial seminars, religious groups, dance recitals, homeowner associations, businesses, and others that desire to use school facilities. A facility lease is required, and standard rates apply.
1. Community groups are permitted to lease school facilities under the following conditions, unless provided elsewhere by policy:

- a. The lease does not occur during school hours, unless the use is of an area of the site with no use by students.
  - b. The group is using the school facility for temporary use.
2. Financial service companies offering their products to Board employees through payroll deduction plans must be Board-approved. The school administrator should contact the Risk Management and Insurance Department to determine the company's eligibility. The school administrator may permit a Board-approved 403-B product to be presented to school employees only, without a lease. The dates and times of these presentations are at the discretion of the school administrator.
  3. Board employees may lease school facilities under the following conditions:
    - a. The employee may not conduct any lease activity during times the employee is working for the Board, nor will the employee ask other District staff to conduct any activity other than what District staff would ordinarily perform in the normal scope of their employment for any lease function.
    - b. A coach running a sports camp will comply with the rules of the Florida High School Activities Association and will obtain the prior permission of the Executive Director of Pre K-12 Extracurricular Activities. All employees will obtain the prior permission of their principal or center director prior to leasing a school facility.
    - c. The employee will not directly recruit students in the employee's classes, programs, or activities they are supervising, nor should there be any implication that student participation will have any impact on future grades or participation on clubs or teams. The employee will provide documentation to the principal or center director that all student participants have been advised in writing that the employee is operating the activity as a private individual or business, that the school facility is to be leased, and that attendance at the activity is in no way related to earning a grade or a position on a club or a sports team.
  4. Any advertising or promotional material by or for a community lessee that includes the name or address of any school facility must also contain the statement "The School Board of Pinellas County, Florida, is neither sponsoring, nor affiliated with this event." The same statement must also be included in any literature, promotional material, or sign-up sheets that may reach a school's student or parent population. This statement is not required for governmental or school-related lessees, as defined in paragraphs (B) and (C).
  5. Approval of a lease for a community lessee does not entitle the lessee to promotional access to the school's staff, students, or parent population.

Any promotional material to be distributed to a school's staff, students, or parent population must have the prior approval of the school administrator and the appropriate Director of School Operations, and must contain the disclaimer language referenced in paragraph (D)(4).

The school administrator is responsible for responding to groups wanting to lease school facilities, and for collecting and properly accounting for lease fees.

The presence of at least one (1) individual from school plant operations personnel will be required whenever school buildings are occupied.

The school administrator can require the presence of plant operations personnel and other staff for outside activities.

Board employees who are administrators are not eligible to be compensated for lease activities.

The lessee will abide by all Board policies, the terms and conditions of the facility lease, and requests by the school administrator. The facility lease will state that the lessee will observe all applicable governmental regulations. Concessions and concession stands may be operated only with the school administrator's approval and under terms and conditions as approved by the school administrator. School facilities used must be returned in as good a condition as when leased. Smoking and alcoholic beverages are prohibited on Board-owned property, including both inside and outside facilities.

School facilities will not be leased to lessees for the purpose of providing instruction to public school students unless said instruction is reviewed and approved by the Division of Curriculum and Instruction.

School facilities will not be available for rental to private schools that do not hold an approved form 441 (Civil Rights, Title VI).

The school having administrative responsibility for the facility involved will submit the facility lease to the Real Estate and Concurrency Services (RE&CS) Department, which is located at the Walter Pownall Service Center. The RE&CS Department is responsible for processing and executing facility leases. A certificate of insurance must include proof of broad form commercial general liability insurance in the minimum amount of \$1,000,000 for the entire duration of the lease, the Board as an additional insured for the event, and the RE&CS Department listed as certificate holder. Proof of Florida sales tax exemption (if applicable) will also be submitted to the RE&CS Department. A correctly completed lease and all required certificates must be received by the RE&CS Department at least ten (10) working days prior to the first use of the leased school facility. For the purposes of facility-leasing procedure, working days are defined as when administrative staff is on-duty at the school facility to be leased and therefore excludes weekends, school holidays, and other days when the school facility is not in session. The RE&CS Department will advise the school if the lease is approved or declined.

State and local governmental agencies are permitted to submit proof of insurance or self-insurance in lieu of the certificate of insurance described above. State and local governmental agencies may modify the standard hold harmless and proof of insurance clauses of the facility lease, with approval of the School Board Attorney. Federal governmental agencies may waive certain conditions of the lease as set forth under the Federal Tort Insurance Act.

Lessees that will owe funds to the Board as the result of a leasing activity will pay the school the entire amount due prior to the event. The school administrator may permit periodic payments by the lessee but only if the payments occur before the lessee uses the facility. The frequency of periodic payments is completely at the option of the school administrator.

Board facilities may not be used for funeral services. However, the principal or center director may elect to conduct memorial services that include students, staff, and family.

Neither alcoholic beverages nor smoking are permitted on Board property. This includes inside and outside facilities. The lessee will be required to establish and maintain procedures to convey this information to all of its participants and invitees.

Keys to school facilities will not be provided to lessees, except under special circumstances as approved by the Regional Superintendent.

The authority to accept or refuse a facility lease resides with the principal or center director. A lessee applicant may appeal a school's decision to refuse a lease to the Regional Superintendent. The Regional Superintendent's decision is final. The facility lease and associated documentation must be submitted to the RE&CS Department for review. The RE&CS Department will notify the Regional Superintendent of leases in their area. The Board will be provided a quarterly summary of facility-lease activity.

Facility-lease charges will be according to approved rates.

The Superintendent is authorized to establish and adjust facility-lease rates in response to costs incurred, such as utility and personnel costs, and to adopt facility-lease procedures in response to changes in State statutes and other Board rules.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1013.10, 1013.15  
SREF 2-2.2(1)  
Title VI, Civil Rights Act of 1964

## 7530 - LENDING OF DISTRICT-OWNED EQUIPMENT

No item of District-owned equipment shall be loaned for nondistrict school use off school property. 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. Use agreements and contracts made with other government agencies may include the use of District equipment.

The user of District-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.

District equipment may be removed from District property by staff members only when such equipment is necessary to accomplish tasks arising from their school or job responsibilities. A Property Removal Contract (PCS form 3-1943) must be completed and approved by the principal or appropriate department head before District equipment is removed from District property. Annually, all District property must be returned to the school no later than the close of the fiscal year.

District equipment may be removed from District property by students, only when such equipment is necessary to accomplish tasks related to class assignments. A Property Removal Contract (PCS form 3-1943) must be completed, signed by the student's parent, and approved by the principal before District equipment is removed from District property.

F.S. 1001.43, 1001.51

## 7530.01 - STAFF USE OF ELECTRONIC COMMUNICATION DEVICES

The School Board will provide electronic communication devices to employees who by the nature of their job have a routine and continuing business need for the use of such communication devices for official Board business. For purposes of this policy, electronic communication devices include, but are not limited to, cellular telephones, pagers, and wireless broadband cards and devices. Electronic communication devices are provided as a tool to conduct Board business and to enhance business efficiencies. Electronic communication devices 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 such accounts for electronic communication devices are billed on a time-used basis, Board-owned electronic communication devices and services should not be used when a less costly alternative method of communication is safe, convenient, and readily available).

In order to protect the employee from incurring tax liability for the personal use of Board-owned and provided electronic communication devices, such devices are to be used for business reasons only. Unauthorized use of Board-owned and provided electronic communication devices will result in appropriate disciplinary action and the Board may seek reimbursement for unauthorized use of such devices.

The Superintendent or his/her designee is expected to see that:

- A. the need for each Board-owned and provided electronic communication device and service account is clearly justified for Board business purposes;
- B. alternative solutions for work production and communication have been considered;
- C. employees provided with electronic communication service accounts understand the purpose and limitations of usage;
- D. electronic communication service account invoices outlining the details of usage are received and reviewed for conformance with this policy; and
- E. use of an electronic communication service account is terminated when no longer justified by business requirements, the employee leaves the Board's employment, and/or when the employee has by actions demonstrated a disregard for the limitations of this policy.

Possessing a Board-owned and provided electronic communication device is a privilege and all employees are expected to use them appropriately and responsibly. Employees are responsible for managing the cost effectiveness of electronic communication devices by utilizing assigned landlines and local area networks as available and appropriate.

Employee safety is a priority of the Board, and responsible use of cellular telephones includes safe use.

Employees whose job responsibilities include regular or occasional driving and who are issued an electronic communication device for business use are expected to refrain from using their electronic communication device while driving. Safety must come before all other concerns. Regardless of the circumstances, including slow or stopped traffic, employees are strongly encouraged to pull off to the side of the road and safely stop the vehicle before placing or accepting a call. If acceptance of a call is unavoidable and pulling over is not an option, employees are expected to keep the call short, use hands-free options if available, refrain from discussion of complicated or emotional topics, and keep their eyes on the road. Special care should be taken in situations where there is traffic, inclement weather, or the employee is driving in an unfamiliar area.

Electronic communications are not secure. Therefore, employees should use discretion in relaying confidential information, particularly as it relates to students.

Employees must safeguard any Board-owned electronic devices in their possession. Reasonable precautions should be made to prevent equipment loss, damage, theft, and vandalism. Upon resignation or termination of employment, or at any time upon request, the employee may be asked to produce the equipment for return or inspection. Employees unable to present the equipment in good working condition within the time period requested (e.g., twenty-four (24) hours) may 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 and may be subject to legal action for recovery of the loss.

The Board reserves the right to audit all Board-owned electronic communication devices and their use, which will include but not be limited to, a review of the monthly billing by the appropriate supervisor. Board electronic communication service account statements, invoices and payment documents are public records and, as such, may be subject to disclosure and review.

A monthly detailed activity statement for all charges is received for each Board-owned and provided electronic communication device. The statements are distributed to the appropriate supervisors for their review.

#### **Use of a Personally-Owned Electronic Communication Device While at Work**

Personal use of electronic communication devices during work hours can interfere with employee productivity and be distracting to others. Employees are expected to use discretion in using electronic communication devices while at work. Employees are asked to use electronic communication devices for personal business during breaks and lunch period and to see that friends and family members are aware of the Board's policy.

Violation of this policy may constitute just cause for disciplinary action up to and including termination.

The Superintendent shall prepare the necessary administrative procedures for the implementation of this policy.



## 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. It also recognizes that safeguards have to be established to ensure that the Board's investment in both hardware and software is achieving the benefits of technology and inhibiting negative side effects.

The Superintendent is directed to establish administrative procedures not only for proper acquisition of technology but also to provide guidance to staff and students concerning making appropriate and ethical use of the computers and other equipment as well as any networks that may be established. Network sign-on procedures will be established and must be adhered to.

The use of these technology resources is a privilege, not a right.

F.S. 1001.43

## 7540.02 - DISTRICT WEB PAGE

The School Board authorizes the creation of websites by employees and students of the School District to be published on the World Wide Web. These websites 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 is subject to prior approval of the Superintendent. The creation of websites by students must be done under the supervision of an instructional staff member.

The purpose of such websites is to educate, inform, and communicate. The following criteria should be used to guide the development of such websites:

A. **Educate**

Content provided in the website should be suitable for and usable by students and staff members to support the curriculum and the Board's objectives as listed in the Board's strategic plan.

B. **Inform**

Content may inform the community about the school, 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 website 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 the pages must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, Children's Internet Protection Act).

Under no circumstances is a website 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 website 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 website of another organization if the other website 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 website, the Board shall adopt a resolution at a public meeting declaring that such statement serves a public purpose.

Pages should reflect an understanding that both internal and external audiences will be viewing the information.

School websites must be located on Board-affiliated servers.

The Superintendent shall prepare procedures defining the standards permissible for website use.

The Board retains all proprietary rights related to the design of websites and/or pages that are hosted on the Board's servers, absent written agreement to the contrary.

Students who want their class work to be displayed on the Board's website 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 website.

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)

## 7540.03 - NETWORK/INTERNET ACCEPTABLE USE AGREEMENT

Prior to a student being allowed access to the Internet, the students and the student's parent or guardian are required to sign a Network/Internet Acceptable Use Agreement as provided below.

### **Network/Internet Acceptable Use Agreement**

The District uses computers to support learning and to enhance instruction. Computer networks in the schools allow students and staff to interact with many computers. The Internet, a network of networks, allows people to interact with hundreds of thousands of networks and computers. Internet access is now available to designated students in the District. This resource offers vast, diverse, and unique resources to students that will allow them to communicate with people from around the world, visit electronic libraries, perform research on a variety of subjects, and participate in special projects with students from all points on the globe. The goal in providing this service is to promote educational excellence in schools by facilitating resource sharing, innovation, and communication. This technology will benefit all students as they prepare for work in a global marketplace.

The student is expected to follow all guidelines stated below, as well as those given orally by the appropriate staff, and to demonstrate ethical behavior that is of the highest order in using the network facilities at the school.

#### **A. Acceptable Use**

The purpose of the Internet is to facilitate communications in support of research and education by providing access to unique resources and the opportunity for collaborative work. The use of the student's account must be in support of and consistent with the educational objectives of the District. Use of other organizations' networks or computing resources must comply with the rules appropriate for that network. Transmission of any material in violation of any U.S. or State regulation is prohibited. This includes, but is not limited to: copyrighted material, threatening or obscene material, or material protected by trade secret. Use for commercial activities is generally not acceptable. Use for product advertisement is also prohibited.

#### **B. Privileges**

The use of the Internet is a privilege, not a right, and inappropriate use will result in a cancellation of those privileges. The District-wide network system administrator will be the supervisor of distributive and user support systems. In addition, the principal will appoint a staff member to act as the school's network system administrator. Students may not allow others to use their account name or their password. Violation of this rule could jeopardize access to the Internet and students who violate this rule will immediately lose all network and computer access. The school's network system administrator will deem what is inappropriate use and the decision will be final. Also, the school's network system administrator may close or restrict an account at any time as required. The administration and staff of the District or the school may also request the District-wide network system administrator or the school's network system administrator to deny, revoke, or suspend specific user access.

#### **C. Network Etiquette**

Students are expected to abide by the generally accepted rules of network etiquette. These include, but are not limited to the following:

1. Do not reveal personal address, phone numbers, or other personal information of yourself or classmates.
2. Be polite. Do not get abusive in messages to others.
3. Use appropriate language. Do not swear, use vulgarities, or any other inappropriate language.

4. Do not access inappropriate material or engage in activities that are prohibited under local, State, or Federal law or School Board policy.
5. Users should have no expectation of privacy in any communication sent or received by e-mail, or in regard to the Internet or network access. This also applies to e-mail or other documents that are archived or otherwise recoverable.
6. Do not use the network in such a way that would disrupt the use of the network by other users.
7. All communications and information accessible via the network should be assumed to be private property.

**D. Services**

1. The District will not be responsible for any charges related to fee for service access to on-line resources or services incurred by account holders without prior written approval being received from the District.
2. The District makes no warranties of any kind, either expressed or implied, for the service it is providing. The District will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or errors or omissions including any and all viruses. Use of any information obtained via the Internet is at the student's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

**E. Security**

Security on any computer system is a high priority, especially when the system involves many users. If the student can identify a security problem, the student must notify the school's network system administrator or the District-wide network system administrator and should not demonstrate the problem to other users. Attempts to logon to the Internet as a network system administrator will result in cancellation of user privileges. Any user identified as a security risk or having a history of problems with other computer systems may be denied access to the Internet.

**F. Vandalism**

Vandalism will result in cancellation of Internet privileges. Vandalism is defined as any malicious attempt to harm or destroy data of another user, Internet, or any of the above listed agencies or other networks that are connected to the District. This includes, but is not limited to the uploading or creation of computer viruses.

The student shall be required to sign a statement indicating that: "I understand and will abide by the Network and Internet Use Agreement. I further understand that any violation of the regulations stated is unethical and may constitute a criminal offense. Should I commit any violation, my access privileges may be revoked and school disciplinary and appropriate legal action may be taken."

The parent or guardian shall be required to sign a statement indicating that: "As the parent or guardian of this student, I have read the Network and Internet Use Agreement. I understand that my child's access is designed for educational purposes. I recognize it is impossible for the District to restrict access to all controversial or offensive materials and I will not hold them responsible for materials acquired on the network. Further, I accept full responsibility for the supervision, if any, when my child's use is not in a school setting. I have read and understand the information in this agreement and hereby give my permission for my child to use the Internet for classroom curriculum projects."

**Additional Internet Safety Measures**

In order to provide additional safety measures for students in their use of District computers, and to comply with the Children's Internet Protection Act (CIPA), 66 Fed. Reg. 19394 (April 16, 2001), the following steps shall be undertaken:

- A. The District shall utilize technology protection measures, (including Internet filtering or blocking software), to prevent access to visual depictions that are obscene, child pornography, or otherwise harmful to minors.

- B. Teachers, media specialists, and other school personnel shall monitor the on-line and other computer use of students to:
1. prevent students from gaining access to inappropriate or harmful material, as determined by school administration considering school curriculum, the Code of Student Conduct, other Board policies, and local, State, and Federal laws and regulations;
  2. oversee issues of safety in students' use of e-mail, chat rooms, and other types of electronic communication;
  3. prevent students from engaging in unauthorized or unlawful on-line activities, including hacking;
  4. prevent students from making unauthorized disclosure, use or dissemination of personal information; and
  5. otherwise monitor and enforce compliance with the Acceptable Use Agreement.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1001.51

H.R. 4577, P.L. 106-554, Children's Internet Protection Act of 2000

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

18 U.S.C. 2256

18 U.S.C. 1460

18 U.S.C. 2246

## 7540.04 - USE OF ELECTRONIC RESOURCES

The District provides electronic resources (including, but not limited to, computers, networks, software, Internet access, telephones, electronic communication devices, and facsimile machines) to support the educational mission of the schools, to enhance the curriculum and learning opportunities for students and school staff, and to conduct District business.

### **Property of the District; No Expectation of Privacy:**

The District retains control, custody, and supervision of all electronic resources owned or leased by it. All messages created, sent, or retrieved through electronic resources are the property of the District. Any information generated, stored, or sent through electronic resources is the same as any written document and may be subject to Florida's Public Records Act, F.S. Chapter 119. The District reserves the right to monitor all use of electronic resources by employees and other users. Employees have no expectation of privacy in their use of electronic resources.

Use of District electronic resources constitutes consent to monitoring of such use. Such monitoring may occur at any time and will usually go unnoticed even by skilled users. The scope of the monitoring is unlimited. All information, including personal information, placed on or sent over District systems by use of District electronic resources may be monitored.

### **Acceptable Uses:**

Employees are to use the District's electronic resources for school-related purposes and performance of job duties consistent with the District's strategic directions and goals. Users may access the network only through District-owned computers and access points unless otherwise approved by the Superintendent. When using electronic resources, all users must adhere to the provisions of this policy, the District's standards of conduct, and the Code of Ethics and Principles of Professional Conduct of the Education Profession in the State of Florida, F.A.C. 6B-1.001 and 6B-1.006.

### **Incidental Personal Use:**

Incidental personal use of electronic resources is permitted as long as such use does not interfere with the employee's job duties and performance, with system operations or other system users. "Incidental personal use" means use by an individual employee for occasional personal communications, in the same manner as an employee might reasonably use the District's telephone for occasional personal calls. Such personal use must comply with this policy.

### **Unacceptable Uses:**

General rules and expectations for professional behavior and communication apply to use of the District's electronic resources. Examples of unacceptable uses that are prohibited include, but are not limited to, the following:

- A. Any use that is illegal or in violation of other District policies, including harassing, discriminatory, or threatening communications and behavior. Harassing, defamatory, insulting, or profane language or pictures are not permitted. It is not permitted to transmit messages with derogatory or inflammatory remarks about a person's race, color, sex, creed, religion, legal marital status, national origin, age, handicap, physical attributes, or sexual orientation.
- B. Any use involving materials, language, or pictures that are obscene, pornographic, sexually explicit, or sexually suggestive.
- C. Any inappropriate communications with students or minors.
- D. Any use for private commercial, advertising, or business solicitation purposes.
- E. Any use of electronic resources as a forum to solicit, advocate, or communicate the personal, political, or religious views of an individual or non-school-sponsored organization. However, the District may establish limited forums to solicit and communicate the personal views of employees or members of the public on specific topics. The Superintendent or designee shall determine the appropriate hour and duration that a forum will be available.

- F. Any use to raise funds for any non-school-sponsored purpose, whether profit or not-for-profit, except as approved by the Superintendent or designee.
- G. Any use to convey a threat of violence.
- H. Any use to disseminate false information that impacts the credibility of the District.
- I. Any communication that represents personal, political, or religious views as those of the District or that reasonably could be misinterpreted as such.
- J. Opening or forwarding any e-mail attachments (executable files) from unknown sources or that may contain viruses. Employees should take all necessary precaution to prevent viruses from entering the District's network.
- K. Sending or forwarding mass e-mails or chain letters to District users or outside parties for District or non-district purposes without the permission of the principal or department administrator ("site administrator").
- L. Any use that disrupts a District activity, including but not limited to the District's electronic resources. Deliberate attempts to degrade or disrupt systems performance will be viewed as criminal activities under applicable State and Federal law.
- M. Any misuse or damage to the District's electronic resources.
- N. Misuse of computer passwords or accounts. Users may not use others' passwords without their explicit permission and may not share passwords with others. Employees should change their passwords at least quarterly to protect the security of the network. Trespassing in others' folders, documents, or files is unacceptable. The employee is responsible for his/her actions and activities involving District electronic resources, and for his/her computer files, passwords, and accounts.
- O. Any attempt to access unauthorized sites by bypassing the District's Internet filtering system.

This policy provides general guidance and examples of prohibited uses for illustrative purposes, but does not attempt to state all required or prohibited activities by users. Employees or other users who have questions regarding whether a particular activity or use is acceptable should seek further guidance from the site administrator. If the site administrator is unsure of the answer, the site administrator should contact the office of Instructional Technology or MIS.

#### **Supervision By Staff:**

Employees who have the responsibility to supervise students or staff shall provide that supervision during the use of electronic resources.

#### **Confidential Information:**

Users may not share confidential information on students or employees with users who are not authorized to have such information. All users who have access to or may have access to personally identifiable student records shall adhere to all standards included in the Family Education Rights and Privacy Act (FERPA); Protection of Pupil Rights Amendment Act (PPRA); F.S. 228.093 and 231.291; and other applicable laws and regulations, as they relate to the release of student and employee information.

#### **Copyright Infringement:**

[Policy 2531](#), Copyrighted Works, will govern the use of material accessed through the District network. It is a violation of the copyright laws to load software onto a District computer without a license authorizing the use of that software on that computer. Employees shall take reasonable precautions to prevent the copying or the use of unauthorized copies of software on District equipment, and to avoid the use of single copies of software or CD-ROM products across a network with multiple users unless such use is permitted by the application license agreement.

#### **Unauthorized Charges:**



The District assumes no responsibility for any unauthorized charges made by employees, including, but not limited to, credit card charges, subscriptions, long distance telephone charges, equipment and line costs, or for any illegal use of its computers such as copyright violations.

**No Warrantee:**

The District makes no warranties of any kind, either expressed or implied, for the service it is providing. The District will not be responsible for any damages suffered. This includes loss of data resulting from delays, non-deliveries, mis-deliveries, or service interruptions caused by its own negligence or errors or omissions including any and all viruses. Use of any information obtained via the Internet is at the user's own risk. The District specifically denies any responsibility for the accuracy or quality of information obtained through its services.

**Penalties for Non-Compliance:**

Failure to comply with this policy may result in suspension or revocation of the user's privilege of access, and may subject the user to civil liability or criminal charges. Employees may also be subject to disciplinary action up to and including termination as defined in Board policy and/or the collective bargaining agreement dealing with staff discipline.

Adopted 12/9/09; Revised 6/29/10

## 8141 - MANDATORY REPORTING OF EMPLOYEE MISCONDUCT

It is the policy of the School Board to effectively address employee misconduct and, where appropriate, to provide a measured disciplinary response consistent with due process. In addition, with respect to 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 School Board Attorney. Failure to report such alleged misconduct shall result in appropriate disciplinary action (F.S. 1012.796(d)).

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), and 1001.42(7)(b).

Staff alleged to have committed such misconduct shall be reassigned pending the outcome of a misconduct investigation.

### **Posting Requirements**

The procedure for reporting misconduct shall be as follows:

- A. The employee responsible for reporting the complaint of misconduct shall make the report to the Office of Professional Standards at 301 4th Street SW, P.O. Box 2942, Largo, Florida 33779-2942; telephone 727-588-6472; fax 727-588-6496.
- B. The report shall be made promptly upon the employee's becoming aware of the misconduct.
- C. The employee shall furnish such information as may be requested by the Office of Professional Standards.
- D. The Office of Professional Standards shall determine the legal sufficiency of the complaint.
- E. If the complaint of misconduct is legally sufficient, the Office of Professional Standards shall advise the Superintendent prepare correspondence for the Superintendent's signature transmitting the complaint and any required material to the Department of Education within the required thirty (30) day period.

Employees who fail to report suspected or actual child abuse or alleged misconduct by other employees shall be subject to discipline up to and including termination of employment, pursuant to Board [Policy 1140](#), [Policy 3140](#), and [Policy 4140](#).

### **Filing a Complaint with the Department of Education**

The District shall file with the Department of Education in writing all legally sufficient complaints within thirty (30) days after the date on which the subject matter of the complaint comes to the attention of the District. 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 District shall include all known information relating to the complaint with the filing of the complaint.

### **Report of Resignation or Termination**

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 shall report the misconduct to the Department of Education in the format prescribed by the Department.

### **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 shall 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, or any of its employees, shall 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.

A copy of this policy shall be posted in a prominent place at each school site and on each school's internet website. (F.S. 1006.061(2))

F.S. 1001.41, 1001.42, 1001.51, 1006.061, 1012.795, 1012.796

## 8210 - SCHOOL CALENDAR

Not later than the end of the first semester of each school year, the Superintendent, after receiving the recommendations of a calendar committee, shall recommend to the School Board for adoption an annual calendar for school holidays and opening and closing term dates for the next school year, which shall conform to and provide such days for students and teachers as are required by law. The Board shall approve a list of religious holidays on which student absence from school shall be allowed when the annual school calendar is adopted.

Good academic practice calls for student attendance to be at or near capacity when testing and other major events are scheduled for students. Therefore, the calendar committee shall be expected to take into consideration the dates of religious holidays of the various faiths, when a large number of students and staff are usually absent.

F.S. 1001.42, 1001.43, 1003.43

## 8210.01 - RELIGIOUS HOLIDAY EXEMPTIONS

- (1) In order to prevent a conflict between participation in religious observances and participation in public school attendance in grades kindergarten through 12, a student shall be exempt from attendance for a day or days, or for a period of time on a day, designated by the School Board as a religious holiday.
- (2) The Board shall approve a list of religious holidays on which student absence from school shall be allowed when the annual school calendar is adopted. The Superintendent is authorized to add religious holidays to the list when presented with documentation establishing the existence of a legitimate religious holiday.
- (3) The parent or guardian of a student who is to be absent on such a religious holiday shall provide to the principal or a designated school administrator, prior to the absence, a signed notice of the student's intent to be absent. The notice shall contain the name and address of the student to be absent and the date and/or time of the absence.
- (4) The principal and teachers at each school shall plan examination, study, and assignments so that no undue hardship is imposed upon the student exempted from attendance to observe a religious holiday. No testing of any kind or major reviews shall take place on a religious holiday recognized by the Board.
- (5) A student shall have the opportunity to make up any examination, study, or assignment which has been missed because of absence for observance of a religious holiday or because the tenets of the student's religion forbid secular activity at such time.
- (6) The principals and teachers at each school shall be responsible for making available to the student so exempted the examination, study, or assignment which has been missed and no special fees shall be charged for such opportunity.

Adopted 12/9/09; Revised 7/26/11

## 8220 - SCHOOL DAY

Prior to the beginning of the school year, the opening and closing hours shall be established for each school, upon the recommendation of the Superintendent and approval of the School Board. The 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.

Except in cases of emergency as declared by the Superintendent, no principal is authorized to dismiss school before the regularly scheduled hour. 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.

The Superintendent shall have the authority to determine which school-related activities may be conducted if the schools are closed for a period of time. The Superintendent shall communicate with students, parents, and others regarding the scheduling and the conduct of such activities.

F.S. 1001.42, 1001.43, 1001.51

## 8310 - PUBLIC RECORDS INSPECTION AND EXAMINATION

### **PURPOSE**

The purpose of this policy is to provide guidelines for responding to public records requests in accordance with the provisions of Art. I § 24, Florida Constitution, and the Public Record Act, F.S. Chapter 119.

### **POLICY**

It is the policy of the School Board that all public records made or received in connection with the official business of the Board and the School District be made available upon request of any person for inspection, examination, and copying in accordance with applicable law and the following policy guidelines:

- A. All public records shall be available for inspection or copying under the supervision of the custodian (or designee) of the public records at reasonable times during normal office hours of the District office or other office in which records are maintained. All public records that are presently provided by law to be confidential or prohibited from being inspected by the public, whether by general or special law, are exempt from production.
- B. The Superintendent may from time-to-time direct that public records requests be handled in a specific manner in order to ensure that the public record are protected, that requests are complied with as expeditiously as is reasonably possible given the nature and scope of the request, and that confidential and exempt records are not disclosed except as required by law. Such directives must not be used in any way to hinder, delay, or circumvent a person's right of access to the public records.
- C. The fact that the originator of a public record asks or directs that it remain confidential does not in fact make that document confidential. Such record is still subject to disclosure unless the law makes it confidential or exempt. Except in the case of student records, if a public record contains information that is confidential or exempt by law, a true and correct copy of the original record shall be made, the confidential or exempt portions of copy shall be redacted, and the redacted copy of the record shall be made available to the requesting party. In the case of student records, the entire record is confidential and exempt and shall not be disclosed except as required or permitted by applicable law.
- D. The requesting party need not demonstrate any special or legitimate interest in the requested public records. Requests for public records shall be complied with regardless of the motivation of the requesting party.
- E. The requesting party shall not be required to identify himself/herself as a condition to compliance with the request, nor shall the requesting party be required to reduce the request to writing, as a condition to compliance with the request.
- F. No automatic waiting period shall be imposed. The only delay permitted is that which is reasonably necessary to allow the custodian to compile the requested records and protect against disclosure of those records or portions of records that are confidential and exempt.
- G. The District shall not refuse to provide a public record on the ground that the record is only maintained by another agency.
- H. Public records made or received by a third party pursuant to a contract or agreement with the District shall be subject to disclosure to the same extent as public records in the physical custody of the District.
- I. If a public records request is insufficient to identify the records sought, the requestor shall be promptly notified that more information is needed in order to produce the records. The District shall offer reasonable assistance to the requestor in describing the nature and extent of such information.

- J. The maximum cost of duplication prescribed by law, shall be charged and collected before and as a condition to production. The requesting party shall be advised of these costs in advance of the duplication of the requested records.
- K. In the absence of a statutory exemption, all public records requested shall be produced regardless of the number of records involved or the time and inconvenience associated with the production. However, in addition to the actual cost of duplication, a special service charge shall be imposed for the cost of the extensive use of information technology resources or of clerical or supervisory personnel, where such extensive use is required because of the nature or volume of public records to be inspected, examined or copied. The requesting party shall be given an estimate of the cost before the services are undertaken. Such estimated cost shall be collected from the requestor before duplication of the public records. In the event that the actual cost exceeds the estimate, the difference shall be collected from the requestor before production of the public records. If the actual cost is less than the estimate, the requestor shall be reimbursed the difference at the time the public records are produced. For purposes of this rule, "extensive" means that it will take more than fifteen (15) minutes to identify, locate, compile, review, copy, and re-file the requested records. This service charge shall be computed to the nearest quarter hour exceeding fifteen (15) minutes based on the current rate of pay of the District employee(s) and/or supervisors who perform these services.
- L. Questions concerning public records requests, and compliance therewith, including questions concerning exemptions and confidentiality, should be addressed to the School Board Attorney's office.

## DEFINITIONS

A. Public Records

The term public records includes 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 by the District. Public records encompass all materials used to perpetuate, communicate, or formalize knowledge, regardless of whether they are in final form.

B. Public Records Request

The term public records request means a request by any person, whether written or verbal, for inspection, examination, or copying of public records.

C. Request for Information

A request for information, as distinguished from a public records request, is one in which the requested information does not already exist in public record form.

For example, a person may request staff to create a document that does not already exist (such as by compiling into one document information contained in multiple documents) or to provide a history, to research an issue, or to produce an employee to answer questions. Such requests are not covered by the Public Records Act and not legally enforceable. Nevertheless, such requests may be honored, purely as a public service, when the work involved can be accomplished quickly, or when answering requests of a certain nature are part of the District's duties and responsibilities. Since the Public Records Act does not cover requests for information, there is no prohibition against imposing conditions on the honoring of such requests, except as may otherwise be provided by the District's own rules, practices, and procedures. Therefore, it is appropriate to ask that such requests be put in writing.



## 8320 - RECORDS MANAGEMENT

The Superintendent is the officer charged by law with the responsibility of maintaining the office having public records and is the custodian thereof.

### **The Division of Library and Information Services**

The Division of Library and Information Services 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 Division of Library and Information Services.

### **Records Retention and Disposition Schedule**

The District will comply with the rules establishing schedules and disposal processes for public records which are adopted by the records management program of the Division of Library and Information Services.

F.S. 119.021, 1002.22

## 8330 - 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 the requirements of the Family Educational Rights and Privacy Act (FERPA). These rights include:

- A. The right to inspect and review education records;
- B. The right to seek amendments of the student's education records that are inaccurate, misleading, or otherwise in violation of the student's privacy rights;
- C. The right to consent to disclosure of personally identifiable information contained in the student's education records; and
- D. The right to file a complaint concerning alleged failures to comply with the requirements of FERPA

The [Student Education Records Manual](#), adopted July 27, 2010 and amended July 24, 2012, which is incorporated herein by reference, establishes additional guidelines to implement the statutes, regulations, and policies pertaining to education records and the rights of students and parents with respect to those records.

F.S. 1002.22, 1002.221, 1002.225  
20 U.S.C. Section 1232f through 1232i (FERPA)

Adopted 12/9/09; Revised 7/27/10, 7/24/12

## 8330.01 - LEGAL NAME ON STUDENT RECORDS

Legal rights and benefits accruing to a person in his/her adult years are often dependent upon data revealed in permanent school records. Inasmuch as most governmental agencies accept these data as factual, only the legal name of a student shall be placed on the official student record. A student may, however, be addressed by any name the parent requests. In those instances in which legal proceedings are pending to have a new student's name changed, the principal may grant a period not to exceed six (6) weeks before posting a name on the official student record. Once a name has been entered on the record, it shall be changed only upon the presentation of a copy of the legal proceedings effecting such change.

F.S. 1001.32(2), 1001.41, 1001.41, 1001.43

## 8350 - CONFIDENTIALITY

State and Federal law requires that student education records be maintained as confidential (see [Policy 8330](#)). State law further 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. 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. The duty to maintain confidentiality extends beyond an individual's term of employment with the District and they are prohibited from releasing, disclosing, or otherwise disseminating confidential information or records subsequent to leaving the Board's employ.

It is further the policy of the Board that 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.

20 U.S.C. 1232g

## 8351 – CONFIDENTIALITY OF SOCIAL SECURITY NUMBERS

- (1) The Board is committed to maintaining the privacy and confidentiality of the Social Security Numbers (SSNs) of all employees, students, and volunteers. Therefore, the collection and use of SSNs within the district shall be limited to the maximum extent allowed by law.
- (2) Except in those cases where the district is required to collect a SSN, persons will not be required to provide their SSN, verbally or in writing, at any point of service, nor will they be denied access to those services should they refuse to provide a SSN.
- (3) In order to ensure the confidentiality of SSNs, the Superintendent will develop specific procedures to implement this policy, including:
- (a) Elimination of the collection and use of the SSN as a publicly visible identification number for district-related business transactions
  - (b) Increase in awareness of the confidential nature of the SSN
  - (c) Reduction in reliance upon the SSN for identification purposes
  - (d) Implementation of proper handling, storage, and disposal of paper and electronic documents containing SSNs.
  - (e) Use of the Local Student ID as the primary identification number for students
  - (f) Creation and use of an Employee Identification Number as the primary identification number for employees

F.S. 119.071(5)(a), 1008.386

Adopted 7/24/12

## 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. A hazard identification and asbestos 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 enable the and response to hazards that are created by outside entities, inspecting activities of contractors, and inspecting new facilities to determine whether or not Federal, State, and local requirements for environmental health and safety have been met.
- B. Environmental health and safety awareness among employees, students, and the general public, including, but not limited to, the establishment of a safety committee for each school and the District, and regular communication about pertinent safety and health issues through available mediums in the District.
- C. An emphasis on the safety and health of students during transportation to and from school, at school, and during participation in school-related activities including, but not limited to, promotion of bus safety for students, assessment of the safety of school traffic patterns, operation of school clinics, administration of medication and medical treatment, promotion of laboratory and shop safety, promotion of safety in sports and other outdoor activities, inspection of playground equipment and promotion of safety on playgrounds, and assessment of environmental exposure.
- D. An emphasis on 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. 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. 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.

### **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.

### **ANIMALS ON BOARD PROPERTY**

The presence of live animals on Board property shall be reviewed and approved by the principal of the facility. Humane treatment of all animals on a school campus is required at all times. This concept shall be taught and modeled by the staff. If approved, the person(s) or organization bringing the animal onto Board property shall comply with the following:

- A. Display of the animal must fit within accepted curricular or educational goals and no undue risk may be presented to staff, students, or the facility (i.e., some animals can cause or exacerbate allergic reactions, spread bacterial infections, or cause damage and create a hazard if they escape from confinement).
- B. Proper personal hygiene practices, particularly hand-washing immediately following the handling of animals, is required for all personnel and students. Students should be discouraged from handling animals, except under direct supervision as determined by the facility principal.
- C. Animals that exhibit any tendency toward biting, nipping, or that display aggressive behavior should not be allowed on the school site.
- D. Poisonous, dangerous, or unhealthy animals shall not be allowed, nor will any warm-blooded animals secured from the "wild", unless declared safe and documented as such by a qualified licensed veterinarian. Wild animals will be caged at all times and handled only by adults.
- E. Live birds shall only be allowed for demonstration or shows within a given period of the day and then removed from the site. Birds shall be handled by adults only.
- F. Since all amphibians and reptiles are potential carriers of different strains of salmonella and have been implicated in outbreaks as well as individual severe cases of salmonella disease, the presence of these animals in the classroom should be restricted and they should be handled only by adults.
- G. Aquariums may be allowed by the facility principal but must be located over non-carpeted floors and have an accessible water drain (sink or floor drain). All electrical devices such as lights, heaters, pumps, or circulators must be G.F.I. protected. Students, with the exception of those enrolled in marine biology, should not be allowed to handle fish or be involved in the cleaning of aquariums.
- H. Cages, aquariums, and other such containment devices and surrounding areas must be kept clean by a responsible adult. Proper food, water, ventilation, heating, and lighting must be provided commensurate for normal species behavior and health.
- I. No warm-blooded animals shall remain on the site during any facility closing longer than three (3) days. Facilities that have animal curriculum incorporated into their program with proper supervision and have designated "caretakers" for such animals are exempt.
- J. Parents or other guests visiting Board facilities shall have personal pets leashed or caged.

Facility principals are encouraged to call the Science Supervisor, Plant Operations Safety Supervisor, Area Maintenance Supervisor, or the Supervisor of School Health Services for assistance with any questions regarding the presence of animals in their facility.

The Maintenance Department shall be notified when complaints either real or perceived, arise regarding the presence of animals impacting health or Indoor Air Quality. The Maintenance Department shall assign the problem to the Industrial Hygienist for resolution.

Students with personal health problems which are exacerbated by the presence of particular animals in the classroom should be referred to the Supervisor of School Health Services. Under certain circumstances, it may be necessary to make accommodations for these students.

This policy does not apply to law enforcement canine units, approved assist animals, and animals involved in District approved curriculum programs.

## **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 for insuring 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.

Please refer to the IEQ Plan and Procedures found at <https://pcs.pinellas.k12.fl.us/wp/sc/maintenance/emergency.htm>.

### **DIESEL EXHAUST AND SCHOOL BUS IDLING**

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 recommended steps 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, reducing bus idling time and 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 8410](#) - Crisis Event Intervention and Response
- [Policy 8420](#) - Emergency Evacuation of Schools
- [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

## 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 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 addressing school crime and violence is to assess the extent and nature of the problem(s), and then plan and implement strategies that promote 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; members of the Board; building administrators; representative(s) from the local emergency management agency; School Resource Officer(s); and/or District Police.

Thereafter, the Superintendent shall convene a meeting periodically 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; representatives of the local law enforcement agencies; the local Fire Marshall(s) or his/her designee(s); representative(s) from emergency medical services; members of the Board; building administrators; representative(s) from the local emergency management service agency; School Resource Officer(s); and/or District police.

The Superintendent shall make a report to the Board about this review and recommend the approval and adoption of any proposed revisions or additions to the School Safety Plan.

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:

- 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 provide 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.

Furthermore, in accordance with applicable law, instructional personnel and/or other staff will be notified when their students are convicted of violent crimes.

Florida DOE Unsafe School Choice Option Policy, May 2003  
Florida DOE Unsafe School Choice Option Policy Technical Assistance Paper,  
May 2003

## 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. 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 response team 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 to support the needs of students and staff during stressful events.

F.S. 1001.43, 1006.07

## 8410.01 - CRITICAL INCIDENT 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 various critical incident event situations.

The Superintendent shall establish a District Safety and Security Council to align and coordinate District efforts to ensure a safe and healthy environment for students, employees, and visitors.

The District Safety and Security Council will be responsible for developing and maintaining the District's Safety and Security program including the Incident Command System (ICS), the Critical Incident Management Plan (CIMP), the Critical Incident Response Team, and the Emergency Management Procedures. Administrators at the cabinet, school, and department level shall be responsible for implementing these plans and procedures. All employees are required to comply with these plans and procedures.

The District shall comply with the Department of Homeland Security's National Incident Management System (NIMS), which was developed to enable emergency responders for different jurisdictions and disciplines to work together better to respond to natural disasters and emergencies, including acts of terrorism. The District's compliance obligations are defined in the Statewide Policy for Strengthening Domestic Security in Florida's Public Schools approved October 10, 2003, and modified February 28, 2006, as produced by the Florida Department of Education and the Florida Regional Domestic Security Task Force Education Sub-Committees.

The District shall participate in local emergency management as designated in the agreement with the Pinellas County Board of County Commissioners.

The Superintendent shall serve as the District's Emergency Management Coordinator. When an emergency or incident occurs, the District's Incident Command System may be implemented. A directive from the Incident Command Center must be treated as a directive from the Superintendent.

In accordance with Florida statutes, all employees called in to work during an emergency are required to comply and will be compensated. Employees who fail to comply will be subject to disciplinary action in accordance with Board policy.

Employees have a right and responsibility to identify and report unsafe or unhealthy conditions and are required to work safely and follow the procedures established for them. Compliance with safety policies and procedures is a requirement of all employees and employees will be evaluated on adherence to this policy.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1006.07

## 8415 – SCHOOLS POLICE OPERATIONS

The Superintendent shall establish, maintain and communicate general orders to govern the ongoing operations of the district's police department. The current [General Orders Manual](#) for the Pinellas County Schools Police Department (revised October 15, 2009) is incorporated herein by reference.

Adopted 7/27/10

## 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 which shall ensure that:

- A. the health and safety of students and staff are safeguarded;
- B. embraces a collaborative effort with community emergency responders;
- C. minimum disruption to the educational program occurs;
- D. students are helped to learn self-reliance and trained to respond sensibly to emergency situations;
- E. the system is supported by ongoing training that will include practical application and appropriate "drills" as required by F.S. 1001.42;
- F. evacuation drills should represent actual emergencies, including, but not limited to firearm, natural disasters, and bomb threats;
- G. 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

## 8442 - REPORTING ACCIDENTS

The School Board directs that all reasonable efforts be made to ensure a safe learning and working environment for District staff.

Any incident that results in an employee injury must be reported to the principal or job supervisor within forty-eight (48) hours or as soon as reasonably possible following the occurrence of the injury or illness.

The District provides workers' compensation benefits for its employees under Florida Workers' Compensation Law, Chapter 440. Employees and managers should follow the guidelines and reporting procedures outlined in the District's workers' compensation program. Failure of an employee to comply with this policy and Florida statute may result in disciplinary action and may impact compensability. Unauthorized absences and treatment received outside the District workers' compensation provider network are not covered.

F.S. 1006.07



## 8450 - CONTROL OF CASUAL-CONTACT COMMUNICABLE DISEASES

(1) The School Board recognizes that control of communicable disease spread through casual contact is essential to the well-being of the school community and to the efficient District operation.

(2) 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 Pinellas County Health Department regulations which pertain to immunization and other means for controlling communicable disease spread through normal interaction in the school setting.

(3) 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 Pinellas 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 Pinellas County Health Department regarding whether or not the student should be excluded from school for a prescribed period of time.

(4) The Superintendent shall develop and update as needed administrative procedures for the control of communicable disease which shall be set forth in the [School Health Manual](#).

F.S. 1003.22

Adopted 12/9/09; Revised 7/26/11

## 8452 - USE OF AUTOMATED EXTERNAL DEFIBRILLATORS (AED)

The Superintendent shall, as required by F.S. 1006.165, locate 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. AED's may be placed in locations not required by law. 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.

21 C.F.R. 801.109

F.S. 401.2915, 768.1325, 1006.165

## 8453 - DIRECT CONTACT COMMUNICABLE DISEASES

- (1) 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.
- (2) 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.
- (3) 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.
- (4) 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.
- (5) 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, as well as Board policies, dealing with privacy and confidentiality. Furthermore, their civil rights will be respected.
- (6) 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 Board Policy 1362, Policy 3362, Policy 4362, or Policy 5517, and such discrimination shall constitute a violation of Board Policy 1322, Policy 2260, Policy 3122, or Policy 4122.
- (7) Staff members with one (1) of the blood-borne communicable diseases listed above will be expected to perform their regular duties. Staff members with one of the 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).
- (8) Students with one 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 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, IDEA 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 Board Policy 2412 - Homebound Instruction Program.

F.S. 1001.41, 1003.42, 1006.07

Adopted 12/9/09; Revised 7/26/11

## 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 ensure 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.

The Superintendent shall develop and update as needed administrative procedures for the control of communicable disease which shall be set forth in the [School Health Services Manual](#).

29 C.F.R. 1910.1030

Adopted 12/9/09; Revised 1/10/12

## 8462 - STUDENT ABUSE AND NEGLECT

The School Board considers the welfare of students to be of paramount concern in its responsibilities. Therefore, all District employees and volunteers are directed to take whatever action may be necessary as required by F.S. Chapters 39 and 827 and all statutes and laws of the State of Florida as regards all instances of suspected child abuse, molestation, and child neglect.

Any District employee or volunteer who has reasonable cause to suspect child abuse shall immediately make an oral report to the Department of Children and Families Abuse and Neglect Hotline. 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, punishable as provided in F.S. 775.082 or 775.083. Further, a person who does make a report of suspected abuse in good faith has immunity from civil and criminal liability pursuant to F.S. 39.203. The person making the call (if other than the building administrator) is asked to notify the building administrator immediately. Any person who reports should keep a record of the date and time they made the report, to whom they spoke, and the general information they provided to the Abuse Hotline. The building administrator should maintain records of the report but these should not be placed in a student cumulative folder.

The report shall be made under the following circumstances: when there is reasonable cause to suspect that child abuse or maltreatment has been inflicted through willful or negligent acts which result in neglect, malnutrition, sexual abuse, physical injury, or mental injury. Neglect is a failure to provide sustenance, clothing, shelter, or medical attention. Abuse or maltreatment may also include aiding, abetting, counseling, hiring, or procuring a child to perform or participate in any photographic motion picture, exhibition, show, representation, or other presentation which, in whole or in part, depicts sexual conduct, sexual excitement, or masochistic abuse involving a child as defined by law.

A request for social work services should be completed by the school for those students in need of support services from the school social worker. A pamphlet on child abuse and reporting child abuse is available from the social work department.

F.S. 415.504, 1001.41, 1006.061

## 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 information concerning sex offenders, as required by law. The poster will also direct members of the public to the updated binder system of offenders, which is accessible in the school office.
- B. School(s) will not display the actual identifiable information of sex offenders/sexual predators in any area of the school other than the updated binder system of offenders.

### **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.

## 8475 - CRIMINAL BACKGROUND SCREENING - NONINSTRUCTIONAL CONTRACTORS

The safety of 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 noninstructional contractors who are permitted access on school grounds when students are present, who have direct contact with students, or who have access to or control of school funds shall be subject to a criminal background check. Noninstructional contractors are to be held to the same standards as the District's employees with regard to background screening unless they are exempt from the screening requirements as hereinafter provided. Noninstructional contractors shall include any vendor, individual, or entity under contract with the School Board. The District shall inform these individuals that they are subject to criminal background checks.

"Noninstructional contractor" means any vendor, individual, or entity under contract with a school or with the Board who receives remuneration for services performed for the School District or a school, but who is not otherwise considered an employee of the School District. The term also includes any employee of a contractor who performs services for the School District or school under contract and any subcontractor and its employees.

The District may choose to share information received as the result of the criminal background check with other school districts. The information contained in the reports received is confidential.

All noninstructional contractors who may be assigned to a District work site as described above shall be directed by the District's project manager or contractors and/or subcontractors to be fingerprinted.

A Level 2 background check includes fingerprinting the individual and submitting the prints to the Florida Department of Law Enforcement (FDLE) to compare those records against the Statewide criminal and juvenile records maintained by the FDLE and Federal criminal records maintained through the Federal Bureau of Investigation (FBI). It may also include a local criminal records check through local law enforcement agencies. Criminal history checks shall be performed at least once every five (5) years. A noninstructional contractor who is subject to a criminal history check under this section shall inform the District if s/he has completed a criminal history check in another school district within the last five (5) years. The District will verify the results of the contractor's criminal history check.

The District will conduct the fingerprints/screening using the code ORI (Originating Agency Identifier) issued to the District by the FDLE. The following procedures shall be utilized during the process:

- A. The District will inform noninstructional contractors that they are subject to criminal background checks.
- B. The District will advise noninstructional contractors that failure to be truthful on the application about prior criminal history shall be grounds for denying access to District property and facilities.
- C. Prior to providing contractual services to the District, the contractual personnel shall file a complete set of fingerprints taken by a designated employee of the District.
- D. The fingerprints will be forwarded for processing by the FDLE and the FBI.
- E. The District and noninstructional contractors and/or contractor shall determine payment procedures required for the costs of processing at the time the individual is fingerprinted.

Noninstructional contractors shall not be permitted to have access to school grounds when students are present, to have direct contact with students, or to have access to or control of school funds before the FDLE and FBI background checks are reviewed.

The award of contractual services by the District shall be conditioned on the requirement that the prospective vendor warrant that all of the vendor's employees, subcontractors, and agents coming onto school premises have been fingerprinted. The District's contract with the contractor shall provide that failure to comply with this requirement will constitute a material breach and subject the offending contractor to liquidated damages.

Construction contractors, vendors, and other noninstructional contractors working under the direct supervision of staff in areas where there are no students present will not be required to undergo a Level 2 screening. However, a sexual predator check is required.

### **Confidentiality**

Any employee provided access to criminal history records shall be cautioned as to the confidentiality of the information contained in the records, and shall not discuss such information other than with those legally permitted access to such records. District staff shall only share the background screening results and details of the record with the individual that is being screened, or with his/her attorney of record. An exception to the confidentiality of these records may be made for the purpose of sharing the information with another school district pursuant to the procedures described below.

The results of the criminal history check shall not be released to the individual's employer or contractor.

### **Noninstructional Contractors Convicted of Serious Disqualifying Offenses**

Noninstructional contractors, or subcontractors and their agents, shall not be permitted to provide contractual services to the District if they are disqualified under the following guidelines:

A. Category One

1. Any offense listed in F.S. 943.0435(1)(a)1, relating to the registration of an individual as a sexual offender.
2. F.S. 393.135, relating to sexual misconduct with certain developmentally disabled clients and the reporting of such sexual misconduct.
3. F.S. 394.4593, relating to sexual misconduct with certain mental health patients and the reporting of such sexual misconduct.
4. F.S. 775.30, relating to terrorism.
5. F.S. 782.04, relating to murder.
6. F.S. 787.01, relating to kidnapping.
7. Any offense under F.S. Chapter 800, relating to lewdness and indecent exposure.
8. F.S. 826.04, relating to incest.
9. F.S. 827.03, relating to child abuse, aggravated child abuse, or neglect of a child.

B. Category Two

Felony crimes of violence not listed in Category One and felony sale of controlled substances.

These are disqualifying offenses if convicted within the last twenty-five (25) years. The District will consider the applicant and carefully review the conviction for a Category Two offense if it was beyond twenty-five (25) years.

C. Category Three

Any felony crime which is not already listed in Categories One, Two, or Four, and any other misdemeanor crime of a sexual nature, and misdemeanor crime related to children.

These are disqualifying offenses if convicted within the last ten (10) years. The District will consider the applicant and carefully review the conviction for a Category Three offense if it was beyond ten (10) years.

D. Category Four



Other misdemeanors, felony crimes involving worthless checks, and multiple convictions under any category will be considered on a case-by-case basis.

For the purposes of this policy, conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere, the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding or admission of guilt, a plea of no contest, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

An applicant who has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Criminal History Appeal Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth sufficient evidence of rehabilitation, including, but not limited to, the circumstances surrounding the criminal incident for which an exemption is sought, the time period that has elapsed since the incident, the nature of the harm caused to the victim, and the history of the applicant since the incident or any other evidence of circumstances indicating that the applicant will not present a danger if the application is approved. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

### **Obligation to Inform District of Arrests**

Each contractor who is subject to the requirements of this section shall agree to inform his/her employer or the party to whom s/he is under contract and the School District within forty-eight (48) hours if s/he is arrested for any of the disqualifying offenses listed above. 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 contractor or the party to whom the contractor is under contract knows the contractor has been arrested for any of the disqualifying offenses listed above and authorizes the contractors to be present on school grounds, the employer or such party commits a felony of the third degree, punishable as provided in F.S. 775.082 or 775.083.

### **Identification**

The District will maintain a list by company of all cleared personnel.

F.S. 1012.465, 1012.467, 1012.468

Adopted 12/9/09; Revised 6/29/10

## 8500 - FOOD SERVICES

(1) The food services program shall participate in the National School Lunch Program, School Breakfast Program, After School Snack Program, and the Summer Food Service Program, and comply with all Federal and State regulations pertaining to the program.

(2) 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:

- (a) attractive and nutritious meals for students;
- (b) food service facilities designed to achieve the maximum in efficiency and cleanliness;
- (c) the opportunity for developing in the students good eating and social habits.

(3) Staffing

(a) Administrative Responsibility: The direct responsibility for supervision and administration of the food service program shall be delegated to a director of county-wide food services who shall provide system-wide coordination and supervision directed toward the most efficient and nutritional operation at the lowest possible cost to the student.

(b) Principal: The principal and local school staff shall have the following responsibilities:

1. to comply with Federal and State laws, regulations, and the Board's policies
2. to effect, through classroom instruction and learning experiences outside the classroom, ways to increase the students knowledge of nutrition
3. to schedule students to effect the greatest participation in the school food service program

(c) Food Service Manager: The Food Service Manager shall work under the direct supervision of both the principal and the Regional Food Service Field Specialist of the assigned school in accordance with Board policy, State law, and other applicable legal requirements.

(d) Other Food Service Personnel: Additional personnel shall be employed in accordance with established procedures and job classifications.

(e) Employment of Minors: The rate of pay for employed minors shall be prevailing minimum wage. 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.

(4) General Provisions

(a) 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.

(b) Commodities: U.S. Department of Agriculture commodities shall be used in accordance with current U.S.D.A. and applicable State rules and regulations.

(c) 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.

(d) 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.

(5) 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 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.

(6) Eligibility for Free or Reduced-Price Meals: It is the intent of the Board to participate in the Federal School Lunch Program and to offer free or reduced-price meals in accordance with the United States Department of Agriculture guidelines.

(7) Accounting

(a) Superintendent or his/her designee the Director of Food Services: The Superintendent or his/her designee the Director of Food Services 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.

(b) Principal: The principal in full cooperation with the District food service staff shall be responsible for ensuring the food service manager's accurate accounting of all commodities, equipment, supplies, and cash in accordance with School District requirements.

(8) Vending Machines: Food services may own and operate vending machines dispensing compliant reimbursable meals or a la carte items and receive 100% of all revenue.

(9) The Superintendent shall develop administrative procedures to implement the Food Service Program, and such procedures shall be found in the Food Service Operations Manual.

F.S. 1001.41, 1001.42, 1001.51, 1006.06

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

Adopted 12/9/09; Revised 7/26/11

## 8510 - WELLNESS

The District is committed to providing healthy schools, by supporting wellness, good nutrition, and regular physical activity as a part of the total learning environment.

The Superintendent shall establish a School Health Advisory Committee (SHAC) to align and coordinate District efforts to ensure a healthy learning environment and promote lifelong wellness.

The Superintendent will direct the School Health Advisory Committee (SHAC) to develop, implement, monitor, and review District-wide procedures on wellness, physical activity and nutrition, which will at a minimum, include:

- A. goals for nutrition education
- B. goals for physical activity
- C. goals for other school-based activities designed to promote student wellness
- D. nutrition guidelines for all foods available on the school campus during the day
- E. assurances that the guidelines for reimbursable school meals are not less restrictive than Federal requirements
- F. plans for measuring the implementation of the guidelines

Membership of the School Health Advisory Committee (SHAC) shall reflect the Coordinated School Health Model. The Coordinated School Health Model consists of eight (8) discrete health components representing 1) comprehensive health education, 2) physical education, 3) school health services, 4) school counseling, psychological and social services, 5) nutrition services, 6) healthy school environment, 7) school-site health promotion for staff, and 8) family and community involvement in school health. These components shall be represented by District staff, parents, students, and community. Although not members of SHAC, the School Board will be involved in the development of the procedures on wellness, physical activity, and nutrition.

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

## 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 needy children with breakfast, lunch, after school snacks, and/or summer food service program at a reduced rate and/or no charge to the student. Universal-free breakfast meals shall be available to all students in each elementary, middle, and high school in which 80 percent or more of the students are eligible for free or reduced-price meals.

Children, eligible for free or reduced-price meals, 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 Food Service Director to determine, in accordance with Board standards, the eligibility of students for free and reduced-price meals.

The schools shall annually or at the time of enrollment notify all families of the availability, eligibility requirements, and application procedure for free and reduced-price meals 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 Food Service Director shall prepare and implement the necessary arrangements and procedures to ensure proper operation of this program. The Director shall ensure that the appropriate policy attachments for free and reduced-price meals or free milk are properly completed and submitted for approval to the School Food Service Division of the State Department of Education 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.

Adopted 12/9/09; Revised 9/14/10

## 8540 - SCHOOL STORES AND VENDING MACHINES

### School Stores

The school store shall be directly related to the service and convenience of students.

The principal has the primary responsibility for the operation of the school store. Each principal is expected, at least annually, to re-evaluate the school store operation to determine the appropriateness of this service to the student body.

Items sold in the school store shall be essential to the academic program or of such nature as to support school pride.

School stores shall be operated in such a way that there shall be no interference with the academic program of students or the assigned duties of the teachers.

School stores shall be operated only during non-scheduled periods of the day (before school hours, during lunch time, or after school).

Faculty members shall not receive payment for assigned school store responsibility.

### Vending Machines

#### Machines Accessible to Students:

Vending machines accessible to students may be installed in secondary schools with the Superintendent's approval.

Machines which vend beverages of minimal nutritional value may only be operated beginning one (1) hour following the last lunch period in middle schools. The District's Director of Purchasing will maintain a standard set of specifications for bidding beverage vending access fees for those schools wishing to enter into this type of agreement.

Foods and beverages which directly compete with the District's Food Service Program may only be sold or vended to students during the entire school day in high schools except in areas where lunch and breakfast are served and eaten. In such cases, revenues from the sale of such products may be shared with the Food Services Department through a partnership agreement approved by the Superintendent at a rate of up to fifty percent (50%), plus the approved restricted indirect cost rate. Such shared profits shall be handled through the participating school's internal accounts. The remainder shall accrue to the District's School Food Services Fund. High Schools have received a waiver from the Commissioner of Education and may, therefore, sell competing beverages during the entire school day.

Food services may own and operate vending machines dispensing compliant reimbursable meals or a la carte items and receive 100% of all revenue.

School principals are authorized to enter into agreements with vending machine suppliers for beverage vending access fees. Such agreements shall not exceed five (5) years in duration. Prior to entering into any agreement, it must be approved as to form by the School Board attorney.

#### Machines Not Accessible to Students:

Machines, which are located in areas inaccessible to students, such as the teacher's lounge, may operate continuously and are not subject to the restrictions for student accessible vending machines.

The principal is responsible for the development of written specifications which define the vending services sought for the teachers lounge.

- A. More than one (1) written quote will be sought for the services specified each school year.
- B. If the principal is unable to obtain more than one (1) quote, the principal may not enter into an agreement without the written approval of the Superintendent.

- C. The business will be awarded to the bidder offering the highest commissions. Past documented service can be taken into consideration in making this determination.
- D. School principals are authorized to enter into agreements with vending machine suppliers for vending services of any kind for the teachers' lounge. Such agreements shall not exceed one (1) year in duration and must be rebid each school year. Prior to entering into any agreement, it must be approved as to form by the School Board Attorney.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 12/9/09; Revised 7/26/11

## 8600 - TRANSPORTATION

### Transportation of School Children; Purpose; When Provided

Pursuant to F.S. 1006.21, the School Board, after considering recommendations of the Superintendent:

- A. shall provide transportation for each student in pre-kindergarten handicapped and in kindergarten through grade 12 membership in a public school when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which otherwise would not be available and to transport students whose homes are more than a reasonable walking distance, as defined by rules of the State Board, from the nearest appropriate school;

Pursuant to F.A.C. 6A-.0001, a reasonable walking distance for any student who is not physically disabled is any distance not more than two (2) miles between the home and the school and one and one-half (1 1/2) miles between the home and the assigned bus stop. Such distance shall be measured from the closest pedestrian entry point of the property where the student resides to the closest pedestrian entry point of the assigned school building or to the bus stop. The District shall determine the shortest pedestrian route whether or not it is accessible to motor vehicle traffic.

- B. shall provide transportation for public elementary school students in membership whose grade level does not exceed grade 6, if such students are subjected to hazardous walking conditions as provided in F.S. 1006.23 while enroute to or from school;
- C. may provide transportation for public school migrant, exceptional, nursery, and other public school students in membership below kindergarten; kindergarten through grade 12 students in membership in a public school; and adult students in membership in adult vocational, basic, and high school graduation programs when, and only when, transportation is necessary to provide adequate educational facilities and opportunities which would not otherwise be available;
- D. may provide transportation for the transportation disadvantaged as defined in F.S. 427.011 and for other school-age children as provided in F.S. 1006.261;
- E. shall provide necessary transportation to pregnant students or student parents, and the children of those students, as part of a teenage parent program pursuant to F.S. 1003.54;
- F. may provide transportation for other persons to events or activities in which the School District or school has agreed to participate or co-sponsor, provided such activities do not interfere with the regular school transportation program;
- G. may provide space available bus transportation to students living within the school's attendance zone whose parent's residence is less than two (2) miles from the student's school when empty seats are available.

Empty seat availability will be determined based on the student count completed in October of each year for Survey 2 of Florida Education Finance Program (FEFP). Seats are assigned using existing, non-ESE school bus stops.

1. Parents of students who have an approved application for an empty seat shall be responsible for the student's arrival and supervision at the assigned bus stop, and the return home after the student is dropped off.
  - a. Students granted space available school bus transportation will be required to board and depart the bus at non-ESE bus stops established prior to the October student count. No stops will be added to accommodate space available riders.



- b. This service shall be provided only for schools that receive regular transportation service.
2. When there are not enough seats available to accommodate all students who have applied for space available transportation, the principal shall assign students using the following criteria:
  - a. Lowest Grade Level
  - b. Youngest Age
  - c. Longest Distance
3. A parent's signature on the space available application signifies their agreement with the above priority process to assign students to space available seats.
4. The principal's assignment of space available students is final and there is no appeal beyond him/her.
5. If space available students must be removed from a bus to accommodate regular students requiring transportation by statute, the principal shall remove students using the following priority criteria:
  - a. Highest Grade Level
  - b. Oldest Age
  - c. Shortest Distance
6. Parents or guardians of students who will have space available transportation revoked due to the space available provision shall be informed in person or via telephone at least two (2) school days prior to the revocation taking effect. In addition, the principal will provide written notice. The principal will then notify the routing office of said revocation of further space available transportation.
7. The space available permit is valid only so long as the student's conduct on the bus and at the bus stop is satisfactory. The principal will have sole discretion in revoking the permit at any time and the principal's decision is final. Parents or guardians of students whose space available permit is revoked due to unsatisfactory citizenship will be given written notice including the reason for revocation. There is no right to a hearing concerning the decision to revoke.
8. Procedures to carry out this policy will be included in the principal's handbook.

### **Routing Guidelines**

Pursuant to F.A.C. 6A-3.001 of the State Board of Education, all school bus routes shall be so planned and adjusted to the capacities of available equipment and school buses should be so chosen and assigned to routes and attendance zones that insofar as practicable the full capacity of each bus will be utilized, without standees, to serve students whose homes are beyond reasonable walking distance of the assigned public school center.

### **Routing Plans**

- A. How students are routed to their school will depend on their grade and the type of program in which they are enrolled.
- B. Students will either be routed directly to their school within their attendance zone, or they may receive service on a bus route scheduled to take students to their school and one or more other schools from selected neighborhoods. School bus stops will be established to serve neighborhoods based on the principles elaborated in *Routing Principles* below.

- C. High School Students
1. High school students living in the school attendance zone for their high school will be routed directly to their school, or they could receive service on a bus route scheduled to take students to their high school and one (1) or more other high schools. School bus stops for these students will be established to serve neighborhoods based on the principles elaborated in *Routing Principles* below.
  2. High school students not living within the school attendance zone for their high school will be routed on buses restricted to operating on main roads only, with a limited number of bus stops. School bus stops may be farther than one and one-half (1 1/2) miles from the students' residences.
- D. District-wide magnet students, high school academy students, alternative program students, countywide fundamental school students, and students in other similar programs will be routed on an arterial basis (i.e., buses are restricted to operating on main roads only and the number of bus stops are limited). School bus stops may be farther than one and one-half (1 1/2) miles from the students' residences.
- E. The following are the parent responsibilities that apply to routing as outlined in item "C" number "2" and item "D" above:
1. It may be necessary for parents to drive students to and from their assigned school bus stop.
  2. Students are to board and disembark at the same school bus stop each day.
  3. School bus routes are designed to serve as many students as possible with a minimum number of stops, using the residence addresses of the students eligible for transportation. Students should use the school bus stop closest to their residence and should not switch between different routes serving their school/program.
  4. Parents are responsible for supervising their children at the school bus stop, and for providing any necessary assistance for their children while enroute to/from the school bus stop.
  5. Students with special needs attending these programs will be reviewed on an individual basis to determine the most appropriate location for the bus stop.

### **Routing Principles**

- A. Basic criteria for determining the eligibility of a student for school bus transportation is set forth in F.S. 1006.21(3)(a) and F.A.C. 6A-3.001. With certain exceptions, student transportation is the responsibility of the parent for those students living within two (2) miles of the school they attend.
- B. Special education students with special transportation needs may be transported when the need is documented in the student's individualized education program (IEP).
- C. School bus stops shall be placed at locations based on safety, convenience, and efficiency considerations for the majority of the students living in the immediate area. Stops will generally not be placed any closer than one quarter (1/4) of a mile apart, unless there is a legitimate safety concern. The total number of stops serving a neighborhood or zone will be kept to a minimum to develop the most efficient routes possible, without sacrificing safety.
- D. A school bus route shall not be altered or a school bus stop relocated until the route alteration and/or stop relocation can be thoroughly investigated and approved by the school bus routing section.

- E. Except for students using arterial bus transportation pursuant to Policy 5120, bus stops shall not be located at any site that would require a student to cross a multiple lane road or highway. The definition of "multiple lane" for purposes of this procedure is any road or highway that has three (3) or more lanes, and a center turning lane does count for purposes of defining multiple lane. The presence or absence of a median strip has no bearing on this procedure.
- F. The School District does not have custody or control over students while they are en route to their bus stops; that control rests solely with the students' parents. Parents must ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the District, including during each trip to and from home and the assigned bus stop.

### **Gated Communities**

- A. School buses will not travel within private gated communities (i.e., those communities that have not deeded roads within the community to the county or municipality in which they are located), unless the following conditions are met:
  - 1. There is a legitimate safety concern (e.g., no safe place for students to wait for bus) related to the existing stop located outside of the community.
  - 2. Roads within the community meet the same design criteria for width and turning radii as used by the county or municipality in which the gated community is located.
  - 3. The homeowner's association or other governing body for the gated community gives express, written permission for school buses to travel within the community.
  - 4. The access and egress points for the community are manned during the hours when buses must enter and exit the gated community.
  - 5. The width and height of access and egress points for the community must allow adequate room for buses to enter and exit safely.
  - 6. There is a means and location to turn the bus around within the community that does not require the bus to back up.
  - 7. Having the bus pick-up within the community will not unduly delay the run making it late into the students' assigned school, or the next run on the route late into the next school.
  - 8. Returning to the public way from the access road serving the gated community will not pose a safety hazard to the school bus and its passengers.
- B. There will be times when a bus must enter a gated community to meet a student's IEP requirements, notwithstanding the above guidelines. When this occurs, entering that gated community must be conditional upon the parent/guardian of that student obtaining and presenting to the Board permission from the homeowner's association or other governing body for the gated community for buses to travel within the community.

### **Responsibilities of Parents of Students with Special Transportation Needs**

Parents shall provide the necessary assistance and protection to their children while enroute to and from the school bus stop and comply with the school bus schedule. Parents shall provide the necessary supervision of their children at the bus stop in accordance with Board policy.

In cases where the physical impairment of a student renders the student unable to get on and off the bus without assistance, parents shall provide the necessary assistance for helping their child get on and off at the bus stop.

### **Parental Responsibility with Curb-to-Curb Service**

- A. The child must be at the designated pick-up point, ready to board the school bus, at least ten (10) minutes before the scheduled arrival time in the morning.
- B. Parent or designee must be prepared to receive the student at least ten (10) minutes before the scheduled bus arrival time at the bus stop in the afternoon.
- C. Emergency telephone numbers and instructions for handling emergencies must be on file at the child's school. These instructions must include information on any special medication the child carries and any non-medical care the child may need while riding the bus.
- D. Students will not be transported unless they are securely strapped into their wheelchairs.
- E. Parent or designee must receive the student at the stop.

Procedures when a parent or designee fails to meet the bus are as follows:

- A. First offense- Deliver other students on the bus, return to residence or school.
- B. Second offense- Deliver other students on the bus, return to residence or school, notify the ESE/transportation liaison to have a documented telephone conference with parent.
- C. Third offense- Deliver other students on the bus, return to residence or school, notify the ESE/Transportation liaison to have a documented parent conference with parent and school officials.
- D. Subsequent offenses- Deliver student to Department of Children and Family and a mandatory parent conference with the ESE/Transportation liaison, school officials, and transportation.
- E. A waiver form may be completed for parents opting not to meet the bus.
- F. A waiver form is used to either designate a person other than the parent to receive the student or for the parent to opt not to meet the bus.
- G. A waiver form is not an option for students in grades PK- 3 or non-ambulatory elementary students.
- H. A school official must approve all waivers.

### **Procedures for Providing Isolated Transportation Reimbursement**

The Superintendent is authorized to disburse funds for reimbursement to parents/guardians of students who are eligible for school bus transportation, but for whom bus transportation is not economically feasible due to isolation from the assigned school, and when said parents/guardians through private means provide transportation to an assigned school or bus stop. Isolation may be caused by remoteness of residence within the attendance zone of a school, or assignment because of a special program to the school other than that in the attendance zone in which the home is located. To be eligible for reimbursement, the parents/guardians shall be approved for reimbursement by the Board. Approval shall be effective through the last day of student attendance in the school year during which the approval was received, or the student changes residence and no longer requires such private means of transportation, or it becomes economically feasible to provide school bus transportation, whichever occurs first. Parents/Guardians shall be approved for reimbursement only if they comply with Board policies relative to personal vehicular insurance. The names of the drivers approved for reimbursement, and the companies for which they are insured shall be on file in the office of risk management. Reimbursement shall be at the rate established by the Board, but shall not exceed that amount allowable under the laws of the State of Florida as an allocation to the Board for isolated transportation.

### **Conditions**

There are three (3) conditions wherein the District may choose to provide reimbursement for student transportation:

- A. The child has a medical condition for which the District has no appropriate equipment to transport the child.

- B. The child is in an exceptional education program and has demonstrated behavior that is a hazard to other children on the bus and such behavior is a manifestation of his/her disabling condition.
- C. The child resides in an isolated area (i.e. access by water only) and the District has no appropriate equipment to transport the child.

### Forms

There are four (4) forms that must be completed by the parent and one (1) by a physician (medical problems only).

- A. Isolated Transportation Reimbursement Application
- B. Insurance Information for Isolated Transportation Reimbursement
- C. Isolated Transportation Voucher
- D. Vendor's Federal Taxpayer Identification Number Legal Status Disclosure Certification and Contract Addendum
- E. Medical Request for Special Transportation

### General Procedures

- A. The parent must complete all appropriate forms and return them to the school. The school will forward them to the ESE/Transportation Liaison.
- B. Transportation will determine the mileage from home to stop or home to school.
- C. If it is determined the public transit system is an appropriate method to transport, the round trip bus fare will be reimbursed.
- D. Once approved by the Board, the isolated transportation voucher should be submitted monthly by the parent to the school principal for verification of attendance and forwarded to the ESE/Transportation Liaison.
- E. A vendor number must be requested from purchasing.
- F. A memo must be generated to accounts payable for disbursement of funds.

### Medical Problems

In addition to *Forms* above, a copy of the medical request for special transportation should be forwarded to the ESE/transportation liaison for review and approval (medical problems only).

### Behavior Problem for ESE Student

In addition to *Forms* above, a discipline review hearing should be attended by a transportation staff member and a ESE staff member.

A copy of the conference summary indicating the recommendation for isolated reimbursement, signed by those present, must be submitted to the transportation staff member and forwarded to the ESE/Transportation Liaison.

### Isolated Area

In addition to *Forms* above, a transportation staff member determines the residence is inaccessible.

### Annual Process

This process is valid for one (1) school year only.

### Board Approval

Isolated transportation is not reimbursed until the Board has approved the initial isolated request. Parents should be aware there is no guarantee reimbursement is forthcoming, however, should the Board approve the expenditure, it can be reimbursed retroactive to the date of the discipline review hearing.

### **Medical Request for Special Transportation**

#### **Initial Request**

- A. A Medical Request for Special Transportation form is available at all schools. Parents are required to have their physician complete the form and submit it to the school.
- B. The schools should forward the form to the ESE transportation liaison, who will determine if the request should be accommodated.
- C. The ESE transportation liaison submits the request to the District's physician for review. If the District's physician approves the request the ESE transportation liaison will submit a request to the routing office for implementation. The school and the parent will be notified when transportation is setup.
- D. If the request is denied by the District's physician, parents will be notified in writing by the ESE transportation liaison. The letter will include information as to how the parent may appeal.

Medical request for special transportation for students with disabilities will be handled by the IEP team.

### **Hazardous Walking Criteria**

The Board will follow F.S. 1006.23, Hazardous Walking Conditions.

### **Assignment of Board Owned Vehicles to Certain Employees**

If the Superintendent finds it necessary for an employee to regularly or frequently utilize a Board vehicle for Board purposes outside of regular working hours, the Superintendent may assign to that employee a vehicle. Any employee who is assigned such a vehicle shall not use or allow others to use said vehicle for personal reasons except for minimal stops for errands and the Superintendent shall determine the parking location of the vehicle.

### **Automotive Equipment**

Automotive equipment owned by the Board shall be assigned to the Director of Transportation or designee for proper care and maintenance.

Failure of the operator to notify the vehicle maintenance supervisor or designee as to any safety defect of any piece of automotive equipment may be cause for disciplinary action.

All mechanical defects of equipment, where repairs are needed, shall be the vehicle maintenance supervisor's responsibility. Repair action shall be taken as soon as possible in the most appropriate manner. A faulty vehicle should be withdrawn from use until the required repairs are made.

The Board shall not assume any financial responsibility for purchases or contracts for repairs unless prior approval is obtained from the Superintendent.

The vehicle maintenance supervisor shall determine that all equipment is inspected at regular intervals. The equipment shall be placed in the District's garage for repairs or servicing.

Under no conditions shall equipment be repaired by a private shop or private individual without the approval of the Director of Transportation or designee.

The person who is assigned a vehicle shall be responsible for delivering the vehicle to the District's garage for inspection as prescribed by the vehicle maintenance supervisor.

### **Vehicle Maintenance Program**

All transportation equipment shall be maintained in safe operating condition. The Director of Transportation or designee shall be responsible for a planned program of maintenance to keep all vehicles functioning safely and efficiently. This program shall include the following:

- A. Instructing bus operators in methods of anticipating and noting maintenance problems.
- B. Inspecting and servicing all vehicles as prescribed in F.A.C. 6A-3.017 on a periodic basis.
- C. Devising a checklist for use in recording the results of the safety inspection.
- D. Maintaining service and repair records on each vehicle as required by State Board of Education Rule.
- E. Planning and scheduling preventive maintenance through major overhaul and repair of all equipment.
- F. Training through in-service activities for vehicle mechanics.

The mechanical condition of each school bus in operation shall be in compliance with State statute and State Board of Education Rule. Any school bus which does not comply with the requirements of Florida statutes and State Board of Education Rules shall be withdrawn immediately from use until such requirements are met.

No vehicle or equipment, other than District-owned, may be repaired or serviced in the District's garage.

#### Purchase of School Buses & Replacement Cycle

Except when specifically approved by the Board, all new school buses shall be purchased through the State pool purchase plan administered by the Department of Education. The Board shall designate the number and size of buses to be purchased each year. Within budgetary limitations and constraints the Superintendent shall annually include in the proposed district school budget, as a minimum, an amount for bus replacement sufficient to replace one fifteenth (1/15) of the existing bus fleet.

The Board authorizes the installation and use of video recording devices in the school buses to assist the transportation department in providing for the safety and well being of the students while on a bus.

Provisions for reciprocal agreements with contiguous school districts for school bus transportation services, inspections, and screening requirements shall be in accordance with Florida statute.

F.S. 1003.31(1), 1006.21, 1006.22, 1006.23

F.A.C. 6A-3, 6A-3.0121(2)(c)

Adopted 12/9/09; Revised 6/29/10; 7/26/11

## 8600.01 - SAFE DRIVER PLAN

The purpose of the *Safe Driver Plan* is to establish a policy that promotes safe driving practices and specifies:

- A. which infractions of the traffic code shall deem an applicant for a school bus driver position to be unqualified for hire, and
- B. which infractions of the traffic code shall deem employees covered under this *Safe Driver Plan* to be subject to prescribed disciplinary actions in accordance with the School Board's *Progressive Discipline Plan*.

The objectives of the *Safe Driver Plan* are to:

- A. establish hiring guidelines for school bus drivers to ensure only qualified applicants are accepted;
- B. recommend disciplinary actions in accordance with the Board's *Progressive Discipline Plan* and the guidelines and criteria established in this *Safe Driver Plan*;
- C. establish retraining guidelines for covered employees who have not maintained an acceptable driving record;
- D. recognize drivers who maintain an exemplary driving record.

### **Applicant Eligibility**

The driving history of all applicants for a school bus driver position shall be reviewed through a check of driving records with the Florida Department of Highway Safety and Motor Vehicles (DHSMV) to verify a satisfactory driving history. Driving records shall be forwarded to the Director of Transportation, or designee, for review.

Each applicant's *Transcript of Driver Record* shall be screened in accordance with the guidelines and criteria established in this document. The entire driving record shall be checked for the purpose of determining an individual's acceptability to drive a school bus for the District, with particular emphasis placed on entries for five (5) years preceding the date of the records check.

### **Screening of Applicants**

"Safe Driver Points" shall be assigned for each entry on the applicant's *Transcript of Driver Record*, in accordance with the section titled *Distribution of the Safe Driver Plan* found in this policy.

- A. Applicants shall **not** be approved to drive a school bus for the District if they have:
  1. more than four (4) "Safe Driver Points" during the past twelve (12) months/one (1) year; or
  2. more than six (6) "Safe Driver Points" during the past thirty-six (36) months/three (3) years; or
  3. more than nine (9) "Safe Driver Points" during the past sixty (60) months/five (5) years; or
  4. more than twenty-five (25) "Safe Driver Points," total, on the entire driving record during the last ten (10) years.
- B. In addition to the "Safe Driver Points" criteria stated above, applicants for a position as a school bus driver shall not be approved for hiring if:
  1. the applicant has been cited for reckless driving at any time during the past ten (10) years; or
  2. the applicant has been cited for driving while impaired due to unlawful use of alcohol or drugs at any time during the past ten (10) years.



- C. Applicants who have been cited for reckless driving or driving while impaired due to unlawful use of alcohol or drugs more than ten (10) years ago must have a completely clean driving record (no citations for moving violations) for the past ten (10) years in order to be considered for hiring and must meet all other "Safe Driver Point" criteria and District hiring guidelines.

### **Current Employee Requirements**

All Transportation Department employees who hold a position which requires them to transport students on a school bus shall be expected to be in compliance with the provisions of this *Safe Driver Plan* at all times. All other Transportation Department employees who choose to maintain a Commercial Driver License (CDL) and complete the necessary requirements to transport students on a school bus shall also be required to comply with all requirements set forth in this *Safe Driver Plan*. The employees described in this paragraph shall be referred to and considered as "covered" employees under this *Safe Driver Plan* and Board Policy 4162.

### **Florida Department of Education Requirements**

All employees covered under this *Safe Driver Plan* shall be entered into the Florida Department of Education School Bus Driver Records Check System database.

The Transportation Department shall accomplish a complete check of driving records of all covered employees before the start of the school year in August of each year.

The Transportation Department shall also obtain a weekly update of new activity posted to covered employees' driving records via the *Weekly Exception Report* from the Florida Department of Education School Bus Driver Records Check System.

If the *Weekly Exception Report* indicates a covered employee's driver's license has been suspended, revoked, or canceled, the Director of Transportation, or designee, shall ensure immediate action is taken to prohibit such driver from operating a school bus or any other Board owned/leased vehicle.

### **Incident Reporting Procedure**

While it is absolutely essential that all damage to a bus be reported, there are some very minor incidents that do not warrant the attention of the Accident Review Committee or the awarding of points unless, of course, an individual demonstrates a continuing problem with such incidents. Therefore, incidents that meet all of the following criteria will no longer be considered "accidents" for the purposes of this plan:

- A. The damage must occur between School Board vehicles or fixed assets belonging to the school board.
- B. The damage must have occurred while on School Board property (i.e., in a compound or at a school site);
- C. The amount of damage must not exceed \$250.00, and excludes labor.
- D. There are no passengers on board the School Board vehicles.

Incidents meeting the above criteria will not require an accident report, but must be reported immediately using an incident report. In addition, if the damage could cause a safety problem when doing a route (e.g., cross-over mirror glass broken and out), then the repair must be made prior to using the damaged bus. Any incident reported that does not meet the above criteria will be considered an accident and will be handled in that matter.

If data analysis on data generated from the incident reports shows any abuse of this policy, or if vehicle maintenance starts seeing a marked increase in unreported damage to buses, then this clause will be removed from the plan.

### **Employee Responsibility**

- A. Driver's License

All employees covered under this *Safe Driver Plan* shall be required to possess the appropriate Commercial Driver License (CDL) and CDL medical card at all times while employed with the District and to maintain their license and CDL medical card in good standing. Covered employees shall make sure information on their driver's license pertaining to their address is kept current at all times.

B. Accidents involving School Bus or Other Board Owned/Leased Vehicle

Covered employees shall immediately report any accident/crash involving a school bus or other Board owned/leased vehicle to the Transportation Department. If the accident occurs after normal working hours, or at any other time the offices of the Transportation Department are closed, the employee shall immediately notify the District Policy Department.

C. Reporting of Citations for Moving Violations (Traffic Tickets)

All citations for moving violations issued to covered employees shall be reported, regardless of the ownership of the vehicle being driven by the covered employee. All citations for moving violations shall be reported, regardless of the location where the citation was issued. Covered employees shall be responsible to report the receipt of any citation for a moving violation to their immediate supervisor by 12 p.m. (noon) on the next work day.

### "Safe Driver Points"

"Safe Driver Points" shall be assessed by the Transportation Safe Driver Committee for all preventable vehicle accidents/crashes involving covered employees driving Board owned/leased vehicles, in accordance with the guidelines established in "*Safe Driver Point*" *Assessment Schedule* of this *Safe Driver Plan*.

"Safe Driver Points" shall also be assessed for all moving violations appearing on a covered employee's *Transcript of Driver Record*, as obtained through the Florida Department of Education School Bus Driver Records Check System. The Director of Transportation or designee shall assess "Safe Driver Points" for entries on a covered employee's *Transcript of Driver Record* in accordance with the criteria established in "*Safe Driver Point*" *Assessment Schedule* of this *Safe Driver Plan*.

If an employee decides to go to court on a traffic citation, s/he shall have the right to request the assessment of "Safe Driver Points" be held in abeyance until the court renders a judgment. Such request must be made, in writing, to the Director of Transportation, or designee. The employee's letter making the request must contain the following information:

- A. name of employee, bus compound to which assigned, and bus route number;
- B. date of the citation and citation control number;
- C. nature of the citation;
- D. court date must be communicated as soon as a date has been set with the Clerk of the Court;
- E. statement describing the reason why the employee feels s/he should not have been given the citation.

"Safe Driver Points" shall not be assessed for moving or non-moving violations appearing on a covered employee's *Transcript of Driver Record*, while operating their personal vehicles as obtained through the Florida Department of Education School Bus Driver Records Check System except as noted in "*Safe Driver Point*" *Assessment Schedule*. The Director of Transportation or designee shall review the record for indications of driving behavior that could affect a covered employee's driving license (suspension/revocation/cancellation). When a driver's *Transcript of Driver Record* shows a deterioration of driving performance on their personal vehicle that could jeopardize their ability to continue driving a school bus for the District, management will have documented conferences with that driver according to the following schedule:

- A. Within any Twelve (12) Month Period:
  1. If a driver receives six (6) points, a documented conference will be held with the driver to make sure they understand that any future citations/violations could jeopardize their continued employment.

2. If a driver received nine (9) points, a documented conference will be held with the driver emphasizing how close they are to having their license suspended and the need to drive with extreme caution or they could be jeopardizing their continued employment.
- B. Within any Eighteen (18) Month Period:
1. If a driver receives nine (9) points, a documented conference will be held with the driver to make sure they understand that any future citations/violations could jeopardize their continued employment.
  2. If a driver receives fourteen (14) points, a documented conference will be held with the driver emphasizing how close they are to having their license suspended and the need to drive with extreme caution or they could be jeopardizing their continued employment.
- C. Within any Thirty-Six (36) Month Period
1. If a driver receives twelve (12) points, a documented conference will be held with the driver to make sure they understand that any future citations/violations could jeopardize their continued employment.
  2. If a driver receives eighteen (18) points, a documented conference will be held with the driver emphasizing how close they are to having their license suspended and the need to drive with extreme caution or they could be jeopardizing their continued employment.

"Safe Driver Points" assessed under this *Safe Driver Plan* shall be deleted three (3) years following the date they were originally assessed.

### **Suspension/Revocation/Cancellation of Driver's License**

Any covered employee who receives notification of a driver's license suspension, revocation, or cancellation shall be required to immediately notify the Transportation Department upon receiving such notification. After normal working hours, or any other time the offices of the Transportation Department are closed, the employees shall immediately notify the District Policy Department. Upon notification that a covered employee's driver's license has been suspended, revoked, or canceled, the Director of Transportation or designee shall take appropriate action to ensure the employee does not drive a school bus or any other Board owned/leased vehicle.

The Director of Transportation or designee shall hold a conference with the driver to determine the circumstances of the license suspension/revocation/cancellation and if the driver knowingly operated a school bus or other Board owned/leased vehicle with a suspended/revoked/canceled driver's license. If it is determined a driver has knowingly operated a school bus or other Board owned/leased vehicle with a suspended, revoked, or canceled driver's license, such driver shall be recommended to the Board for dismissal. Otherwise, "Safe Driver Points" shall be assessed and disciplinary action taken in accordance with the guidelines and procedures included in this policy.

Any driver who fails to get their suspended/revoked/canceled driver's license reinstated within ten (10) working days shall be recommended to the Board for dismissal.

### **Repeat Offenses**

The procedures detailed above shall apply only to the first time a school bus driver's license is suspended/revoked/canceled. Additional occurrences shall result in the following:

A. Second Occurrence Within a Three (3) Year Period

So long as the driver has not knowingly operated a school bus or other Board owned/leased vehicle with a suspended/revoked/canceled driver's license, "Safe Driver Points" shall be assessed and disciplinary action taken in accordance with the guidelines and procedures included in this document. However, any driver who fails to get their suspended/revoked/canceled driver's license reinstated within ten (10) working days shall be recommended to the Board for dismissal.

**B. Third Occurrence Within a Three (3) Year Period**

All such drivers shall be recommended to the Board for dismissal.

**Disciplinary Action**

Covered employees who are assessed "Safe Driver Points" assigned in accordance with the guidelines and criteria established in this document shall be recommended for disciplinary action as detailed below:

<b>"Safe Driver Points" Assessed</b>	<b>Time Period</b>	<b>Disciplinary Action</b>
1-4 points	one (1) year	documented warning
5-7 points	one (1) year	letter of reprimand
8-11 points	one (1) year	three (3) day of suspension without pay
12 or more points	one (1) year	dismissal
15 or more points	two (2) years	dismissal
18 or more points	three (3) years	dismissal

NOTE: A year is defined as twelve (12) consecutive calendar months.

**Retraining**

All covered employees who have been determined to have had a preventable accident/crash while driving a school bus or other Board owned/leased vehicle shall be required to successfully complete refresher training under the direction of the Transportation Department's Driver Training & Safety Specialist.

**Re-Employment**

Dismissal as a school bus driver under this policy shall permanently disqualify that individual for re-employment as a school bus driver.

**Transportation Accident Review Committee (ARC)****A. Objectives of the Transportation ARC**

1. Review all vehicle accidents/crashes (preventable and non-preventable) involving covered employees driving a school bus or other Board owned/leased vehicle, in accordance with the guidelines and criteria set forth in this document and standards promulgated by the National Safety Council and the National Association for Pupil Transportation.
2. Recommend assessment of "Safe Driver Points" based on a review of all available information regarding accidents.
3. Analyze accident trends and make recommendations about accident prevention.
4. Review the *Safe Driver Plan* and make recommendations for revisions.

**B. Committee Membership**

The Transportation ARC shall be composed of the following representatives:

1. Voting

- a. Director of Transportation, or designee (committee chairperson, votes only as tie-breaker)
- b. Transportation Driver Training & Safety Specialist
- c. Central, North, and South Area Managers or their designee (designee must be a Supervisor - Transportation Field Operations)
- d. representative of Risk Management
- e. school bus driver representatives will be appointed by Certified Bargaining Agent

The Certified Bargaining Agent will appoint four (4) representatives from each area, North, Central and South. The appointed driver representatives must be equally divided between Certified Bargaining Agent and non-member. Two representatives from each area will attend each meeting. It shall be Certified Bargaining Agent's responsibility to ensure that both Certified Bargaining Agent and the non-member drivers are properly represented at each ARC meeting based on area representatives attending.

- f. A representative member from Vehicle Maintenance.

2. Non-Voting

Representative of the School Employees' union (Local 1220, Service Employees International Union.

C. Term of Office for School Bus Driver Representatives

School bus driver representatives to the Transportation ARC shall be rotated at the discretion of the Certified Bargaining Agent.

D. Meetings

Meetings will be scheduled on a biweekly basis throughout the regular school year. If there is insufficient work for the ARC to review, the meeting will be cancelled. No meeting shall be held unless there is an equal number of driver and management representatives present to make decisions on crash preventability. The Certified Bargaining Agent representative is not an active participant in the discussion/decisions of the ARC. The Certified Bargaining Agent representative's role is to ensure that the deliberations of and decisions made by the ARC are fair and impartial from an employee perspective.

E. Training

At the beginning of each school year before any meetings occur, all ARC members shall be thoroughly trained in the criteria promulgated by the NSC to determine crash preventability. No one may serve as a voting member of the ARC without this training.

F. ARC Review Process and Appeals of Decisions

1. All covered employees shall have the right to appeal "Safe Driver Point" assessment recommendations of the Transportation ARC.

2. If an employee elects to appeal the recommended points from the Committee, the employee must submit his/her request, in writing, to the Director of Transportation, or designee, within ten (10) working days of receiving notification of the Committee's recommendations. The Director of Transportation or designee shall review the appeal request form and schedule a meeting with the employee to hear the appeal. During the appeal process, assessment of "Safe Driver Points" shall be held in abeyance until such time as the appeal ruling has been made by Committee and/or the Director of Transportation.

G. Audit Process

The importance of operating a school bus fleet safely cannot be over emphasized. Therefore, the integrity of the processes and outcomes of the ARC are of paramount importance to the students, parents, District, and public at large to ensure such safety.

1. On an annual basis at the conclusion of the regular school year, the Manager, Transportation Services, will arrange for a statistical analysis and audit of ARC decisions for the past school year. The work will at a minimum include a review by an independent group of safety experts who will review statistics and a random sample of decisions reached by the ARC to determine if decisions are consistent with the National Safety Council Guidelines. Feedback and recommendations for process improvement will be given to ARC members at the annual training discussed in *Training* above.
2. In addition, if during the course of the school year a pattern of ARC decisions emerges that cause the Director of Transportation to question the workings of the ARC, s/he may at his/her sole discretion ask the Manager, Transportation Services, to have such decisions audited to ensure they meet NSC Guidelines.

## Safe Driver Awards

A. Purpose

Safe Driver Awards are designed to recognize those drivers who have maintained an exemplary driving record. There shall be an annual award and also separate awards for multiple years of continuous safe driving.

B. Criteria for Annual Safe Driver Award

To receive this award a covered employee must:

1. have no citations, during the year, on his/her DHSMV Transcript of Driver Record; and
2. have maintained his/her driver's license in good standing; and
3. have no preventable accidents/crashes; and
4. have been employed with the District in a covered employee position for the preceding twelve (12) months (August through July). A covered employee who is absent from work for any cause for more than thirty (30) working days shall not be eligible to receive a Safe Driver Award of the school year.

C. Criteria for Multiple Year Safe Driver Awards

Multiple Year Safe Driver Awards shall be established as follows:

1. Drivers who meet the criteria to receive the Annual Safe Driver Award for two (2) or more consecutive years shall receive a Multiple Year Safe Driver Award in recognition of their accomplishment.

2. Drivers who meet the criteria to receive a Multiple Year Safe Driver Award for ten (10) or more consecutive years of safe driving shall be specially recognized by the Board during the annual National School Bus Safety Week in October.

**Distribution of the Safe Driver Plan**

Each year the *Safe Driver Plan* shall be printed and distributed to all employees which it covers either at the beginning of the school year (annual workshop), or upon initial employment (upon successful completion of the driver training class), or after any changes in the plan have been approved by the Board.

**"Safe Driver Point" Assessment Schedule**

The Transportation ARC shall review the circumstances of all accidents/crashes involving a covered employee operating a school bus or other Board owned/leased vehicle. If the Committee's review determines that an accident/crash was preventable then "Safe Driver Points" shall be assessed. The Committee shall assess up to three (3) "Safe Driver Points" but not less than one (1) "Safe Driver Point," depending on the circumstances of the preventable accident/crash.

"Safe Driver Points" shall also be assessed for moving violations appearing on a covered employee's *Transcript of Driver Record*, as obtained through the Florida Department of Education School Bus Driver Records Check System, as set forth in "Safe Driver Points" of this *Safe Driver Plan*.

**"Safe Driver Point" Assessment Schedule - Moving Violations**

	Moving Violation	"Safe Driver Points"	
		SB	PV
1.	Speeding:		
	a. 15 mph or less over posted speed limit	3	0
	b. 16 mph or more over posted speed limit	4	0
	c. Speeding in a school zone more than 5 mph over the posted speed limit in a school bus or other Board owned/leased vehicle	9	0
2.	Driving too fast for conditions	3	0
3.	Following too close	3	0
4.	Failed to comply with traffic control device/sign	3	0
5.	Failed to yield	3	0
	a. To emergency/authorized vehicles	4	0
6.	Improper lane change/turning/passing	3	0
7.	Passing a stopped school bus loading/unloading students	9	4
8.	Improper backing	3	0
9.	Careless or improper driving - in a school bus or other Board owned/leased vehicle	4	0
10.	Reckless driving	12	4
11.	Failed to stop before crossing railroad tracks (in a school bus)	9	0

12.	Driving around/through railroad crossing gate or barrier without proper authorization in a school bus	9	0
13.	Seat belt violation - driver in a school bus or other Board owned/leased vehicle	3	0
14.	Special Hazard - failure to use due care - in a school bus or other Board owned/leased vehicle	6	0
15.	Driving a CMV without a CDL in the driver's possession (FMVCR 383.51)	3	0
16.	Driving while impaired due to unlawful use of alcohol or drugs	12	12
17.	Driving with open container of alcoholic beverage (operator)	12	3
18.	Fleeing or attempting to elude a police/highway patrol officer	12	6
19.	Failed to report/file report of moving violation/accident	4	0
20.	Failed to report/file report of moving violation/accident - school bus or other Board owned vehicle	9	0
21.	Left scene of accident before police/highway patrol arrived (driver involved)	9	0
22.	Citations for vehicle defects, vehicle not properly equipped, vehicle not properly registered or insured: one (1) "Safe Driver Point" shall be assessed for these citations, when reviewing driving records of applicants for a position as a school bus driver.		

#### **"Safe Driver Point" Assessment Schedule - Driver License Suspensions, Cancellations, and Revocations**

A. Applicants for a position as a school bus driver:

1. license suspended or canceled for any reason other than personal injury protection insurance (PIP) cancellation or financial responsibility judgment (FRJ): 3 "safe driver points"
2. license suspended for PIP cancellation or FRJ: 1 "safe driver point"
3. license revoked (any reason): 12 "safe driver points"
4. driving while license suspended/revoked/canceled: 4 "safe driver points"

B. Current employees covered under this *Safe Driver Plan*

1. license suspended/canceled for any reason other than PIP cancellation or FRJ: 4 "safe driver points"
2. license suspended for PIP cancellation or FRJ: 2 "safe driver points"
3. license revoked (any reason): 12 "safe driver points"
4. driving while license suspended/revoked/canceled: 8 "safe driver points"



F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

Adopted 12/9/09; Revised 6/29/10

## 8600.02 - REQUIREMENTS FOR SCHOOL BUS DRIVERS

(1) To ensure the safety of all students transported by school bus, it is the responsibility of the District to ensure that only qualified individuals are employed in the capacity of school bus driver. Accordingly, each school bus driver must meet the qualifications and perform the responsibilities prescribed by statute and regulation.

### (2) QUALIFICATIONS

#### (a) Experience and Background.

1. At the time of initial employment, the District shall ensure that an applicant for a school bus driver position has five (5) years of licensed driving experience and otherwise meets the hiring criteria of Policies 4120, 4121 and 4121.01, which includes a criminal background check.

2. Prior to transporting students on a school bus, each school bus driver must meet the following requirements:

a. Hold a valid commercial driver's license with a passenger endorsement and a school bus endorsement.

b. Successfully complete forty (40) hours of pre-service training consisting of at least twenty (20) hours of classroom instruction and eight (8) hours of behind-the-wheel training based upon the Department of Education's Basic School Bus Operator Curriculum, Revised 2006.

c. Demonstrate the ability to prepare required written reports.

3. The District shall obtain a driver's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus driver, substitute driver, or any other individual certified to drive a school bus by the district and shall review such records in accordance with applicable law and regulation.

#### (b) Physical and Medical Qualifications.

1. A school bus driver must demonstrate physical and mental capabilities required to carry out all assigned responsibilities as a school bus driver. A physician designated by the District shall determine the physical and mental capabilities of the bus driver based upon a physical examination. Form ESE 479, Physical Examination for School Bus Driver and Medical Examiners Certificate, as adopted by State Board Rule, shall be used for recording the results of the physical examination. A dexterity test shall also be administered by the District.

2. The costs of the physical examination shall be paid by the District.

3. It is the bus driver's duty and responsibility to accurately and honestly complete the health history portion of Form ESE 479, and failure to do so shall constitute grounds for termination.

4. The physical standards established by the Federal Motor Carrier Safety Administration shall be applicable to all school bus drivers within the state.

5. In the event that the District's designated medical examiner determines that the school bus driver is not physically or mentally fit to pass the medical examination, the school bus driver may obtain a second opinion from a qualified medical examiner chosen from a list of approved medical examiners maintained by the District. The bus driver will be responsible for any co-pay or other costs associated with the second opinion. In the event that there is a conflict in opinions between the two medical examiners, the conflict shall be resolved as follows:

a. A third medical examiner will be chosen by the two (2) medical examiners in disagreement who shall be a licensed physician specializing in the field of medicine related to the condition(s) in question.

b. The third physician shall be given copies of both medical examiners' forms and the test results upon which the findings are based, and a complete description of the requirements of the bus driver's responsibilities.

c. The third physician shall conduct any applicable tests as are necessary.

d. The findings of the third physician shall be the basis of determination of fitness for duty.

e. The costs incurred to obtain the opinion of the third physician shall be the responsibility of the bus driver.

(3) SCHOOL BUS DRIVER HANDBOOK: Each bus driver shall adhere to the rules and procedures described in the [School Bus Driver Handbook](#), adopted April 26, 2011 and amended October 23, 2012, which is incorporated herein by reference. The handbook establishes additional guidelines to implement the statutes, regulations, and policies pertaining to the transportation of students.

F.S. 1012.45, 1006.22

6A-3.0141, 6A-3.0151, 6A-3.0171

49 C.F.R. Sections 391.41 and 391.43

Adopted 4/26/11; Revised 10/23/12

## 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

## 8611 - OFF-SITE STUDENT PEDESTRIAN/BICYCLE TRANSPORTATION SAFETY

The School Safety and Security Department will provide reasonable notice to appropriate municipal, county, regional, and State governmental agencies for traffic control and safety devices so that said devices could feasibly be installed and operational prior to the first day of classes of a new school.

The School Safety and Security Department will coordinate plans for the opening of new schools and information related to existing schools with governmental agencies and the Office of Facilities, Design and Construction to seek infrastructure improvements conducive to safer walk and bicycle routes to school. The School Safety and Security Department will initiate meetings with affected governmental agencies at least one (1) year prior to the opening of a new school.

The School Safety and Security Department will work cooperatively with governmental agencies to identify conditions that are hazardous to students who walk or bicycle to school.

On or before November 1st of each school year, the School Safety and Security Department will conduct an annual survey of all schools and centers to determine traffic control and safety device concerns of school personnel, parents, and others. The Board's transportation department will also be surveyed.

On or before March 1st of each year, the School Safety and Security Department will communicate any Board approved zone changes to the governmental agency having jurisdiction over traffic and safety in the affected area. The governmental agency will be asked to identify and rectify any hazards associated with the new zoning.

### **Continued Off Site Pedestrian Safety Improvement:**

As off site pedestrian safety issues arise at various schools, the school administration should relay the safety concerns to the School Safety and Security Department.

The School Safety and Security Department will immediately forward the report to the appropriate municipality for corrective action.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43, 1006.23, 1013.36, 1013.33

Adopted 12/9/09; Revised 7/27/10

8640 - TRANSPORTATION FOR FIELD AND OTHER  
DISTRICT-SPONSORED TRIPS

It shall be the policy of the School Board to use regular or special-purpose school vehicles for transportation on field and other District-sponsored trips.

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 District shall assume transportation costs for approved field trips as specified in the Superintendent's administrative procedures.

Transportation may be limited by the availability of vehicles, drivers, and scheduling.

All field trips shall be supervised by members of the staff. All other District-sponsored trips shall be supervised by either staff members or adults from the sponsoring organization. Any time students are on the vehicle, the ratio of one (1) chaperone to ten (10) students is expected to ride in the vehicle as well as to supervise students upon return to the District and while they are waiting for rides home.

All students are expected to ride the approved vehicle to and from each activity. A special request must be made to the staff member or sponsor by the parent, in writing or in person, to allow an exception.

District students not affiliated with the trip activity, nondistrict students, and/or children of preschool age shall not be permitted to ride on the trip vehicle without prior approval of the principal.

Unless an exception is made by the principal on an individual basis provided the student has written parental permission, and meets all other transportation criteria for field trips as described in the [Safety and Loss Prevention Guide](#), no student is allowed to drive on any trip.

F.S. 1006.21

## 8651 - EMPLOYEE TRANSPORTATION

The School Board will permit the school buses owned or leased by this District to be used for purposes other than regularly-scheduled routes to and from school in accordance with law and rules of the State, provided such trips do not interfere with routine school transportation services.

- A. Upon approval of the Superintendent, transportation may be provided for employees when their duties are required at more than one school site.
- B. Upon recommendation of the department head, and approval of the division head and the Superintendent, vehicles may be assigned on a twenty-four (24) hour basis to employees when necessary. These vehicles shall be used for official Board business only.
- C. Employees whose duties require the use of a vehicle during duty hours shall be issued a vehicle. In cases of an emergency, the department head may assign a vehicle overnight to an employee.
- D. Authorized employee travel in their personal vehicle for Board business shall be reimbursed at the approved rate for official travel.
- E. APPLE CORP volunteers may be transported on school buses, if space is available on established routes.

F.S. 1006.21

## 8660 - TRANSPORTING STUDENTS BY PRIVATE VEHICLE

(1) The School Board shall use school buses, as defined in Florida statutes, for all regular transportation of students, pre-kindergarten through grade 12.

(2) For purposes of this policy, "regular transportation" or "regular use" means transportation to and from school or school-related activities which are part of a scheduled series or sequence of events to the same location. "Private vehicle" means a motor vehicle owned, leased, or rented by a person or entity other than the School Board. The District shall not reimburse a person or entity for the purchase price, lease or rental payment associated with the use of a private vehicle.

(3) 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.

(4) 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 school principal or designee; 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.

(5) 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 any necessary documentation 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.

(6) 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.

(7) 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.

(8) 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.

(9) Notwithstanding any other provision of this policy, in an emergency situation which 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

Adopted 12/9/09; Revised 7/26/11



## 8700 - ANTI-FRAUD

### Purpose

The purpose of this policy is to establish certain principles and expectations for the School District in order to prevent fraud, investigate and provide consequences for engaging in any manner of fraud, and to heighten awareness of possible fraud. The District will not tolerate fraud or the concealment of fraud.

### Definition

Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to personally benefit or to induce another to act to his/her detriment.

Actions constituting fraud include but are not limited to:

- A. falsifying, or unauthorized altering of District documents, including but not limited to:
  - 1. claims for payments or reimbursements - (including but not limited to submitting false claims for travel or overtime)
  - 2. absence(s) from the worksite documents including but not limited to, a Temporary Duty Elsewhere (TDE - PCS Form 3-650) or Employee Certificate of Absence Report (PCS Form 3-135) (such as reporting falsely a sick day instead of a personal day or not reporting an absence)
  - 3. files (both physical and electronic forms) photographic or audio records, or accounts belonging to the School District
  - 4. checks, bank drafts, or any other financial documents
  - 5. student records
  - 6. maintenance records
  - 7. fire, health, and safety reports
- B. accepting or offering a bribe, gifts, or other favors under circumstances that indicate that the gift or favor was intended to influence an employee's decision-making
- C. disclosing to other persons the purchasing/bidding activities engaged in, or contemplated by the District in order to give any entity, person, or business an unfair advantage in the bid process
- D. causing the District to pay excessive prices or fees where justification is not documented
- E. unauthorized destruction, theft, tampering, or removal of records, furniture, fixtures, or equipment  

Approval by the principal or supervisor, with proper documentation, is required for the removal of District property or assets.
- F. using District equipment or work time for any outside private business activity.

### Responsibility

This policy applies to any fraud, suspected or observed, including District staff members, outside support organizations, vendors, contractors, volunteers, outside agencies doing business with the School Board, and any other persons or parties in a position to commit fraud on the Board. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship.

Any perceived fraud that is detected or suspected by any staff member or other person shall be reported immediately to the Office of Professional Standards for guidance as to whether pursuit of an investigation is warranted. The obligation to report fraud includes instances where an employee knew or should have known that an incident of fraud occurred.

Administrators and supervisors are responsible for:

- A. ascertaining that employees under their supervision receive District training regarding fraud (see *Employee Education* below);
- B. completing the District-designed self-assessment of risk of fraud for their school/department (see *Self-Assessment of Risk of Fraud* below);
- C. being familiar with the types of fraud that could occur within their areas of responsibility;
- D. being alert for any indication of fraud.

### **Consequences**

Repeated violation of this policy may result in dismissal from employment.

### **Employee Education**

All employees will be required to sign a statement indicating that they have read and understand this policy, and new employees shall do so as part of the District orientation.

### **Self-Assessment of Risk of Fraud**

Using the District designed format, each school/department shall perform a self-assessment of risk to identify areas where fraud may occur. Administrators and supervisors are responsible for identifying risks in their particular area of oversight and ensuring that internal controls are in place to address each of the identified risks.

### **Confidentiality and Reporting**

See [Policy 1550](#), [Policy 3550](#), [Policy 4550](#), and [Policy 9130](#).

## 8710 - INSURANCE

The District may obtain insurance policies necessary to protect the District from major financial losses.

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. broad term money and securities
- D. special coverage for equipment not ordinarily covered under a standard policy
- E. 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
- F. loss or damage from liability for the general acts or errors and omissions of District officers, employees, or volunteers

Insurance for a given coverage shall be obtained at the lowest possible cost, assuming that service and company reliability are satisfactory.

The Superintendent may choose to retain the cost of certain liabilities (self-insure) through a risk management program as found in F.S. 768.28. These items may include, but need not be limited to, the following:

- A. comprehensive bodily injury, property damage on automobiles, buses, and trucks
- B. loss or damage from liability established by worker's compensation statutes
- C. legal liability for Board members and employees
- D. loss or damage to District property, real or personal
- E. loss or damage from liability resulting from the use of District property

F.S. 768.28, 1001.42

## 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 and property be bonded.

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

## 8760 - STUDENT ACCIDENT INSURANCE

All students who participate in extra-curricular athletics, intramural sports, cheerleading, marching band, and other activities designated in a complete listing on file in the Risk Management and Insurance Department are required to purchase the student accident insurance policy offered through the School Board prior to being permitted to tryout, participate in, or engage in any of these activities.

The premium provides excess medical coverage for injuries resulting from an accident which occurred during the school day and/or during participation in any sports (an additional premium is required for participation in high school football) and any after school extra-curricular activities. The accident insurance policy provides coverage for all sports and extra-curricular activities participation during the school year.

The purchase of accident insurance is required, whether or not the student is covered by any other accident or medical insurance.

A limited number of scholarships will be available, based upon individual financial needs.

F.S. 1006.16

Adopted 12/9/09; Revised 6/29/10

## 8800 - RELIGIOUS OBSERVANCES

(1) District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with Policy 7510 and Policy 9700.

(2) The School Board shall not adopt any policy or rule respecting or promoting an establishment of religion. Further, Federal and State law prohibit the School Board from adopting any policy or rule, or from entering into any agreement, prohibiting any student or staff member from the free, individual, and voluntary exercise or expression of the individual's religious beliefs. However, students and staff may pray or engage in other religious activities when not engaged in school activities, instruction, or work duties and are subject to the rules that normally pertain to the applicable setting.

(3) Students may wear symbols and articles of clothing that contain written or symbolic expressions so long as such symbols and clothing are not disruptive, obscene, lewd, vulgar, or do not infringe on the rights of other students.

(4) Celebration activities involving a variety of decorations and music primarily secular in nature and not used as a vehicle for promoting religious belief are permitted. It is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

(5) Immediately following the daily patriotic exercises, students and faculty members may observe a brief period of time, not to exceed thirty (30) seconds, for the purpose of silent reflection or recollection, which shall not be construed as a religious observance.

F.S. 1000.06, 1002.20, 1003.45

20 U.S.C. 4071 et seq.

Gregoire vs. Centennial School District 907 F.2d 1366, (3rd Circuit, 1990)

Lee vs. Weisman, 112 S. Ct. 2649, 120 L. Ed.2d 467 (1992)

Adopted 12/9/09; Revised 7/26/11

## 8810 - THE AMERICAN FLAG

### **Salute to the Flag**

The Pledge of Allegiance to the American Flag shall be rendered daily. Those students and faculty members not wishing to participate in such patriotic observances and silent periods should maintain a respectful silence, refraining from any act that would interfere with such observances.

### **Display of the Flag**

A. Out-of-Doors

The flag of the United States shall be displayed daily upon the grounds of each school on a suitable flag staff when the weather permits.

B. In the Classroom

Each classroom shall display the flag of the United States on an appropriate staff.

### **Flying the Flag at Half-Staff**

Etiquette regarding the U.S. Flag says, "The flag is to be flown at half-staff in mourning for designated, principal government leaders and upon **presidential** or **gubernatorial** order."

F.S. 1000.06, 1001.41, 1003.44

U.S. Public Law No. 623, as amended by U.S. Public Law No. 829

## 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.

All printed materials which are produced for the District and for which charges are assessed shall be the responsibility of Central Printing Services. Cost and timeliness shall be considered by the Central Printing Services in determining whether such materials are produced internally and externally.

F.S. 1006.39



## 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 contained in the District's [Communications Guide](#) shall be followed by all staff members who produce documents that are distributed to students and/or other stakeholders.

F.S. 1006.39

## 9120 - PUBLIC INFORMATION PROGRAM

The School Board believes that the public should be kept informed on matters of importance regarding District policies, finances, programs, personnel, and operations. Therefore, the Board shall provide the means to accomplish this purpose.

The Superintendent shall maintain an information program designed to acquaint the citizens of the community and general public with the achievements and the needs of the schools, and develop the necessary procedures to accomplish this end. This program is outlined in the [Communications Guide](#).

## 9130 - PUBLIC COMPLAINTS

This policy applies to parents and other visitors on School Board property or at District or school-sponsored events, vendors doing business with, or seeking to do business with the Board, and volunteers, who have a substantial interest in the operations of this District. Such persons shall have the right to present a request, suggestion, or complaint concerning District personnel, a 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 means for judging each public complaint in a fair and impartial manner and to seek a remedy where appropriate.

This policy does not apply to complaints of discrimination or harassment on the basis of age, sex, race, color, national origin, ethnicity, religion, disability, sexual orientation, marital status, or other characteristics protected by federal or state law or Board policy. Such complaints are governed by Policy 1362.

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 that more formal procedures shall be employed.

Students and parents will use the grievance procedure outlined in the Code of Student Conduct and Board policy on student complaints for matters arising under the Code.

### **Requests and Suggestions**

Any request or suggestion reaching the Board, Board members, or the administration shall be referred to the Superintendent for consideration for appropriate handling and disposition.

### **Public Complaints Regarding District Services or Operations**

If a member of the public wishes to complain about a District program, procedure, or operation, he or she should address the complaint initially to the principal or appropriate work-site supervisor. If the complainant is not satisfied with the determination at that level, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.

### **Public Complaints Regarding District Employees**

Allegations of employee misconduct may first be brought to the attention of the employee's worksite supervisor. If a satisfactory solution is not achieved by discussion with the employee's supervisor, then the complainant may submit a written complaint to the Office of Professional Standards, 301 4<sup>th</sup> Street SW, Largo, FL, PH 727-588-6471, FAX 727-588-6496. The complaint shall include:

- A. the name, address, telephone number, and signature of the complainant;
- B. the specific nature of the complaint and a brief statement of the facts giving rise to it; and
- C. the action which the complainant wishes to be taken and the reasons why it is felt that such action should be taken.

Upon receipt of the complaint, the administrator in the Office of Professional Standards will review the complaint in accordance with the following standards and procedures:

- A. If the complaint does not allege the essential elements of a violation of Board policy, the administrator will notify the complainant in writing and no further action will be taken.
- B. If the complaint does allege the essential elements of a violation of Board policy, the administrator will investigate the allegations of the complaint and make factual findings. The administrator is authorized and encouraged to assign the investigation to an administrator at the school or site, where appropriate.

- C. If the investigation results in a finding that Board policy has been violated, corrective actions will be taken and any employee involved will be subject to an employee disciplinary action, which could range from conference summary to termination of employment. The complainant shall be notified of the action taken at the earliest time permitted by applicable law and Board policy.
- D. If the complainant is dissatisfied with the determination made under A or C above, the complainant may request in writing a review by the Superintendent within five (5) working days after receiving notification of the determination. Upon fifteen (15) working days following receipt of the complainant's request for review, the Superintendent shall render a written decision. The decision of the Superintendent shall be final.
- E. The use of these complaint procedures shall not prohibit the complainant from seeking redress from other available state or federal sources.
- F. If the complaint filed with the Office of Professional Standards alleges misconduct by instructional personnel and school administrators which affects the health, safety, or welfare of a student, the Office of Professional Standards shall comply with the mandatory reporting requirements of Policy [8141](#).

Adopted 12/9/09; Revised 3/15/11

## 9150 - SCHOOL VISITORS

The School Board welcomes and encourages visits to school by parents, other adult residents of the community, interested educators, and representatives of the news media. 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 institute procedures regarding visitors.

All visitors must sign in at the main administration building of the school and present a photo I.D. before being granted access. The Superintendent or 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 disrupt the orderly and efficient operation of the school. If such an individual refuses to leave the school grounds or creates a disturbance, the principal is authorized to issue a trespass warning and thereafter request from the local law enforcement agency whatever assistance is required to remove the individual.

## 9160 - PUBLIC ATTENDANCE AT SCHOOL EVENTS

(1) The School Board welcomes the attendance of members of the community at athletic and other public events held by the schools in the District, but the Board also acknowledges its duty to maintain order and preserve the facilities of the District during the conduct of such events.

(2) The Board holds the legal authority to bar the attendance of or remove any person whose conduct may constitute a disruption at a school event. School administrators have the authority to call law enforcement officials if a person violates posted regulations or does not leave school property when requested. They are also authorized to use detectors and other devices to better ensure the safety and well-being of participants and visitors.

(3) The Board directs that no alcoholic beverage, or controlled substance not prescribed for the individual by a physician, be possessed, consumed, or distributed at any function sponsored by the District and/or at any function occurring on District premises.

(4) If a student or adult is asked to leave or is removed from a school event, no admission fees shall be refunded.

(5) 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.

(6) Service animals used by persons with disabilities are permitted in all District facilities and at all school events, in accordance with applicable law. See also Policy 2630 - Service Animals.

(7) The Board is aware of the increasing desire of many parents and other members of an audience to make audio and/or video 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 audio/video recording equipment may not interfere with the conduct of the particular activity 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 audio/video 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.

(8) Any person or organization seeking to film students or a school activity that is not a public event shall obtain prior permission from the Superintendent.

(9) 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 site administrator if they require a reasonable accommodation."

Adopted 12/9/09; Revised 7/26/11

## 9180 - VOLUNTEERS

### **Purpose**

The purpose of this policy is to promote and encourage school volunteers in order to expand and enhance parental, community, and civic involvement within schools while maintaining an adequate level of school safety and security. This policy establishes the framework for volunteer service in schools through the Office of Strategic Partnerships.

### **Applicability and Scope**

This policy applies to all volunteers and volunteer applicants in the District.

This policy shall not apply to a person who visits a school for a one (1) time special event, such as guest speakers; celebrity readers; persons attending student performances; parent or family members who have lunch with their own child; career day special guests; and attendance at parent conferences. These people are considered school visitors. They must sign in as visitors in the main office and school staff should provide them with appropriate direction.

The use of volunteers in schools of the District enhances the educational process for students and promotes community involvement in education. The School Board encourages volunteer participation by individuals and groups in Board sponsored programs in local schools, in District and area offices, and for Board sponsored and supervised off-school campus activities before, during, and after regular school hours.

A volunteer is a non-paid person functioning under the sponsorship of the District. The Board authorizes the Superintendent to approve volunteers to assist in organized school programs following the submission of an application, completion of a background check as provided herein, and upon successful completion of a volunteer orientation and training program, in accordance with State Board of Education rules and laws of the State of Florida.

### **Enrollment Procedures for Volunteers**

Prospective volunteers must complete all registration forms and a volunteer release as provided by the Office of Strategic Partnerships. False or misleading statements/answers or omissions made by an applicant may result in denial or, if discovered after appointment, may result in discontinuance of services.

### **Status of Volunteers**

Volunteers may be used to assist District personnel in local schools and District programs. However, instructional personnel retain responsibility for supervising, diagnosing, prescribing, instructing, and evaluating students.

The acceptance and utilization of the services of any person on a voluntary basis shall be at the discretion of the District, and the District may discontinue the utilization of such services at any time. Persons have no right to volunteer in District schools, and the discontinuance of the utilization of such services shall not affect any substantial interest.

Volunteers shall not engage in political or religious activities while on District premises and while performing District duties.

### **Criminal Background Investigation**

In order to protect the safety and security of students and staff, volunteers must submit to a background screening consisting of answering of arrest and criminal history questions on the application form, a search of that person's 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, as amended from time to time, as well as a local criminal history background check. No volunteer shall be allowed unsupervised contact with students unless approved in advance by the site administrator. Volunteers who are allowed unsupervised contact with students shall first successfully complete level 2 background screening pursuant to the procedures described for Jessica Lunsford Act level 2 screening set forth at <http://www.pcsb.org/jlahome.html>. "Unsupervised contact" shall not include unanticipated unsupervised contact that is infrequent and incidental.

## Qualifications

To be eligible to serve as a school volunteer, an individual must be of good moral character. 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 appointed to the position of school volunteer. The term conviction means a conviction by a jury or by a court and shall also include the forfeiture of any bail, bond, or other security deposited to secure appearance by a person charged with having committed a felony or misdemeanor, the payment of a fine, a plea of nolo contendere (no contest), the imposition of a deferred or suspended sentence by the court, adjudication withheld, finding of guilt, or the date of entry into a pre-trial intervention, pre-trial diversion, or similar program, so long as such PTI/PTD program is completed by the end of the relevant waiting period.

Additionally, the following guidelines shall apply:

A. Category One

Felony sexual related crimes, felony lewd and lascivious crimes, felony child abuse crimes, and any other crime involving moral turpitude.

May not volunteer if convicted of Category One offenses.

B. Category Two

Felony crimes of violence and felony sale of controlled substances.

May not volunteer if the conviction for a Category Two offense was within the last twenty-five (25) years. The District will consider and carefully review if the conviction for a Category Two offense was beyond twenty-five (25) years.

C. Category Three

Other felony crimes (except those designated under Category Five), any other misdemeanor crimes of a sexual nature, and misdemeanor crimes related to children.

May not volunteer if the conviction for a Category Three offense was within the last ten (10) years. The District will consider and carefully review if the conviction for a Category Two offense was beyond ten (10) years.

D. Category Four

Misdemeanor drugs, misdemeanor crimes of violence, and misdemeanor crimes involving weapons.

May not volunteer if the conviction for a Category Four offense was within the last five (5) years. The District will consider and carefully review if the conviction for a Category Four offense was committed beyond five (5) years.

E. Category Five

Other misdemeanors and felony crimes involving worthless checks.

The District will consider the convictions in Category Five on a case-by-case basis.

F. Other Restrictions

May not drive students if DUI conviction within the past five (5) years, or ten (10) years if volunteer has two (2) DUI convictions. Cannot drive students with three (3) or more DUI convictions.

All volunteers must self-report any arrest, conviction, finding of guilt, withholding of adjudication, commitment to a pre-trial 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 to the Office of Professional Standards and the Director of the Office of Strategic Partnerships.



An applicant whose application has been rejected due to conviction of a disqualifying criminal offense may appeal to the Criminal History Appeal Committee. The Committee shall be made up of the School Board Attorney, or designee, an administrator from the Office of Professional Standards, and the Assistant Superintendent for Human Resources. Applicants appealing to the Committee shall have the burden of setting forth the circumstances surrounding the criminal incident for which an exemption is sought, and sufficient evidence of rehabilitation including, but not necessarily limited to, the time period that has elapsed since the incident, the nature of the harm caused to the victim, the history of the applicant since the incident, and any other evidence or circumstances indicating that the applicant will not present a danger if the appeal is granted. In the case of rejection due to an adjudication of guilt for an offense listed in F.S. 1012.315, the only basis for appeal to the Committee shall be mistaken identity. The decision of the Committee is final.

### **Responsibility**

Principals and administrators are responsible for coordination and supervision of volunteers.

Principals and administrators are responsible for identifying appropriate tasks for volunteers.

The Office of Strategic Partnerships is responsible for coordinating the background checks on volunteers.

The Superintendent shall issue directives concerning school volunteers included but not limited to more stringent guidelines for background screening as deemed necessary.

F.S. 110.504, 440.02, 768.28, 943.04351, 1001.41, 1001.42, 1001.43, 1012.01  
F.A.C. 6A-1.070 and 6A-1.0502

Adopted 12/9/09; Revised 6/29/10, 12/7/10

## 9210 - PARENT ORGANIZATIONS

The School Board encourages people to form PTAs(Parent/Teacher Associations) and PTSAs(Parent/Teacher/Student Associations) to support individual schools.

The Board authorizes principals to give written permission to PTAs or PTSAs to use the name, logo, mascot, or trademark of their school as part of the PTAs or PTSAs name or in its fundraising or other activities. The principal will give written permission prior to the beginning of each school year.

All PTA/PTSA activities will be approved in advance by the Principal and be beneficial to students, volunteers, employees of the school, or the school and will not conflict with programs administered by the Board.

All officers of the PTA/PTSA will be registered volunteers with the Board and all members are encouraged to become registered volunteers.

The PTA/PTSA will provide the Principal with a copy of the following at the beginning of each school year:

- A. annual budget
- B. list of officers
- C. list of check signers
- D. annual report from the previous year
- E. financial review from the previous year
- F. copy of bylaws approved by Florida Parent Teacher Association, Inc. within the last three (3) years
- G. proof of liability insurance either obtained through PCCPTA/PTSA or secured separately
- H. final bank statement

There will be a clear delineation between the school and the PTA/PTSA with respect to financial controls.

- A. Adequate, auditable records will be maintained at all times.
- B. The fiscal reporting period will begin July 1st and end June 30th
- C. The PTA/PTSA will use its own accounting procedures as set by National PTA, their own bookkeeping system and their own accounts.
- D. Only elected officers may be authorized to sign checks drawn on the bank account of the PTA/PTSA.
- E. A Board employee may also be a signor on the PTA/PTSA account as long as the employee is not an authorized signor on the school account.
- F. Two (2) signatures are required on all PTA/PTSA checks. Persons authorized to sign may not be related or live in the same household.
- G. The PTA/PTSA will secure its own Federal ID Number.
- H. Bank statements will be sent to the school's address.

- I. Copies of the bank statements and the treasurer's report shall be provided to the principal on a monthly basis. The bank statements must be reviewed by one member of the PTA/PTSA who is a non-signatory, who shall sign the statements as evidence of their review.
- J. The PTA/PTSA will not use the Board's sales tax exemption number when paying with a PTA/PTSA check.
- K. The PTA/PTSA will report any allegations of misappropriation or misuse of funds to PCCPTA/PTSA (Pinellas County Council PTA/PTSA) and the principal. The PCCPTA/PTSA and the principal will review financial records to determine if the allegations are supported. If the allegations are supported, they will be reported to law enforcement.

If the PTA/PTSA plans an activity requiring the assistance of any Board employee while the employee is not on duty (example: custodial, cafeteria), the PTA/PTSA will be responsible for all wages earned. The school secretary will notify the PTA/PTSA of the amount due and the check will be written to the District.

While on duty, Board employees may not handle money that is collected for a fund-raising activity of a PTA/PTSA at the school in which they are employed during normal working hours. Normal working hours also includes hours worked and paid by a supplement.

The principal may revoke the authorization to use the school's name, logo, mascot, or trademark if the principal determines that the PTA/PTSA has failed to comply with the terms of this policy. The principal will notify the PTA/PTSA in writing of the reason for the revocation. The PTA/PTSA may appeal the revocation in writing to the Regional Superintendent no later than five (5) business days from the date of the principal's letter.

The Regional Superintendent's decision may be appealed to the Superintendent in writing no later than five (5) business days after the decision. The Superintendent's decision shall be final.

In the event a PTA's/PTSA's authorization to use the school's name, logo, mascot, or trademark is revoked, the Pinellas County Council of PTA/PTSA (PCCPTA/PTSA) shall be notified. PCCPTA/PTSA will disband the PTA/PTSA and all property, records and funds of the local unit are to be turned over to PCCPTA within five (5) business days.

A PTA/PTSA is not an agent or representative of the school, the Board or of the school system and will not hold itself out as an agent or representative.

All PTAs/PTSAs must operate within liability insurance either obtained through PCCPTA/PTSA or secured separately. A list of PTAs/PTSAs securing insurance through PCCPTA/PTSA will be provided yearly by September 30th to Risk Management, Real Estate and Concurrency Services and the Auditing & Property Records Departments. The Board assumes no liability for the actions of the PTAs/PTSAs or for the loss of their property.

The principal must verify the existence of the separate policy or that the PTA/PTSA is on the list provided to Risk Management.

Adopted 12/9/09; Revised 7/26/11; 3/20/12

## 9211 - PARENT ORGANIZATIONS, BOOSTER CLUBS, AND OTHER FUND-RAISING ACTIVITIES

The School Board encourages people to form Outside Support Organizations (OSO). These organizations support individual schools or activities at a school. Examples of such organizations include the PTO and booster clubs.

The Board authorizes principals to give written permission to OSOs to use the name, logo, mascot, or trademark of their school as part of the OSO's name or in its fundraising or other activities. The principal will give written permission prior to the beginning of each school year and maintain a list of authorized OSOs. To assure proper accounting of funds and to protect volunteers in the OSO, an OSO agrees to comply with the provisions of this policy.

All OSO activities will be approved in advance by the principal or designee and be beneficial to students, volunteers, employees of the school, or the school and will not conflict with programs administered by the Board.

Adequate, auditable financial records will be maintained at all times.

All officers of the OSO will be registered volunteers with the Board and all members are encouraged to become registered volunteers.

The OSO will use a fiscal reporting period that begins July 1st and ends June 30th.

The OSO will provide the principal with a copy of its budget at the beginning of each school year in a format provided by the District.

An OSO that is not incorporated will not maintain a separate bank account but will deposit all proceeds from its activities into the school's internal funds account. The OSO will comply with all processes and procedures in Board policy related to receiving and disbursing funds.

An OSO that is incorporated as a not-for-profit corporation under Florida law will comply with the following requirements:

- A. There will be a clear delineation between the school and the OSO with respect to internal controls and custody of money.
- B. The OSO will use its own accounting procedures, bookkeeping system, and a single bank account.
- C. Copies of the bank statements and treasurer's reports shall be provided to the principal on a monthly basis.
- D. The OSO will maintain active status with the Florida Department of State. The OSO will provide the principal with a copy of the OSO's Uniform Business Report reflecting that the corporation has maintained its current status. The report will be provided to the principal no later than September 15th of each year.
- E. Only elected officers may be authorized to sign checks drawn on the bank account of the OSO.
- F. Two (2) signatures are required on all OSO checks. Persons authorized to sign may not be related nor live in the same house.
- G. An employee of the school may not be authorized to sign checks drawn on the bank account of an OSO operating at that school.

OSOs that are affiliated directly or indirectly with school programs are expected to pay for services of personnel who are employed on an overtime basis in service to such organizations. However, payments shall be made to the School Board and not to the individual employee. Only School Board personnel are permitted to be employed in the schools for such functions.

- H. If the OSO hires an employee of the Board to provide services under a contract with the OSO (for example to conduct a summer camp or other type of activity), it will be for a time when the employee is not on duty with the Board. The individual becomes an employee of the OSO for the specified time and the OSO will comply with Internal Revenue Service rules, regulations, and the required tax filings with respect to employees. The OSO will provide to the principal upon request copies of W 2's and 1099 miscellaneous income reports filed with the IRS. The OSO will provide to the school business office copies of all original receipts of payments made directly to Board personnel. The OSO may contact the District accounting office for assistance.
- I. The OSO will secure its own Federal ID number.
- J. The OSO will not use the Board tax identification number (FEIN) or the Board's sales tax exemption number or any other number assigned to the Board in accordance with State and Federal law. The OSO will be responsible for proper payment of sales tax.
- K. Bank statements will be sent to the OSO at the school's address.
- L. The OSO will provide the principal an annual financial statement with backup documentation for the previous school year no later than the beginning of classes each year.

While on duty, Board employees cannot handle money that is collected for a fund-raising activity of an OSO at the school in which they are employed during normal working hours. Normal working hours also includes hours worked and paid by a supplement.

Organizations engaged in fund raising activities shall provide insurance designated by risk management. This insurance is required to protect the School Board and the organization from losses. Schools and affiliated support organizations may obtain this coverage through their membership in the County Council of PTAs or by securing individual policies. Schools, non-PTA parent organizations and affiliated support organizations that secure individual policies shall obtain coverage for the school year and provide proof of coverage to risk management prior to the beginning of school. The School Board assumes no liability for the actions of organizations engaged in fund raising activities, or for the loss of their property or funds.

The principal may revoke the authorization to use the school's name, logo, mascot, or trademark if the principal determines that the OSO has failed to comply with the terms of this policy. The principal will notify the OSO in writing of the reason for the revocation. The OSO may appeal the revocation to the Area Superintendent or designee whose decision will be final. The appeal must be filed in writing with the Area Superintendent or designee no later than five (5) business days from the date of the principal's letter.

In the event an OSO's authorization to use the school's name, logo, mascot, or trademark is revoked, the OSO will within three (3) business days of the final decision deposit all of the funds in its possession into the school's internal funds account to be utilized by the school for the benefit of the school. The OSO will amend its articles of incorporation and bylaws to change its name so as to not indicate any affiliation with the school. Thereafter the OSO will not use the name, logo, mascot, or trademark of the school in any of its fundraising or other activities. The principal will notify the liability insurance carrier for the OSO about the revocation.

An OSO is not an agent or representative of the school, the Board or of the school system and will not hold itself out as an agent or representative.

The OSO will report any allegations of misappropriation or misuse of funds to law enforcement and will notify the principal in writing of such reports.

Adopted 12/9/09; Revised 7/27/10

## 9212 - ENTERTAINMENT AND FUND DRIVES

This policy pertains to all entertainment and fund drives conducted in the name of the school including those of the Outside Support Organizations and PTAs/PTSAs.

Entertainment shall not be permitted during school hours, other than that sponsored by the school. Schools may accept donations from students for such entertainment offered during the school day.

Persons not employed by the Board shall be permitted to give talks or entertainment only when permission has been obtained from the principal in accordance with established procedures.

Ticket sales for non-school activities shall only be conducted in the schools with the approval of the appropriate Region Superintendent (or designee) and shall comply with the district's [Manual of Internal Fund Accounting](#), dated December 8, 2009, amended July 27, 2010, which is incorporated herein by reference.

The educational value of community projects, such as the United Way and Red Cross, shall be given special emphasis in the schools during community drives, but the collection of funds from students shall not exceed three (3) drives per year.

Students shall not be permitted to make door-to-door solicitations for school activities.

Carnivals and other fund raising events having mechanical rides may be conducted on school property if a Facility Lease is completed and submitted with the following:

- A. a Commercial General Liability insurance policy which covers products and completed operations (e.g., food products) and provides at least \$1,000,000 in coverage; This policy insures the organization providing the service and is in addition to any other policy, such as one obtained through the Pinellas County Council PTA/PTSA.
- B. a certificate of insurance naming the School Board as an additional insured;
- C. a copy of the most recent Amusement Device/Attraction Inspection Report for each mechanical ride which will be utilized;
- D. written approval by the appropriate Region Superintendent.

All collections for community drives shall be made outside the classroom. The participating agency shall give the principal a receipt for the amount collected. No collections shall be made by the teachers.

Adopted 7/27/10; Revised 3/20/12

## 9270 - HOME-EDUCATION

Home education is defined as "sequentially progressive instruction of a student directed by his/her parent or guardian." No curriculum is prescribed. In order to meet Florida statutory requirements, the parent or guardian must:

- A. Notify the Superintendent of the county in which the parent resides of his/her intent to establish a home education program.
- B. Maintain a portfolio of records and materials.
- C. Provide an annual educational evaluation as specified by the State of Florida.

A student enrolled in a District school for more than half of the school day is considered to have declared that school as the primary educational institution and must meet all curriculum requirements of the School Board. The student, therefore, is ineligible for dual enrollment in home education. This does not apply to students eligible for exceptional student education services. Home education students enrolled for half the school day or less may be on campus only when attending public school classes or participating in interscholastic extra-curricular activities as defined below.

A home educated student may not be considered eligible for District school honors such as honor roll, principal's list, National Honor Society, National Junior Honor Society, or other recognition because the student's primary enrollment is in home education and home education grades are not recognized by District schools.

An individual home education student may participate in interscholastic extra-curricular activities at the student's zoned school. Interscholastic extra-curricular activities are activities that involve competition between schools. Some interscholastic extra-curricular activities require that the student be enrolled in a particular course at the school (i.e. JROTC). Home education students are not eligible to participate in intrascholastic extra-curricular activities including clubs since the student's primary enrollment is in home education.

- A. A home education student must maintain a cumulative grade point average of 2.0 or above on a 4.0 scale. Additionally, a home education student must maintain satisfactory conduct and, if a student is convicted of, or is found to have committed, a felony or a delinquent act which would have been a felony if committed by an adult, regardless of whether adjudication is withheld, the student's participation in interscholastic extra-curricular activities is contingent upon established and published Board policy.
- B. An individual home education student is eligible to participate at a public school in the interscholastic extra-curricular activities of that school, provided the following conditions are met:
  1. The home education student must meet the requirements of the home education program pursuant to F.S. 1002.41.
  2. During the period of participation at a school, the home education student must demonstrate educational progress as required above in all subjects taken in the home education program by a method of evaluation agreed upon by the parent or guardian and the principal which may include: review of the student's work by a certified teacher chosen by the parent; grades earned in courses taken at a community college, university, or trade school; standardized test scores above the 35th percentile; or any other method designated in F.S. 1002.41.
  3. The home education student must meet the same residency requirements as other students in the school at which the student participates.
  4. The home education student must meet the same standards of acceptance, behavior, and performance as required of other students in extracurricular activities.
  5. The student must register with the school his/her intent to participate in interscholastic extra-curricular activities as a representative of the school before the beginning date of the season

for the activity in which s/he wishes to participate. A home education student must be able to participate in curricular activities if that is a requirement for an extra-curricular activity.

6. A student who transfers from a home education program to a public school before or during the first grading period of the school year is academically eligible to participate in interscholastic extra-curricular activities during the first grading period provided the student has a successful evaluation from the previous school year, pursuant to number "2" above.
7. Any public school or nonpublic school student who has been unable to maintain academic eligibility for participation in interscholastic extra-curricular activities is ineligible to participate in such activities as a home education student until the student has successfully completed one (1) grading period in home education pursuant to number "2" above to become eligible to participate as a home education student.

Home education associations that are members of any organization or entity that regulates or governs interscholastic extra-curricular activities of public schools (i.e. Florida High School Activities Association) will be treated as any other member of the organization.

The student standards for participation in interscholastic extra-curricular activities must be applied beginning with the student's first semester of the 9th grade. Each student must meet such other requirements for participation as may be established by the District; however, the District may not establish requirements for participation in interscholastic extracurricular activities which make participation in such activities less accessible to home education students than to other students.

F.S. 1001.41, 1002.41, 1003.21



## 9300 - RECOGNITION OF STUDENTS, STAFF, AND COMMUNITY MEMBERS

The School Board values excellence and wants to recognize, and thereby encourage, students, staff, and community members whose achievements and contributions exemplify the excellence that is our District's standard. It shall be the policy of this Board, therefore, that exemplary achievements and contributions of students, staff, and community members be appropriately recognized.

## 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 Superintendent may recommend such cooperative ventures with institutions or organizations for the purpose of providing programs which correlate to the District's curriculum and help students better accomplish the educational outcomes established by the Board.

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.

## 9700 - RELATIONS WITH SPECIAL INTEREST GROUPS

(1) 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 ensure that such activities promote student interests.

(2) 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.

### (3) Political/Commercial Interests

(a) All materials or activities proposed by outside political or commercial sources for student or staff use or participation shall be reviewed by the principal on the basis of their educational contribution to part or all of the school program, and benefit to students, and no such approval shall have the primary purpose of advancing the name, product, or special interest of the proposing group.

(b) Speakers, who have been approved, representing commercial organizations shall restrict reference to their commercial organization to naming the organization represented. The subject matter presented must advance the educational aims of the District.

(4) 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:

(a) have the primary effect of advancing a special product, group, or company;

(b) make unreasonable demands upon the time and energies of staff or students or upon the resources of the District;

(c) involve any direct cost to the District;

(d) interrupt the regular school program unless the student body as a whole derives benefit from such activities;

(e) cause the participants to leave the School District, unless:

1. the School Board's Policy 2340 - Field and Other District-Sponsored Trips - has been complied with in all aspects;

2. the Board has granted special permission;

3. the parents of a minor student have granted their permission.

(5) Prizes/Scholarship: The Board is appreciative of the generosity of organizations which offer scholarships or prizes to deserving students in this District. In accepting the offer of such scholarships or prizes, the following procedures shall be observed:

(a) 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 the Board's policy on student records.

(b) The type of scholarship or prize, the criteria for selection of the winner, and any restrictions upon it shall be approved by the Superintendent.

(c) 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.

### (6) Sale of School Supplies

(a) The Superintendent may authorize the sale of school supplies by organizations other than the School District provided that:

1. the organization have a purpose which will benefit the School District and its students;

2. the organization's planned activities are clearly in the best interest of the School District and its students;

3. the organizations have completed a facilities use agreement pursuant to Policy 7510 and submit a statement noting the purpose of the organization.

(b) All funds generated by the sale of such school supplies shall be kept separate from other activity funds or other transactions of the Board.

(7) Surveys and Questionnaires: Neither District-related nor nondistrict-related organizations shall be allowed to administer a survey or questionnaire to students or staff unless the instrument and the proposed plan is submitted, in

advance, to the Superintendent. If approved, a copy of the results and the proposed manner of their communication are to be provided to him/her for review and approval before they are released. (see also Policy 2416)

Adopted 12/9/09; Revised 7/26/11

## 9700.01 - ADVERTISING AND COMMERCIAL ACTIVITIES

School Board property shall not be used for advertising or otherwise promoting the interests of any commercial, political, or other nonschool agency or individual organization; nor shall Board employees or students be employed in such a manner. The following are exceptions:

- A. School officials, with the Superintendent's approval, may cooperate with any governmental agency in promoting activities in the general public's interest or may cooperate in furthering the work of any non-profit community-wide social service agency; provided, that such cooperation does not restrict or interfere with the educational program of the school and is non-partisan and non-controversial.
- B. A school may use film or other educational materials which contain advertising. The film or material shall be carefully evaluated by the school principal for classroom use to determine whether the film or material has educational value.
- C. The Superintendent may announce or authorize to be announced any lecture or community activity of particular educational merit.
- D. Demonstrations of educational materials and equipment shall be permitted with the principal's approval.
- E. School publications may contain appropriate advertising to defray the costs of publications.
- F. School groups may appear for school activities, civic programs, and community benefit programs.
- G. To promote the recruitment and retention of teachers and other employees, information about special offers and discounts available to District staff for goods and services may be provided on the District's web site, with procedures established by the Superintendent.
- H. Schools and the District may utilize sports facilities for commercial advertising to support school programs. The principal or the District's Athletic Director, as appropriate, shall maintain approval rights on the content and form of such advertising. Money collected from these commercial advertisements shall be deposited into the proper internal account.
- I. Commercial activities may occur pursuant to lease of Board facilities under the terms of individual lease agreements and pursuant to [Policy 7511](#).

F.S. 1001.32, 1001.41, 1001.42, 1001.43, 1013.10

## 9701 - DISTRIBUTION OF MATERIALS AND LITERATURE TO STUDENTS

The following policy applies to publications other than student and non-academic publications: non-school related literature from organizations or individuals must be approved by the Superintendent and such publications shall be made accessible only as provided in the following procedures.

When an organization or individual wishes to make publications accessible through the public schools, such publications must be submitted to the Superintendent for approval and shall be made accessible only as provided herein. Grounds for denial of such approval to distribute non-school related publications shall include, but not be limited to, violation of School Board policy (i.e., advertising), obscenity and gross profanity and vulgarity which are incompatible with the normal activity associated with a public education institution as well as other forms of unprotected expression.

- A. Following the Superintendent's or designee's approval, the Director of School Operations will issue a letter authorizing the organization or individual to approach school principals in order to request permission to distribute non-school related publications in the school.
- B. The school principal shall make the decision of whether the publication should be distributed in the school. Grounds for the principal to deny such permission to distribute non-school related publications shall include, but not be limited to, handling and dissemination concerns, staff availability, and conflicts with established individual school events calendars.
- C. Following the principal's approval, copies of the publication should be delivered to the school by the organization or individual and left with the principal for dissemination.
- D. Copies should then be placed in an accessible area and a simple announcement of their availability made to the students.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 9701.01 -ANNOUNCEMENT OF NON-SCHOOL EVENTS

The Superintendent may approve the advertisement or announcement of non-school events for non-profit organizations or organizations working in partnership with the School District through the Education Foundation when such events are deemed to be consistent with the fundamental values of the School District (i.e., the District's vision, mission, strategic directions and core values). Once approved, schools shall distribute the advertisement or make the announcement as provided in this rule. For the purpose of this policy, advertisement is defined as written communication and announcement is defined as oral communication.

Such advertisement or announcement of events shall be subject to the following restrictions:

- A. The advertisement or announcement shall be for the sole purpose of making students aware of before or after-school activities, educational opportunities or services, or non-profit community events.
- B. The content of the advertisement or announcement shall be limited to providing information about the activity or series of related activities and the time, date and place of the event, as well as a contact person and telephone number.
- C. The advertisement or announcement shall include the name of the sponsoring organization.
- D. The written advertisement shall contain the following disclaimer in at least twelve (12) point type in bold letters (an announcement shall contain the same statement):

**The school is neither endorsing nor sponsoring this event nor approving or endorsing the views of the organization sponsoring the activity.**

The Superintendent (or designee) may waive this requirement when appropriate with the approval of the School Board Attorney.

- E. Distribution of such advertisement by students or the announcement by students to other students shall be subject to reasonable time, place and method restrictions as determined by the principal or designee. Such distribution or announcement shall not interfere with the normal operation of the school.
- F. At the discretion of the principal or designee, distribution of advertisements may be made through placement or posting of the advertisement at a specified point or points as determined by the principal or designee. If there is an announcement about the availability of such advertisement, the announcement shall contain the disclaimer notice required in item "D" above. Such distribution or posting points shall prominently display the disclaimer notice required in item "D" above.
- G. At the discretion of the principal or designee, distribution of advertisements may be made by school employees or volunteers, provided the employee or volunteer gives the disclaimer notice required in item "D" above prior to the distribution.
- H. This rule shall become effective for the 2001-2002 school year and thereafter.

Advertisement or announcement of non-school events sponsored by governmental entities are governed by [Policy 9700.01](#).

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43

## 9800 - CHARTER SCHOOLS

F.S. 1002.33 gives the School Board oversight responsibility for all charter schools situated within the District. The Board is authorized to approve or deny initial charter proposals for five (5) years and is authorized to renew contracts for up to fifteen (15) years.

The Board enters into a performance contract with the charter operators and the focus is on three (3) areas of charter school operation: academic accountability, fiscal management, and governance.

The Board has the right to terminate any performance contract if the charter school:

- A. fails to meet the requirement for student performance as specified in law, State Board rule, School Board policy, and the charter contract;
- B. fails to meet generally accepted standards of fiscal management;
- C. violates the law, including Sunshine Law;
- D. violates the terms of the charter/contract;
- E. or for other good cause shown.

### Application Procedure

Applications for consideration to create a public charter school within the District will be accepted until August 1st of the year preceding the school year of proposed implementation. Applications received at any time during the school year will not be considered until after the August 1st deadline. Individuals, organizations, institutions, and groups anticipating submission of an application are urged to contact the District's Office of Partnership Schools with questions prior to completion of their applications. Applications will be considered by the District pursuant to the timelines contained in the law. The District may, but need not, extend the statutory time in which to negotiate the final charter. If no charter has been executed within six (6) months from the date of applicant's receipt of the District's initial proposed charter through no fault of District staff, approval of the application shall expire without further Board action. The applicant may submit another application in the future.

Applications shall be submitted to:

The Superintendent of Schools  
The School Board of Pinellas County  
301 Fourth Street SW  
Largo, Florida 33770

The Board is authorized to operate charter schools. It is the responsibility of the charter school applicants to request technical assistance from the Florida Department of Education or the Board. Acceptance of an application for review does not imply or ensure approval of the application.

Charter school applicants must participate in training provided by the Florida Department of Education (FLDOE) before filing an application and must include evidence of such training in its application filed with the district.

### Application Contents

- A. State Application Form

Applications must be submitted using the form developed and distributed by the Florida Department of Education.



B. Certifications

Applications must include the certifications required by law.

### **Charter Contract Amendments**

If a charter school desires to propose an amendment to its charter contract with the School Board, it must submit a written request identifying the substance of the proposed amendment to the District's Office of Partnership Schools on or before January 15<sup>th</sup> of the school year prior to the school year that the charter school desires the amendment to be effective. The District may, but need not, extend this deadline in its sole discretion. Requests to add or change the grade levels served by the charter school, to change the primary curricular focus of the charter school, or other substantive changes to the charter schools, as determined by the Superintendent, must be accompanied by a new application and all its required supporting documentation.

### **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.

### **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.

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.

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.

F.S. 1001.41, 1002.33  
Chapter 96-186(1) Laws of Florida

Adopted 12/9/09; Revised 6/29/10

9900 - RECOGNITION OF WORLD WAR II, KOREAN CONFLICT AND VIETNAM VETERANS  
AWARDED HIGH SCHOOL DIPLOMAS

(1) It is the policy of the School Board to recognize the service provided to the country and the individual sacrifices made by veterans of World War II, Korean Conflict, and the Vietnam War.

(2) Since many of these veterans left high school in order to fight for their country, the Commissioner of Education is authorized to award a Florida Standard Diploma to eligible veterans. The Board will recognize these veterans during an appropriate forum such as countywide graduation.

(3) To be eligible for a diploma, all of the following criteria must be met:

(a) The veteran is a current resident of the State of Florida or was previously enrolled in any high school in this State.

(b) The veteran either left a public or nonpublic school located in any State prior to graduation:

1. in order to serve in the armed forces of the United States;

2. due to family circumstances and subsequently entered the armed forces of the United States.

(c) The veteran received an honorable discharge from the armed forces of the United States.

(d) The veteran has not been previously awarded a high school diploma, a diploma of adult education, or a Florida Standard Diploma under this provision.

(4) If the veteran is deceased, the diploma will be awarded to the veteran posthumously. The application for the diploma is available through the eligibility verification and is handled by the County Veterans Services Office.

F.S. 1003.43

Adopted 12/9/09; Revised 7/26/11

## 9901 - ACCESSING HIGH SCHOOL STUDENTS REGARDING POSTSECONDARY OPPORTUNITIES

Individuals or groups seeking to recruit high school students for U.S. Military, postsecondary educational, or recognized career opportunities may have access, pursuant to the conditions of this policy, to address students on campus to share information related to such opportunities. On the authority of, and subject to the conditions on access upheld in *Searcey v. Harris*, other groups who desire to present an alternative to military service are granted equal access.

Any group seeking access to students must schedule their visit to the high school campus in advance with the principal (or designee).

- A. All individuals seeking access to students must follow appropriate District and campus sign in and sign out procedures and are subject to all other District policies and procedures appropriate to and applicable to individuals meeting with students.
- B. Groups with access to students are limited to two (2) representatives on the high school campus at any one time, unless otherwise arranged by the principal (or designee). This decision is at the sole discretion of the principal (or designee).
- C. Upon arrival at the high school campus, all representatives of the group must present either a valid driver's license or an official identification card authorized by the group represented.
- D. Individual representatives must wear District issued identification badges or nametags, which are clearly visible, for the entire time they are on the high school campus.

Student participation in such visits is voluntary.

Student participation in such visits is limited to non-instructional time, during the regular school day.

The principal (or designee) may terminate access for any group or individual representative of a group at their discretion for purposes of this policy, if in the estimation of the principal or his/her designee the access becomes disruptive to the normal course of events on the high school campus.

F.S. 1001.32(2), 1001.41, 1001.42, 1001.43  
Public Law 107-110, No Child Left Behind, Sec. 9528; *Searcy v Harris*, 888 F.d.  
1314 (11th Cir. 1989).