

**THE SCHOOL DISTRICT OF
OSCEOLA COUNTY, FLORIDA**



**2022-23
SCHOOL BOARD RULES**

Effective July 01, 2022
Revised December 13, 2022

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**OSCEOLA COUNTY SCHOOL BOARD
POLICY MANUAL**

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NOTES – The following symbols are used with certain policies to indicate special information about the policy.

* **(ASTERISK)** DENOTES POLICIES WHICH ARE REQUIRED BY STATUTES OR OTHER REGULATIONS.

+ **(PLUS)** SIGN DENOTES THAT PLANS OR OTHER DOCUMENTS MUST BE DEVELOPED.

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 1.00: PHILOSOPHY

CHAPTER 1.00 - DISTRICT PHILOSOPHY

DISTRICT'S MISSION STATEMENT

1.10

The mission statement of the School District of Osceola County is “Inspiring all learners to reach their highest potential as responsible, productive citizens.”

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.41, 1001.43, F.S.

HISTORY: FORMERLY: NEW
REVISED: 12/13/16

SCHOOL BOARD POLICY MANUAL

FOR SCHOOL DISTRICT OF

OSCEOLA COUNTY

CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCOPE OF THE SCHOOL BOARD AND SCHOOL DISTRICT

2.10*

- I. Per Section 1001.40, Florida Statutes, the School Board is the governing body of the School District and is responsible for the control, operation, organization, management, and administration of public schools in the county pursuant to the provisions and minimum standards prescribed by Florida Statutes and State Board of Education rules.
- II. The District school system (the "School District") is part of the state system of public education and includes all public schools, classes, courses of instruction and all services and activities which are under the School District school officials' directions and directly related to education in the School District. The School District also includes a compilation of assets and personnel subject to the management and control of the School Board as further described in Sections 1001.30, 1001.31, and 1001.32, Florida Statutes.
- III. The School Board shall concern itself primarily with broad questions of policy and with the appraisal of results, rather than an administrative task to be performed by the Superintendent, who shall be held responsible for the effective administration and supervision of the entire school system.
- IV. The terms "School Board" and "School District" may be used interchangeably throughout the School Board Rules. However, the meaning of the term used shall be determined based upon the appropriate context for the rule or policy in which the term is used.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.30, 1001.31, 1001.32, 1001.33,
1001.40, 1001.41, 1001.42, 1001.43, F.S.

HISTORY:

REVISION(S): 04/05/16
FORMERLY: BOARD BYLAWS 1.1

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

ORIENTATION OF BOARD MEMBERS

2.11

As soon as possible after the election or appointment of a new Board member, the Superintendent should provide him or her with copies of Florida school laws, State Board of Education rules, School Board rules, current budget of the District school system, and other materials as deemed appropriate by the Superintendent.

STATUTORY AUTHORITY:

1001.41, F.S.

LAW(S) IMPLEMENTED:

1001.41, F.S.

HISTORY:

FORMERLY: BOARD BYLAWS

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

RESPONSIBILITIES AND AUTHORITY OF THE BOARD

2.20*

- I. The School Board is responsible for the organization and control of the public schools of the District and is empowered to determine the policies necessary for the effective operation and general improvement of the school system. The School Board is a public corporate entity and may take action only when the Board is meeting in official public session, and a quorum is present. The School Board shall limit its action to establishing policy and to meeting the requirements prescribed by laws and rules of the State Board of Education. Each School Board member shall serve as a representative of the entire School District, rather than merely as representative of a School Board member area.
- II. No School Board member, by virtue of holding elective office, shall exercise any administrative responsibility with respect to the schools, or as an individual command the services of any School Board employee. The Board shall not give instructions to or exert undue influence over employees who report directly or indirectly to the Superintendent.
- III. Individual members of the School Board have authority to take official action only when sitting as a member of the School Board in public session, except when the School Board specifically authorizes the member to act. The School Board shall not be bound in any way by any action on the part of an individual Board member or an employee, except when such statement or action is in compliance with the public action of the School Board. Only decisions of the full Board acting as a body are binding on the Superintendent.
- IV. Except as Florida law requires, the School Board shall not participate in decisions or actions involving the hiring, evaluating, disciplining, or dismissal of any employee other than the Superintendent.
- V. The School Board shall enter into a written contract with the Superintendent which shall stipulate his/her salary, benefits, and terms and conditions of employment.
- VI. Individual School Board members may use School District facilities and/ or equipment for personal initiatives or non-School Board sponsored events under the same terms and conditions as organizations and community members. Such use shall comply with this policy and the Standard Facilities Use Agreement. The School Board meeting room shall not be subject to lease/ use at any time by School Board members unless an event that has been approved by the majority of the School Board.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

- VII. The use of the School District's letterhead, logos, seals, trademarks, social media accounts, or any comparable School Board property and/ or equipment by School District employees, administrators, or School Board members shall be consistent with the mission, goals, policies, and priorities of the School District and pursuant to the duties for these purposes within these roles.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.31, 1001.363, 1001.372(1), 1001.395, 1001.41, 1001.43, 1001.49, 1001.50, 1003.02, F.S.

HISTORY: FORMERLY: BOARD BYLAWS, 6.90, 1.2.2
REVISION(S): 02/05/08, 02/07/12, 12/17/13, 08/17/21

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

ORGANIZATION AND OFFICERS OF THE BOARD

2.21

- I. The School Board shall reorganize annually in November of each year. In an election year, the date of the reorganization meeting shall coincide with the requirements of Section 100.041(3)(a), Florida Statutes, or the second Tuesday following the general election. In non-election years, the School Board may schedule the date of the reorganization meeting during any week in November in order to avoid any conflicts with Thanksgiving week.
- II. At its annual reorganization meeting, the School Board shall elect a chairperson and a vice-chairperson, and such other officers, as the Board may determine annually. If a vacancy occurs in the chairperson position, the School Board shall elect a chairperson at the next regular or special meeting.
- III. The chairperson shall preside at all School Board meetings, appoint committees, and perform such other duties as may be prescribed by law or by action of the School Board. The Chairperson shall represent the School Board in deliberations with other school boards, districts, or agencies unless another member of the School Board is so designated. Further, the Chairperson of the School Board shall sign all official documents, minutes of School Board meetings, and any other School Board documents as shall be necessary by law or School Board direction. The vice-chairperson shall preside in the absence of the chairperson and shall perform such other duties of the chairperson as required by circumstances. The chairperson and vice-chairperson shall be bonded in the manner prescribed by the State Board of Education.
- IV. The Superintendent, as provided by law, shall be the secretary and executive officer of the School Board. At any organizational meeting, the Superintendent shall act as chairperson until the organization of the School Board is completed.

STATUTORY AUTHORITY:

100.041, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.371, 1001.41, 1001.43, 1001.48, 1001.51, F.S.

HISTORY:

**REVISED: 08/07/12
FORMERLY: 1-2-1 BOARD BYLAWS**

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

BOARD MEETINGS

2.22*

All official School Board meetings shall be open to the public, and all informal meetings and conferences involving School Board members shall be conducted as public meetings unless specifically exempted by Florida Statutes. No official action may be taken by the School Board at any time other than an official meeting.

- I. Regular School Board meetings shall be established at the organizational meeting held in November. The regular meeting date may be changed by School Board action at any previous meeting, provided that each member is notified by letter or by distribution of the minutes showing a record of the change. When a meeting date is changed, the Superintendent shall take appropriate action to inform the public.
 - A. Special meetings shall be held at the time designated by the Superintendent, School Board chairperson, or when called by a majority of the School Board members as specified in written notice.
 - B. Emergency meetings may be held at any time by the Superintendent, either upon his/her initiative or upon the School Board chairperson's request. An emergency meeting may be called as quickly as complying with notification procedures; School Board members shall be given a tentative agenda during the notification.
 1. The Superintendent shall prepare and distribute an agenda prior to the emergency meeting.
 2. The agenda, the need for the emergency meeting, and the results of the emergency meeting shall be available to the public within twenty-four (24) hours of said meeting.
 3. Emergency meetings shall be conducted in the same manner as prescribed for regular and special meetings.
 - C. Executive sessions may be held for the purpose of discussing the status of negotiations between labor organizations and the Superintendent and his/her designees, and for the purpose of instructing the Superintendent as to the School Board's wishes in such negotiations. Further, the School Board may hold executive sessions with the Superintendent and the School Board's attorney to discuss pending litigation to which the School Board is presently a party with regard to settlement negotiations or strategy related to litigation expenditures.

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

- II. Regular, special, and emergency meetings of the School Board shall be held in the regular Board meeting room, unless changed in the manner prescribed herein. As provided by Florida Statutes, any regular or special meeting may be held at any other appropriate public place within the District by giving prior public notice of at least forty-eight (48) hours. When such a meeting is scheduled or re-scheduled at a location other than the regular meeting place, the Superintendent shall take such action to give public notice as required by Florida Statutes.
- III. All School Board meetings shall be conducted in accordance with *Robert's Rules of Order*. In the event *Robert's Rules of Order* conflict with the policies adopted by the School Board, the School Board policy shall control. It is recognized that *Robert's Rules of Order* may be impractical to apply verbatim or literally to every parliamentary question which may arise in the course of the School Board's proceedings. Questions of applicability or interpretation of *Robert's Rules of Order* shall be referred to the School Board attorney for opinion, however it shall always be the prerogative of the chairperson to rule on such questions as he/she believes to be correct or proper, subject only to the right of any two School Board members to take an appeal for such ruling. All special and regular meetings of the School Board at which the Board may take action on any proposition or business shall be in compliance with the requirements of Section 286.0114, Florida Statutes, which requires citizen participation before action on a proposition, subject to the exceptions as set forth in that law. The procedures insuring compliance with Section 286.0114, Florida Statutes, are set forth in subsection X hereinafter.
- IV. Any item to be placed on the agenda of a regular School Board meeting shall be submitted in writing to the Superintendent's office no later than four o'clock (4:00 p.m.), eight (8) calendar days prior to the meeting at which consideration is desired. This rule shall not preclude the right of any citizen to address the School Board; however, except for good cause as provided herein, the School Board shall not take action on any substantive proposal until such matter has been formally placed on the School Board agenda. Copies of the agenda for regular meetings shall be made available at least seven (7) calendar days prior to the scheduled meeting date to the public or other parties who have expressed a desire for such copy of the agenda. Copies of the agenda for a special meeting shall be prepared at least forty-eight (48) hours prior to such meeting.
 - A. Any person or group desiring to be placed on the agenda shall file with the Superintendent, by twelve o'clock (12:00) noon at least ten (10) working days prior to a meeting, a request to be placed thereon. Persons or groups desiring to be placed on the agenda do not have a right to be placed on the agenda. The Superintendent shall limit what is presented to matters that the Superintendent has determined are relevant to the operations or mission of the School District of Osceola County. Additionally, any person or group placed on an agenda pursuant to the procedures stated herein

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

shall only present before the Board at a public meeting those matters presented in advance to the Superintendent. Generally, only one person will be allowed to speak on behalf of a group if a matter is specially placed on the agenda in accordance with these procedures, and the three-minute rule for presentation will apply unless a majority of the School Board votes to allow the person speaking to exceed the three minutes. A decision on whether or not a person will be allowed to exceed three minutes when presenting will never be made by the Board based upon the content of the material presented or the viewpoint of the speaker, but instead the decision will be made whether to extend the three minutes based upon the relevance to the business or operations of the School District of Osceola County as determined by the Board. The Superintendent and School Board may allow for more than one person to present on behalf of a group if there is a need because of the complexity of the information, special expertise among members of the group presenting the information, or for other good cause as determined by the School Board. As provided in subparagraph C of subsection IV of this rule, in no event will multiple persons presenting an item on the agenda exceed a total of fifteen (15) minutes in presentation length, and redundant and repetitious information may be prohibited by the Chair or presiding officer, or by majority vote of the School Board. The Superintendent will make the supporting documentation available to each School Board member at least ninety-six (96) hours prior to each regular School Board meeting whenever practicable. Such request shall contain the following information:

1. The name and address of the person making the request.
 2. The organization or group, if any, represented.
 3. Content of the information to be presented - if written material is to be passed out, a copy of such material shall accompany the request.
 4. An estimate of the time necessary for such a discussion.
 5. Specific action desired of the Board.
 6. Any charges to be made against an individual shall be in affidavit form. If any information is to be presented in the form of a statement or charges that might be considered derogatory or of a serious nature, such shall be presented in writing and shall specifically state the charges in the form of an affidavit.
- B. The Superintendent shall respond verbally or in writing to any person or group requesting to be placed on the agenda. In the event the agenda for

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the next regular meeting is unduly long, the Superintendent shall place the presentation request on the agenda for the following regular meeting. If a question should arise in regard to the granting of a request, the Superintendent and the chairperson shall confer and make a decision. The Superintendent will prepare a proposed consent agenda for each regular or special meeting of the School Board, which shall consist of those agenda items which normally are considered to be matters not requiring discussion. The Superintendent shall cause such consent agenda to be delivered to each School Board member along with the regular agenda. Prior to a vote by the School Board on the consent agenda, any item included thereon may be removed upon the request of any School Board member. School Board members, where possible, are encouraged to convey to the Superintendent any such request prior to the day of the School Board meeting.

- C. At any School Board meeting, unless otherwise ordered by majority consent of the Board members present, the maximum amount of time allowed for presentation of, and discussion on, the subject matter of any such request shall be fifteen (15) minutes. Each speaker shall be allowed a maximum of three (3) minutes on a topic unless time is extended by the Board. Prior to the School Board meeting, each speaker shall sign a form, which is maintained by the Superintendent, and state whether they intend to speak on a specific topic on the agenda or a topic which is not on the agenda. If the topic is not on the agenda, the School Board will not comment on the issue, but may direct the Superintendent to contact the speaker about the issue. The Superintendent may contact the speaker to review or resolve the issue, or to schedule the issue at a subsequent School Board meeting. General citizen participation shall not be permitted when the School Board is sitting as the legislative body pursuant to Chapter 447, Florida Statutes, to resolve impasse in collecting bargaining process, nor when the School Board is considering or hearing any charges or recommendations of suspension or discipline of any employee, the expulsion of a student, or otherwise acting as a quasi-judicial body.
- D. All agenda items on which action is deferred shall be listed on the next agenda unless a different time certain is specified.
- V. A majority shall constitute a quorum for any School Board meeting. Unless a majority is present, no meeting can be convened.
- VI. The vote shall be unanimous if all members audibly vote “yes” or otherwise indicate an affirmative vote.

When a split vote occurs, the minutes shall show the vote of each member on the question. Each member who is present shall vote on each decision, ruling, or

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official act which is taken or adopted by the School Board, unless there is or appears to be a conflict of interest under the provisions of Florida Statutes. In such cases the member may abstain, but shall file a memorandum pursuant to requirements of Florida Statutes.

- VII. The official minutes of the School Board shall be kept as prescribed by Florida Statutes. The minutes shall be kept in a safe place by the Superintendent and shall be made available by the Superintendent during the time the office is open to any citizen desiring to examine the minutes.
- A. Only motions, resolutions, and the necessary information related thereto; the name of the person making the motion or submitting the resolution; the name of the person who seconds the motion; and the vote or action thereon shall be recorded.
 - B. Any School Board member or Superintendent who wishes any of his/her statements to be recorded may request during the meeting that such become a part of the official minutes.
 - C. Any other matter may be made part of the official minutes by direction of the chairperson or by a majority of the School Board.
 - D. Lengthy material such as, but not limited to, student assignments may be maintained in record books which are separate from, but supplemental to the basic record of minutes.
 - E. All regular and special meetings of the School Board shall also be recorded electronically, and the tape or other medium preserved by the Superintendent. A copy of such recordings shall be kept readily accessible for use by School Board members, District staff, and the general public.
- VIII. It is unlawful to knowingly disrupt or interfere with a School Board meeting, and any such action may result in a misdemeanor offense of the second degree. This includes individuals who advise, counsel, or instruct students or School Board employees on techniques for disrupting a School Board meeting.
- IX. The School Board determines it wishes to continue implementing rules which foster a sense of efficiency and transparency in its business. In furtherance of this stated goal, the School Board wishes to avoid the appearance of impropriety by prohibiting the use of electronic communication devices during its meetings.
- A. At the commencement of all School Board regular meetings, special meetings, hearings, workshops and any other meeting of the School Board, all School Board members, the Superintendent and the School Board's

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attorney shall not use any electronic communication device of any type whatsoever and shall not communicate on any such device until the meeting is adjourned. Electronic communication devices shall be interpreted in its broadest sense, and include any device which allows phone calls, emails, text messages, and any other form of electronic communication. Notwithstanding the foregoing, nothing in this rule shall prohibit the use of electronic devices or computers that are provided by the School District for use during the course of the meeting, or the use of personal electronic devices or computers which a person otherwise subject to this rule uses during the course of a meeting in order to review the agenda and materials being presented during the meeting or to review calendars to schedule meetings or events. Additionally, electronic devices used by the School District to transmit, record or otherwise to allow members of the public to watch, listen and/or review public meetings are also allowed and are not prohibited by this rule.

- B. The Superintendent shall establish and distribute a procedure for emergency situations which may occur during School Board meetings which require the immediate attention of a School Board member, the Superintendent, or the School Board's attorney.

X. RULES REQUIRED BY SECTION 286.0114, FLORIDA STATUTES:

- A. The agendas for meetings of the School Board should briefly identify all propositions coming before the School Board for discussion or action, so that the public is sufficiently notified of the subject of the proposition.
- B. "Public Comment" will be included on every agenda (including the public agendas for School Board committees and school advisory councils). The School Board will allow comments by members of the audience regarding all propositions and proposed actions, with the exception of those matters that are identified as exempt from these requirements by Statute 286.0114, including, as provided in the statute, emergencies, ministerial acts (including but not limited to the approval of minutes), and ceremonial proclamations, a meeting that is exempt from Sunshine (Section 286.011), a student disciplinary matter, or a matter in which the School Board is acting in a quasi-judicial capacity.
- C. In the event that a proposition comes before the School Board for action or for a formal vote that was not on the agenda, the Chair will allow public comment on that proposition.
- D. Public comment may not be heard on:

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1. Emergency items, meaning an official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with Florida Statutes 286.0114 would cause an unreasonable delay in the ability of the School Board to act.
 2. Ministerial items, meaning an official act involving no more than a ministerial act, including but not limited to, approval of minutes and ceremonial proclamations. Additionally, any parliamentary vote such as a motion to table, motion to adjourn, motion to extend debate or other similar procedural votes which do not implicate any substantive right but are merely designed to facilitate the conduct of the meeting shall be deemed ministerial and public comment may not be allowed.
 3. Quasi-judicial matters except by permission of the School Board, and in no event will public comments be considered evidence at a quasi-judicial proceeding.
- E. Public Comment will not as a matter of normal order be part of a workshop agenda. However, Public Comment will be allowed on any proposition regarding a workshop topic at the first regular or special meeting of the School Board following the workshop, and before a vote on the item is taken by the School Board.
- F. All school advisory councils, and committees of the School Board will allow public comment at their meetings except for emergency, ministerial or quasi-judicial items.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: CHAPTER 112, 120.525, 120.53, 286.0105,
286.011, 286.0111, 286.0113, 286.0114,
286.012, 447.605, 877.13, 1001.32,
1001.37, 1001.371, 1001.372(1)(2)(3)(4),
1001.41, 1001.42, 1001.43, 1006.145, F.S.

HISTORY: REVISED: 04/20/10, 07/13/10, 02/07/12,
05/01/12, 05/21/13, 12/17/13, 06/02/15
FORMERLY: 1.2.1, BOARD BYLAWS

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EMERGENCY POLICY RELATING TO SCHOOL BOARD MEETINGS

2.221

- I. **Purpose.** The Osceola County School Board recognizes the need during this public health emergency posed by the spread of COVID-19 to hold virtual or telephonic meetings as set forth in the Florida Department of Education’s Additional Guidance for the 2019-2020 School Year (issued upon March 17, 2020), and for reasons allowed by Executive Order Number 20-69, FLDOE directive, Attorney General Opinion, or Florida law (hereinafter referred to as “Directives”).
- II. **Emergency Meetings during This Time.** This policy modifies and supersedes *Osceola County School Board Rule 2.22 – Board Meetings*. This policy is consistent with the directives to address items during this time and hold virtual or telephonic meetings where a quorum of Board members is not required to be physically present at the meeting in order to conduct and vote upon business. These meetings must be accessible to interested members of the public who wish to attend.
- III. **Meeting Notice.** The Meeting Notice shall state:
 - A. how interested persons can attend virtually and
 - B. the method for public comments to be made in writing.
- IV. **Public Comment.** In addition, this policy modifies certain provisions in *Osceola County School Board Rule 2.22 – Board Meetings* relating to public comment and permits public comment in writing on agenda items through e-mails or texts.
 - A. Public comments via e-mail shall be sent no later than one (1) hour prior to the scheduled meeting to the following e-mail address:
 - PublicComments@osceolaschools.net
 - B. Public comments via text shall be sent no later than one (1) hour prior to the scheduled meeting to following telephone number:
 - (407) 288-7330
 - C. All emails and texts received no later than one (1) hour prior to the scheduled meeting shall be provided to Board members in advance of the meeting and shall be posted on the School Board’s website along with the minutes of the Board meeting.

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- V. **Authority.** This policy supersedes *Osceola County School Board Rule 2.22 – Board Meetings* and any other policy that is not consistent with the language herein relating to these emergency School Board meetings.
- VI. **Duration of Policy.** This policy becomes effective upon its emergency adoption. This policy shall remain effective in accordance with the law.

STATUTORY AUTHORITY: 120.54(4); 120.81(1); 1001.32(2); 1001.42(28), F.S.

LAW(S) IMPLEMENTED: 120.54(4); 1001.41(1) & (3); 1001.42, including (8); 1001.43, including (10); 1001.48; 1001.49; 1001.51 F.S.

HISTORY: ADOPTED: 03/26/20; 06/16/20
REVISION DATE(S): N/A
FORMERLY: NEW

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SCHOOL BOARD RULES

2.23*

As used in these rules, the term *rule* and *policy* shall have the same definition.

These rules 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 School Board from the procedural requirements established for rule making.

- I. Unless an emergency exists, any proposal relating to a rule amendment, the repeal of any rule, or the adoption of a new rule shall be presented in writing to the School Board including a written explanation of the proposal.
 - A. The Board shall adopt rules to supplement those prescribed by the State Board of Education and the Commissioner of Education. The Superintendent shall give immediate and proper written notice to the public pursuant to the provisions of Florida Statutes when the School Board has determined that it will give due consideration to the proposal for adoption, amendment, or repeal of a rule. The notice of a public hearing shall be advertised twenty-eight (28) calendar days prior to the date of the hearing. The notice shall include a brief and concise explanation of the proposed rule’s purpose and effect, the estimate of economic impact to all individuals affected by the proposed rule or rule amendment, the specific legal authority for the School Board’s action, and the location where the text of the proposed change may be obtained.
 - B. Any person who is substantially affected by a proposed rule, rule amendment, or the repeal of a rule, may within twenty-one (21) calendar days following notice of intent to adopt or repeal such rule, file a written request with the School Board seeking an administrative determination as to the validity of the proposed rule action.
 - C. The Superintendent shall file immediately in his/her office a copy of any new rule, rule amendment, or repeal of rule adopted by the School Board; policy handbooks shall be amended accordingly.
 - D. Such rules shall become effective upon adoption by the School Board unless a time certain date is specified therein.
- II. Any person substantially affected by an existing School Board rule may petition the Division of Administrative Hearings, Florida Department of Administration, to conduct a hearing on the rule validity pursuant to Florida Statutes. Any hearing examiner’s decision which is adverse to the School Board may, upon the School Board’s appeal, be judicially reviewed. Any hearing examiner’s decision which is

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adverse to the person substantially affected may, upon that person's appeal, be judicially reviewed.

- III. The School Board may determine that the public health, safety, or welfare is endangered and that immediate action is required to protect the public interest. When this occurs, the School Board, at any meeting in which a quorum is present, may adopt emergency rules without complying with the waiting period as provided in section I. herein for public hearings and other similar requirements. The Superintendent shall properly record the effective date for any such emergency rule. Any emergency rule shall not be valid in excess of ninety (90) calendar days from the adoption or effective date.
- IV. Any School Board employee, citizen, or agency may obtain information relating to the method for proposing a rule or may submit a rule proposal to the Superintendent's office.
- V. Access to the School Board rules shall be available on the District website and within the District as determined by the Superintendent.
- VI. School Board Policies will be reviewed and revised annually as needed to meet statutory requirements.
- VII. A School Board rule may be waived only to provide and implement overall goals and objectives of the School Board and to protect and preserve the health, safety, and welfare of the affected individual(s). Waiver of a School Board rule shall be addressed and a decision rendered regarding its waiver at a regular, special or emergency School Board meeting. A waiver of a School Board rule shall not render the policy void with respect to the continued implementation of the rule which is sought to be waived.
- VIII. Any citizen may appeal to the Board for a variation or waiver with regard to any policy. The appeal process shall be that a written request shall be made to the Superintendent who shall review the matter and present recommendations to resolve the problem at the next regular School Board meeting to which the item may be added as a part of the agenda. In cases where an appeal process has been developed for a specific policy, the appeal shall be made in accordance with that procedure.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 120.53, 120.52, 120.55 (1)(a), (2), (3),
120.542, 1001.43, F.S.

HISTORY: REVISION(S): 12/06/05, 02/07/12
FORMERLY: 1.2.1

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COLLECTIVE BARGAINING AGREEMENTS

2.24

Any provision of a collective bargaining agreement which is ratified by the School Board and affects collective bargaining members shall prevail over any School Board rule conflicting with the agreement. The School Board rule shall be deemed to be amended during the term of the agreement. If such agreement expires prior to ratification of a subsequent agreement, the provisions of the expired agreement shall be in effect until ratification of a subsequent agreement or approval by the legislative body by a Resolution of Impasse.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 447.309(3), 1001.43, F.S.

HISTORY: FORMERLY: 6.17

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SCHOOL BOARD ADOPTED PLANS

2.25+

The School Board has plans, manuals, handbooks, and codes which outline procedures to be followed relative to stated topics. The plans, manuals, handbooks, and codes listed below shall be adopted by reference as part of these rules when required by other Board rules, Florida Statutes, or other controlling requirements.

These include, but are not limited, to the following:

- Administrative Services
 - Application for Charter Schools
 - Building Maintenance Procedure Manual
 - Business Services Procedures Manual
 - Customer Service Plan
 - District Emergency Plan
 - District Five-Year Work Plan
 - District Safety Plan
 - District Staffing Plan
 - Expulsion Procedures Manual
 - Food Service Operations Handbook
 - Human Resources Management and Development (HRMD) Plan
 - Human Resources Investigative Manual
 - Human Resources Procedures Manual
 - Internal Audit Procedures Manual
 - Internal Funds Procedure Manual
 - Pre-Qualification Procedures for Educational Facility Contractors
 - Project Priority List

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- Property Records Manual
- Risk Management Procedures Manual
- School Plant Survey
- Service Guide Manual
- Strategic Improvement Plan
- Technical Assistance Manual
- Transportation Procedures Manual
- Threat Assessment Protocol, including Threats to Self
- Wellness Plan

- Instructional Services
 - After School Child Care Handbook
 - Agreement and Guidelines for Guest Speakers
 - Attendance/ Truancy Plan
 - Code of Student Conduct
 - Crisis Intervention Team Resource Manual
 - Comprehensive Counseling and Guidance Plan
 - Comprehensive Student Development Plan
 - District Master Inservice Plan
 - District Media Handbook
 - District Testing Procedures Manuals
 - Dropout Prevention Plan

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- Elementary Recess Plan
- Ethical Considerations for Dual Practitioners (e.g., School District Social Workers, School Psychologists, and School Counselors who also work for independent agencies)
- Foreign Exchange Student Procedures Manual
- Home Education Plan
- Homeless Education Program Manual
- Instructional Materials Manual
- Instructional Technology Plan
- Integrated Services Training Manual
- Intervention Assistance Team Procedures Manual
- Limited-English Proficient (LEP) Plan
- Mental Health Referrals and Timelines Procedures Manual
- Pre-Kindergarten Procedures Manual
- School Advisory Council Operational Bylaws
- School Handbooks
- School Health Services Manual
- School Improvement Plans
- Section 504 Procedures Manual
- Special Programs and Procedures for Exceptional Students
- Student Progression Plan
- Student Records Handbook
- Textbook Depository Procedures Manual

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.41, 1001.43, F.S.

HISTORY: **REVISION(S):** 12/06/04, 02/05/08, 12/17/13,
04/05/16, 08/15/17, 08/17/21
FORMERLY: NEW

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STRATEGIC PLANNING

2.255+

I. Overview

A strategic plan shall be adopted by the School Board for achieving the District's vision, goals, and beliefs. Performance standards, assessment procedures for collecting data, benchmarks, and an evaluation process to determine whether the goals are being successfully achieved shall be established. The strategic plan shall include, but not be limited to, the District's mission statement, goals, desired outcomes, objectives, strategies, a detailed action plan, time lines, assessment tools, evaluation criteria, periodic reporting procedures, allocation of financial and human resources, budget appropriations and a process for revision. The School Board shall provide guidance in creating and formalizing the strategic plan and shall collaborate with the Superintendent, District administrators, principals, teachers, support staff, students, parents, and the community during the development, adoption and revisions of the plan.

II. Development

A. Strategic planning shall be a process by which the School Board envisions the District's future status and develops the necessary operations and procedures to achieve the desired results. The process shall initially include self-examination to identify the District's current status, performance gaps and priorities and to collect baseline data for establishing benchmarks and for measuring progress and acceptable levels of performance for programs and services.

B. Goals and objectives shall be

1. Clear and concise statements of expectations and purposes as they relate to programs, operations, departments, services, and positions;
2. Limited in number so that they may be reasonably achievable within designated time lines;
3. Time specific;
4. Measured in a quantitative and qualitative manner;
5. Researched-based, if available and appropriate; and
6. Defined with indicators or specifications for successful achievement.

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- C. The strategic plan shall include specific strategies for attainment of goals and objectives. Strategies shall be analyzed for effectiveness in leading to the desired outcome and for cost effectiveness.
- D. The District's strategic plan shall be results-oriented with a monitoring and evaluation component. Evaluation criteria shall be developed by the Superintendent for operations, programs, and services that are targeted in the strategic plan and shall be used to measure progress toward achieving the strategic goals.

III. Implementation

- A. The Superintendent shall be responsible for implementing the strategic plan.
- B. The Superintendent shall establish a management plan that enables School Board employees to direct their efforts to the strategic plan. The action plan shall include particular responsibilities of District staff. Employees shall be given specific directions for establishing daily priorities and for identifying data that needs to be collected to assess whether the goals and objectives are being met.
- C. Administrative and instructional staff shall be held accountable for working diligently to achieve the strategic goals directly related to their job responsibilities and to create student success.
- D. School improvement plans shall incorporate strategies, resource allocations, and budget appropriations for achieving the District's goals and objectives.

IV. Resources

- A. Inservice training shall support the goals and objectives of the plan. Training shall be provided for employees to assist them in their efforts toward achieving the District's goals.
- B. Human and financial resources shall be allocated for and included in the District and school budgets to achieve stated goals, objectives and expectations. The District's financial resources shall focus on the strategic plan and shall provide adequate financial support as set forth in the District budget. The Superintendent shall maximize the allocations of funds to educational and operational programs to achieve the desired

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results of the strategic plan. A coordinated cycle of budgeting to fund the strategic plan shall be included.

V. Reporting

- A. The Superintendent shall provide quarterly written progress reports to the School Board.
- B. The School Board shall use the quarterly reports to monitor progress, make revisions, and update the strategic plan as necessary.
- C. The dates for the quarterly progress reports shall be included in the District's master calendar.
- D. An annual report shall be prepared and distributed to School Board employees, students, parents, and the community about implementation of the strategic plan. Such reports shall include, but not be limited to, the status of achieving the strategic plan, performance levels, cost-efficiency data, and identification of any modifications or revisions to the strategic plan.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, 1001.452, 1008.385, F.S.

HISTORY:

**ADOPTED: 06/05/12
REVISION DATE(S): N/A
FORMERLY: NEW**

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SCHOOL IMPROVEMENT AND EDUCATION ACCOUNTABILITY 2.26*+

The School Board shall be responsible for school and student performance and for developing, approving, implementing, and maintaining a system of school improvement and education accountability pursuant to Florida Statutes and State Board of Education rules. The system shall establish the individual school as the unit for education accountability and shall conform with the provisions of planning and budgeting as required by Florida Statutes. School as used herein shall include each school-within-a-school, magnet school, self-contained educational alternative center, and satellite center.

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

I. School Improvement Plans Adopted for Each District School

Each District school shall develop and present to the Superintendent, by the date set by the Superintendent, an individual school improvement plan for consideration by the School Board. The approved plan shall be implemented the next school year.

- A. The plan shall be designed to achieve the state education goals and student performance standards and shall be based on a needs assessment conducted pursuant to data collection requirements in Florida Statutes.
- B. The plan shall address school progress, goals, indicators of student progress, strategies, and evaluation procedures, including adequate measures of individual student performance. Specific school safety and discipline strategies and other academic-related issues may be included.
- C. The plan for each District school shall be approved annually and shall be implemented as a new, amended, or continued school improvement plan.
- D. The plan shall be developed by School Board employees in each District school in conjunction with the school advisory council.
- E. Each school plan shall meet the requirements of Florida Statutes.

II. Annual Approval Process

The District process for initial approval and subsequent annual approvals of school improvement plans which shall provide for each school improvement plan to be reviewed and approved or disapproved by the School Board. The Superintendent shall refer any disapproved school improvement plans to the Department of Education.

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- III. A two-year individualized assistance and intervention plan for schools that do not meet or make adequate progress, as defined in Florida Statutes and State Board of Education rules, in satisfying the goals and standards of their approved school improvement plan;
- IV. A communication program, to inform the public about student performance and educational programs in District and school reports;
- V. Funds for schools to develop and implement school improvement plans; and
- VI. Reporting Procedures
 - A. To provide the Department of Education with annual feedback on the progress of implementing and maintaining a system of school improvement and education accountability. Items specified in section 1001.42, Florida Statutes, shall be included in all feedback reports.
 - B. To provide parents with the school financial report including the average amount of money spent per student in the school.
- VII. Accreditation
 - A. The School District of Osceola County, including the schools within its statutory governing authority, shall be organized and operated to ensure its accreditation by the accreditation agency selected by the School Board.
 - B. The School District of Osceola County, including the schools within its statutory governing authority, shall make the following accreditation assurances:
 - 1. The School District shall read, understand, and comply with the accreditation and certification policies and procedures of the accreditation agency selected by the School Board.
 - 2. The School District shall comply with all applicable governmental laws or regulations.
 - 3. The School District shall adhere to ethical marketing and communication practices to disclose current and accurate information to the public transparently.
 - 4. The School Board shall adhere to written policies that govern its conduct, decision-making, ethics, and authority; and engage in training aligned to its roles and responsibilities.

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5. The School District shall submit annually all financial transactions for an annual audit conducted by an accounting authority external to the institution.
6. The School District shall annually review and implement written management plans for security, crisis, safety, and health for on-site and virtual environments that include expectations, communications protocols, and training for employees, students, and community stakeholders.
7. The School District shall participate in required training related to accreditation or certification by the timeframes prescribed by the accreditation agency selected by the School Board.
8. The School District shall execute a written quality assurance process to monitor and verify that all schools within its statutory governing authority:
 - a. meet the applicable governmental requirements of the school's location;
 - b. meet the accreditation and certification policies and procedures of the accreditation agency selected by the School Board;
 - c. meet the accreditation and/ or certification standards and assurances of the accreditation agency selected by the School Board; and
 - d. implement its required education programs with fidelity.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

24.121(5)(c), 1001.10, 1001.42, 1001.43,
1001.452, 1002.20, 1003.413, 1008.33,
1008.345, 1001.385, 1010.01, 1011.01, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.09981

HISTORY:

REVISION(S): 12/06/04, 02/06/07, 08/15/17, 08/16/22
FORMERLY: NEW

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FAMILY AND SCHOOL PARTNERSHIP FOR STUDENT ACHIEVEMENT

2.261*+

- I. The School District and each school principal are encouraged to strengthen family involvement and family empowerment in the school. The School District will coordinate and integrate parental involvement strategies with school improvement, Title I, Title II, Title IV, Title VI, Community Involvement Programs, Business Partnerships, and other community involvement activities.
- II. The School District will provide the coordination, technical assistance, and other support necessary to assist schools in planning and implementing effective and comprehensive parent involvement programs, based on the National Standards for Parent/Family Involvement Programs, which include:
 - 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 school and their support and assistance are sought.
 - E. Parents are full partners in the decisions that affect children and families.
 - F. Community resources are utilized to strengthen school programs, family practices, and student learning.
- III. Pursuant to *Section 1014, et seq., F.S.*, Florida’s “Parents’ Bill of Rights,” the School District shall communicate parental choices and responsibilities to parents and develop procedures for a parent to learn about parental involvement, rights, and responsibilities, including:
 - A. Opting the minor child from any portion of the School District’s comprehensive health education required under *Section 1003.42, F.S.*;
 - B. Sharing information about school choice options, including controlled open enrollment;
 - C. Exemptions for immunization requirements;
 - D. Reviewing statewide, standardized assessment results;
 - E. Enrollment in gifted or special education programs;

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- F. Inspecting School District instructional materials and how to object to instructional materials based upon the parent's religious or moral beliefs that the material is harmful;
 - G. Accessing information about the School District's *Student Progression Plan*, including policies for promotion, retention, and graduation;
 - H. Receiving the minor child's school report card and being informed of attendance requirements;
 - I. Accessing information about the state public education system, report card requirements, state standards, attendance requirements, and instructional materials requirements;
 - J. Participating in parent-teacher associations and organizations;
 - K. Sharing information about curricular and extracurricular clubs and activities offered at the minor child's school; and
 - L. Opting the minor child out of any School District-level data collection effort that is not required by law.
- IV. The School District recognizes the fundamental right of parents, as defined by law, to direct the upbringing, education, and care of their minor children. Important information relating to a minor child should not be withheld, either inadvertently or purposefully, from the parent, including information relating to the minor child's health, well-being, and education, while the minor child is in the custody of the School District. Parents have the right to access and review all school records related to the minor child including but not limited to the right to access school safety and discipline incidents as reported pursuant to *Section 1006.07(7) and (9), F.S.*
- V. Upon a parent's direct written request to the Superintendent for any of the information required under *Section 1014.05, F.S.*, the Superintendent has ten (10) days to provide the information. The parent has the right to appeal directly to the School Board if the Superintendent fails to respond or provide the information within ten (10) days. The School Board must hear the appeal at its next public meeting, in accordance with meeting notice requirements.
- VI. The School District shall develop and distribute a parent guide for successful student achievement. The guide shall contain information that parents need to know about their child's educational progress and how parents can help their children succeed in school by improving parent and teacher cooperation in such areas as homework, school attendance, and discipline.

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- VII. The School District will provide professional development opportunities for staff members to enhance understanding of effective parent involvement strategies through the District professional development plan.
- VIII. The School District, to the extent practical, shall provide full opportunities for parents with disabilities, parents with limited English proficiency and parents of migratory children to participate in school and parental involvement activities and programs.
- IX. The School District shall conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of this policy to:
 - A. determine the effectiveness in increasing parent participation;
 - B. identify barriers to greater parent participation; and
 - C. report the findings to the State Board of Education.
- X. The School District shall use the findings of the evaluations in designing strategies for school improvement and revising, if necessary, the parent involvement policies.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1002.23, 1001.42, 1001.51, 1001.54, 1002.20,
1003.33, 1006.07, 1008.25, 1012.98, 1014 et seq., F.S.**

**EVERY STUDENT SUCCEEDS ACT OF 2015,
Title I, Part A, Subpart 1, Section 1116**

HISTORY:

**REVISION(S): 02/06/07, 02/05/08, 06/16/20, 12/14/21
FORMERLY: NEW**

CHAPTER 2.00 – SCHOOL BOARD GOVERNANCE AND ORGANIZATION

STUDENT WELFARE COMPLAINT RESOLUTION

2.262*+

I. Purpose

The purpose of this rule is to comply with *Chapter 1014 – Parents’ Bill of Rights, Florida Statutes, Section 1001.42(8)(c), Florida Statutes*, and Florida’s *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints*, establish a clear process for specific student welfare complaints, and to clarify the process to request appointment of a Special Magistrate if a specific student welfare complaint is not resolved at the school-level or School District-level.

II. Eligible Student Welfare Complaints

A. The types of complaints that this policy addresses and for which parents may request a Special Magistrate (if the eligible student welfare complaint is not resolved at the school level or School District level) are limited to those prescribed within *Section 1001.42(8)(c), Florida Statutes*:

1. In accordance with the rights of parents enumerated in *Sections 1002.20 and 1014.04, Florida Statutes*, the School District must adopt procedures for notifying a student’s parent if there is a change in the student’s services or monitoring related to the student’s mental, emotional, or physical health or well-being and the school’s ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring School District personnel to encourage a student to discuss issues relating to the student’s well-being with the student’s parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student’s educational and health records created, maintained, or used by the School District, as required by *Section 1001.22(2), Florida Statutes*.
2. The School District may not adopt procedures or student support forms that prohibit School District personnel from notifying a parent about the mental, emotional, or physical health or well-being of the parent’s student, or a change in related services or monitoring for the parent’s student, or that encourage or have the effect of encouraging a student to withhold from a parent such information. School District personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student’s mental, emotional, or physical health or well-being. This requirement does not prohibit the School District from adopting procedures that permit School District personnel

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to withhold information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect as defined in *Section 39.01, Florida Statutes*.

3. Classroom instruction by School District personnel or third parties on sexual orientation or gender identity may not occur in Kindergarten through Grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.
4. Student support services training developed or provided by the School District to School District personnel must adhere to student services guidelines, standards, and frameworks established by the Florida Department of Education.
5. At the beginning of the school year, the School District must notify parents of each health care service offered at their student's school and the option to withhold consent or decline any specific service. Parental consent to a health care service does not waive the parent's right to access the educational health records of the parent's student or to be notified about a change in services or monitoring for the parent's student.
6. Before administering a well-being questionnaire or health screening form to a student in kindergarten through grade 3, the School District must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

III. School-Level Student Welfare Complaint Process

- A. The parent shall notify the school principal, or the school principal's designee, regarding the parent's eligible student welfare complaint at the school of the parent's student.
- B. The school principal, or the school principal's designee, shall document the date of the parent's notification as a public record on the appropriate School District form and provide a copy to the parent.
- C. Within seven (7) calendar days after notification by the parent, the school principal shall contact or meet with the parent in order to resolve the parent's eligible student welfare complaint.

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- D. If the parent's eligible student welfare complaint is not resolved at this meeting, then the parent may appeal the decision of the school principal, or the school principal's designee, to the School District-level.

IV. School District-Level Student Welfare Complaint Process

- A. The parent shall notify the Superintendent, or the Superintendent's designee, regarding the parent's unresolved eligible student welfare complaint.
- B. The Superintendent, or the Superintendent's designee, shall document the date of the parent's notification as a public record on the appropriate School District form and provide a copy to the parent.
- C. Within thirty (30) days after the notification by the parent that the eligible student welfare complaint remains unresolved, the Superintendent, or Superintendent's designee, shall either resolve the eligible student welfare complaint or provide a written statement of the reasons for not resolving the eligible student welfare complaint to the parent.
- D. If the parent's eligible student welfare complaint is not resolved by the School District, then pursuant to the *Chapter 1014 – Parents' Bill of Rights, Florida Statutes*, and Florida's *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints*, as an alternative to filing a declaratory judgment action in court against a school district, a student's parent may request a Special Magistrate be appointed to address a parent's dispute involving the requirements described in *Section 1001.42(8)(c), Florida Statutes*.

V. Parent Obligations for Requesting a Special Magistrate

- A. Per Florida's *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints*, in order to request appointment of a Special Magistrate, a parent must:
 1. Complete the Florida Department of Education's form entitled *Parental Request for Appointment of a Special Magistrate*;
 2. Describe the nature of the dispute;
 3. Describe the resolution or relief sought at the school and school district level;
 4. Describe the resolution sought from the Special Magistrate and the State Board of Education;

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5. Demonstrate that before filing for the appointment of a Special Magistrate, resolution of the dispute was sought by the parent with the student's principal and subsequent to that, resolution was sought by the parent at the school district level, all in accordance with the procedures adopted by the school district for resolution of the dispute; and
6. Provide and maintain accurate contact information such as an email address, telephone number and mailing address for the parent.

VI. School District Obligations for Requesting a Special Magistrate

A. Per Florida's *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints*, the School District shall:

1. Designate at least one (1) person responsible for responding to inquiries by the Florida Department of Education regarding a request for appointment of a Special Magistrate and notify the Florida Department of Education of the name and email address of the individual;
2. Within five (5) days of receipt of notice that a parent has requested the appointment of a Special Magistrate as described in this policy, provide to the Florida Department of Education a statement addressing whether any of the grounds for dismissal as described in Florida's *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints* apply to the parental request for appointment of a Special Magistrate; and
3. Expeditiously contract for payment of a Special Magistrate appointed by the Commissioner of Education and notify the Department within no more than twenty (20) days after receiving notice of the appointment of a Special Magistrate that an agreement has been reached for payment with the appointed Special Magistrate.

VII. Dismissal of Parental Request for Appointment of Special Magistrate

A. Per Florida's *State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints*, the Florida Department of Education may dismiss a Parental Request under the following circumstances:

1. The parent notifies the Florida Department of Education that the dispute has been resolved or withdrawn;

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2. The *Parental Request for Appointment of a Special Magistrate* form has not been substantially completed, after the opportunity to provide missing or supplemental information has been provided;
 3. The parent has not demonstrated full and complete use of any school and School District procedures adopted by the School District under *Section 1001.42(8)(c), Florida Statutes*, for resolving the dispute;
 4. The matter in dispute falls under the federal *Individuals with Disabilities Education Act*, as amended, and its implementing regulations, or under *Section 1003.56, Florida Statutes*, and rules adopted by the Florida Department of Education to implement *Section 1003.56, Florida Statutes*, or is otherwise outside of the scope of the student welfare requirements set forth in *Sections 1001.42(8)(c), Florida Statutes*; or
 5. The parent has failed to maintain accurate contact information with the Department or the Special Magistrate.
- VIII. *Chapter 1014 – Parents’ Bill of Rights, Florida Statutes, Section 1001.42, Florida Statutes, and Florida’s State Board of Education Rule 6A-1.094125 – Special Magistrate for Unresolved Student Welfare Complaints* shall prevail over and govern the processes within this School Board policy.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1002.23, 1001.22, 1001.42, 1001.51, 1001.54, 1002.20, 1003.33, 1006.07, 1008.25, 1012.98, 1014 et seq., F.S.

STATE BOARD OF EDUCATION RULE: 6A-1.094125

HISTORY: ADOPTED: 12/13/22
REVISION(S): N/A
FORMERLY: NEW

CHAPTER 2.00 – SCHOOL BOARD GOVERNANCE AND ORGANIZATION

STUDENT WELFARE COMPLAINT RESOLUTION – CHARTER SCHOOLS

2.263*+

I. Purpose

The purpose of this rule is to comply with *Chapter 1014 – Parents’ Bill of Rights, Florida Statutes, Section 1001.42(8)(c), Florida Statutes*, and Florida’s *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools*, and to provide information about the process for a parent of a student enrolled in a charter school to request appointment of a Special Magistrate if a specific student welfare complaint is not resolved at the charter school-level or School District-level.

II. Eligible Student Welfare Complaints

A. The types of complaints that this policy addresses and for which parents may request a Special Magistrate (if the eligible student welfare complaint is not resolved at the charter school-level or School District-level) are limited to those prescribed within *Section 1001.42(8)(c), Florida Statutes*:

1. In accordance with the rights of parents enumerated in *Sections 1002.20 and 1014.04, Florida Statutes*, the charter school must adopt procedures for notifying a student’s parent if there is a change in the student’s services or monitoring related to the student’s mental, emotional, or physical health or well-being and the school’s ability to provide a safe and supportive learning environment for the student. The procedures must reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children by requiring charter school personnel to encourage a student to discuss issues relating to the student’s well-being with the student’s parent or to facilitate discussion of the issue with the parent. The procedures may not prohibit parents from accessing any of their student’s educational and health records created, maintained, or used by the charter school or school district, as required by *Section 1001.22(2), Florida Statutes*.
2. A charter school may not adopt procedures or student support forms that prohibit charter school personnel from notifying a parent about the mental, emotional, or physical health or well-being of the parent’s student, or a change in related services or monitoring for the parent’s student, or that encourage or have the effect of encouraging a student to withhold from a parent such information. Charter school personnel may not discourage or prohibit parental notification of and involvement in critical decisions affecting a student’s mental, emotional, or physical health or well-being. This requirement does not prohibit charter schools from adopting procedures that permit charter school personnel to withhold information from a parent if a reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect as defined in *Section 39.01, Florida Statutes*.

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3. Classroom instruction by charter school personnel or third parties on sexual orientation or gender identity may not occur in Kindergarten through Grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards.
4. Student support services training developed or provided by a charter school to charter school personnel must adhere to student services guidelines, standards, and frameworks established by the Florida Department of Education.
5. At the beginning of the school year, the charter school must notify parents of each health care service offered at their student's charter school and the option to withhold consent or decline any specific service. Parental consent to a health care service does not waive the parent's right to access the educational health records of the parent's student or to be notified about a change in services or monitoring for the parent's student.
6. Before administering a well-being questionnaire or health screening form to a student in kindergarten through grade 3, the charter school must provide the questionnaire or health screening form to the parent and obtain the permission of the parent.

III. Parent Obligations for Requesting a Special Magistrate

- A. Per Florida's *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools*, in order to request appointment of a Special Magistrate, a parent must:
 1. Complete the Florida Department of Education's form entitled *Parental Request for Appointment of a Special Magistrate for Charter School Students*;
 2. Describe the nature of the dispute;
 3. Describe the resolution or relief sought with the charter school principal or designee appointed by the Charter School Governing Board, and subsequently, with the school district that sponsor's the charter school;
 4. Describe the resolution sought from the Special Magistrate and the State Board of Education;
 5. Demonstrate that before filing for the appointment of a Special Magistrate, resolution of the dispute was sought by the parent:
 - with the charter school principal or designee appointed by the Charter School Governing Board to resolve parental disputes; and

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- subsequent to that, resolution was sought by the parent at the School District-level, all in accordance with the procedures adopted by the School District for resolution of the dispute; and
6. Provide and maintain accurate contact information such as an email address, telephone number and mailing address for the parent.
- IV. School District Obligations for Requesting a Special Magistrate
- A. Per Florida's *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools*, the School District shall:
1. Designate at least one (1) person responsible for responding to inquiries by the Florida Department of Education regarding a request for appointment of a Special Magistrate and notify the Florida Department of Education of the name and email address of the individual;
 2. Within five (5) days of receipt of notice that a parent has requested the appointment of a Special Magistrate as described in this policy, provide to the Florida Department of Education a statement addressing whether any of the grounds for dismissal as described in Florida's *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools* apply to the parental request for appointment of a Special Magistrate; and
 3. Develop procedures to resolve specific student welfare complaints within *Section 1001.42(8)(c), Florida Statutes*, for a student who is enrolled in a charter school sponsored by the district. These procedures must include the following:
 - a. The process for resolution when the charter school principal or designee is unable to resolve the dispute to the parent's satisfaction;
 - b. Providing a parent with a statement of the reasons for not resolving the dispute, when the School District is unable to resolve the complaint; and
 - c. The time limits for a response or notice of reasons for not resolving the dispute, which must be no more than thirty (30) days from receipt of the parent's complaint.
 4. Expeditiously contract for payment of a Special Magistrate appointed by the Commissioner of Education and notify the Florida Department of Education within no more than twenty (20) days after receiving notice of the appointment of a Special Magistrate that an agreement has been reached for payment with the appointed Special Magistrate.

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V. Charter School Governing Board Obligations

- A. To ensure that the Special Magistrate process is available to a parent of a student enrolled in a charter school, the Charter School Governing Board must:
 1. Designate at least one (1) person responsible for responding to inquiries by the Florida Department of Education regarding a request for appointment of a Special Magistrate and notify the Department of the name and email address of the individual;
 2. Adopt procedures to notify parents of the following:
 - a. The ability to seek relief from the charter school principal or Charter School Governing Board's designee for a dispute under *Section 1001.42(8)(c)1.-7., Florida Statutes*;
 - b. If the parent remains aggrieved after receiving the response from the charter school principal or Charter School Governing Board's designee, the ability to seek relief from the School District that sponsors the charter school; and
 - c. The time limits for a response, which must be:
 - no more than seven (7) days from receipt of the complaint for the charter school principal or Charter School Governing Board's designee; and
 - no more than thirty (30) days from receipt of the complaint for the School District;
 3. Fully cooperate in the School District's resolution procedures; and
 4. Comply with the School District's decision for resolution of the complaint.

VI. Financial Costs Related to Disputes Involving Special Magistrate Process for Charter School Students

- A. All costs a district incurs for reviewing and responding to a complaint lodged by a parent of a student enrolled in a charter school under this rule, is a service provided by the School District to the charter school; contracts for such services are limited to the School District's actual costs unless mutually agreed to by the School District and charter school, based upon the provisions of *Section 1002.33(20)(b), Florida Statutes*.

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VII. Dismissal of Parental Request for Appointment of Special Magistrate

A. Per Florida's *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools*, the Florida Department of Education may dismiss a Parental Request under the following circumstances:

1. The parent notifies the Florida Department of Education that the dispute has been resolved or withdrawn;
2. The *Parental Request for Appointment of a Special Magistrate* form has not been substantially completed, after the opportunity to provide missing or supplemental information has been provided;
3. The parent has not demonstrated full and complete use of any charter school and School District procedures adopted by the School District under *Section 1001.42(8)(c), Florida Statutes*, for resolving the dispute;
4. The matter in dispute falls under the federal *Individuals with Disabilities Education Act*, as amended, and its implementing regulations, or under *Section 1003.56, Florida Statutes*, and rules adopted by the Florida Department of Education to implement *Section 1003.56, Florida Statutes*, or is otherwise outside of the scope of the student welfare requirements set forth in *Sections 1001.42(8)(c), Florida Statutes*; or
5. The parent has failed to maintain accurate contact information with the Department or the Special Magistrate.

VIII. *Chapter 1014 – Parents' Bill of Rights, Florida Statutes, Section 1001.42, Florida Statutes*, and Florida's *State Board of Education Rule 6A-6.0791 – Special Magistrate for Unresolved Student Welfare Complaints at Charter Schools* shall prevail over and govern the processes within this School Board policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1002.23, 1001.22, 1001.42,
1001.51, 1001.54, 1002.20, 1003.33,
1006.07, 1008.25, 1012.98,
1014 et seq., F.S.

STATE BOARD OF EDUCATION RULE:

6A-6.0791

HISTORY:

ADOPTED: 12/13/22
REVISION(S): N/A
FORMERLY: NEW

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SPECIAL COMMITTEES OF THE SCHOOL BOARD

2.27

- I. Special committees may be appointed by the School Board Chairperson when deemed necessary. The duties of any such committee shall be outlined at the time of appointment; the committee shall be automatically dissolved when the School Board accepts the committee's final report. Each School Board member shall be notified of all committee meetings, but shall have no vote unless the member is serving as a committee member. All meetings of School Board committees shall be open to the public. Members of special committees may attend the meetings in person or through the use of telecommunications networks such as telephonic or video conferencing.

- II. Special committees, or individuals who serve on special committees, shall take no action which is binding upon the School Board. Such special committees shall be for fact finding, deliberative and advisory functions only, and shall have no legislative or administrative powers.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, F.S.

HISTORY:

**REVISED: 12/14/21
FORMERLY: SCHOOL BOARD BYLAWS**

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SCHEDULE FOR LEGAL ADVERTISEMENTS

2.28

- I. The School Board shall inform the general public of certain actions through legal advertisements (*e.g.*, Notices of Public Hearing, Invitation to Bid). Items of interest to the public shall also be advertised.
- II. Notification to all appropriate agencies and individuals to amend, adopt, or repeal a School Board rule shall be given twenty-eight (28) calendar days prior to the date of intended School Board action.
- III. All legal advertisements by the School Board shall be in compliance with Florida Statute.
- IV. Annually the tentative budget shall be posted on the District's official website and advertised as required by law.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

120.54, 1001.43, F.S.

HISTORY:

**REVISION(S): 12/06/05, 02/07/12
FORMERLY: NEW**

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

AUDIT ADVISORY COMMITTEE

2.29

- I. The Board has created an Audit Advisory Committee, which reports to the Board, and shall perform the duties listed below. The Committee shall be governed by rules and procedures set forth in this section.
- II. Purpose, Responsibility, and Organization
 - A. The purpose of the Committee is to:
 1. Assist the School Board in selecting an auditor to conduct the annual financial audit as described in Section 218.391, Florida Statutes.
 2. Review findings and management responses in audit reports of Board operations and provide advice and recommendations to the Board for correcting deficiencies.
 3. Provide advice and recommendations to the School Board on initiatives to improve operational efficiencies in order to incorporate business experience and best practices in action plans.
 - B. The Committee will be comprised of:
 1. Five (5) community appointees
 2. The School Board Chair or the School Board Chair's designation of another School Board Member
 3. A Florida licensed Certified Public Accountant (identified hereinafter as the "CPA Member")

The five (5) community appointees shall be recommended, one (1) by each member of the Board, and approved by the Board. All five (5) members of the Audit Advisory Committee shall be residents of Osceola County. The terms of the community members approved by the Board shall be four (4) years, concurrent with the terms of their respective Board members. The School Board Chair shall serve as an ex-officio member and be a voting member of the Committee. The Committee Chair shall be either the School Board Chair or the School Board Chair's designation of another School Board Member. The CPA Member shall be a Florida licensed Certified Public Accountant in good standing, and may reside in any county in the State of Florida. The nomination of the CPA Member may be made by any School Board Member, the Chief Business and Finance Officer of the School District, or the Superintendent of Schools. If more than one qualified

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CPA Member is nominated to serve on the committee, then the School Board by majority vote of quorum present shall decide the CPA Member who shall serve. The CPA Member shall serve a term in office of four (4) years, and the term shall run regardless of the term of any School Board Member. The CPA Member, and his or her firm or business, may not perform any accounting or audit work for the School Board or School District of Osceola County, for any form of compensation during such time that the CPA Member serves on the Audit Advisory Committee. This rule does not preclude any one or more of the five community appointees from also being certified public accountants, but in such event the CPA and his firm will be precluded from providing audit or accounting services to the same extent as the CPA Member is precluded. All committee members serve in a voluntary capacity. Any committee member may be removed by majority vote of the School Board.

In accordance with §112.313, Florida Statutes, and pertinent opinions of the Florida Commission on Ethics, voting Committee members and any business entities in which such members have a direct financial interest will not do business with the district during such members' terms. If it is determined that a voting Committee member has a conflict of interest, then an exception can be submitted from the Committee, for consideration of approval or removal by the majority vote of the School Board.

The Superintendent, Chief Business and Finance Officer, and Director of Finance will be invited to all meetings and will be included in all communications of the Committee.

The Board will provide adequate support to the Committee to discharge its responsibilities. Committee activities shall be reported to the Board on a regular basis.

III. Meetings

The Committee shall meet at least two (2) times per year. Four (4) voting members will constitute a quorum at all meetings. In the case of special circumstances, the Committee Chair or a majority of the Committee members may call special meetings as required with proper notice. Committee meetings are to be conducted under the Robert's Rules or Order, and in addition, all committee and subcommittee meetings are governed by the Sunshine Law as required by Florida law.

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STATUTORY AUTHORITY: 218.391, 1001.41, 1001.42, 1001.43, F.S.

LAW(S) IMPLEMENTED: 286.011, 1001.41, 1001.42, F.S.,
GAO Government Auditing Standards

HISTORY: **REVISED:** 02/05/08, 08/25/09, 04/20/10, 05/01/12, 08/20/19
ADOPTED: 05/01/07
FORMERLY: NEW

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

SCHOOL ADVISORY COUNCILS

2.30*+

The School Board authorizes the establishment of a school advisory council in each School District school to assist in the enhancement of school site decision making, to serve in an advisory capacity to the principal, and to assist in the development of the educational program and in the preparation and evaluation of the school improvement plan required pursuant to Florida Statutes. The Superintendent shall develop guidelines pursuant to Florida Statutes to assist school advisory councils to ensure their active role in school site decision making (see School Advisory Council Operational Bylaws). School advisory councils shall not assume any of the powers or duties now reserved by law for the School Board or its professional staff. Nothing contained in the School District and/or local school accountability process shall be construed to lessen or otherwise alter the authority of the school principal as provided for in law, rules, or regulations.

- I. Composition and Selection of Councils - Council members shall include the school principal and an appropriately balanced number of teachers, education support employees, students, parents, and business and community representatives.
 - A. Members shall be representative of the ethnic, racial, and economic community served by the council.
 - B. Student representation shall be required for school advisory councils established at vocational-technical centers and high schools and may be included for school advisory councils serving middle schools. Student representation shall not be required for school advisory councils serving elementary schools.
 - C. The term *education support employees* as used herein shall refer to any person who is employed by a school for twenty (20) or more hours during a normal working week and who does not meet the definition of instructional or administrative personnel pursuant to Florida Statutes.
 - D. The term *teacher* as used herein shall include classroom teachers, certified student services personnel, media specialists, and other instructional personnel.
 - E. A majority of members must be persons who are not employed at the school.

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- F. *Appropriately balanced* as used herein shall mean a proportionate number of council members considering each peer group being represented on the council, excluding the school principal. The size of the school advisory council and the ratio of representatives among the peer groups, excluding the school principal, shall be set forth in the operational bylaws adopted by each school advisory council.
 - G. School advisory councils of technical and adult education centers are not required to include parents as members.
- II. Selection of Council Members - New council members shall be elected by their respective peer group, except for business and community representatives and the school principal.
- A. The following council members shall be elected in a fair and equitable manner as determined by their respective peer group and as set forth in the operational bylaws of the school advisory council:
 - 1. A teacher(s) shall be elected by teachers;
 - 2. An education support employee(s) shall be elected by education support employees;
 - 3. A student(s), when appropriate, shall be elected by students; and
 - 4. A parent(s), as defined by Florida Statutes, shall be elected by parents.
 - B. The school advisory council shall select business and community member(s) to serve on the school advisory council after reviewing the list of nominees prepared by the school principal.
 - 1. Business and community representatives shall be selected initially through a nomination and selection process facilitated by the school principal of each school advisory council.
 - a. The school principal shall seek candidates who are interested in making a commitment to participate on the school advisory council by representing businesses and the community.
 - b. Letters, newsletters, or other media releases shall be used by the school principal to seek candidates.

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- c. The school principal shall prepare a list of individuals seeking nomination to the school advisory council and shall present the list to the school advisory council for selecting the business and community representative(s).
 2. Subsequent to the initial selection as described in section II.B.1. herein, the operational bylaws of the school advisory council shall set forth procedures for nominating business and community representatives to serve on the school advisory council.
 - C. The principal shall submit the list of council members to the Superintendent for review of each school to determine compliance with section I. herein. The membership list shall contain the name of each council member and the peer group which is being represented by each member and a description of how the council represents the ethnic, racial, and economic community served by the school.
- III. Confirmation of the School Advisory Council - The Superintendent shall submit to the School Board for review and approval the membership list for each school advisory council in the School District. The School Board shall determine if a school advisory council meets criteria specified in section I. herein; additional members shall be appointed by the School Board when it is required to achieve the proper representation on the school advisory council.
- IV. Responsibilities of Councils - Each school advisory council shall
- A. Review the results of any needs assessments conducted by the school administration.
 - B. Assist in the development of the school improvement plan and provide recommendations on specific components of the plan, such as the goals of the school, indicators of school and student progress, and strategies and evaluation procedures to measure student performance. The school advisory council shall be the final decision-making body at the school relating to school improvement.
 - C. Define adequate progress for each school goal; obtain public input when defining adequate progress for school goals; negotiate the definition of adequate progress with the School Board; and notify and request assistance from the School Board when the school fails to make adequate progress in any single goal area.

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- D. Monitor students' and the school's progress in attaining goals and evaluate the appropriateness of the indicators of student progress and the strategies and evaluation procedures which are selected to measure student performance.
 - E. Prepare and distribute information to the public to report the status of implementing the school improvement plan, the performance of students and educational programs, and progress in accomplishing the school goals.
 - F. Make recommendations on the accumulation and reporting of data that is beneficial to parents.
 - G. Serve as a resource for the principal and advise the principal in matters pertaining to the school program.
 - H. Provide input on the annual school budget and the use of school improvement funds, and assist in the preparation of the school budget.
 - I. Inquire about school matters, identify problems, propose solutions to problems, suggest changes, and inform the community about the school.
 - J. Act as a liaison between the school and the community.
 - K. Assist in the preparation of the feedback report to the Florida Commission on Education Reform and Accountability as required by and pursuant to Florida Statutes.
 - L. Identify other duties and functions of the school advisory council.
- V. Operation of Council - Operational bylaws shall be established and mutually agreed upon by members of the school advisory council.
- A. The bylaws shall contain procedures required by Florida Statutes and shall include but not be limited to the following:
 - 1. State the duties and functions of the council.
 - 2. Indicate the procedure for electing council members and the nomination process for selecting business and community representatives.

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3. Identify the procedure for electing officers, including a chairperson, vice-chairperson, and recording secretary, and determine the term of office for each position.
 4. Establish the membership term for each peer group.
 5. Specify the proportionate number of council members for each peer group for the purpose of achieving an appropriately balanced council.
 6. Require a quorum to be present before a vote may be taken by the school advisory council. A majority of the membership of the council constitutes a quorum.
 7. Replace any member who has two unexcused consecutive absences from a school advisory council meeting that is noticed according to the procedures in the bylaws.
- B. Regular meetings shall be held. The council shall determine the date, time, and place of the meetings, scheduling meetings when parents, students, teachers, businesspersons, and members of the community can attend. Members of special committees may attend the meetings in person or through the use of telecommunications networks such as telephonic or video conferencing.
- C. The agenda shall be advertised to the school community at least seven (7) calendar days in advance of the scheduled meeting, with at least three (3) days advance notice in writing to all members of the advisory council of any matter that is scheduled to come before the council for a vote.
- D. All meetings shall be open, public, and subject to Florida Statutes.
- E. The school advisory council shall be subject to maintaining records pursuant to Article 1, Section 24, and Article XII, Section 20, of the Florida Constitution. Each school advisory council shall record minutes of each meeting of the council. A copy of the minutes of each meeting shall be submitted to the appropriate grade level director in a timely manner. The grade level director shall review the minutes of each council meeting and submit a copy to the Superintendent and to each School Board member.
- F. School improvement plans, which require waivers of the terms or conditions in negotiated agreement(s), shall be subject to the approval of the School Board and Bargaining Agent.

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- G. The records and minutes of the school advisory council shall be available for public inspection at the school during normal business hours. All members of the school community shall be advised of the availability of the records for inspection.
- H. Guidelines may be revised when such revisions are mutually agreed upon by members of the school advisory council. Revisions shall be submitted to the School Board for approval prior to implementation.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1001.452, 1008.345, 1012.01, F.S.

HISTORY: REVISION(S): 12/06/04, 02/05/08, 12/14/21
FORMERLY: 1.3.1, SCHOOL BOARD BYLAWS

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LEGAL COUNSEL – BOARD

2.40

The School Board attorney, obtained from outside its own membership, shall act as legal advisor to the Board. The Board shall provide its attorney a written contract which shall specify duties and responsibilities for the duration of the contract with renewal and termination provisions and compensation to be paid. When approved by the Board, special counsel may be retained to assist in any litigation or other matter.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, 1012.26, F.S.

HISTORY:

FORMERLY: 1.2.1, BOARD BYLAWS

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LEGAL COUNSEL – SUPERINTENDENT

2.41

- I. The Superintendent shall have the authority to obtain, at School Board expense, an attorney to represent him or her in any legal matter regarding the performance of his or her duties when special counsel is needed beyond the service normally rendered by the School Board attorney.
- II. This service will be provided only upon the determination that the Superintendent was not guilty of willful neglect of duty, gross negligence, or improper conduct.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, 1012.26, F.S.

HISTORY:

FORMERLY: 1.2.1, BOARD BYLAWS

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LEGAL SERVICES FOR EMPLOYEES

2.42

- I. The School Board may provide legal services for any School Board member or employee who is charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities for the School Board.
- II. The School Board shall provide for reimbursement of reasonable expenses for legal services for any School Board member or employee who is charged with civil or criminal actions arising out of and in the course of the performance of assigned duties and responsibilities for the School Board, upon successful defense by the School Board member or employee.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.26, F.S.

HISTORY:

FORMERLY: NEW

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ELECTRONIC RECORDS AND ELECTRONIC SIGNATURES

2.48

- I. An electronic signature may be used if the law requires a signature, unless there is a specific statute, regulation, or policy that specifically prohibits the use of an electronic record and requires the record(s) to be signed in non-electronic form. The School Board hereby authorizes the acceptance and distribution of electronic records and electronic signatures to and from School District employees and other persons, as well as between School District employees. Additionally, the School Board further authorizes School District employees to create, generate, communicate, store, process, use, and rely upon electronic records and electronic signatures.
- II. The Superintendent shall put in place measures to protect the integrity, security, and accessibility of electronic signatures and electronic records and shall comply with the mandates of State and Federal agencies or programs, including, but not limited to, Medicaid.
- III. The issuance or acceptance of an electronic signature may be permitted for School District business in accordance with the provisions of this policy and all applicable state and federal laws. If permitted, the electronic signatures shall have the full force and effect of a manual signature provided the electronic signature satisfies all of the following requirements:
 - A. The electronic signature is unique to the individual and identifies the individual who signs the document by the individual's name and title.
 - B. The identity of the individual signing with an electronic signature is capable of being verified and authenticated.
 - C. The integrity of the individual's electronic signature can be assured.
 - D. The individual's electronic signature and the document to which it is affixed cannot be altered once the individual's electronic signature has been affixed.
 - E. The individual's electronic signature complies with the School Board procedures for ensuring the security, integrity, and auditability of each individual's signature.
 - F. The electronic signature conforms to all other provisions of this policy.
 - G. The Superintendent may permit electronic signatures on internal documents considered to be of minimal risk to be exempt from this policy.

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- IV. The School District shall maintain electronically signed records in a manner that:
- is consistent with state law and the School District's document retention policies; and
 - allows the School District to produce accurate and complete reproduction of the electronic records and signatures in their original form.
- V. The Superintendent shall require School 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 School District staff and other persons who use electronic signatures to do so in compliance with state law.
- VI. Exceptions to this rule shall include the following.
- A. The School District shall use written signatures for contracts for medical equipment and/ or services.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 668.002, 668.006, 668.50, F.S.

HISTORY: **ADOPTED: 08/18/15**

REVISED: 12/01/20, 12/14/21, 05/17/22

FORMERLY: NEW

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PARTICIPATION IN ACTIVITIES

2.50

Each member of the Board is encouraged to participate in the activities and programs conducted by state, regional and national associations of the School Board. 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. Any reimbursement for Board member travel outside the state of Florida must be approved in advance by the School Board.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, F.S.

HISTORY:

FORMERLY: BOARD BYLAWS

CHAPTER 2.00 - SCHOOL BOARD GOVERNANCE AND ORGANIZATION

PROHIBITING DISCRIMINATION, INCLUDING SEXUAL AND OTHER FORMS OF HARASSMENT

2.70*+

I. General Provisions

- A. To the extent the definitions included in this rule, such as the definitions for discrimination and harassment, are more broad than prevailing federal and state law, the application of this rule is not intended to create a private right of action against the School Board if the then prevailing federal and state law do not extend liability to the School Board.
- B. The application of this rule to vendors and volunteers is not intended to create a private right of action against the School Board to the extent the then prevailing federal and state law do not extend liability for actions by non-employees.
- C. If a legally sufficient complaint for harassment or discrimination is filed per this rule, the School District will take prompt remedial action against a party, including a volunteer or vendor. This rule is an operating guideline and the School Board reserves all legal defenses available to it in the event an action is filed.
- D. No person has a private action for damages against the School Board for discrimination/ harassment allegedly committed by an employee(s) (including managers) of the School District without first exhausting the complaint procedure in this rule thereby giving the School District an opportunity to first investigate and take appropriate remedial action. See *Faragher v. City of Boca Raton*, 118 S.Ct. 2275 (1998) and *Burlington Indus., Inc. v. Ellerth*, 118 S.Ct. 2257 (1998).

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II. Policy Against Discrimination

- A. No person shall, on the basis of race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity, or in any employment conditions or practices conducted by this School District, except as provided by law.
- B. The School Board shall comply with all state and federal laws, which prohibit discrimination and are designed to protect the civil rights of applicants, employees, students, or other persons or organizations protected by applicable law.
- C. The School Board shall admit students to District schools, programs, and classes without regard to race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy.

III. Policy Against Sexual Harassment or Other Forms of Harassment Prohibited by Law

- A. The School Board desires to maintain an academic and work environment in which all employees, volunteers, and students are treated with respect and dignity. A vital element of this atmosphere is the School Board's commitment to equal opportunities and the prohibition of discriminatory practices. The School Board's prohibition against discriminatory practices includes prohibitions against sexual harassment, or any other form of harassment based upon a person's membership in a protected class and specifically prohibited by applicable state or federal law. The School Board forbids sexual harassment, or any other form of illegal harassment, of any employee, student, volunteer, or visitor. The School Board will not tolerate sexual harassment, or any other form of illegal harassment by any of its employees, students, volunteers or agents.
- B. The prohibition against discrimination including sexual and other forms of illegal harassment shall also apply to non-employee volunteers who work subject to the control of school authorities, and to all vendors or service providers who have access to School Board facilities.

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IV. Definition of Sexual Harassment

- A. Prohibited sexual harassment includes, but is not limited to, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature when:
1. Submission to the conduct is explicitly or implicitly made a term or condition of an individual's employment, academic status, or progress.
 2. Submission to or rejection of the conduct by an individual is used as the basis for employment or academic decisions affecting the individual.
 3. The conduct has the purpose or effect of having a negative impact on the individual's academic performance or employment, unreasonably interfering with the individual's education or employment, or creating an intimidating, hostile, or offensive educational or employment environment.
 4. Submission to or rejection of the conduct by the individual is used as the basis for any decision affecting the individual regarding any term or condition of employment, employment or academic benefits, or services, honors, programs, or activities available at or through the school.
- B. Types of conduct which are prohibited in the School District and which may constitute sexual harassment include, but are not limited to:
1. Graphic verbal comments about an individual's body or appearance.
 2. Sexual jokes, notes, stories, drawings, pictures, or gestures.
 3. Sexual slurs, leering, threats, abusive words, derogatory comments, or sexually degrading descriptions.
 4. Unwelcome sexual flirtations or propositions for sexual activity or unwelcome demands for sexual favors, including but not limited to repeated unwelcome requests for dates.
 5. Spreading sexual rumors.
 6. Touching an individual's body or clothes (including one's own) in a sexual way, including, but not limited to, grabbing, brushing against, patting, pinching, bumping, rubbing, kissing, and fondling.

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7. Cornering or blocking normal movements.
8. Displaying sexually suggestive drawings, pictures, written materials, and objects in the educational environment.

V. Definition of Other Forms of Prohibited Harassment

- A. Illegal harassment on the basis of any other characteristic protected by state or federal law is strictly prohibited. This includes verbal or physical conduct that denigrates or shows hostility or aversion toward an individual because of his/her race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, pregnancy, or any other characteristic protected by law and that:
 1. Has the purpose or effect of creating an intimidating, hostile or offensive work or academic environment;
 2. Has the purpose or effect of interfering with an individual's work or academic performance; or
 3. Otherwise, adversely affects an individual's employment or academic performance.
- B. Examples of prohibited actions, which may constitute harassment include, but are not limited to, the following:
 1. Epithets, slurs or negative stereotyping;
 2. Threatening, intimidating or hostile acts, such as stalking; or
 3. Written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the school or School District office premises or circulated in the workplace or academic environment.

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- VI. Retaliation Prohibited
 - A. Any act of retaliation against an individual who files a complaint alleging a violation of the School District's antidiscrimination policy and/ or sexual or illegal harassment policy or who participates in the investigation of a discrimination complaint is prohibited.
 - B. Retaliation may include, but is not limited to, any form of intimidation, reprisal or harassment based upon participation in the investigation of, or filing a complaint of, discrimination.

- VII. Procedures for Filing Complaint of Discrimination, Sexual Harassment, or Other Form of Illegal Harassment
 - A. Procedures for Filing Complaints
 - 1. Any person who believes that he or she has been discriminated against, or placed in a hostile environment based on race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy by an employee, volunteer, agent or student of the School District should within sixty (60) days of an alleged occurrence file a written or oral complaint. The complaint should set forth a description of the alleged discriminatory actions/harassment, the time frame in which the alleged discrimination occurred, the person or persons involved in the alleged discriminatory actions, and any witnesses or other evidence relevant to the allegations in the complaint.
 - 2. The complaint should be filed with the School Principal, Site Administrator, or supervisor. Complaints filed with the Principal, Site Administrator, or supervisor must be forwarded to the School District's Equal Employment Opportunity (EEO) Officer within five (5) days of the filing of the complaint. If the complaint is against the principal or site administrator, the complaint may be filed directly with the EEO Officer.
 - 3. If the complaint is against the School District's EEO Officer, the Superintendent, or other member of the School Board, the complaint may be filed with the School Board Attorney.

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B. Procedures for Processing Complaints

1. Complaints filed against persons other than the Superintendent or member of the School Board:
 - a. Upon receipt of the written complaint by the School District EEO Officer, the School District EEO Officer shall appoint an investigator to conduct an investigation of the allegations in the complaint. The investigator shall interview the complainant and the accused; interview any witnesses identified by the complainant, accused, or by other sources; take statements from all witnesses; and review any relevant documents or other evidence. Upon completing a review of all evidence relevant to the complaint, the investigator shall prepare a written summary of the investigation, and make a recommendation to the School District EEO Officer as to whether there is reasonable cause to believe a violation of the School District's antidiscrimination policy has occurred. Copies of documents, evidence and witnesses' statements which were considered in the investigation must be sent to the EEO Officer along with the summary and recommendation.
 - b. If the complaint is against the EEO Officer, the School Board Attorney shall appoint an investigator, who shall conduct an investigation in the manner set forth in section VI.B.1.a.
 - c. The investigation, summary, relevant documents, witnesses' statements, and recommendation should be completed and forwarded to the EEO Officer within thirty (30) days, or to the School Board Attorney within thirty (30) days, if the complaint is against the EEO Officer. The EEO Officer, or School Board Attorney, respectively, shall review the investigation summary, evidence and recommendation, and determine within ten (10) days whether there is reasonable cause to believe a discriminatory practice occurred.

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- d. If the EEO Officer or School Board Attorney determines there is reasonable cause to believe a violation of the nondiscriminatory policy occurred, he or she shall within ten (10) days provide notice of the reasonable cause finding to the complainant and the accused. The EEO Officer or School Board Attorney shall then forward the investigatory file, reasonable cause determination, and all related documents and evidence, to the Superintendent.
- e. If the EEO Officer or School Board Attorney determines, after a review of the investigation, summary, recommendation and other evidence, that there is no reasonable cause to believe a discriminatory practice occurred, he or she shall provide within ten (10) days notice of the finding of no reasonable cause to the complainant and accused.
- f. The complainant may request a no reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of the no reasonable cause notice. The complainant shall provide a written statement detailing facts in support of his or her disagreement with the determination. The complainant will also be given an opportunity to meet with the Superintendent and EEO Officer/ School Board Attorney to present his or her position. The Superintendent and EEO Officer/ School Board Attorney shall prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of the conference make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.
- g. If review by the Superintendent is not timely requested, the EEO Officer or School Board Attorney's determination of no reasonable cause shall be final.
- h. The accused may request a reasonable cause finding by the EEO Officer or School Board Attorney be reviewed by the Superintendent within ten (10) days of receipt of the reasonable cause notice. The accused shall provide a written statement detailing facts in support of his or her disagreement with the determination. The accused will also be given an opportunity to meet with the Superintendent and EEO Officer/ School Board Attorney to present his or her position. The Superintendent and EEO Officer/ School Board Attorney shall

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prepare a written memorandum summarizing the content of the conference to be included in the complaint file. The Superintendent shall within ten (10) days of the conference make a final determination as to whether there is reasonable cause to believe a discriminatory practice occurred.

- i. After providing the opportunity for an informal hearing as referenced in section VI.B.1.f. or VI.B.1.h., the Superintendent shall evaluate all the evidence, the investigation summary, recommendations and findings, along with any input by the accused and complainant, and make a final determination as to whether there is reasonable cause to support the complainant's allegations. He or she shall then determine any necessary disciplinary, remedial, or other action. Notice of the final disposition of the complaint and any disciplinary and/or remedial action shall within twenty (20) days of the informal hearing be forwarded to the accused and the complainant, and a copy of the notice will be filed with and maintained in the office of the School District EEO Officer and the Director of Human Resources and Employee Relations.

2. Complaints against School Board Members or against the Superintendent

- a. Complaints against School Board Members or the Superintendent shall be filed with the School Board Attorney. The School Board Attorney will within twenty (20) days appoint an outside, independent investigator to conduct an investigation and make a recommendation as to whether a discriminatory practice has occurred. It is recommended, but not mandatory, that the investigator be an attorney familiar with federal and state law prohibiting discrimination on the basis of a protected status.
- b. The complainant and accused shall be interviewed by the outside investigator. Both shall provide written lists of witnesses to be interviewed, and documents or other evidence to be reviewed as relevant to the complaint. The investigator shall interview all witnesses identified by the complainant or accused, in addition to witnesses with relevant knowledge which the investigator may discover from other sources. The investigator shall also review relevant documents and other evidence. The investigator shall within twenty (20) days of receiving the complaint prepare a written summary of his or her investigation, and a recommendation

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to the School Board Attorney as to whether there is reasonable cause to believe that a discriminatory practice may have occurred.

- c. If reasonable cause is recommended by the investigator against a School Board Member or the Superintendent, if the Superintendent is an elected official, the recommendation shall within twenty (20) days be forwarded to the Governor's office to determine if there is evidence that a misfeasance or malfeasance of office occurred. The Governor's office will be responsible for taking any necessary action in accordance with applicable law with reference to an elected official.
- d. If reasonable cause is recommended by the investigator against the Superintendent, and the Superintendent is assigned by the School Board, the School Board shall receive and make the final determination.
- e. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the School Board Attorney, shall be final. In compliance with Florida Statutes, the investigation file shall become public record and the Superintendent or School Board Member shall answer to their constituency.

C. Penalties for Confirmed Discrimination or Harassment

1. Student - A substantiated allegation of discrimination or harassment against a student shall subject that student to disciplinary action consistent with the *Code of Student Conduct*.
2. Employee or Volunteer - A substantiated allegation of discrimination or harassment against an employee may result in disciplinary actions including termination and referral to appropriate law enforcement authorities. A volunteer shall be removed from service and a referral may be made to appropriate law enforcement authorities.

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- D. Limited Exemption from Public Records Act and Notification of Parents of Minors
1. To the extent possible, complaints will be treated as confidential and in accordance with Florida Statutes and the Family Educational Rights and Privacy Act (FERPA). Limited disclosure may be necessary to complete a thorough investigation as described above. The School District's obligation to investigate and take corrective action may supersede an individual's right to privacy
 2. The parents of a person under the age of 18 who have filed a complaint of discrimination and/or harassment shall be notified within three (3) days of receipt of a complaint.

STATUTORY AUTHORITY: 120.54, 1001.41, 1001.43, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.51, 119.07, 760.01 *et seq.*,
1000.05, 1000.21, 1001.43, 1012.22, F.S.
34 CFR 99, 34 CFR 108, 34 CFR 200.43(c), P.L. 110-233

STATE BOARD OF EDUCATION RULE(S): 6A-19.001 *et seq.*

HISTORY: REVISION(S): 12/06/05, 02/06/07, 02/05/08, 10/21/08,
06/05/12, 04/21/15, 12/15/15
FORMERLY: 1.14, 1.22

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REPORTING CHILD ABUSE, ABANDONMENT, OR NEGLECT

2.80

I. Procedures for Reporting

A. All employees of the School District of Osceola County who know or have reasonable cause to suspect that a child is an abused, abandoned, or neglected child shall immediately report such knowledge or suspicion to the Department of Children & Families (DCF) Florida Abuse Hotline (1-800-96-ABUSE, 24 hours a day, 7 days a week). In addition to immediately reporting such knowledge or suspicion to the DCF Florida Abuse Hotline, all School District employees shall do the following:

1. Because an employee may be subject to criminal prosecution by law enforcement authorities if the employee of the School District fails to report suspected child abuse immediately to the DCF Child Abuse Hotline, it is essential that in order to protect the security of each School District employee who reports suspected or known child abuse, abandonment or neglect in accordance with Florida law and the requirements of this policy, the following procedures shall be followed. Each School District employee shall comply with the following procedures each time the employee has reasonable cause to suspect that child abuse, abandonment or neglect has occurred or may be occurring and reports to DCF and law enforcement as specified elsewhere in this Rule:

a. If available and reasonably possible without violating the good order of the School District, the employee of the School District shall obtain another employee of the School District to act as a witness to the fact that the employee is making a report of known or suspected child abuse, abandonment, or neglect. However, if no employee of the School District is available to act as a witness or if the employee in seeking a witness would unreasonably delay the reporting or would unreasonably interfere with the work of the other employees of the School District or interrupt the provision of educational services by another employee of the School District, then under such circumstances the employee who has reason to suspect child abuse, abandonment or neglect will immediately report to DCF and law enforcement as specified elsewhere and shall do so without a witness. As the term is used herein, an appropriate *witness* will only be another employee of the School District of Osceola County to ensure confidentiality of student information.

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District staff shall in good faith cooperate with and participate only as directed by the investigating School District official or law enforcement during the investigation and with respect to any subsequent criminal proceedings.

3. When a report of child abuse, neglect, or abandonment has been made to DCF, a teacher, staff member, volunteer, or agency should not take it upon himself or herself to interview the child, talk with the suspected abuser, discuss the allegations with other potential witnesses or otherwise discuss the case. Nor should a teacher, staff member, volunteer, or agent divulge information relating to the complaint to persons other than school officials, the Child Protection Team, DCF, law enforcement, the State Attorney or other court designee. If a parent, caregiver or legal guardian desires information related to a complaint of child abuse, that person should be directed to contact DCF and/or the applicable local law enforcement agency.

II. Modifications to Procedure

No policies or procedures that School District staff may have discussed with other agencies and that relate to the reporting of suspected or known abuse, abandonment or neglect shall be effective unless the School Board itself, in accordance with law, duly adopts such policy or procedure in an open meeting as an interlocal or interagency agreement.

III. School District Operations Regarding Issues Involving Students and Personnel

- A. Nothing herein shall limit the right of the Superintendent and his staff to take appropriate steps, including interviewing all witnesses and possible witnesses, as directed by the Superintendent with regard to the investigation of personnel of the School District for the purpose of determining whether any action has occurred which may require remediation of personnel practices, implementation of an improvement plan, comments to be made in an employee's evaluation or record, or discipline, suspension or termination of any personnel of the School District.
- B. Nothing in this policy shall limit the authority of the Superintendent and his/her staff to investigate all matters that may reasonably have a relationship to the safety or behaviors of students and personnel of the School District, the control of students and personnel and the supervision and control of the facilities of the School District, all of which matters are within the authority of the School Board. Such action may include as determined appropriate by the Superintendent and his staff the interviewing of witnesses, including students, as it relates to matters involving personnel

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of the School District, student discipline, safety, and other matters related to the operations of the School District.

- C. Any failure of the DCF or local law enforcement to promptly accept or respond to a report of suspected or known child abuse, abandonment or neglect shall be documented and reported to the Superintendent for inclusion in the records of the Superintendent regarding reporting of suspected or known child abuse, abandonment or neglect.

IV. Liberal Interpretation of Duty to Report

In any circumstance in which the employee of the School District has any question or doubt regarding whether he or she has reasonable cause to suspect child abuse, abandonment or neglect, the employee must immediately report to DCF, and, in cases of employees, volunteers or agents of the School District, the SRO or local law enforcement, and must also report to his or her school/department administrator in the manner specified above in this policy. All doubt must be resolved in favor of reporting any situation involving alleged or suspected child abuse, abandonment or neglect. However, all such reports of possible or suspected or known child abuse, abandonment or neglect must in all instances be made in good faith. No School District employee shall report any matter when the employee believes that no child abuse, abandonment or neglect is occurring or has occurred, or where such report is being made maliciously or in bad faith.

V. Definitions

The following terms shall have the definitions herein prescribed:

- A. *Child Abuse* shall mean any willful act or threatened act or omission to act that results in any physical, mental, or sexual injury or harm that causes or is likely to cause the child's physical, mental, or emotional health to be significantly impaired. Corporal discipline of a child by a parent or legal custodian for disciplinary purposes does not in itself constitute abuse when it does not result in harm to the child.
- B. *Abandonment or Abandoned* shall mean a situation in which the parent or legal custodian of a child or, in the absence of a parent or legal custodian, the care-giver responsible for the child's welfare, while being able, makes no provision for the child's support and makes no effort to communicate with the child, which situation is sufficient to evince a willful rejection of parental obligations. If the efforts of such parent or legal custodian or care-giver primarily responsible for the child's welfare to support and communicate with the child are only marginal efforts that do not evince a settled purpose

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to assume all parental duties, then under any of these circumstances the child may be determined to be abandoned.

- C. *Neglect* shall mean that a child is deprived of or is allowed to be deprived of necessary food, clothing, shelter or medical treatment or that a child is permitted to live in an environment when such deprivation or environment causes the child's physical, mental or emotional health to be significantly impaired or to be in danger of being significantly impaired.
- D. As specified in Section 39.01(30) Florida Statutes, in determining whether harm has occurred to a child such that the child may be deemed abused, neglected or abandoned, as the case may be, the following factors and definitions shall apply. *Harm* occurs when any person inflicts on, or by omission causes, a child (or there is reasonable cause to suspect such infliction):
1. Any action that produces, or willful or conscious omission that allows, injuries such as sprains, dislocations, cartilage damage, fractures of bone or skull, brain or spinal cord damage, hemorrhaging inside the person's head or injury to other internal organs, asphyxiation, suffocation or drowning, injury resulting from the use of a weapon, burns or scalding, cuts, lacerations, punctures or bites, permanent or temporary disfigurement and permanent or temporary loss or impairment of a body part or function
 2. Giving, or willfully or consciously allowing, a child poison, alcohol, drugs or other substances that substantially affect the child's behavior, motor coordination or judgment or that result in sickness or internal injury. The term *drugs* as used herein includes prescription drugs not specifically prescribed for the child or administered in a manner other than as prescribed, unlawful or controlled substances, and over the counter medications or other substances of any type whatsoever that are given to the child for use in a manner that is harmful to the child or for use in a manner other than as intended or specified for the particular product or substance.
 3. Leaving a child without adult supervision or arrangement appropriate for the child's age or mental or physical condition so that the child is unable to care for his or her own needs or another's basic needs or is unable to exercise good judgment in responding to any kind of physical or emotional crisis.

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4. Excessively harsh disciplinary action likely to result in physical or mental injury. Discipline from a parent or care-giver may be considered excessive or abusive when it results in any of the types of injuries specified in section V.D.1., and/ or results in significant bruises or welts.
5. Any sexual battery, sexual conduct, lewd or lascivious acts or sexual exploitation of a child. Sexual exploitation includes prostitution, sexual performance, or any other sexual act. Any sexual act involving a child must be reported if the School District employee has any reasonable cause to believe that such sexual act has occurred or knows such a thing to have occurred.

VI. Confidentiality Regarding Student Identifying Information

All communications, reports and records created, maintained and recorded in accordance with this policy shall be maintained as confidential and shall be deemed to be student records and reports subject to confidentiality as specified in Section 1002.22, Florida Statutes, if the subject of a report hereunder is, or was, a student of the School District of Osceola County.

VII. Equity

It is a violation of law and School Board policy for any employee of the School District to take any action or omit to take an action that results in harm or abuse to a student. The employees of the School District are directed to be familiar with the School Board policies and to refrain from taking any action or omit to take any action which would constitute abuse, abandonment or neglect of a student.

VIII. Penalty for Violation

Any employee failing to fully comply with this procedure shall be subject to discipline, including termination from employment. Additionally, a violation of Florida law regarding actions that may be abusive, harmful or neglectful of students, or a failure to immediately report suspected abuse, abandonment or neglect, may result in the imposition of criminal penalties by law enforcement authorities.

IX. Child Advocacy Center

This policy may be amended to accommodate such changes as may be necessary to give effect to any future interagency agreement between the School Board, the Child Advocacy Center (CAC), and the member agencies of the CAC.

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X. Notification of Responsibility

A. A notice providing the following information shall be posted in a prominent place in a clearly visible location in a public area of each school:

1. A statement: "All employees of the District have the responsibility to report all actual and suspected cases of child abuse, abandonment or neglect; and shall comply with child protective investigations and all other provisions of law related to child abuse, abandonment or neglect. The reporting School District employee will be immune from liability if he or she reports such cases in good faith.
2. Statewide toll-free telephone number for the central abuse hotline.
3. Instructions for calling 911 for emergencies.
4. Directions for accessing the DCF website for additional information on reporting abuse, neglect, and exploitation.

The information must be in English and Spanish, in large print, on an 11" by 17" sheet and posted at student eye level.

B. Each school shall post in a prominent place at the school site and on each school's website the policies and procedures for reporting alleged misconduct by an instructional employee or school administrator which affects the health, safety or welfare of a student. The notice shall include the person to whom the misconduct should be reported and the penalties that will be imposed on instructional or school administrative staff who fail to report alleged or actual child abuse or misconduct.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

39.0015, 39.01, 39.201, 39.202, 39.203, 39.205, 39.206, 1001.43, 1006.061, F.S.

HISTORY:

**REVISION(S): 12/06/05, 01/29/12, 06/02/15, 04/05/16
FORMERLY: 6.11**

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TOBACCO-FREE and SMOKING-FREE ENVIRONMENT

2.90

I. Purpose

The School Board of Osceola County recognizes that the use of tobacco products, including, but not limited to, electronic smoking devices, is a health, safety, and environmental hazard for students, employees, parents, visitors, and school facilities. The School Board is committed to providing students, employees, parents, contractors, vendors, and visitors with tobacco-free and smoking-free environment. The School Board believes that the use of tobacco/ smoking products and devices on School Board property, in School District buildings, facilities, schools, and vehicles, or at any events that the School District or its departments/ schools sponsor or regulate is detrimental to the health and safety of students, employees, and visitors and is a significant contributor to medical issues and death. Thus, the purpose of this policy is to establish that the School District of Osceola County maintains a tobacco-free and smoking-free environment and to provide for notification to the School District's students, parents, employees, volunteers, visitors, and the public.

II. Applicability of Policy

This policy is effective twenty-four (24) hours a day, 365/ 366 days per year, and applies to all students, parents, employees, volunteers, contractors, vendors, visitors, and the public.

III. Definitions

A. For the purposes of this policy, all uses of tobacco/ smoking products and devices in any form are prohibited on School Board property, in School District buildings, facilities, schools, and vehicles, or at any events that the School District or its departments/ schools sponsor or regulate, and the following definitions shall apply.

1. *At any time* means during normal school and non-school hours: twenty-four (24) hours a day, seven (7) days a week, 365/ 366 days a year.
2. *Electronic cigarette (e-cigarette) or electronic smoking device* means any device that contains or delivers any substance, whether natural or synthetic, that is intended for human consumption through the inhalation of aerosol or vapor, including, but not limited to, devices that are manufactured, distributed, marketed, and/ or sold as e-cigarette, e-cigars, e-pipes, vapes, or under any other related product name or descriptor.

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3. *Off-campus, school-sponsored event* means any event sponsored by the school or School District that is not on school property, including, but not limited to, sporting events, day camps, field trips, seminars, dances, or theatrical productions, where the use of tobacco is prohibited.
4. *School Board property* means all facilities and property, including land, whether owned, rented, or leased by the Board, and also includes all vehicles owned, leased, rented, contracted for, or controlled by the Board and used for transporting students, staff, or visitors.
5. *Tobacco product* means any product:
 - containing, made, or derived from tobacco or that contains nicotine, whether natural or synthetic, that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product, including but not limited to: cigarettes, cigars, little cigars, other kinds and forms of tobacco, and electronic cigarettes or electronic smoking devices.
 - *including*, but not limited to, any lighted or unlighted cigarette, cigar, pipe, cheroots, stogies, periques, bidi, blunt, clove cigarette, electronic cigarette or electronic smoking device, cigarillo, hookah, plug cut, crimp cut, ready rubbed, any other smoking product and any smokeless or spitless tobacco also known as dip, chew, snuff, snuff flour, Cavendish, snus orbs, strips, sticks, or cigarette in any form.

IV. Policy Statement

- A. All uses of tobacco shall be prohibited anywhere on the property or campus of any facility owned, leased, or contracted for by the School Board including, without limitation, all schools, School District offices, shops, and any related closed areas, parking lots, car loops, practice fields, playgrounds, football fields, baseball fields, softball fields, pool areas, soccer fields, tennis courts, any other school recreational facilities and all open areas (collectively, the "Property") at any time. All uses of tobacco area prohibited from Board owned vehicles (including, but not limited to, school buses, vans, trucks, station wagons, and cars). No student is permitted to possess any tobacco product, paper used to roll cigarettes, lighters, or other smoking paraphernalia at any time while on the Property.

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- B. No student, parent, employee, volunteer, contractor, vendor, or visitor is permitted to use tobacco products of any kind or electronic cigarettes/ electronic smoking devices at any time in, on, or during the following:
1. any building, facility, or vehicle owned, leased, or rented by the School District;
 2. any School Board property, including all schools, School District offices, athletic fields, practice fields, playgrounds, parking lots, administrative offices, maintenance, transportation areas, etc., owned, leased, rented, or chartered by the School District; and/ or;
 3. at any off-campus, School District or school-sponsored event where the use of tobacco is prohibited.
- C. Students are prohibited from possessing, using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on School Board property or at any events that the School District or its departments/ schools sponsor or regulate. This includes products or paraphernalia displaying industry brands.
- D. Employees and visitors are prohibited from using, consuming, displaying, activating, or selling any tobacco products, tobacco-related devices, electronic smoking devices, imitation tobacco products, or lighters at any time on School Board property or any events that the School District or its departments/ schools sponsor or regulate. This includes products or paraphernalia displaying industry brands.
- V. Exceptions
- A. A person may use or possess a product that has been approved by the U.S. Food and Drug Administration for sale as a tobacco cessation product, as a tobacco dependence product, or for other medical purposes, and if the product is being marketed and sold solely for such an approved purpose. In the event a school facility serves as an emergency shelter, a temporary exception shall be made to this policy, and a temporary designated smoking area shall be provided for shelter occupants.
 - B. A school principal may permit tobacco products to be included in counseling, educational, instructional or research activities in the school building; provided that, the activity is conducted or supervised by a School District employee overseeing the instruction or research and the activity does not involve smoking, chewing, or otherwise ingesting the tobacco product.

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VI. Notification of Policy and Implementation

- A. Appropriate signage shall be posted in a manner and location on all School Board property and shall adequately notify employees, students, parents, visitors, and the public of this policy.
- B. It is the responsibility of School District and school administrators to provide:
 1. Written notice to students and parents in student handbooks and orientations.
 2. Written notice to employees during the employment process and in employee handbooks and orientations/ trainings.
 3. Reminder announcements of this policy at any event that the School District or its departments/ schools sponsor or regulate, as appropriate.
 4. Written notice of the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

VII. Tobacco Promotion Prohibited

Tobacco advertising is prohibited on school grounds, in all school-sponsored publications, on School District vehicles and buses, and at all events that the School District or its departments/ schools sponsor or regulate. Tobacco promotional items that promote the use of tobacco products, including, but not limited to, clothing, bags, lighters, and other tobacco articles are not permitted on school grounds, in school-sponsored publications, in school vehicles or at any events that the School District or its departments/ schools sponsor or regulate.

It is a violation of this policy for:

- any person to promote tobacco products on School Board property or at any events that the School District or its departments/ schools sponsor or regulate via the display of images of tobacco products on gear, technology accessories, bags, clothing, any personal articles, signs, structures, vehicles, flyers, or any other material;
- any School District employee and/ or volunteer to solicit or accept any contributions, gifts, money, curricula, or materials from the tobacco industry. This includes, but is not limited to, donations, monies for sponsorship, advertising, alleged educational materials, promotions, loans, scholarships, or support for equipment, uniforms, and sports and/ or training facilities; and

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- any School District employee to participate in any type of service funded by the tobacco industry while in the scope of employment for the School Board.

VIII. Educational and Cessation Programs

A. Prevention Education for Students

The administration shall consult with the Safe Schools Department, Tobacco Free Florida Osceola County Tobacco Prevention Program, and other appropriate health organizations to identify and provide programs or opportunities for students to gain a greater understanding of the health hazards of tobacco use and the impact of tobacco use as it relates to providing a safe, orderly, clean, and inviting school environment. The administration shall ensure that students in grades K-12 receive tobacco prevention education using sequential, age appropriate, current, accurate, evidenced based curricula and a skills-based approach (involving students in active "hands on" learning experiences). The curriculum for this instruction shall not be paid for or developed by the tobacco industry or its subsidiaries.

B. Cessation Support Programs

The administration shall consult with the Safe Schools Department and Osceola County Health Department, Employee Wellness in Risk & Benefits Management, the American Lung Association, and other appropriate health organizations to provide students and employees with information and access to support systems, tobacco use cessation programs, and services to encourage them to abstain from the use of tobacco products.

IX. Responsibility of Administrators

- A. The individual Supervisor and/or Administrator of the facility shall address noncompliance with this policy. Without limiting the foregoing, the Code of Student Conduct describes the disciplinary procedures for noncompliance with this policy by students.
- B. It is the responsibility of School District and school administrators to:
 1. Communicate this policy verbally to students, parents, employees, volunteers, and visitors, and through signage, and school handbooks.
 2. Treat violators who are students or employees with disciplinary actions consistent with School Board policies and collective bargaining agreements, as appropriate.

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3. Ensure that family members, volunteers or visitors who violate the policy must immediately discontinue using the tobacco/ smoking product and/ or device, or leave the premises, Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to leave the school property when requested to do so by a School District employee.
4. Include the prohibition as provided in this policy in contracts with outside groups who use the school buildings and other facilities.

X. Enforcement and Disciplinary Actions for Students, Employees, and Visitors

The success of this policy depends upon the thoughtfulness, consideration, and cooperation of the entire school community. All individuals on School Board property, including students, employees, and visitors, are responsible for adhering to and enforcing this policy. Members of the school community are encouraged to communicate this policy with courtesy and civility. Any person acting in violation of this policy shall be informed and/ or reminded of this policy and asked to comply.

The School District shall use supportive disciplinary practices that are rooted in empathy, provide opportunities for students to understand root causes of their behavior, and develop positive coping strategies in order to help students quit using tobacco, avoid recidivism, and achieve better student outcomes.

A. Students

Consequences for students engaging in prohibited behavior shall be provided in accordance with the School District's Code of Student Conduct.

B. Employees

Consequences for employees who violate related School Board policies shall be in accordance with the relevant collective bargaining agreement and/ or School Board policies.

C. Visitors

Visitors who violate the policy must immediately discontinue using the tobacco product or electronic smoking device or shall leave School Board property. Law enforcement officers may be contacted to escort the person off the premises or cite the person for trespassing if the person refuses to cooperate and leave School Board property when requested to do so by School District personnel.

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XI. Program Evaluation

This policy shall be assessed by the School District or its designated evaluator at regular intervals, but at least once a year, to determine whether policies, policy enforcement, communication, education, staff training, and cessation programs are effective. Policies and programs shall be updated and revised accordingly.

STATUTORY AUTHORITY: 120.81, 1001.32, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 386.201 – 386.209, 1001.43, F.S.

HISTORY: **REVISED:** 02/07/12, 12/16/14, 05/17/22, 08/16/22
FORMERLY: 1.19 - 1.19.3

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WELLNESS PROGRAM

2.95*+

I. Statutory Background

On June 30, 2004, Congress passed Section 204 of Public Law 108-265, of the Child Nutrition and WIC Reauthorization Act of 2004. This law requires each local education agency participating in a program authorized by the Richard B. Russell National School Lunch Act (42 USC 1751 et.seq.) or the Child Nutrition Act of 1966 (42 USC 1771 et.seq.), to establish a local school wellness policy by July 1, 2006. In 2010, additional requirements were set forth under Section 204 of the Healthy, Hunger-Free Kids Act. This policy incorporates federal law as well as Chapter 5P-1.003(2)(d) of the Florida Administrative Code (FAC).

II. Philosophy

The Osceola County School District believes that a healthy school environment goes beyond the meals in the cafeteria. Maintaining a healthy lifestyle and weight require a combination of healthy food choices and an appropriate amount of physical activity. A healthy and physically active child is more likely to be academically successful. Children and youth who begin each day as healthy individuals can learn more and learn better and are more likely to complete their formal education. The District also believes that healthy staff can more effectively perform their assigned duties and model appropriate wellness behaviors for students. This policy encourages a holistic approach to staff and student wellness that is sensitive to individual and community needs.

A. Osceola County School District shall assemble a representative wellness committee that shall meet biannually to evaluate and set goals for the development, implementation and periodic review and update of its local school wellness policy.

1. The Chief Nursing Officer shall ensure overall compliance with the local school wellness policy.
2. Parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public shall be permitted to participate in the development, implementation and periodic review and update of the local school wellness policy.

B. Each school within Osceola County School District shall establish an ongoing Healthy School Team that shall meet biannually to ensure compliance and facilitate implementation of Osceola County School District's wellness policy.

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1. The school principal and local school staff shall have the responsibility to comply with federal and state regulations as they relate to the local school wellness policy.
 2. In each school, the principal or designee shall be responsible for establishing the Healthy School Team that shall ensure compliance with the policy.
 3. The Healthy School Team shall include, but not be limited to, the following stakeholders: parents, students, school food service program representatives, school administrators, school health professionals, physical education teachers and the public.
 4. The Healthy School Team shall be responsible for:
 - a. Ensuring compliance with federal and state regulations for competitive food and beverage items sold on the school campus (7 CFR 210.11).
 - b. Reporting its school's compliance of the aforementioned regulations to the Chief Nursing Officer, the person responsible for ensuring overall compliance with the local school wellness policy.
- C. Osceola County School District shall review and consider evidence-based strategies and techniques in establishing goals for nutrition promotion and education, physical activity and other school-based activities that promote student wellness to, at a minimum, include a review of Smarter Lunchroom tools and techniques.

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III. Nutrition

Academic performance and quality of life issues are affected by the choice availability of good foods in our schools. Healthy foods support student physical growth, brain development, resistance to disease, emotional stability, and ability to learn. Students shall be encouraged to start each day with a healthy breakfast. Menus shall comply with the new pattern requirements issued by the USDA (Healthy, Hunger-Free Kids Act of 2010).

- The school environment, including the cafeteria and classroom, shall provide clear and consistent messages that promote and reinforce healthy eating.
 - Students shall have access to useful nutrition information. Posters, worksheets, and brochures shall be available in classrooms and throughout the school campus.
- A. Nutrition guidelines that require the use of products that are high in fiber, low in added fats, sugar and sodium, and served in appropriate portion sizes consistent with USDA standards shall be established for all foods offered by the School District's Department of School Nutrition Services or contracted vendors. Menu and product selection shall utilize student, parent, staff, and community advisory groups whenever possible. Menus are posted in the schools, announced via school media productions, and posted on websites, included in monthly newsletters and local news media.
 - B. School Nutrition Services policies and guidelines for reimbursable meals shall not be more restrictive than federal and state regulations require.
 - C. A la carte offerings to students shall be nutritious and meet federal recommended guidelines.
 - D. Student-Accessible Vending Machines: The sale of food and beverage items to students in competition with the District's food service program is prohibited, including those items classified as "foods of minimum nutritional value" as listed in the Code of Federal Regulations 21. However, school organizations approved by the School Board are permitted to sell these food or beverage items beginning thirty (30) minutes after the end of the official school day until midnight. Proceeds from the sales of foods and beverages items during the school day shall accrue to the food service program or to a school organization approved by the School Board.
 - E. Free water must be made readily available to children during lunch.

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- F. Schools must offer fat free or low-fat milk varieties.
 - G. Ensure students are offered both fruits and vegetable every day of the week, substantially increasing offerings of whole grain rich foods.
 - H. Limit calories based on age of children being served to ensure proper portion size.
 - I. Increase focus on reducing the amounts of saturated fat, trans fat, and sodium.
 - J. Fundraising
 - 1. Fundraising efforts shall be supportive of healthy eating while also emphasizing the sale of nonfood items.
 - 2. No fundraisers that include the sale of food items shall occur during the period from the midnight before until thirty (30) minutes after the end of the official school day.
- IV. Policy for Food and Beverage Marketing
- A. School-based marketing shall be consistent with policies for nutrition education and health promotion. As such the following guidelines apply:
 - 1. Schools shall only be allowed to market and advertise those foods and beverages that meet or exceed USDA's Smart Snacks in School nutrition standards.
 - 2. Marketing activities that promote healthful behaviors (and are therefore encouraged) include: vending machine covers promoting water, pricing structures that promote healthy options in a la carte lines or vending machines, sales of fruit for fundraisers and coupons for discounted gym memberships.

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V. Nutrition Standards for All Foods Sold in School

A. Competitive Food Sales

1. All foods and beverages sold on the school campus to students outside of reimbursable school meals are considered “competitive foods,” and must comply with the nutrition standards for competitive food as defined and required in 7 CFR 210.11.
 - a. School campus means, for the purpose of competitive food standards implementation, all areas of the property under the jurisdiction of the school that are accessible to students during the school day.
 - b. School day means, for the purpose of competitive food standards implementation, the period from the midnight before, to 30 minutes after the end of the official school day.
2. The School Nutrition Services department shall comply with the provisions set forth in Federal law regarding the sale of competitive food and foods of minimal nutritional value. The School Nutrition Services department shall be the sole provider of food and beverage items sold in all schools during the period from the midnight before until thirty (30) minutes after the end of the official school day, at which time other school organizations may begin to sell food and beverage items in accordance with the School Board’s Wellness Program and with principal approval.
3. Accordingly, all foods and beverages for sale to students on campus from vending machines, from school stores, or as fund-raisers by student clubs and organizations, parent groups, or boosters are prohibited during the period from the midnight before until thirty (30) minutes after the end of the official school day.
4. Unless being sold by the Osceola County School District food service program, it is impermissible for any competitive food item sold to students during the school day to consist of ready-to-eat combination foods of meat or meat alternative and grain products, as defined in 7 CFR 210.10 and 210.11 (FAC 5P-1.003).

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B. General Nutrition Requirements

1. Water - Free water must be readily available to children during breakfast and lunch.
2. Whole Grains – All snack foods sold in schools must be whole grain rich, this means they contain at least 50% whole grains, have whole grains as the first ingredient, or have a fruit, vegetable, dairy product, or protein rich food as the first ingredient.
3. Calories - Snacks must contain more than 200 calories. A la carte entrees must contain no more than 350 calories.
4. Sugar - Snacks must contain no more than 35% sugar by weight.

*Exceptions exist for dried fruit without added sugars and even for some that have added nutritive sweeteners that are required for processing and/or palatability purposes.

5. Sodium - Snacks must contain no more than 200 mg of sodium. A la carte entrees must contain no more than 480 mg or less of sodium.
6. Fat - Total fat must be no more than 35% of calories. Saturated fat must be no more than 10% of Calories. There must be no trans-fat in the package as served.
7. Exemptions
 - a. Entrees served in the NSLP/SBP on the day of service and the following school day.
 - b. Fresh, frozen, or canned fruits and vegetables with no added ingredients, except water, which are packed in 100% juice, extra light syrup, or light syrup.
 - c. Reduced fat cheese, nuts, seeds and nut/seed butters, as well as seafood and whole eggs with no added fat are exempt from the total fat and saturated fat standards.

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8. Beverages

- a. Allowable beverages are limited to plain water (carbonated or non-carbonated), low-fat milk (unflavored), nonfat milk (flavored and unflavored), nutritionally equivalent milk alternatives, full strength fruit and/or vegetable juices, and full-strength fruit and vegetable juices diluted with water or carbonated water.
- b. Beverages must be caffeine free for elementary and middle school.
- c. Beverage portion limits shall be eight (8) fluid ounces for elementary school and twelve (12) fluid ounces for middle and high school.

9. High School

- a. Calorie free beverages are allowable in up to twenty (20) ounce containers [less than five (5) calories per eight (8) ounce serving and no more than ten (10) calories per twenty (20) fluid ounces].
- b. Lower calorie drinks are allowed with up to forty (40) calories per eight (8) ounces or sixty (60) calories per twelve (12) ounces.
- c. Caffeine is permitted.

- C. Special Note - These rules only apply to food sold to students. These rules do not apply to food brought from home for lunch, or for birthday parties, off-campus fundraisers, athletic events, and school plays, or for foods sold during non-school hours (30 minutes after school.)

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- VI. Standards for Food and Beverages Available During the School Day that are Not Sold to Students
 - A. The school shall provide parents and teachers a list of ideas for healthy celebrations/parties, rewards and fundraising activities.
 - B. Class parties or celebrations shall be held after the lunch period and only foods that meet the Smart Snacks in School nutrition standards can be served.
 - C. Schools shall limit celebrations that involve food during the school day to no more than one (1) party per class per month.

- VII. Nutrition and Health Education

Nutrition education shall be provided that teaches the knowledge, skills, and values needed to adopt healthy eating behaviors. Nutrition topics shall be integrated within the comprehensive health education curriculum in each grade level. The Osceola County Health Department along with other community resources can provide nutrition and health educational programs for classroom presentations upon request. Healthy living skills shall be taught to provide the opportunity for all students to understand and practice concepts and skills related to health promotion and disease prevention. The Osceola County School Health Services Plan addresses the coordination of activities to promote healthy living. Comprehensive School Health Staff from the Osceola County Health Department shall provide health educational programs upon request.

- A. Each school shall provide nutrition and health educational programs.
- B. Students shall have access to valid and useful health information.
- C. Students shall have the opportunity to practice behaviors that enhance health and/or reduce health risks during the school day.
- D. Students shall be taught communication, goal setting, and decision-making skills that enhance personal, family and community health.

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VIII. Physical Education and Activity

Physical education and physical activity shall be an essential element of each school's instructional program. The program shall provide the opportunity for students to develop the skills, knowledge, and attitudes necessary to participate in a lifetime of healthful physical activity. Physical education and activity shall be provided by Board-approved personnel.

- A. All elementary school students shall have at least 20 minutes of daily recess. Each school shall provide space, equipment and an environment conducive to safe and enjoyable play.
- B. Students shall have additional opportunities for physical activity through before- and afterschool activities or other activity programs. Students shall be encouraged to participate in community-offered fitness and athletic programs.

IX. Physical Education Program

The physical education program shall be designed to encourage physical activity and encourage healthy, active lifestyles. The program shall consist of physical activities that are sufficient to provide a significant health benefit to students, subject to the differing abilities of students.

- A. One-on-one counseling concerning the benefits of physical education shall be available to students.
- B. Students in Grades K-5 shall receive 150 minutes of physical education each week and at least 30 consecutive minutes of physical education on any day during which physical education instruction is conducted.
- C. Students enrolled in Grades 6-8 shall receive the equivalent of one class period per day of physical education for one semester of each year.
- D. The School District shall notify parents of waiver options for students prior to scheduling a student in physical education.
- E. High school students must have one credit of a HOPE physical education course for graduation purposes.
- F. Students electing one of the three-year, 18 credit graduation options do not have to meet the high school requirement and may use the physical education courses listed as elective credit. Students may waive a portion or all of these requirements only to the extent permitted by state law.

CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

X. Health Services

An effective health care delivery system that promotes academic achievement by providing a broad scope of services from qualified health care providers shall improve the mental and physical health of students and staff. The Osceola County School District and the Osceola County Health Department are required by Florida Statute 381.0056 to develop jointly a School Health Services Plan. Each school is provided with a licensed nurse.

- A. Primary coordination of health services shall be through a licensed nurse with the support and direction of the Osceola County School District and the Osceola County Health Department.
- B. A coordinated program of accessible health services shall be provided, to students and staff and may include violence prevention, school safety, communicable disease prevention, health screening [including Body Mass Index (BMI)], community health referrals, immunizations, parenting skills, first aid, and other priority health education topics.

XI. Family, School and Community Partnership

- A. Long-term effective partnerships improve the planning and implementation of health promotion projects and events within each school and throughout the community.
- B. Family, student, and community partners shall be included on an ongoing basis in school and district wellness planning processes. The equality and diversity of the school and district community shall be valued in the planning and implementation.

XII. Staff Wellness

The district, and each work site, shall provide information about wellness resources and services to assist in identifying and supporting the health, safety, and well-being of site staff.

- A. Employees shall be encouraged to engage in daily physical activity before or after work hours in site-sponsored programs or as part of a local fitness facility.
- B. Wellness flyers shall be provided to all District employees on a quarterly basis. This shall be known as Wellness Wisdom.

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XIII. Evaluation and Monitoring

To ensure compliance, each school administrator, or their designee, shall coordinate with staff members to complete a compliance checklist at the end of each school year. The Wellness Committee members shall meet to review the policy and revise as necessary, based on the results of the compliance checklist. The results shall be shared with the School Board each year.

XIV. Triennial Progress Assessments

A. Osceola County School District shall develop a triennial assessment to measure compliance with Osceola County School District's wellness policy. This assessment shall include, but is not limited to, the following:

1. The extent to which schools under the jurisdiction of Osceola County School District are in compliance with the local school wellness policy;
2. The extent to which the local school wellness policy compares to model wellness policies; and
3. A description of the progress made in attaining the goals of the local school wellness policy.

B. Informing the Public

The Osceola County School district shall ensure that the wellness policy, updates to and about the wellness policy, and the triennial assessment are available to the public at all times.

1. The Osceola County School District shall ensure the most updated version of the wellness policy and the triennial assessments are always available on the school website for the public to view.
2. Wellness goals and policy updates shall be provided to students, parents, and staff on a monthly basis. Wellness updates may be provided in the form of handouts, Osceola County School District website, articles, and information provided in each school's newsletter, presentations and through other appropriate means to ensure that the community in the district is informed and that public input is encouraged.

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3. Each school shall provide all parents with a complete copy of the local school wellness policy at the beginning of the school year and make the policy available to the public by posting it on Osceola County School District's website.

C. Community Involvement

Osceola County School District is committed to being responsive to community input, which begins with awareness of the wellness policy. Osceola School District shall actively communicate ways in which parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators and the general public can participate in the development, implementation and periodic review and update of the local school wellness policy through a variety of means, including:

1. The school shall consider student needs in planning for a healthy nutrition environment. Students shall be asked for input and feedback with surveys, and attention shall be given to their comments.
2. Osceola County School District shall use electronic mechanisms, such as email or displaying notices on Osceola County School District's website, as well as non-electronic mechanisms, such as newsletters, presentations to parents or sending information home to parents, to ensure that all families are actively notified of the content of, implementation of and updates to the wellness policy, as well as how to get involved and support the policy.
3. At the final public school board meeting of each year, the local school wellness policy shall be discussed, and all stakeholders shall be asked to provide feedback on the policy. All comments and recommendations shall be reviewed and considered.

CHAPTER 2.00: SCHOOL BOARD GOVERNANCE AND ORGANIZATION

D. Record Keeping

Osceola County School District shall retain records to document compliance with the requirements of the local school wellness policy at the School Nutrition Services Office. Documentation kept in this location shall include, but is not limited to, the following:

1. The written local school wellness policy;
2. Documentation of the triennial assessment of the local school wellness policy for each school under its jurisdiction;
3. Documentation demonstrating compliance with the public notification requirements (consistent with the section on informing/updating the public); and
4. Documentation demonstrating compliance with community involvement requirements.

STATUTORY AUTHORITY:

381.0056, 1001.41, 1001.42, 1001.43,
1003.42, 1003.429, 1003.43, 1003.455,
1006.06, 1006.0606, F.S.

LAW(S) IMPLEMENTED: CHILD NUTRITION ACT OF 1966 (42 USC 1771 *et seq.*)
RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT P.L. 108-265
USDA HEALTHY, HUNGER-FREE KIDS ACT OF 2010, PUBLIC LAW 111-296

STATE BOARD OF EDUCATION RULE(S);

6A-7.0411

HISTORY:

ADOPTED: 12/06/05

REVISION(S): 02/05/08, 01/29/13, 12/18/18, 08/20/19, 01/07/20

FORMERLY: NEW

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 3.00: SCHOOL ADMINISTRATION

CHAPTER 3.00 - SCHOOL ADMINISTRATION

ADMINISTRATIVE ORGANIZATION

3.10*+

The administrative head of each school is the school principal. The District also appoints assistant principals in accordance with the District Staffing Plan.

The District staff exists to give support and direction to the schools. The Superintendent is assisted in this responsibility by administrators on staff in the positions of assistant superintendents, directors, and curriculum specialists. The Superintendent shall prepare and submit an organizational chart which shall serve as a guideline for organizing administrative responsibilities within the system.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

120.53, 1001.42, 1001.43, 1012.27, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SCHOOL-BASED MANAGEMENT

3.12*+

It is the Board's intent that each school has maximum input into decisions made that affect the operation of each local school. The Superintendent shall develop procedures to implement this policy based on requirements of Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, F.S.

HISTORY:

FORMERLY: 1.6

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SUICIDE PREVENTION

3.14+

- I. This policy covers actions that take place in the school, on school property, at school-sponsored functions and activities, on school buses or vehicles or at bus stops when school bus drivers are present, and at school-sponsored out-of-school events where school staff members are present. This policy applies to the entire school community.
- II. The School Board is committed to protecting the health, safety, and welfare of its students and school community. The Board recognizes that suicide is one of the leading causes of death for Florida's youth. It is critical for families and community members to communicate with and provide information to school staff to identify students at risk of suicide.
- III. The School Board directs all School District staff members to be alert to a student who exhibits warning signs of self-harm or who threatens or attempts suicide. Any such warning signs or the report of such warning signs from another student or staff member shall be taken with the utmost seriousness and reported immediately to the Principal or designee.
- IV. The Superintendent or the Superintendent's designee shall develop procedures to ensure that this policy is carried out in each of the School District schools. The Superintendent or the Superintendent's designee shall prepare and disseminate guidelines to assist School District staff members in recognizing the warning signs of a student who may be contemplating suicide, to respond to a threat or attempted suicide. The Superintendent or the Superintendent's designee shall develop an intervention plan for in-school suicide attempts, out of school suicide attempts and an appropriate re-entry process, including a re-entry meeting to discuss the development of a safety plan and additional interventions or supports.
- V. Professional development training in youth suicide prevention opportunities shall be provided to student personnel services staff, administration and instructional staff. A two (2) hour continuing education program of youth suicide awareness and prevention training, utilizing training materials from the list approved by the Florida Department of Education (FLDOE) is also available for all School District staff in all job categories as well as other adults on campus who regularly interact with students or are in a position to recognize the risk factors and warning signs of suicide. Instruction about how to identify appropriate mental health services and how to refer youth and their families to those services should be included in the program. If all instructional personnel at a School District school participate in the two (2) hour training the school shall be considered a "Suicide Prevention Certified School".

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- VI. *Section 1003.42 – Required instruction, Florida Statutes*, requires that school districts shall provide a comprehensive health education, including, but not limited to, the concepts of mental and emotional health. Further, *State Board of Education Rule 6A-1.094124 – Required Instruction Planning and Reporting, Florida Administrative Code (FAC)*, requires that school districts shall provide five (5) hours of mental health instruction for students in grades 6 through 12 to be implemented annually through developmentally appropriate instruction and skill building and shall address, at a minimum, the following topics:
- Recognition of signs and symptoms of mental health disorders;
 - Prevention of mental health disorders;
 - Mental health awareness and assistance;
 - How to reduce the stigma around mental health disorders;
 - Awareness of resources, including local school and community resources;
 - The process for accessing treatment;
 - Strategies to develop health coping techniques;
 - Strategies to support a peer, friend, or family member with a mental health disorder;
 - Prevention of suicide; and
 - Prevention of the abuse of and addiction to alcohol, nicotine, and drugs.
- VII. The Principal shall immediately contact the parent(s) of the student exhibiting warning signs of suicide to inform the parent(s) the student shall be referred to a school-based mental health services provider to perform the Columbia Suicide Severity Rating Scale (C-SSRS) suicide risk assessment prior to determining whether the student requires an involuntary examination (Baker Act).
- A. Annually, the School District and local mobile response teams shall coordinate with each other to ensure that both use the same suicide screening assessment tool consistently.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1003.42, F.S.

LAW(S) IMPLEMENTED: 1012.583, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.094124

HISTORY: ADOPTED: 06/16/20
REVISION DATE(S): 05/04/21; 08/16/22
FORMERLY: NEW

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RECORDING OF PARENT-EMPLOYEE MEETINGS

3.17

- I. Video recording, audio recording and court reporting of any non-public meeting with an employee of the district on school grounds is prohibited.
- II. Exceptions
 - A. The School Board is committed to providing parents with the opportunity to meaningfully participate in the process of identifying, evaluating, and programming for students with disabilities. Therefore, audio recording, defined as using any device or object to record voices and sounds that may be reproduced or reviewed, may be allowed in the following specified circumstances:
 1. The student's parent has a disability that affects the parent's ability to meaningfully participate in the meeting;
 2. The student's parent has a language barrier; or,
 3. The student's parent has an impairment which prevents them from understanding or participating in the Individual Educational Plan (IEP) or Section 504 of the Rehabilitation Act of 1973 (Section 504) process.
- III. Requests to Record an IEP or Section 504 Team Meeting
 - A. A parent/ who needs to record an IEP or Section 504 team meeting for one of the specified circumstances above must submit a written request to the Principal no less than three (3) days in advance of the scheduled IEP or Section 504 team meeting. The written notice may be delivered to the student's Principal in-person or via-electronic mail.
 - B. The written notice must include, at a minimum, the following:
 1. The name of the parent's child and school;
 2. The date of the IEP or Section 504 team meeting; and,
 3. The reason why the parent needs to record the IEP or Section 504 team meeting.

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- C. If a parent and the District agree to schedule an IEP or Section 504 Plan team meeting to convene with less than ten (10) days' notice, a parent seeking to audio record the meeting must give notice to the Principal the day before the scheduled meeting.
- D. A parent who fails to provide timely notice is prohibited from audio recording the IEP or Section 504 team meeting unless the parent has an impairment which prevents them from understanding or participating in the IEP or Section 504 process.

IV. Approval/ Denial of Requests to Record an IEP or Section 504 Team Meeting

- A. The Principal or their designee shall notify the parent in writing as to whether the request is approved or denied. Notification will be provided at least one (1) day prior to the scheduled meeting for meetings scheduled with more than ten (10) days' notice. For meetings scheduled with less than ten (10) days' notice, notification will be provided the day after the parent/ submits a written notice to the Principal.
 - 1. If the request is approved, the parent is responsible for obtaining and operating their own audio equipment. The District will also audio record the meeting and maintain a copy of the recording as an educational record of the student.
 - 2. If the request is denied, the Principal or their designee shall specify the reasons for the denial in writing.
- B. When appropriate, the Principal or their designee may determine that the request to audio record an IEP or Section 504 team meeting is a request for a reasonable accommodation under the Americans with Disabilities Act, as amended. In such circumstances, the Principal or their designee may determine that providing a different or alternative accommodation in lieu of audio recording is reasonable.

STATUTORY AUTHORITY: 1001.32, 1001.41, 1001.42, 1003.02, 1002.20, F.S.

LAW(S) IMPLEMENTED: Section 504 of the Rehabilitation Act of 1973;
The Individuals with Disabilities Education Act;
34 C.F.R. 104.36, 300.322 and 300.501;
316.305, 847.0141, 1003.57, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.03311

HISTORY: **ADOPTED: 05/17/22**
REVISION DATE(S): N/A

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SCHOOL CALENDAR

3.18+

- I. The Superintendent shall establish a school year calendar committee composed of school administrators and representatives of the Osceola Professional Educators.
- II. The committee shall prepare a proposed one-year school calendar and may propose an optional second-year calendar, and submit it to the Superintendent for approval and recommendation to the Board.
- III. School calendars shall adhere to the provisions of Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, 1001.51, 1003.21, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.045111, 6A-1.09514, 6A-10.019

HISTORY:

REVISION(S): 02/06/07, 02/07/12
FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

RESPONSIBILITIES OF SUPERINTENDENT

3.20

- I. The Superintendent shall be responsible for the administration of the entire school system as provided by law, State Board of Education and School Board rules. The Superintendent shall keep the School Board informed regarding all phases of the District school system.
- II. The Superintendent serves as the secretary to the School Board and executive officer of the District. He/she shall keep such minutes and records as may be necessary to set forth clearly all actions and proceedings of the School Board. When possible, any matter coming before the School Board shall first be presented to the Superintendent to be included on the agenda. The Superintendent shall inform the employees of the School Board and the schools and departments of any Board action relating to them.
- III. All members of the instructional and educational support staff shall be under the general supervision of and subject to the direction of the Superintendent.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.32, 1001.33, 1001.42, 1001.43, 1001.464,
1001.48, 1001.49, 1001.51, 1006.08, F.S.

HISTORY:

REVISION(S): 12/06/04
FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

DIRECTIVES, PROCEDURES, AND ADMINISTRATIVE MANUALS 3.21

The Superintendent shall have authority to issue such directives and to prescribe such procedures as may be necessary to carry out the purposes of School Board rules and the provisions of Florida Statutes and State Board of Education rules. The Superintendent may issue such administrative manuals or booklets of instruction as he/she may deem necessary for the effective administration of the District school system and distribute them to the employees directly concerned. Insofar as the provisions of such manuals and directives are consistent with these School Board rules, Florida Statutes, or State Board of Education rules, the provisions thereof shall be binding upon all employees.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **1001.43, 1001.51, F.S.**

HISTORY: **FORMERLY: NEW**

CHAPTER 3.00 - SCHOOL ADMINISTRATION

OPENING AND CLOSING OF SCHOOLS

3.22*

- I. The Superintendent shall recommend and the Board shall set the opening and closing times of schools.
- II. Each school office shall be open at least thirty (30) minutes before classes begin and shall remain open at least thirty (30) minutes after classes are dismissed.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.045111

HISTORY:

FORMERLY: 3.6
REVISED: 02/07/12

CHAPTER 3.00 - SCHOOL ADMINISTRATION

EMERGENCIES

3.23

- I. In case of an emergency involving the welfare and safety of students and employees, the Superintendent may suspend any part of these regulations; provided that he/she shall report the fact of and the reason for suspension at the next meeting of the School Board and that the suspension shall expire at the time of such report unless continued in effect by actions of the School Board.
- II. In case of an emergency, the Superintendent may close any school or all schools. The members of the School Board shall be informed immediately of any event or condition which requires the closing of any school(s) of the District.
- III. In the event of a declared state of emergency, control of pupils shall be retained by school personnel until the pupils are released from school or in the case of transported pupils, until the students depart from the school bus.
- IV. The principal shall cooperate with emergency management and Red Cross authorities in the event of a natural or man-made disaster. In the event of a riot or similar condition, the principal shall cooperate with law enforcement.
- V. In any case or condition not covered by these regulations, the Superintendent shall base the decision on his/her best judgment.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.33, 1001.43, F.S.

HISTORY:

FORMERLY: 3.6

CHAPTER 3.00 - SCHOOL ADMINISTRATION

AUTOMATIC EXTERNAL DEFIBRILLATORS

3.25+

- I. The School Board authorizes the use of automated external defibrillators (AED).
- II. Each school that is a member of the Florida High School Athletic Association (FHSAA) must have an operational AED on school grounds. The device shall be available in a clearly marked and publicized location for all athletic activities, including those held outside of the school year. The location of the device must be registered with the local emergency medical services director. All persons reasonably expected to use the device shall be notified annually in writing of the location of each AED on school grounds.
- III. Each school that is a member of the FHSAA must ensure that all employees or volunteers who are reasonably expected to use an AED obtain appropriate training including completion of a course in cardiopulmonary resuscitation (CPR) or a basic first aid course that includes CPR and demonstrated proficiency in the use of a defibrillator.
- IV. The Superintendent or designee shall develop procedures to implement this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**401.2915, 768.1325, 1001.42,
1001.43, 1006.165, F.S.**

HISTORY:

**ADOPTED: 02/06/07
REVISED: 12/01/20
FORMERLY: NEW**

CHAPTER 3.00 - SCHOOL ADMINISTRATION

RESPONSIBILITIES OF PRINCIPALS

3.30

The principal is assigned direct and primary responsibility for his/her school and serves as the administrative and supervisory head of the school. Each principal is responsible for the enforcing of Florida Statutes, State Board of Education rules, School Board rules and directives of the Superintendent. Each principal shall carry out all duties as reflected in the Board adopted job description.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.32, 1001.43, 1001.54, 1006.09, F.S.

HISTORY:

FORMERLY: 7.2.6

CHAPTER 3.00 - SCHOOL ADMINISTRATION

SAFE AND SECURE SCHOOLS

3.40*+

- I. The Osceola County School Board has as its first obligation to provide a safe, secure, and orderly learning environment in all schools and at all sponsored activities for students, school personnel, and other persons.
- II. An orderly environment can only be achieved by developing procedures to control students, personnel, and other persons on school property and attending School Board or school sponsored events or activities. All procedures shall reflect the following policy provisions:
 - A. No persons other than students and employees of a school site shall be on a school campus during school hours unless they are in compliance with Policy 9.60, Visitors.
 - B. A student who is suspended or expelled is not in good standing and is not permitted on the school campus, school grounds, or any school sponsored event.
 - C. Any person on a school campus or school grounds not in accordance with this policy is hereby declared to be a trespasser and shall be asked to leave immediately by any staff member. Each principal shall keep a log of such incidents which shall provide the name of the person asked to leave and other pertinent information. If said person shall again be seen upon the school campus or school grounds, any staff member shall immediately notify the principal or appropriate local law enforcement officials without further warning.
 - D. Individuals who enter School Board property, activity, or School Board meeting without a legitimate reason and create a disturbance or refuse to leave the property or activity when asked by the School Board Chairperson, Superintendent or designee, principal or person in charge are subject to criminal penalty as provided in Florida Statutes. The person in charge shall contact appropriate law enforcement officials in cases of disruptive activity or refusal to leave the school property or activity and take appropriate actions to have the offender punished as prescribed by law. The Superintendent shall be notified of any such action at schools or school activities.
 - E. Pursuant to Section 843.08 – False personation and Section 921.0022 – Criminal Punishment Code, Florida Statutes, false personation of a school security officer or school guardian is prohibited, and criminal penalties apply.

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- III. The following emergency response agency(ies) shall notify the School District in the event of an emergency:

Emergency Response Agency	Type of Emergency
Osceola County Sheriff's Office	All pertinent emergencies per state law within its legal jurisdiction
Kissimmee Police Department	All pertinent emergencies per state law within its legal jurisdiction
St. Cloud Police Department	All pertinent emergencies per state law within its legal jurisdiction

- IV. Safety, Security, and Emergency Plans

- A. The Superintendent shall develop a School Safety and Security Plan with input from building administrators; School Resource Officer(s); representatives of the local law enforcement agencies; the local Fire Marshall(s); representative(s) from emergency medical services; representative(s) from the local emergency management agency; and/ or representative(s) of the Osceola County Health Department.
- B. As required by state law, the Superintendent shall require the use of the Florida Safe School Assessment Tool (FSSAT) to conduct a self-assessment of the School District's current safety and security practices for each school by October 1 of each year.
- C. Upon completion of these self-assessments, the Superintendent shall convene a safety and security review meeting for the purpose of:
- reviewing the current School Safety and Security Plan and the results of the self-assessment;
 - identifying necessary modifications to the plan;
 - identifying additional necessary training for staff and students; and
 - discussing any other related matters deemed necessary by the meeting participants.

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- D. The Superintendent shall present to the School Board for review and approval the findings of the safety and security review meeting and the appropriate school safety, emergency management, and preparedness plans. The Superintendent shall make any necessary recommendations to the School Board that identify strategies and activities that the School Board should incorporate into the School Safety and Security Plan and/ or implement in order to improve school safety and security. The School Safety and Security Plan is, however, confidential and is not subject to review or release as a public record.
 - E. The Superintendent shall report the self-assessment results and any action taken by the School Board to review the School Safety and Security Plan to the Commissioner of Education within thirty (30) days after the School Board meeting.
 - F. Emergency management and preparedness plans shall include notification procedures for weapon use and active assailant/ hostage situations, hazardous materials and toxic chemical spills, weather emergencies, and exposure resulting from a manmade emergency.
 - G. Emergency management and preparedness procedures for active assailant situations shall engage the participation of the School District school safety specialist, threat assessment team members, faculty, staff, and students for each school and be conducted by the law enforcement agency or agencies designated as first responders to the school's campus. Accommodations for drills at exceptional student education centers may be provided.
 - H. Each school shall develop and maintain an up-to-date plan based upon the uniform guidelines and including the provisions of Florida law, State Board of Education rules, and other applicable regulations.
 - I. Copies of school plans shall be provided to county and city law enforcement agencies, fire departments, and emergency preparedness officials.
- V. Threat Assessment
- A. The primary purpose of a threat assessment is to minimize the risk of targeted violence at school. The School Board's threat assessment process is designed to be consistent with the process for identifying, assessing, and managing students who may pose a threat as set forth in the joint US Secret Service and US Department of Education publication entitled *Threat Assessment in Schools: A Guide to Managing Threatening Situations and to Creating Safe School Climates*. The goal of the threat assessment process is to take appropriate preventative or corrective measures to

CHAPTER 3.00 - SCHOOL ADMINISTRATION

maintain a safe school environment, to protect students, staff, visitors, and volunteers from harm and/ or from conduct that poses a threat to school safety and to protect and support victims of crime from further victimization, and to provide assistance, as appropriate, to the student being assessed. The threat assessment process is centered upon an analysis of the facts and evidence of student behavior in a given situation. The appraisal of risk in a threat assessment focuses on actions, communications, and specific circumstances that might suggest that an individual student intends to cause physical harm, is engaged in planning or preparing for that event, and/ or poses a threat to school safety.

- B. The School Board authorizes the Superintendent to create building-level, trained threat assessment teams. Each team shall be headed by an administrator, either the school principal or the school principal's designee, and shall include a person with expertise in counseling (school/ psychological), instructional personnel, and law enforcement (School Resource Officer); and shall provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self. All members of the threat assessment team must be involved in the threat assessment process and final decision making.
1. The threat assessment team shall be responsible for:
 - the assessment of individual students whose behavior may pose a threat to the safety of school staff and/ or students; and
 - the coordination of resources and interventions for the individual student.
 2. If a student with a disability is reported to have made a threat to harm others, and the student's intent is not clear, then a referral shall be made to the threat assessment team for evaluation.
 3. Upon a preliminary determination that a student poses a threat of violence or physical harm to the student's self or others, the threat assessment team may obtain criminal history record information. The team must immediately report its determination to the Superintendent or designee, and the Superintendent or designee must immediately attempt to notify the student's parent or legal guardian. A parent or guardian has the right to inspect and review the threat assessment. The team shall coordinate resources and interventions to engage behavioral and or mental health crisis resources when mental health or substance abuse crisis is suspected.

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4. The threat assessment team shall plan for the implementation and monitoring of appropriate interventions to manage or mitigate the student's risk for engaging in violence and increasing the likelihood of positive outcomes.
 5. Upon the student's transfer to a different school, the threat assessment team shall verify that any intervention services provided to the student remain in place until the threat assessment team of the receiving school independently determines the need for intervention services.
- C. Pursuant to Section 1001.212(12), Florida Statutes, threat assessment teams in all public schools, including charter schools, shall use the Comprehensive School Threat Assessment Guidelines (CSTAG), which is the behavioral threat assessment instrument developed by the Florida Department of Education.
- D. Each threat assessment team shall:
1. meet as often as needed to fulfill its duties of assessing and intervening with persons whose behavior may pose a threat to school staff or students, but no less than monthly;
 2. maintain documentation of their meetings, including meeting dates and times, team members in attendance, cases discussed, and actions taken; and
 3. complete required reporting of the threat assessment team's activities during the previous school year [e.g., Florida Safe Schools Assessment Tool (FSSAT)].

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VI. Safety - Procedures

- A. School alarms shall be monitored, and malfunctions shall be reported for immediate repair.
- B. A safety program shall be established consistent with the provisions of Policy 8.11, Safety Program. The emergency preparedness procedures shall identify the individuals responsible for contacting the primary emergency response agency and the emergency response agency that is responsible for notifying the school district for each type of emergency.
- C. Emergency drills for such emergencies, including, but not limited to, fire, bomb threats, severe weather, active assailant/ hostage situation, other natural disaster, national emergencies, and school buses shall be held in compliance with state law and requirements in Policy 8.16, Emergency Drills and Evacuations, and formulated in consultation with the appropriate public safety agencies.
 - 1.
- D. Pursuant to *Sections 1006.07, F.S.*, the parent, as defined by state law, shall have the right to timely notification of threats, unlawful acts, and significant emergencies that occur on school grounds, during school transportation, or during school-sponsored activities.
- E. Pursuant to *Section 1006.07, F.S.*, the parent, as defined by state law, shall have the right to access school safety and discipline incident reports.

VII. Safety – Violence Prevention

- A. The Superintendent shall develop a violence prevention plan for use by each school.
- B. Training in identification of potentially violent behaviors and the procedures to be implemented shall be provided to personnel of the schools.

VIII. Safety – Best Practices

The Superintendent or designee shall review and may implement safety and security best practices recommended by the Florida Department of Education.

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IX. Security

A. The Superintendent shall:

1. Establish and implement a Domestic Security Plan consistent with the requirements of the National Incident Management System (NIMS);
2. Develop and implement guidelines and procedures for reviewing each school's security provisions;
3. Designate an administrator as the school safety specialist for the School District (e.g., Director of Safety, Security, and Emergency Management);
4. Establish policies and procedures for the prevention of violence on school grounds, including assessment of and intervention with individuals whose behavior poses a threat to the safety of the school community; and
5. Establish and adhere to background screening procedures for all staff, volunteers, and mentors.

B. The principal shall conduct an annual review of each school's security provisions and submit a written report to the Superintendent or designee for submission to the School Board for review.

C. Each school's emergency plan shall include security provisions including emergency lockdown procedures.

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- X. District School Safety Specialist
- A. By August 1 of each year, the School District shall submit the name, work phone number, and work email address for the District school safety specialist to the Florida Department of Education Office of Safe Schools at SafeSchools@fldoe.org.
- B. If any changes occur to the information required in this paragraph, then the School District shall update the information within one (1) school day.
- C. The District school safety specialist shall be responsible for the supervision and oversight for all school safety and security personnel, policies, and procedures in the School District, including at charter schools.
- D. The District school safety specialist shall review School District and charter school policies and procedures at least annually to determine if they are in compliance with state law and rules, as provided by Section 1006.07(6)(a)1., Florida Statutes.
- E. The District school safety specialist shall develop, publish, and use procedures to identify and correct instances of noncompliance at a school with a requirement in this rule, or other state law or rules relating to safety.
- F. The District school safety specialist and/ or designee shall monitor compliance with school safety requirements identified in this rule through:
- announced and unannounced on-site visits to schools and School District facilities or offices;
 - review of School District and school websites and publications;
 - interviews with students and staff; and
 - review of media reports and other information submitted to or received by the District school safety specialist.
- G. The School District and designated school staff shall keep records demonstrating that the requirements in this rule are met and shall provide upon verbal or written request these records to the District school safety specialist and/ or Florida Department of Education Office of Safe Schools.
- H. The District school safety specialist shall give schools notice of suspected deficiencies and an opportunity to cure suspected deficiencies when there is reason to believe that a school is not in compliance with a requirement in this rule, or other state law or rules relating to safety, or related School District procedures.

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- All public schools, including charter schools, shall resolve any deficiencies relating to safe-school officer coverage by the next school day.
- I. The District school safety specialist shall notify the Florida Department of Education Office of Safe Schools of the matter in writing within twenty-four (24) hours at SafeSchools@fldoe.org of any deficiencies at any public school, including a charter school, relating to:
- safe-school officer coverage; **and/ or**
 - any instance of noncompliance that is determined to be an imminent threat to the health, safety, or welfare of students or staff.

Such notifications shall contain particularized facts beyond noncompliance with rule or statute that explain the imminent threat; and

- J. The District school safety specialist shall notify the Florida Department of Education Office of Safe Schools within three (3) days at SafeSchools@fldoe.org of any instance of noncompliance not corrected within sixty (60) days.
- K. Time to Respond and Opportunity to Cure Suspected Deficiencies Identified by the Florida Department of Education Office of Safe Schools
1. Pursuant to Section 1006.12, Florida Statutes, when the School District receives a notice of suspected deficiency from the Florida Department of Education Office of Safe Schools that concerns a failure to have a safe-school officer established or assigned at each school facility, the District school safety specialist shall respond in writing to the Florida Department of Education Office of Safe Schools and verify that the school(s) identified in the notice have a safe-school officer on site by the next school day.
 2. In all other cases, the District school safety specialist shall respond in writing to the Florida Department of Education Office of Safe Schools within five (5) school days and verify that the School District or school has corrected the suspected deficiency, or within that same time period, submit a written plan describing how the School District shall bring the identified school(s) into compliance. The written plan shall include an estimated date of completion and an explanation of alternate security measures designed to maintain a safe learning environment.

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3. Upon verification of compliance or correction of a deficiency, the Florida Department of Education Office of Safe Schools shall provide a written notice of resolution by email to the District school safety specialist.
4. When a suspected deficiency has not been timely resolved, the Florida Department of Education Office of Safe Schools shall advise the Commissioner of Education who shall facilitate compliance to the maximum extent provided under law, as provided in Section 1001.11(9), Florida Statutes.

XI. Active Assailant Incidents

- A. Every employee of the School District is responsible for a level of safety in maintaining control and issuing guidance during an active assailant incident in order to limit serious injury and loss of life.
- B. The school principal, site administrator, and/ or the school principal's/ site administrator's designee shall:
 1. Collaborate with the School District's Department of Safety, Security, and Emergency Management to schedule and conduct emergency drills that comply with federal and state laws and School Board policies;
 2. Complete all drills per School District procedures; and
 3. Complete and file all required reports on emergency drills in an accurate and timely manner.
- C. All employees shall complete required trainings related to the School District's safety, security, and mental health procedures in order to comply with federal and state laws and School Board policies.
- D. Code Red Lockdowns
 1. All employees shall take appropriate action(s), including, but not limited to, initiating a "Code Red Lockdown" at any work site on School Board property if the employee sees, hears, or smells anything that might immediately affect the safety or well-being of students or employees.
 2. The employee may initiate a Code Red Lockdown using the School District's approved cell phone application (e.g., Rave Panic Button), school phone, two-way radio, or other communication device.

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3. If an employee initiates a Code Red Lockdown which the appropriate authorities determine is not an actual threat, then there shall not be any progressive discipline or adverse employment action upon the first occurrence of the employee's initiation of a false alarm. However, subsequent false alarms or patterns of false alarms may be determined to require disciplinary action.
- E. All employees shall comply with all School Board safety and security policies and to complete School District procedures, trainings, and drills for workplace safety, supervision and care of students, prevention and preparedness for accidents, emergencies, and threats or acts of violence.
- F. All employees, volunteers, and students shall report immediately any expressed threat(s) or behavior(s) that may represent a threat to the community, School District workplace, school, and/ or individual directly to a School District/ site administrator or local law enforcement officer.

Employees, volunteers, and students shall communicate threats using means which include, but are not limited to, cell phone applications such as Fortify Florida, Keep Osceola Safe, etc.

School District/ site administrators and local law enforcement officers shall follow School District and local law enforcement procedures respectively to report the alleged threat and then take appropriate follow up actions.

- G. Making or relaying a false threat or threatening behavior may result in both legal and disciplinary consequences for employees or students.
- H. Pursuant to State Board of Education Rules and School District procedures, all administrators and academic deans who are responsible for administering student discipline shall:
 1. Complete *School Environmental Safety Incident Reporting (SESIR)* training within thirty (30) days of assignment to such a position; and
 2. Report all SESIR incidents in an accurate and timely manner using the School District's student information system.
 3. The Director of Safety, Security, and Emergency Management shall review the School District's timely and accurate submission of each school's SESIR report data to the Florida Department of Education.

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XII. Mental Health

- A. The School Board shall identify a mental health coordinator for the District. The mental health coordinator shall serve as the primary contact for the district's coordination, communication, and implementation of student mental health policies, procedures, responsibilities, and reporting.
- B. The mental health coordinator shall be responsible for:
 - 1. working with the Office of Safe Schools;
 - 2. maintaining records and reports regarding student mental health as it relates to school safety and the mental health assistance allocation;
 - 3. facilitating the implementation of school district mental health policies relating to the respective duties and responsibilities of the school district, the superintendent, and school principals;
 - 4. coordinating the staffing and training of threat assessment teams with the school safety specialist, and facilitating referrals, to mental health services, as appropriate for students and their families;
 - 5. coordinating with the school safety specialist, the training and resources for students and school district staff relating to youth mental health awareness and assistance; and
 - 6. annually review of the district's policies and procedures related to student mental health for compliance with state law and alignment with current best practices and making recommendations, as needed, for amending said policies and procedures to the superintendent and the district school board.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 316.614, 1001.43, 1001.51,
1006.062, 1006.07, 1006.145,
1006.1493, 1006.21, 1013.13, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0403, 6A-3.0171, 6A-1.0018

HISTORY: **REVISION(S):** 02/06/07, 08/25/09, 03/04/14, 08/21/18,
05/07/19, 07/16/19, 12/01/20, 05/04/21,
10/05/21, 08/16/22

FORMERLY: 1.17, 1.25, 6.6.4, 6.6.5

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SAFETY ON SCHOOL GROUNDS

3.401

- I. Every member of the staff is responsible for the safety of pupils while on the school grounds. The principal shall eliminate all hazards on school grounds insofar as possible.
- II. Teachers shall be assigned to supervise pupils on the school grounds before and after classroom instruction. Principals shall see that all activities are properly supervised and that all precautions are taken by teachers and pupils. Insofar as practical, there shall be a teacher or properly instructed aide responsible for supervising pupils as they board and unload from buses at the school site. The person shall be on alert for any safety hazard, and shall attempt to maintain orderly procedures on the part of the pupils.

Employees shall make arrangements for their children away from the employee's place of employment. Emergencies or exceptions shall be dealt with by the Principal and/ or District Administration.

- III. The parents of a seriously injured student shall be notified immediately, and the student shall be taken to the doctor or the hospital indicated on the emergency procedure card as quickly as possible. Transportation will be based upon the best judgment of the school principal. The Superintendent shall be notified as to the nature of the accident and steps taken to assist the child and the parents.
- IV. The School Board directs that a sign containing the following language be placed at each educational facility:

“The school has formal supervisory responsibility for a student during the time the student is being transported to or from the school at public expense; during the time the student is attending school; during the time the student is on the school premises, participating with authorization in a school sponsored activity; and, during a reasonable time before and after a student is on the school premises for attendance at a school or authorized participation in a school sponsored activity, and only when on the premises. A *reasonable time* means thirty minutes before or after the activity is scheduled or actually begins or ends, whichever is longer. Casual or incidental contact between School District personnel and students on school property does not result in a legal duty to supervise. The school’s duty of supervision does not extend to anyone other than students attending school and students authorized to participate in school sponsored activities.”

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1001.51, 1003.31,
1006.062, 1006.07, 1006.145, F.S.

HISTORY: **REVISION(S):** 05/01/07, 02/05/08
FORMERLY: 6.61

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SAFE-SCHOOL OFFICERS

3.402*+

I. Definition of Safe-School Officers

- A. For the protection and safety of students, school personnel, visitors, and property, the School District shall collaborate with local law enforcement agencies to establish or assign one (1) or more safe-school officers at each traditional and charter school within the School District. The negotiated School Resource Officer (SRO) contract shall be the same document for each respective local law enforcement agency so that parents, students, and School District employees can rely upon the same safety and security policies and procedures at each school throughout the School District.
- B. The School Board shall collaborate with charter school governing boards for charter schools located within the School District to support access to all safe-school officer options available pursuant to Florida law.
- C. For purposes of this policy, safe-school officers include School Resource Officers, School-Safety Officers, and School Guardians.
- D. Vision Statement

The vision statement of the School District of Osceola County for its Safe School Officers shall be: "To be a positive law enforcement influence while providing safety and security for all Osceola County school campuses."

E. Mission Statement

The mission statement of the School District of Osceola County for its Safe School Officers shall be: "To partner with all Osceola County School Faculty, Staff, Students, and Parents to ensure a safe, secure, and positive learning experience on campus through proper training and utilizing existing resources."

II. School Resource Officers (SROs)

- A. It is the intent of the School Board to utilize School Resource Officers as the primary means to provide for safe-school officers in all School District schools in order to comply with *Section 1006.12 – Safe-school officers at each public school, Florida Statutes*, also known as the "Marjorie Stoneman Douglas High School Public Safety Act."
- B. The School Board may enter into cooperative agreements with law enforcement agencies for the provision of School Resource Officers. School Resource Officers shall be certified law enforcement officers as defined in *Section 943.10(1) –*

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Definitions, Florida Statutes, and employed by a law enforcement agency as defined in *Section 943.10(4) – Definitions, Florida Statutes*. School Resource Officers shall:

1. undergo criminal background checks, drug testing, and a psychological evaluation as part of their employment with their respective agency;
 2. abide by School Board policies and consult with and coordinate activities through school principals when appropriate;
 3. complete mental health crisis intervention training using a curriculum developed by a national organization with expertise in mental health crisis intervention. Such training must be designed to improve School Resource Officers' knowledge and skills as first responders to incidents involving students with emotional disturbance or mental illness, including de-escalation skills to ensure student and officer safety; and
 4. complete, within one (1) year of being assigned to a school, a forty (40) hour SRO Basic course as defined by the Florida Attorney General's Office and approved by the Florida Department of Law Enforcement.
- C. With respect to matters relating to employment, School Resource Officers shall be responsible to their law enforcement agency, subject to agreements between the Board and law enforcement agency.
- D. The Superintendent shall ensure that school principals provide the opportunity for School Resource Officers to participate in each school's instructional program. The topics for instruction and activities may include, but shall not be limited to: Consequences of Crime, Gang Activity, Substance Abuse, Domestic Violence, etc. The content shall be appropriate for the grade level as determined by the Superintendent or the Superintendent's designee.
- E. The powers and duties of law enforcement officers shall continue throughout School Resource Officers' tenure.
- F. The School Resource Officer shall cooperate with other police and law enforcement agencies when necessary and is authorized to act as a liaison between the school and other government agencies, including, but not limited to, the Florida Department of Children and Families, State Attorney's Office, etc.
- G. The School District shall provide a private office with a separate phone line and email address for each School Resource Officer and/ or School-Safety Officer assigned to each school.

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- H. The School Board desires for each School Resource Officer and/ or School Safety Officer to be a visible and positive presence at each school by doing the following when appropriate:
1. The School Resource Officer and/ or School-Safety Officer assigned to each school shall be a formal part of the school's open house or orientation program at the beginning of the school year.
 2. Each School District school website shall feature, where appropriate, the School Resource Officer and/ or School-Safety Officer on the main landing page with a button or link that allows users to submit anonymously any potential safety violations or concerns. However, per state law and other specific circumstances, the School Resource Officer may choose to opt out of having the School Resource Officer's photograph displayed on the school website.
 3. Each School Resource Officer and/ or School-Safety Officer is encouraged to participate with some degree of frequency in morning announcements, pep rallies, etc.
- I. The School Board strongly recommends, as also recommended by the State Attorney for the Ninth District, that each School Resource Officer and/ or School-Safety Officer assigned to a school wear body cameras in the performance of their duties on school grounds.
- J. The School Board acknowledges the importance of continuing education courses and shall allow the Superintendent to make recommendations for which courses could be made available for school-safety officers to attend or to teach such as but not limited to CPI training, self-defense for teachers and staff, etc.
- K. Local law enforcement agencies shall provide the Superintendent with an annual report that provides each assigned School Resource Officer's and/ or School-Safety Officer's record of trainings and the status of completion of trainings.
- L. The Superintendent or their designee shall cooperate with the School Resource Officer and/ or School-Safety Officer or the SRO's/SSO's supervisor for the purpose of coordinating traffic control and crossing guard duties. Each school may be unique in the role of each School Resource Officer and/ or School-Safety Officer as it pertains to traffic control.
- M. It is the intent of the School District to strongly encourage juvenile justice best practices such as civil citations where feasible and appropriate. However, the discretion shall lie completely with the employing law enforcement agency as to its proper application.

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III. School Guardians

- A. It is the intent of the School Board to utilize School Resource Officers and School-Safety Officers, as defined in Paragraph II. of this Policy, in all School District schools. The School Board strongly recommends that charter schools also utilize School Resource Officers and School-Safety Officers as defined in Paragraph II. of this Policy. However, in the absence of an inter-local agreement with a local law enforcement agency, or in the case of the approval of a charter school governing board per state law and in Paragraph III. of this Policy, the use of School Guardians is permitted pursuant to "The Coach Aaron Feis Guardian Program." School Guardians do not have the power of arrest or the authority to act in any law enforcement capacity except to the extent necessary to prevent or abate an active assailant incident.
- B. In accordance with *Section 1006.12 – Safe-school officers at each public school, Florida Statutes*, the School Board has adopted a districtwide school safety model that prioritizes the use of sworn law enforcement officers (e.g., School Resource Officers and/ or School-Safety Officers) as the primary safe-school officer with the use of School Guardians as a secondary or backup means of complying with state law. This model includes the hiring of qualified individuals that meet the requirements set forth in *Section 30.15 – Powers, duties, and obligations, Florida Statutes*. School Guardians shall be trained and supervised by the Osceola County Sheriff's Office through a cooperative interlocal agreement. In addition to adhering to School Board policies and procedures, all School Guardians are responsible for adhering to the policies and procedures of the Osceola County Sheriff's Office related to their assignment.
- C. A candidate for School Guardian must be hired for the specific purpose of serving as a School Guardian. The School Board does not permit School District employees to volunteer to serve as a School Guardian in addition to the School District employee's official job duties with limited exceptions as certified by the Osceola County Sheriff, appointed by the Superintendent, and approved by the School Board.
- D. Prior to the appointment of any School Guardian, the Superintendent shall provide the School Board with evidence from the Osceola County Sheriff that the School Guardian candidate has met all the requirements set forth in *Section 30.15 – Powers, duties, and obligations, Florida Statutes*, for "The Coach Aaron Feis Guardian Program," including, but not limited to:
1. Hold a valid license issued under *Section 790.06 – License to carry concealed weapon or firearm, Florida Statutes*;

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2. Complete one hundred thirty-two (132) total hours of comprehensive firearm safety and proficiency training conducted by Criminal Justice Standards and Training Commission-certified instructors, which must include:
 - (a) Eighty (80) hours of firearms instruction based on the Criminal Justice Standards and Training Commission's Law Enforcement Academy training model, which must include at least 10 percent but no more than 20 percent more rounds fired than associated with academy training. Program participants must achieve an eighty-five (85%) percent pass rate on the firearms training;
 - (b) Sixteen (16) hours of instruction in precision pistol;
 - (c) Eight (8) hours of discretionary shooting instruction using state-of-the-art simulator exercises;
 - (d) Eight (8) hours of instruction in active shooter or assailant scenarios;
 - (e) Eight (8) hours of instruction in defensive tactics; and
 - (f) Twelve (12) hours of instruction in legal issues;
3. Pass a psychological evaluation administered by a psychologist licensed under *Chapter 490 – Psychological Services, Florida Statutes*, and designated by the Florida Department of Law Enforcement and submit the results of the evaluation to the Osceola County Sheriff's Office. The Florida Department of Law Enforcement is authorized to provide the Osceola County Sheriff's Office with mental health and substance abuse data for compliance with this paragraph;
4. Submit to and pass an initial drug test and subsequent random drug tests in accordance with the requirements of *Section 112.0455 – Drug-Free Workplace Act, Florida Statutes*, and the Osceola County Sheriff's Office;
5. Successfully complete ongoing training, weapon inspection, and firearm qualification on at least an annual basis;
6. Successfully complete at least 12 hours of a certified nationally recognized diversity training program; and
7. Complete an additional six (6) hours of instruction on school-based scenarios and exercises. Two (2) hours of such training shall be conducted on school grounds to familiarize the School Guardian with the school environment.

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- E. Pursuant to *Section 30.15 – Powers, duties, and obligations, Florida Statutes*, the Osceola County Sheriff shall:
1. issue a School Guardian Certificate to individuals who meet all of the requirements established for “The Coach Aaron Feis Guardian Program”; and
 2. maintain documentation of weapon and equipment inspections, as well as the training, certification, inspection, and qualification records of each school guardian appointed by the Osceola County Sheriff.
- F. Only individuals who successfully fulfill all of the following qualifications may serve as a School Guardian under *Section 1006.12(3) – Safe-school officers at each public school, Florida Statutes*:
1. certified by the Osceola County Sheriff pursuant to *Section 30.15 – Powers, duties, and obligations, Florida Statutes*;
 2. appointed by the Superintendent (or charter school principal for a charter school); and
 3. approved by the School Board (or charter school board for a charter school).
- G. In support of School District-sanctioned or school-sanctioned activities for the purposes of *Section 790.115 – Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; penalties; exceptions, Florida Statutes*, a School District employee, who is appointed or hired for the specific purpose of serving as a School Guardian, is authorized to serve in that capacity on School Board property and at School District-sponsored or school-sponsored activities.
- H. The identity of a School Guardian is confidential and exempt under Florida law. School Guardians shall wear uniforms while performing official duties in School District schools. However, charter governing boards may permit School Guardians to be in plain clothes in charter schools.

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IV. Notification of Incidents Involving Safe-School Officer Discipline and Firearm Discharge

A. The Superintendent is responsible for notifying the Osceola County Sheriff, the appropriate local law enforcement agency, the Office of Safe Schools, and the School Board Chair immediately after, but no later than seventy-two (72) hours after, knowledge of the occurrence of the following:

1. a safe-school officer is dismissed for misconduct or disciplined; or
2. a safe-school officer discharges the safe-school officer's firearm in the exercise of assigned official duties, other than for training purposes, on School Board property or at a School District-sponsored or school-sponsored activity.

V. School Safety Advisory Committee

The School Board has created the School Safety Advisory Committee, which reports to the School Board, and shall perform the duties listed below. The School Safety Advisory Committee shall be governed by rules and procedures set forth in this section.

A. Purpose, Responsibility, and Organization

1. The purpose of the School Safety Advisory Committee is to:
 - a. Review annually findings and management responses in school safety reports of School Board operations and provide advice and recommendations to the School Board for correcting deficiencies.
 - b. Provide advice and recommendations to the School Board on initiatives to improve school safety in order to incorporate community and law enforcement experience and best practices in school safety plans.
2. The School Safety Advisory Committee shall include:
 - a. Five (5) community appointees;
 - b. The School Board Chair or the School Board Chair's designation of another School Board Member; and
 - c. One (1) representative from each local law enforcement agency within Osceola County

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3. The five (5) community appointees shall be recommended, one (1) by each member of the School Board, and approved by the School Board. All five (5) members of the School Safety Advisory Committee shall be residents of Osceola County. The terms of the community members approved by the School Board shall be four (4) years, concurrent with the terms of their respective School Board members.
4. The School Safety Advisory Committee Chair shall be either the School Board Chair or the School Board Chair's designation of another School Board Member.
5. This rule does not preclude any one (1) or more of the five community appointees from also being local law enforcement agency employees or relatives of local law enforcement officers.
6. All School Safety Committee members shall serve in a voluntary capacity.
7. Any School Safety Advisory Committee member may be removed by majority vote of the School Board.
8. All School Safety Advisory Committee members shall complete a required background screening successfully prior to joining the School Safety Advisory Committee.
9. All School Safety Committee members shall maintain confidentiality of all sensitive information which may be discussed during meetings which is related to school sites, incidents, students, parents, or employees.
10. In accordance with *Section 112.313, Florida Statutes*, and pertinent opinions of the Florida Commission on Ethics, voting School Safety Advisory Committee members and any business entities in which such members have a direct financial interest shall not do business with the School District during such members' terms. If it is determined that a voting School Safety Advisory Committee member has a conflict of interest, then an exception can be submitted from the School Safety Advisory Committee, for consideration of approval or removal by the majority vote of the School Board.
11. The Superintendent, Assistant Superintendent of School Operations, and Director of Safety, Security, and Emergency Management shall be invited to all meetings and shall be included in all communications of the School Safety Advisory Committee.
12. The School Board shall provide adequate support to the School Safety Advisory Committee to discharge its responsibilities.

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13. School Safety Advisory Committee activities shall be reported to the School Board on a regular basis.

B. Meetings

1. The School Safety Advisory Committee shall meet at least two (2) times per year.
2. Six (6) voting members shall constitute a quorum at all meetings.
3. In the case of special circumstances, the School Safety Advisory Committee Chair or a majority of the School Safety Advisory Committee members may call special meetings as required with proper notice.
4. School Safety Advisory Committee meetings are to be conducted under the Robert's Rules or Order, and in addition, all committee and subcommittee meetings are governed by the Sunshine Law as required by Florida law.

STATUTORY AUTHORITY: 30.15, 316.614, 394.495, 943.082, 943.082, 1001.02, 1001.212, 1001.41, 1001.42, 1001.43, 1001.51, 1001.54, 1006.04, 1006.062, 1006.07, 1006.09, 1006.12, 1006.145, 1006.1493, 1006.21, 1008.385, 1012.584, 1012.584, 1013.03, 1013.13, F.S.

LAW(S) IMPLEMENTED: 30.15, 316.614, 394.495, 943.082, 943.082, 1001.02, 1001.212, 1001.41, 1001.42, 1001.43, 1001.51, 1001.54, 1006.04, 1006.062, 1006.07, 1006.09, 1006.12, 1006.145, 1006.1493, 1006.21, 1008.385, 1012.584, 1012.584, 1013.03, 1013.13, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0014, 6A-1.0403, 6A-3.0171

HISTORY:

**ADOPTED: 10/05/21
REVISION(S): N/A**

CHAPTER 3.00 - SCHOOL ADMINISTRATION

DISRUPTIONS AT SCHOOL BOARD FUNCTIONS

3.41

No person shall knowingly disrupt or interfere with a School Board function. This includes persons who knowingly advise, counsel, or instruct any student or School Board employee to disrupt any function or activity. The School Board chairperson, Superintendent, or designee shall inform a person who is disrupting or interfering with a School Board function or activity that he/she may be found guilty of a second degree misdemeanor. The person shall be advised to immediately leave the school premises or facility where the function is being conducted.

- I. Any person who purchased an admission ticket to a school event shall forfeit his or her rights under this rule by having disrupted or interfered with the event.
- II. Any person who has been given notice by a school official and either fails to leave the premises or leaves the premises and subsequently returns to the premises shall be deemed a trespasser.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.37, 1001.43, 1006.145, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

NONSTUDENT POSSESSION OF ALCOHOLIC BEVERAGES, MOOD-MODIFYING OR CONTROLLED SUBSTANCES ON SCHOOL BOARD PROPERTY

3.42

Nonstudents shall not possess or be under the influence of substances described in this policy while on School Board property, at school-sponsored events, or on school trips involving students.

- I. Principals will ask nonstudents who possess substances described in this policy to leave the school premises immediately.
- II. Nonstudents who have purchased an admission ticket to a school-sponsored event shall forfeit ticket-holder rights by possession of substances described in this policy.
- III. Nonstudents who have been asked to leave school premises or who leave and later return in possession of any of these substances shall be deemed trespassers. Law enforcement may be notified to arrest trespassers.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, 1012.27, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

DOMESTIC SECURITY

3.43+

- I. The Superintendent shall establish a District domestic security plan that is consistent with the requirements of National Incident Management System (NIMS). The District plan shall include a plan for each school and facility operated by the School Board. The Superintendent shall ensure that the plan is consistent with NIMS requirements.
- II. The domestic security plan shall include the following components:
 - A. Access Control

The District shall control access to and enhance the security of school campuses, District facilities, and transportation by implementing access control procedures and practices.
 - B. Emergency Equipment

The District shall ensure that emergency equipment and supplies are available and operable and that communication between school/District personnel and first responders is readily available.
 - C. Training

Initial and follow up training shall be provided for school/District personnel, students, and state and local partners. New employees shall receive training relevant to the position. When an employee is reclassified to a different position, his/her training record shall be reviewed and appropriate training shall be provided.
 - D. Communication and Notification Procedures

The District shall ensure that external and internal communication and notification procedures are developed and implemented.
 - E. Coordination with Partners

The District shall ensure coordination with state and local partners by establishing and maintaining a close working relationship with local law enforcement agencies, first responders and the county emergency operations center and participating on the Regional Domestic Security Task Force (RDSTF).

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F. Vulnerability Assessment

The District shall establish standards for assessment and shall assess vulnerability of all District schools and facilities.

- III. The District plan including all school and facility plans shall be reviewed annually or more frequently if needed. Modifications shall be made and communicated to relevant school/District personal and emergency management officials. Conditions which may warrant interim review and possible modification of the plan include addition to or renovation of a facility, change in the use of a facility, change of grades served by a school, new programs added to the school, and change in security threat level.
- IV. The Superintendent shall request documentation of compliance with the National Incident Management System (NIMS) standards from the county emergency management agency and shall obtain certification of compliance from the Commissioner of Education.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.51, 1001.54, 1006.07,
1006.08, 1006.09, 1006.21, 1013.13, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.0403, 6A-3.0171

HISTORY:

ADOPTED: 02/06/07, 02/05/08
FORMERLY: NEW

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SERVICE ANIMALS

3.48+

- I. The purpose of this policy is to implement standards related to service animals as set forth in federal and state law including
 - A. Individuals with Disabilities Education Act (IDEA);
 - B. Rehabilitation Act of 1973, as amended;
 - C. Americans with Disabilities Act (ADA);
 - D. Section 413.08, F.S.
- II. The following principles shall apply:
 - A. A student determined to be a student with a disability under the IDEA or Section 504 shall be considered an individual with a disability.
 - B. The Superintendent or his or her designee shall develop clear and consistent procedures for receiving a parent's request to allow his or her child to bring a service animal to school and for determining whether a student may bring a service animal to school.
 - C. Pursuant to the District's procedures, a parent may request to allow his or her child to bring a service animal to school, and only two (2) questions may be asked:
 - Is the student for whom the request is made an individual with a disability?
 - Does the service animal meet the legal definition of "service animal" under existing state and federal law?
 - D. The legal right of a student with a disability to bring his or her service animal to school does not depend upon whether the animal is necessary to provide the student a free and appropriate public education (FAPE).
 - E. Other students' or school staff members' allergies to or fear of the animal are not relevant to consideration of the parent's initial request.
 - F. Service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work, or unless the individual's disability prevents the use of these devices. In either of these cases, the individual must maintain control of the animal through voice, signal, or other effective controls.
 - G. Certification or proof of service animal training, licensing, or other documentation, such as immunization beyond the required rabies vaccination, health, or cleanliness, cannot be required in the process of determining whether a request will be granted. However, such information may be requested.

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- H. The only reasons for denying a proper request for a service animal to attend school with a student with a disability or for asking that a service animal be removed from school premises are:
- The animal is out of control, and the animal's handler does not take effective action to control it;
 - The animal is not housebroken;
 - The animal's presence poses a "direct threat" to the health or safety of others, based upon an individualized assessment; or
 - The animal's presence would constitute a "fundamental alteration" to the nature of the services, programs, or activities provided by the school.
- III. A *service animal* is any dog that is trained to do work or perform tasks for the benefit of an individual with a disability. The animal must be trained to do work or perform tasks directly related to the person's disability.
- A. Other species of animals are not considered service animals.
- B. Miniature horses may be used as an alternative to dogs, with certain limitations. However, they are not included in the definition of service animal.
- C. An animal whose sole function is to provide comfort, therapy, or companionship is not considered a service animal.
- D. A service animal is not a pet.
- IV. A *task* is a minor job or piece of work that the animal performs. Tasks shall include, but not be limited to:
- A. Assisting individuals who are blind or have low vision with navigation or other tasks;
- B. Alerting individuals who are deaf or hard of hearing to the presence of people or sounds;
- C. Providing non-violent protection or rescue work;
- D. Pulling a wheelchair;
- E. Assisting an individual during a seizure;
- F. Alerting individuals to the presence of allergens;
- G. Retrieving items such as medicine or the telephone;

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- H. Providing physical support and assistance with balance and stability to individuals with mobility disabilities; and
 - I. Helping persons with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- V. Unless an animal is individually trained to complete an action or behavior that qualifies as work or a task, the animal is a pet or support animal and does not qualify as a service animal. A pet or support animal may be able to discern that the individual is in distress, but what the animal is trained to do in response to this awareness distinguishes a service animal from an observant pet or support animal.
- VI. A service animal is personal property and may not be brought on campus without the knowledge and permission of the school or District administration. A student's need for and use of a service animal must be documented in the student's Individual Education Plan (IEP) or Section 504 Plan. The parent must make the request for his or her child following the District's procedures.

In order to determine whether an animal qualifies as a service animal, the School District may not ask about the nature or extent of the individual's disability but may ask the following questions:

- o Is the animal required because of a disability?; and
 - o What work or task the animal is trained to perform?
- VII. A service animal may not interfere with the educational process of any student or pose a health or safety threat to any student, school personnel, or other persons. The service animal must meet health requirements and established standards of behavior.
- VIII. The Superintendent shall develop guidelines for service animals on campus. Guidelines shall include, but not be limited to, the following:
- A. Training for staff and other students to respond properly to and address the service animal and to understand the work or tasks that it performs;
 - B. Consultation with service animal trainer(s) or other appropriate professionals with respect to issues that may arise;
 - C. Setting up a proper schedule and location for the handler to care for the animal's needs during the school day;
 - D. Establishing criteria for determining whether proper circumstances exist for making a request that the animal be removed; and

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- E. Working with the transportation department to address transportation issues, if the service animal is going to be transported via the school district's transportation system.

- IX. The District shall not assume responsibility for training, health care or daily care of any service animal.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**413.08, 1001.32, 1001.43, 1006.07, 1006.08, F.S.
28 CFR 35.104, 28 CFR 35.136,
28 CFR 36.104, 34 CFR 104**

HISTORY:

**ADOPTED: 08/09/11
REVISED: 08/18/15, 05/04/21
FORMERLY: NEW**

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PUBLIC INFORMATION AND INSPECTION OF RECORDS

3.50

All public records pursuant to Florida Statutes shall be available for inspection or copying at reasonable times during normal office hours of the District office or other offices in which records are maintained.

- I. Photocopying or other reproduction of any record shall be performed upon a person's request. Charges for photocopying or reproducing shall be in accordance with the School Board Rule 3.51, Copying of Public Records.
- II. The Superintendent shall:
 - A. Keep the citizens adequately informed through all channels of communication on all policies, programs, problems, and planning of the school system and instruct schools to carry out this policy through their own efforts and the office of the Superintendent.
 - B. Seek the advice and opinion of the people of the School District at all times and especially at regular and special meetings of the Board.
 - C. Encourage each school and members of the District staff to cooperate in keeping the public informed of all newsworthy events which would be of interest or concern to the citizens of the District and which would promote the welfare of the school system, provided that any news release made by a particular school or staff member be approved by the principal or supervisor and that any adverse information of a serious nature or any release relating to the District as a whole be approved by the Superintendent.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**119.07, 119.071, 447.605, 1001.43,
1002.22, 1002.221, 1008.24, 1012.31, 1013.14, F.S.
34 CFR 99, P.L. 103-382, 104-191**

HISTORY:

**REVISION(S): 11/17/09, 09/17/13, 04/21/15
FORMERLY: 1.20, 1.20.1**

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COPYING OF PUBLIC RECORDS

3.51

- I. Copies of public records may be obtained by making a request to the lawful custodian of the records. Charges for copies of public records not exceeding 8 ½" x 14" in size shall be fifteen (15) cents for each one-sided copy or twenty (20) cents for each two-sided copy, unless a different fee is otherwise prescribed or permitted by Florida Statutes. A one-dollar (\$1.00) fee shall be assessed for a certified copy of a public record.
- II. Charges for copies of audio, video, and other materials shall be at rates established by the Superintendent/designee.
- III. Copies shall be made by the appropriate staff members at a time which does not interfere with their normal work duty.
- IV. In addition to the above, in the event the nature or volume of the public records requested to be inspected, examined, or copied is such to require extensive use of information technology resources or extensive clerical/supervisory assistance by School Board employees, then an additional special service charge shall be assessed.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

119.07, 1001.43, 1001.52, F.S.

HISTORY:

REVISION(S): 12/06/05
FORMERLY: 1.20.2

CHAPTER 3.00 - SCHOOL ADMINISTRATION

COPYRIGHTED MATERIALS

3.52

The District shall abide by all provisions of the copyright laws.

- I. Commercial materials, whether printed or nonprinted, may not be duplicated without prior written permission from the owner or copyright holder or within the bounds of “fair use” guidelines.
- II. The School Board does not sanction or condone illegal duplication in any form, the use of illegally duplicated materials, or the improper use of commercially duplicated materials.
- III. Procedures and guidelines for the legal duplication of materials for instructional purposes are available to employees from the school principal or on the District’s Professional Development Center Media Services website.
- IV. The School Board, in recognizing the importance of the Copyright Law of the United States (Title 17, United States Code), hereby notifies all employees that a willful infringement of the law may result in disciplinary action. In the case of a court action for damages, a finding of willful infringement would preclude the School Board’s payment of any judgment rendered against the employee and the payment of any attorney’s fees or costs which the employee would incur in conjunction with a lawsuit and may render the employee liable to the School Board for any damages the School Board is liable to pay.
- V. School Board Copyrights
 - A. The School Board shall hold the copyrights for all data processing software or other computer products created by School Board employees performing job responsibilities, created using School Board resources or equipment, or created by individuals, companies, or agencies under contract with the School Board to develop these products for District use.
 - B. The School Board recognizes that staff members under contract to the School Board may develop, in carrying out their professional responsibilities, patentable or copyrightable educational materials for use in the school program. It is understood by the School Board and the staff members that such materials developed as part of regular employment are the property of the School Board when requested by the School Board and/or the employee.

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- C. The Superintendent shall insure that a contractual agreement form and an assignment of copyright interests form shall be executed between the employee and the School Board.
 - D. It is also understood that educational materials created by an employee during leisure hours when not fulfilling contractual duties to the School Board are the property of the employee.
 - E. The School Board shall have legal claim on products created by its employees which in any way may be an outgrowth of their job responsibilities. To minimize misunderstandings about the ownership of such products, the Superintendent will develop procedures to be followed by all persons who are or might be developing commercially attractive products which are or might be construed to be associated with normal job responsibilities.
 - F. It is also recognized that from time to time the School Board contracts with individuals, companies, and agencies to develop materials which are used in the school district. In requests for proposals and contracts for development of such materials, a statement of copyright and ownership vested in the Board shall be included.
- VI. School Board License Fees: The Superintendent or designee may establish fees for any public or private entity to purchase or obtain a license for data processing software or other computer products which are copyrighted by the District; however, fees shall be pursuant to Section 119.07, F.S. for an individual or entity that needs the District's copyrighted data processing software solely for access to data or for information maintained or generated by the software.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**119.07, 1001.43, F.S.
COPYRIGHT LAWS OF THE UNITED STATES,
TITLE 17, UNITED STATES CODES**

HISTORY:

**REVISION(S): 12/06/04, 02/05/08, 08/25/09
FORMERLY: 3.2.4**

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MOMENT OF SILENCE	3.59*
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- I. Pursuant to the Florida Legislature’s amendment of *Section 1003.45 – Permitting study of the Bible and religion; requiring a moment of silence, Florida Statutes*:
 - A. The principal of each public school shall require teachers in the first-period classrooms in all grades to set aside up to two (2) minutes each school day for the purpose of a moment of silence, during which students may not interfere with other students’ participation.
 - B. A teacher shall not make suggestions as to the nature of any reflection in which a student may engage during the required moment of silence.
 - C. Each first-period classroom teacher shall encourage parents or guardians to exercise their rights to:
 - 1. discuss the moment of silence with their children and
 - 2. make suggestions for their children as to the best use of the moment of silence.
- II. The Superintendent or the Superintendent’s designee shall provide procedures for administrators as needed in order to implement this rule.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.45, F.S.

STATE BOARD OF EDUCATION RULE(S): N/A

HISTORY: ADOPTED: 12/14/21
REVISION(S): N/A

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FLAG DISPLAY AND PLEDGE

3.60

- I. The Pledge of Allegiance to the flag shall be recited at the beginning of each school day in elementary, middle, and high schools.
- II. Students may not be required to recite or participate in reciting the Pledge of Allegiance. *The Code of Student Conduct* that is distributed to all students shall contain written notification that the student has the right not to participate in reciting the Pledge of Allegiance.
- III. The United States flag and the official flag of Florida shall be displayed daily on a suitable flag staff on the grounds of each school and School Board facility when the weather permits. Flags shall be displayed according to established guidelines.
- IV. Each classroom and auditorium shall display the United States flag.
- V. All flags shall meet the requirements of Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

256.015, 1000.06, 1001.43, 1002.20,
1003.42, 1003.44, F.S.

HISTORY:

REVISION(S): 12/06/05, 02/06/07, 03/04/14, 08/15/17
FORMERLY: 6.8

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STATE MOTTO DISPLAY

3.601*+

- I. Per Section 15.0301, Florida Statutes, the Florida Legislature has designated and declared that “In God We Trust” is the official motto of the State of Florida.
- II. Each school and each building used by the School Board shall display in a conspicuous place Florida’s state motto, “In God We Trust.”
- III. The Superintendent or designee shall establish procedures to implement this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**15.0301, 256.015, 1000.06, 1001.43,
1002.20, 1003.42, 1003.44, F.S.**

HISTORY:

**ADOPTED: 08/21/18
REVISION(S): N/A**

CHAPTER 3.00 - SCHOOL ADMINISTRATION

RELIGIOUS EXPRESSION IN PUBLIC SCHOOLS

3.61*

It is the policy of the Osceola County School District that the district will not discriminate against a student, parent, or school personnel on the basis of a religious viewpoint or religious expression.

I. Student Expression of Religious Viewpoints

- A. Osceola County School District will treat a student's voluntary expression of a religious viewpoint on an otherwise permissible subject in the same manner that a school district treats a student's voluntary expression of a secular viewpoint.
- B. A student may express his or her religious beliefs in coursework, artwork, and other written and oral assignments free from discrimination. A student's homework and classroom assignments shall be evaluated, regardless of their religious content, based on expected academic standards relating to the course curriculum and requirements.
- C. A student may not be penalized or rewarded based on the religious content of his or her work if the coursework, artwork, or other written or oral assignments require a student's viewpoint to be expressed.

II. Religious Clothing, Jewelry, and Accessories

A student may wear clothing, accessories, and jewelry that display a religious message or symbol in the same manner and to the same extent that secular types of clothing, accessories, and jewelry that display messages or symbols are permitted to be worn.

III. Students Engaging in Religious Activities and Expression at School

- A. A student may pray or engage in religious activities or religious expression before, during, and after the school day in the same manner and to the same extent that a student may engage in secular activities or expression.
- B. A student may organize prayer groups, religion clubs, and other religious gatherings before, during, and after the school day in the same manner and to the same extent that a student is permitted to organize secular activities and groups.

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- IV. Employees Engaging in Religious Activities and Expression at School
 - A. Osceola County School District may not prevent school personnel from participating in religious activities on school grounds that are initiated by students at reasonable times before or after the school day if such activities are voluntary and do not conflict with the responsibilities or assignments of such personnel.
 - B. Osceola County School District must comply with the federal requirements in Title VII of the Civil Rights Act of 1964, which prohibits an employer from discriminating against an employee on the basis of religion.
- V. Equal Access to School Facilities
 - A. Osceola County School District shall give religious groups access to the same school facilities for assembling as given to secular groups without discrimination based on the religious content of the group's expression.
 - B. A group that meets for prayer or other religious speech may advertise or announce its meetings in the same manner and to the same extent that a secular group may advertise or announce its meetings.
- VI. Limited Public Forum Required for Student Speakers
 - A. Osceola County School District is required to establish a limited public forum for student speakers at any school event where a student is to speak publicly. Where student speakers are permitted, the district:
 - B. Must provide the forum in a manner that does not discriminate against a student's voluntary expression of a religious viewpoint on an otherwise permissible subject;
 - C. Must provide a method based on neutral criteria for the selection of student speakers at school events, activities, and graduation ceremonies;
 - D. Must ensure that a student speaker does not engage in obscene, vulgar, offensively lewd, or indecent speech; and
 - E. Must state in oral or written form that the student's speech does not reflect the endorsement, sponsorship, position, or expression of Osceola County School District. Osceola County School District must deliver this required disclaimer at all graduation events and at any other event where a student speaks publicly.
 - F. Student expression of a religious viewpoint on an otherwise permissible subject may not be excluded from the limited public forum.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1002.206, F.S.

HISTORY: **ADOPTED: 12/18/18**
REVISION DATE(S): N/A
FORMERLY: NEW

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BACKGROUND SCREENING FOR CONTRACTORS

3.68+

- I. Contractual personnel 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 must meet the background screening requirements and process as set forth in *Section 1012.32, Florida Statutes*, as well as meet the screening and approval required under School Board Rule 3.40. Contractual personnel shall include any vendor, individual, or entity under contract with a school or the School Board. Each vendor, individual contractor, or employee of a contractor as described in this section must receive approval from the Human Resources Department prior to accessing a school campus and must cooperate with school personnel to provide suitable identification to demonstrate the prior approval of the Human Resource Department before entering any campus and provide evidence of compliance with *Section 448.095 – Employment eligibility, Florida Statutes*, (e.g., Evidence may consist of, but is not limited to, providing notice of the contractor’s E-Verify number).
- II. An employee or contractor of an employer who offers a high school student internship(s) must meet level 2 background screening requirements if he/she has direct, unsupervised access to the student intern(s).
- III. An employee or contractor of an employer who offers high school student internship(s) who does not have direct unsupervised access to the student interns must obtain prior approval from the Human Resources Department consistent with School Board Rule 3.40 before student contact.
- IV. The District shall issue a state identification badge that is valid for five (5) years to a contractor who meets level 2 screening requirements. The recipient of the badge shall be responsible for paying a fee established by the Department of Education. The badge shall bear the picture of the contractor and must be visible at all times the contractor is on school grounds.
- V. The District shall recognize the uniform statewide identification badge that has been issued by another school district.
- VI. A noninstructional contractor or person working with an intern who does not meet screening required in School Board Rule 3.40 or who has been convicted of any disqualifying offense, as defined in Florida Statutes, shall not have access to school grounds when students are present, shall be immediately suspended from having access to school grounds and shall remain suspended unless and until the conviction is set aside in any post-conviction proceeding. A non-instructional contractor shall not have access to school grounds unless the contractor has received a full pardon or has had his or her civil rights restored. A non-instructional contractor who is present on school grounds in violation of this subsection commits

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a felony of the third degree, punishable as provided in *Section 775.082* or *Section 775.083, Florida Statutes*.

- VII. Contractual personnel must also meet the level two (2) screening requirements every five (5) years following entry into a contract. If the fingerprints of an individual under contract with the School Board have not been retained by the Florida Department of Law Enforcement, the individual must submit a complete set of fingerprints to the District.
- VIII. Each person under contract as described in Sections I., II., and III. above, must agree to inform the party with whom he/she is under contract within forty-eight (48) hours if convicted of any disqualifying offense while under contract. The individual shall also be responsible for returning the badge within forty-eight (48) hours to the district that issued the badge. If it is found that a person under contract does not meet the level two (2) requirements and/ or the requirements in School Board Rule 3.40, the individual shall be immediately suspended from working in a contractual position and shall remain suspended until final resolution of any appeals. A person who is working with an intern will not be allowed to continue in an unsupervised situation.
- IX. The following noninstructional contractors shall be exempt from level 2 screening:
 - A. A contractor who is under direct, line of sight supervision of a District employee or contractor who has met level 2 screening requirements;
 - B. A contractor who is required by law to undergo level 2 screening for licensure, certification, employment, or other purpose and provides appropriate documentation;
 - C. A law enforcement officer who is assigned or dispatched to school grounds;
 - D. An employee or medical director of a licensed ambulance provider who is providing services;
 - E. A contractor at a site where students are not permitted and a six (6) foot chain link fence separates the work site from the remainder of the school grounds; or
 - F. A contractor who provides pickup or delivery services that involve brief visits to school grounds when students are present.

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- X. A noninstructional contractor, as described in section IX, who is exempt from level 2 screening shall be subject to a search of the registry of sexual offenders and sexual predators maintained by the Florida Department of Law Enforcement and the National Sex Offender Public Registry maintained by the U.S. Department of Justice. The District shall conduct the registry search without charge to the contractor. If a contractor is identified as a sexual predator or offender and not allowed on school grounds, the District shall notify the vendor, individual, or entity under contract within three (3) business days.
- XI. The Superintendent shall develop procedures to implement this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

288.061, 448.095, 1001.43, 1003.496,
1012.32, 1012.465, 1012.467, 1012.468, F.S.

HISTORY:

ADOPTED: 12/06/05
REVISION(S): 02/05/08, 03/04/14, 12/01/20, 08/16/22
FORMERLY: NEW

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AGENTS, SOLICITORS AND SALESPERSONS

3.70

Because there are legitimate and necessary calls from business and professional representatives who provide supplies and services regularly used in the schools; agents, salespersons and delivery persons may visit schools at the discretion of the principal. All such persons shall sign in at the school's main office upon arrival.

The principal shall prohibit all forms of canvassing or soliciting of teachers or students on school premises during school hours except as otherwise approved in writing by the Superintendent. No literature or materials from out-of-school sources shall be distributed to homes by students without the approval of the Superintendent or designee. Student or school surveys by outside groups or organizations require the approval of the Superintendent/designee.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, F.S.

HISTORY:

REVISION(S): 12/06/05
FORMERLY: 3.8

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SCHOOL VOLUNTEERS

3.80

A school volunteer is any nonpaid individual who gives his/her time to a school or school staff member while performing assigned duties. Duties assigned to school volunteers shall be consistent with Florida Statutes and State Board of Education rules.

- I. The Superintendent shall issue directives concerning school volunteers as may be deemed necessary.
- II. Individuals interested in becoming school volunteers must submit a Volunteer Application, a Preference Checklist, and a Security Background self-disclosure form to a District principal for eventual approval by the Superintendent or designee. School Volunteers shall meet level one (1) or level two (2) screening requirements as determined by the nature of the volunteer activity(ies). A person who has been convicted of a crime that would disqualify him/her for employment in the District, shall not be accepted as a volunteer.
- III. The school principal and each staff member who is assigned a school volunteer shall be responsible for assigning duties which are consistent with Florida Statutes, State Board of Education rules, and School Board rules.
- IV. All school volunteers are subject to the protections of Florida Volunteer Protection Act, §768.1355, Florida Statutes, as it may be amended for time to time.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

110.504(4) (5), 435.03, 435.04, 440.02(15)(d)6,
768.28, 943.04351, 1001.43, 1012.01, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.070

HISTORY:

ADOPTED: 07-01-04
REVISION(S): 12-06-05, 02/06/07, 08/19/14
FORMERLY: NEW

CHAPTER 3.00 - SCHOOL ADMINISTRATION

CHARTER SCHOOLS

3.90

Osceola District Schools, pursuant to Florida Statutes, may establish charter schools for the purposes of improving student learning and academic achievement; increasing learning opportunities for students, with special emphases on low achieving students; increasing learning opportunities for reading; increasing the use of innovative learning methods; increasing choices for students; requiring the measurement of learning outcomes; and creating new professional opportunities for teachers.

I. Responsibility of District School Administration

- A. Receive, review, and recommend to the School Board all charter applications in a timely fashion as stipulated by Florida Statutes.
- B. Develop a charter in cooperation with the applicant.
- C. Monitor charter school contracts and make recommendations to the School Board.

II. Eligibility for Charter Application

The Board may sponsor one or more charters for schools which may serve any grade or combination of grades. A charter school may operate a virtual charter school to provide full time online instruction to eligible students.

A. Eligible candidates are

1. Any not-for-profit organization, or
 2. A public school which has been in operation for at least two (2) years and requests to convert to a charter school with support of fifty percent (50%) or more of the parents of children enrolled at the school and fifty percent (50%) or more of the teachers employed at the school. The ballot process must be conducted in accordance with State Board of Education rule.
- B. Private schools, parochial schools, and home education programs are not eligible to become charter schools.

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III. Legal Entity and Requirements

A charter school shall:

- A. Organize as a nonprofit organization;
- B. Be nonsectarian;
- C. Charge no tuition or fees except those fees charged by other public schools;
- D. Meet health and safety standards applicable to public schools;
- E. Conduct background screenings and employment history checks on candidates for employment as required by law;
- F. Disclose to the District the name of employees who are related to the owner, board of directors, president, school administrator or other person with decision making authority at the charter school;
- G. Disclose the name and sponsor of any charter school operated by an applicant, governing board member, or service provider that has closed, the reason for the closure, and the academic and financial history of those charter schools;
- H. Submit a monthly financial report to the School District;
- I. Submit an annual progress report;
- J. Provide an annual financial audit similar to that of the School District to the School Board;
- K. Provide other reports as required by the School District or as provided by statutes;
- L. Participate in the state's education accountability system;
- M. Analyze and compare student performance; and
- N. Comply with Florida Statutes applicable to public schools as they relate to civil rights, student health, safety, welfare, maximum class size, public records, public meetings, public inspections, penalties, compensation and salary schedules, workforce reduction, contracts with instructional personnel hired on or after July 1, 2011, and performance evaluations for instructional personnel and school administrators.

CHAPTER 3.00 - SCHOOL ADMINISTRATION

IV. Student Eligibility

Participation and attendance of any student in a charter school is voluntary. If a public school converts to a charter school, parents may request nonparticipation and receive an assignment to a public school.

V. Financial Status

If a deteriorating financial condition is identified, the School District shall notify the governing board of the charter school and the Commissioner of Education within seven (7) business days. The governing board and District shall develop a corrective action plan and submit the plan to the Commissioner of Education within thirty (30) business days after notifying the charter school.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.02, 1001.43, 1002.33, 1002.331,
1002.345, 1002.45, 1002.455, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-6.0781, 6A-6.0787

HISTORY:

REVISION(S): 12/06/04, 02/06/07, 02/05/08, 11/17/09,
02/01/11, 09/17/13, 08/15/17

FORMERLY: 3.22

SCHOOL BOARD POLICY MANUAL

FOR SCHOOL DISTRICT OF

OSCEOLA COUNTY

CHAPTER 4.00: CURRICULUM AND INSTRUCTION

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

THE CURRICULUM

4.10*+

- I. The District curriculum shall be determined by
 - A. Students' needs and interests as determined by studies, assessments, and surveys;
 - B. Continuous evaluation of curriculum effectiveness;
 - C. Florida Statutes, State Board of Education rules, and the School Board;
 - D. Florida Department of Education developed and School Board approved Florida curriculum frameworks, Sunshine State Standards, Benchmarks, and Grade Level Expectations.
- II. The Superintendent may appoint such committees and special study groups as may be necessary to assist in determining the educational needs of the District.
- III. The Superintendent shall designate an appropriate staff member who is responsible for the development and coordination of the total curriculum of the District.
- IV. The program of instruction can be found in the *Student Progression Plan, which shall be revised regularly in order to comply with state law*. A student's progression from one grade to another shall be determined, in part, upon proficiency in reading, writing, science, and mathematics.
- V. The responsibility and right of an instructional staff member to present information of a controversial nature is hereby recognized. The teacher shall not present controversial material or issues which are not directly or closely related to the subject area being taught. In presenting controversial materials on an issue, the teacher shall present all sides of the question without bias or prejudice and shall permit each student to arrive at his or her own conclusions.
- VI. A course description shall be presented for School Board approval before any course or unit in the objective study of the Bible or a comparative study of religion, as provided in Florida Statutes, is initiated in any school. The description shall detail the purpose of the course, the materials to be used, grade level, length of the course, and credit value. No teacher shall present or permit to be presented any material which ridicules any religious sect, belief, or faith.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

- VII. Prior to initiating any course or unit of instruction in human growth and development, a course outline and complete description shall be presented for School Board approval. This rule does not preclude the teaching of personal cleanliness in health and physical education classes or in the elementary grades, or the teaching of matters relating to sex education as provided in state-adopted textbooks, or information relating to sex education as required in other courses using duly adopted textbooks and materials.
- VIII. It shall be the responsibility of the school to make students aware of the dangers and consequences of sexually transmitted diseases. The manner, scope, and levels at which this information will be presented shall be determined by the Superintendent or designee in consultation with instructional supervisors and principal(s). Prior to initiating any such unit of instruction, the proposed program, the materials to be used, and other essential information shall be presented to the School Board for approval. When any questionable information is to be viewed by mixed groups, the sexes may be separated for presentation of materials.
- IX. Age-appropriate information about Acquired Immune Deficiency Syndrome (AIDS), Human Immunodeficiency Virus (HIV) infection, and other sexually transmitted diseases shall be taught. Instruction shall address causes, transmission, and prevention and shall be approved by the School Board.
- X. The Superintendent or designee shall review curriculum frameworks which are prepared and distributed by the Florida Department of Education and related to AIDS education. If the curriculum frameworks are inconsistent with locally determined curriculum for AIDS education or are not reflective of local values and concerns, the Superintendent shall advise the School Board and provide recommendations for instructional activities.
- XI. Any student whose parent, as defined by Florida Statutes, makes written request to the school principal shall be exempted from the teaching of reproductive health or disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted may not be penalized by reason of that exemption.
- XII. In compliance with Florida Statute, throughout instruction in Acquired Immune Deficiency Syndrome, sexually transmitted diseases, or health education, when such instruction and course material contains instruction in human sexuality, a school shall:
 - A. Teach students in grades 6 through 12 that an awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.

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- B. Emphasize that abstinence from sexual activity is an absolute way to avoid pregnancy, sexually transmitted diseases, including Acquired Immune Deficiency Syndrome (AIDS), and other associated health problems.
 - C. Teach that each student has the power to control personal behavior and encourage students to base actions on reasoning, self-esteem, and respect for others.
 - D. Provide instruction and material that is appropriate for the grade and age of the student.
- XIII. The Superintendent or designee shall develop a physical education program to implement the requirements of Florida Statutes.
- XIV. When dealing with political issues, the positions of all parties will be presented on a nonpartisan basis. Partisan political literature will not be distributed in schools. However, schools may give out information relating to School District taxes or the need for construction bonds.
- XV. All course materials and verbal or visual instruction shall conform to the requisites and intent of all Florida law and the state constitution. All instructional materials, including teachers' manuals, films, tapes, or other supplementary instructional material, shall be available for inspection by parents of the children engaged in such classes.
- XVI. The Superintendent or designee shall develop procedures to assure all aspects of curriculum development are implemented.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1003.42,
1003.45, 1003.455, 1006.28,
1006.29, 1008.25, 1010.305, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.09412, 6A-1.09414

HISTORY:

REVISION(S): 12/06/05, 02/06/07, 02/05/08, 06/05/12,
08/19/14, 04/21/15, 08/15/17, 12/13/22
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STUDENT PROGRESSION PLAN

4.11*+

The School Board shall approve the *Student Progression Plan*, and copies shall be maintained in the District office and at each school. The Plan shall be pursuant to Florida Statutes and shall be comprehensive to include student performance standards and promotional and graduation requirements for Grades K-12, adult and general education, exceptional student education, dual enrollment, job entry, and career and technical education. The plan shall include options for virtual instruction, academic acceleration and early high school graduation. After School Board approval, the District's *Student Progression Plan* shall be made a part of this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1002.3105, 1002.321, 1003.4156, 1003.4281,
1003.4295, 1003.437, 1003.49, 1008.25, F.S.

HISTORY:

REVISION(S): 02/05/08, 01/29/13, 08/19/14, 04/21/15, 01/07/20
FORMERLY: 6.3

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

ACADEMIC ACCELERATION

4.113+

The School Board of Osceola County believes that all children are entitled to an education that is challenging and is commensurate with their abilities and needs. Therefore, students who can exceed grade level and/or subject area expectations shall be provided opportunities to participate in accelerated learning.

- I. Accelerated learning options shall include but not be limited to
 - A. Whole grade promotion;
 - B. Midyear promotion;
 - C. Virtual instruction;
 - D. Subject matter acceleration;
 - E. Advanced academic courses;
 - F. Credit Acceleration Program;
 - G. Enrichment programs; and
 - H. Early high school graduation.
- II. All parents and students shall be notified of the opportunities for academic acceleration. Notification shall include but not be limited to
 - A. Accelerated learning options including early graduation;
 - B. Eligibility requirements;
 - C. Referral process and relevant deadlines;
 - D. Appeals process; and
 - E. Performance contracts for students who are referred by their parents.
- III. Student eligibility requirements shall be established at the school and District levels. Eligibility considerations shall include those established by law and other considerations as determined by the school or District.
- IV. A student may be referred for academic acceleration by a teacher, administrator, guidance counselor, school psychologist or parent.

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- V. An evaluation committee shall be established at each school to consider all referrals for academic acceleration. The committee shall determine a student's eligibility for an acceleration program or accelerated class(es).
- VI. A parent may appeal the decision of the evaluation committee in writing if the committee does not recommend that the child is eligible to participate in academic acceleration.
- VII. A performance contract shall be developed for each student who participates in an acceleration option at the request of his/her parent. The contract shall be signed by the student, parent, and school principal.
- VIII. Provisions for academic acceleration shall be contained in the *Student Progression Plan*.
- IX. The District and schools shall establish procedures for the implementation of academic acceleration. The eligibility requirements, data sources to be used for evaluation, composition of the evaluation committee and methods of monitoring accelerated students shall be included in the procedures.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.43, 1002.3105, 1002.321,
1003.4281, 1003.4295, F.S.**

HISTORY:

**ADOPTED: 01/29/13
REVISION DATE(S): 03/04/14, 08/19/14
FORMERLY: NEW**

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

EARLY HIGH SCHOOL GRADUATION

4.117*+

- I. A student who earns twenty-four (24) credits and meets the graduation requirements stated in Florida Statutes, in less than eight (8) semesters or the equivalent, may elect early graduation. The District shall notify the parent and student who qualifies for early graduation.
- II. Procedures for the implementation of this policy and relevant law shall be established.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.4281, F.S.

HISTORY:

ADOPTED: 01/29/13
REVISION DATE(S): 03/04/14, 04/21/15
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

EXCEPTIONAL STUDENT EDUCATION

4.12+

Definition: An exceptional student shall mean any child who requires special instruction or related services to take full advantage of or to respond to educational programs and opportunities because of a physical, mental, emotional, social, or learning exceptionality, as determined by a multi-disciplinary team which includes psychological, educational, and/or physical evaluation results provided by specialists qualified under State Board of Education rules. Exceptional students with disabilities include students with intellectual disabilities, hearing impairments (including deafness), speech and/or language impairments, visual impairments (including blindness), emotional/behavioral disabilities, physical impairments (including orthopedic impairments, traumatic brain injuries, or other health impairments), autism spectrum disorders, specific learning disabilities, dual sensory impairments, or students who are homebound or hospitalized. Students identified as gifted are also included within this definition.

- I. Upon recommendation of the Superintendent, the Board shall annually adopt a plan for the provision of exceptional student education programs for all exceptional students.
- II. The annual plan for special programs and procedures for exceptional students shall include: screening procedures; pre-referral activities; referral procedures; eligibility criteria; program placement; program dismissal; and descriptions of program organization and operations.
- III. The annual plan for exceptional student education shall be subject to the approval of the State Commissioner of Education.
- IV. The exceptional student education program shall conform to the provisions adopted by the Board and approved by the Commissioner and shall function in accordance with the provisions of law, State Board of Education rules, and other applicable provisions of Board rules.
- V. Every parent, as defined by Florida Statutes, of an exceptional student shall be informed of the services that are available and appropriate to meet their child's individual needs.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.42, 1001.43, 1003.57, 1006.07, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.0331, 6A-6.03411

HISTORY: REVISED: 02/06/07, 02/05/08, 08/25/09
FORMERLY: 6.10

CHAPTER 4:00 – CURRICULUM AND INSTRUCTION

DROPOUT PREVENTION PROGRAM

4.13+

The Superintendent or designee shall develop, for the School Board's approval, a Dropout Prevention Plan pursuant to Florida Statutes. The Dropout Prevention Program shall be incorporated through the *Student Progression Plan*.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.53, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.0523

HISTORY: REVISION(S): 12/06/05
FORMERLY: NEW

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ADULT EDUCATION

4.14*+

The School Board shall establish and maintain an Adult Education Program which is based on a needs assessment and is designed for basic skills education, post-secondary education, GED Preparation, or lifelong learning pursuant to Florida Statutes and State Board of Education rules. This program shall be the direct responsibility of the Superintendent or designee. Requirements for the GED Diploma and the Adult General Education Program shall be approved by the School Board and incorporated into the *Student Progression Plan*.

- I. The program shall be designed for
 - A. An individual who has reached the compulsory school age, has legally withdrawn from the school of last attendance, and meets admission requirements.
 - B. Any adult resident who desires to further his/her education.
- II. Tuition shall be assessed for the Adult General Education Program as required by law.
- III. A student who withdraws from the regular high school program and subsequently enrolls in the Adult General Education Program shall not be permitted to re-enter the regular high school program without the written permission of the regular high school principal and the adult education administrator.
- IV. A student who is enrolled in the Adult General Education Program is expected to attend every class. Attendance shall be kept and reported for each class period by the teacher. Absences shall be counted effective the first scheduled class meeting. An excused absence may be allowed in accordance with the school attendance policy.
- V. An official transcript showing acceptable course work or credit completed by a student shall be placed in the student's record. An official transcript is one received directly from the school or School District.
- VI. Any student enrolled in the area technical center may withdraw from courses to enter active military duty without penalty. Students may re-enroll in accordance with Florida Statutes.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.04, 1001.42, 1001.43, 1001.435, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.011, 6A-6.014, 6A-6.021

HISTORY: REVISION(S): 02/05/08, 02/07/12
FORMERLY: NEW

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TUITION AND FEES FOR POSTSECONDARY EDUCATION	4.143*+
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- I. Tuition shall be assessed for residents and nonresidents for the Adult General Education Program as required by law. The funds received for tuition shall only be used for the Adult General Education Program.
- II. A separate fee for capital improvements, technology enhancements, equipping buildings or acquisition of improved real property may be established by the School Board. Funds shall be accounted for and utilized in accordance with Florida Statutes.
- III. The School Board may establish charges for the payment of tuition and fees in installments and for processing automated or online credit card payments. The convenience fee for automated or online credit card payments shall not exceed the amount charged to the District by the credit card company.
- IV. The Superintendent shall develop procedures for the collection, accounting and expenditure of tuition and fees.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **1000.04, 1001.42, 1001.43, 1009.22, F.S.**

STATE BOARD OF EDUCATION RULE(S): **6A-6.014**

HISTORY: **REVISION(S): N/A**
ADOPTED: 02/07/12
FORMERLY: NEW

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PHYSICAL EDUCATION

4.15*+

The School District of Osceola County believes that physical education is an important component of the total educational program. Physical activity is essential to the development and maintenance of good health. The physical education program shall focus on providing students with the knowledge and skills to make healthy lifestyle decisions.

- I. The physical education program shall be consistent with the standards of the National Association for Sport and Physical Education and with the Sunshine State Standards. It shall be an integral part of the District Wellness Program.
- II. The physical education curriculum shall be a continuum from prekindergarten through grade 12. Activities shall be appropriate for the grade level and capabilities of the students and shall be of sufficient intensity and duration to provide a health benefit.
- III. Goals of the physical education program shall include:
 - A. Competency in motor skills and movement patterns;
 - B. Understanding of human movement as it relates to physical activities;
 - C. Understanding of the benefits of regular participation in physical activity;
 - D. Regular participation in physical activity;
 - E. Achievement of a health-enhancing level of physical fitness;
 - F. Knowledge of safety in physical activities;
 - G. Knowledge of first aid and cardiopulmonary resuscitation (CPR);
 - H. Demonstration of responsible personal and social behavior in physical activity;
 - I. Recognition and acceptance of the differing abilities of people;
 - J. Recognition of the values of physical activity for health, enjoyment, challenge, self-expression, and social interaction; and
 - K. Increase in health and wellness.
- IV. The District shall develop a comprehensive physical education plan with input from teachers, parents, students, and representatives from the medical and sports fields. The plan shall be reviewed annually by the Wellness Committee and modified as appropriate. The plan shall adhere to the requirements of Florida Statutes.
- V. The District shall notify parents annually that counseling concerning the benefits of physical education is available at each school. The District shall also inform parents, prior to scheduling a student in grades 6 through 8 for physical education, that the requirement for participation in physical education may be waived under certain circumstances as specified in law.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.41, 1003.42, 1003.428,
1003.453, 1003.455, F.S.

HISTORY: **ADOPTED: 02/06/07**
REVISED: 10/21/08, 08/19/14
FORMERLY: NEW

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ACADEMIC AND CAREER PLANNING

4.18

- I. Beginning the 2019-20 school year, middle school students shall participate in a career and education-planning course during the sixth, seventh, or eighth grade. The course must be internet-based, customizable to each student, and include research-based assessments to assist with determining educational and career options and goals. Career exploration shall be included in the curriculum. The purpose of this course shall be to enable students and parents to develop a personalized academic achievement and career goals for postsecondary experience.
- II. The academic and career plan shall include
 - A. A destination;
 - B. A major area of interest;
 - C. A list of courses to meet the requirements of the destination and major area of interest;
 - D. A detailed explanation of the requirements for earning a high school diploma designation;
 - E. The requirements for each scholarship in the Florida Bright Futures Scholarships Program;
 - F. The requirements for state university and Florida College System institution admission; and
 - G. Opportunities available to earn college credit in high school, including Advanced Placement courses; the International Baccalaureate Program; the Advanced International Certificate of Education Program; dual enrollment, including career dual enrollment; and career education courses.
- III. Destinations shall include
 - A. Four (4) year college or university, community college plus university, or military academy degree;
 - B. Two (2) year postsecondary degree;
 - C. Postsecondary career certificate;
 - D. Immediate employment or entry level military; or

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- E. A combination of any of these destinations.
- IV. The destinations shall accommodate the needs of exceptional education students to the extent appropriate for individual students. These students may follow the courses outlined in the *Student Progression Plan*.
- V. Completion of the academic and career plan shall be required for promotion to grade nine (9).
- VI. Secondary schools shall ensure that students and parents are aware of the destinations and the process of developing and revising academic plans.
- VII. The District shall encourage the business community to support career preparation by providing internships and apprenticeships.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.4156, 1003.491, F.S.

HISTORY:

ADOPTED: 02/05/08
REVISION DATE(S): 08/19/14, 01/07/20
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

INSTRUCTIONAL SUPPLIES AND DONATIONS

4.19

Where school funds are not otherwise available to meet the instructional needs of students for consumable instructional supplies and personal items and donations may be solicited from students and parents with such donations to be known as "School Supplemental Instructional Donations," provided that any such solicitation has prior approval of the School Board.

- I. A written request itemizing the instructional or personal items requested must be submitted to and approved by the Superintendent or designee before donations may be collected from students.
- II. The written request shall be made for a semester or school term and must be approved prior to the beginning of the semester or term.
- III. Communications to parents and students in any format must clearly indicate that the response to such solicitation on the part of any student or his parents or guardians shall be entirely voluntary, and no sanctions shall be imposed against the student or embarrassment caused a student or his parents or guardians for failure or refusal to make a donation.
- IV. Under no condition shall any teacher or school employee cause a student or his parents or guardians to believe that making a donation of requested items is a requirement for admission to school or to a class.
- V. Donations may be requested for basic consumable instructional supplies which may include but are not limited to pencils, color crayons, basic writing paper, tablets, scissors, glue, or personal items such as facial tissues and anti-bacterial soap.
- VI. Any donations received under the provisions of this policy shall be used or spent only for the items listed in the written request approved by the Superintendent or designee.
- VII. Any funds collected shall be directed through internal accounts following standard accounting practices as required by Florida Statute, Florida Board of Education rules, and School Board policy.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.28, 1006.40, F.S.

HISTORY: FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

DISTRIBUTION AND USE OF FUNDS FOR INSTRUCTIONAL MATERIALS

4.20*+

- I. The distribution of funds for instructional materials and all District budget resources shall be made on an equitable basis to District schools and shall be based on projected and earned FTE with consideration of provisions for growth and maintenance needs. In addition, a Title I comparability calculation will be done annually and submitted to the School Board for review and approval (see Instructional Materials Manual).
- II. Using the purchasing procedures and prescribed forms, the schools must purchase current instructional materials to provide each student with a textbook or other instructional materials as a major tool of instruction in core courses of the appropriate subject area of mathematics, language arts, science, social studies, reading, and literature for kindergarten through grade 12. The purchase must be made within the first two (2) years of the effective date of the adoption cycle as permitted within the District's allocation of funds for instructional materials. This does not prohibit additional purchases related to growth of student membership or for instructional materials maintenance needs.
- III. The District shall use the annual instructional materials allocation for the purchase of instructional materials included on the state-adopted list. However, up to fifty percent (50%) of the annual allocation may be used for the purchase of instructional materials, including library and reference books and non-print materials, not included on the state-adopted list and for the repair and renovation of textbooks and library books. At the kindergarten level, schools may use one hundred percent (100%) of the annual instructional materials allocation for materials not on the state-adopted list, and at the first grade level, schools may use seventy-five percent (75%) of the annual instructional materials allocation for materials not on the state-adopted list.

In addition to those materials so designated on the state-adopted list, instructional materials is defined as items having intellectual content to support instruction which may be available in bound, unbound, kit, or package form and may consist of hardback or softback textbooks, replacements for items that were part of previously purchased instructional materials, consumables, learning laboratories, manipulatives, electronic media, computer courseware or software, and other commonly accepted instructional tools. The funds available for the purchase of materials not on the state-adopted list may not be used to purchase electronic or computer hardware, even if such hardware is bundled with software or other electronic media, nor may such funds be used to purchase equipment or supplies.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.28, 1006.40, F.S.

HISTORY: **FORMERLY: NEW**
REVISED: 04/21/15

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SELECTION AND MANAGEMENT OF INSTRUCTIONAL MATERIALS

4.21*+

All classroom instructional materials, used in the School District of Osceola County, including State-adopted single source textbooks, instructional aids, and other supplementary materials, for the first time shall undergo an evaluation. This evaluation shall determine the suitability of the materials for information being taught in the classroom in relationship to State standards, curriculum frameworks, and School District programs, as well as with state and School District performance standards.

I. Evaluation of Instructional Materials

The Superintendent shall establish a School District Review Committee and develop procedures for the review and evaluation of instructional materials. The School District Review Committee shall include content area teachers, one (1) or more parents of children at content grade level and School District employees. Meetings of the School District review committee convened for the purpose of ranking, eliminating, or selecting instructional materials for recommendation to the School Board must be noticed and open to the public in accordance with Section 286.011, Florida Statutes. The School District employees involved in this process shall recommend to the Superintendent the instructional materials that address the goals and objectives for adopted courses of study and the course descriptions established by State Board Rule as well as the state and School District performance standards for submission to the Board for adoption. The instructional materials shall be from the State-adopted instructional materials list if there has been a State adoption or from publishers and other resources if there has not been a State adoption.

II. Adoption of Instructional Materials

The following procedures for the adoption of instructional materials apply only to those instructional materials that serve as the major content tool and basis for instruction for each student in the core subject areas of mathematics, language arts, social studies, science, reading, and literature:

- A. Prior to final adoption, student editions of the recommended instructional materials shall be made accessible for review online for at least twenty (20) calendar days before consideration by the School Board.
- B. Public notice of the materials being considered for adoption shall specifically list the materials and how they can be accessed.

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- C. The School Board shall conduct an open noticed public hearing to receive comment on recommended materials prior to adoption.
- D. The School Board shall conduct an open, noticed public meeting to approve an annual instructional materials plan to identify any instructional materials that shall be purchased. The public meeting shall take place on a different date after the public hearing.
- E. The School Board shall receive comment at the public hearing and meeting as prescribed by policy.
- F. The School Board must select, approve, adopt, or purchase all materials as a separate line item on the action agenda.
- G. The following procedures shall apply to all objections to instructional materials adopted by the School Board.
 - 1. The parent or a resident of the County, as defined by Florida Statutes, may contest the School Board's adoption of a specific instructional material by filing a written objection using the form that is available in each school office, the Superintendent's office, or on the School District website.
 - 2. The form must be signed by the parent or resident of the county, include the required contact information, and state the objection to the instructional material based on the criteria stated in Sections 1006.31(2) or 1006.40(3)(d), Florida Statutes.
 - 3. The written objection must be filed within thirty (30) calendar days of the adoption of the material. A complainant who does not complete and return the form within the required time shall receive no consideration. The statement shall include the following information:
 - a. Author, compiler, or editor;
 - b. Publisher;
 - c. Title;
 - d. Reason for objection;
 - e. Page number of each item challenged; and

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- f. Signature, address and telephone number of the person making the complaint.
 4. Within thirty (30) days after the initial thirty-day period has expired, the School Board shall conduct at least one public hearing before an unbiased and qualified hearing officer on all petitions timely received during the thirty-day time period. The petitioner(s) shall be notified in writing of the date and time of the hearing at least seven (7) days prior to the hearing. The hearing must provide sufficient procedural protections to allow each petitioner an adequate and fair opportunity to be heard and present evidence to the hearing officer.
 5. The contested material shall be made available to the public online at least seven (7) days before the hearing.
 6. The decision of the School Board, after convening a hearing, shall be final and not subject to further review or petition.
- H. The Superintendent shall annually submit to the Commissioner of Education a report identifying each material the School District received an objection to pursuant to Section 1006.40(3)(d), Florida Statutes, and the specific objections raised; the material that was removed or discontinued as a result of an objection; and the grade level and course for which the removed or discontinued material was used.

III. Evaluation and Adoption of Other Classroom Instructional Aids and Materials

The following procedures shall be followed in the evaluation, selection, and use of additional instructional aids for classroom use that have not been adopted by the State Board of Education, and approved for use:

- A. When teachers, groups of teachers, or academic departments determine that the need exists for new or additional classroom instructional aids, they shall review available items and seek input and assistance, when appropriate, from parents, students, and other lay members of the community, and determine which instructional aid or aids best meet instructional needs.
- B. After making this determination, they shall prepare a written rationale for each instructional aid, which includes, but is not limited to, the following:
 1. The class(es) or age group(s) that the instructional aid is appropriate;

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2. How the use of the instructional aid shall meet the curriculum objective(s);
 3. The way(s) in which the instructional aid shall be used to meet the curriculum objective(s);
 4. Problems, if any, of style, tone, content or theme inherent in the instructional aid, and the way(s) in which these problems shall be addressed during the instructional process;
 5. Other appropriate instructional aids available for individual students to use in place of the one selected; and
 6. Where applicable, supporting professional materials which were used in selecting the instructional aid.
- C. The rationale shall be submitted to the principal. The principal shall review the rationale to determine whether it demonstrates that the instructional aid is consistent with the School District goals and with the school and course objectives. Within ten (10) working days, the principal shall recommend, in writing, the approval or the rejection of the instructional aid, or shall return the rationale to the teacher for revision. If the instructional aid is recommended for rejection or returned for revision, the principal shall state the reasons in writing. Upon resubmission of a revised rationale by the teacher, the principal shall make a decision for recommendation or rejection within ten (10) working days. The principal shall submit the recommendation to the appropriate Assistant Superintendent of Curriculum and Instruction and the Superintendent. If the instructional aid is rejected by the appropriate Assistant Superintendent of Curriculum and Instruction and the Superintendent, the teacher shall have ten (10) working days from the date of rejection to file a written request for review by the School Board.
- D. The Superintendent shall submit a written list of any instructional aids that have been submitted by teachers and rejected by a principal, the appropriate Assistant Superintendent of Curriculum and Instruction, or by the Superintendent, and not appealed by the teacher. The list shall state the reasons for the rejection of each instructional aid.
- E. The rejection at any level, of the use of an instructional aid shall be for that academic year only. Any instructional aid previously rejected, at any level may be resubmitted in any subsequent year.

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- F. Materials approved shall be deemed appropriate for use at the grade level requested and may be used at higher levels throughout the School District providing that the curriculum sequence is maintained.

IV. Challenge Process for Other Classroom Instructional Aids and Materials

A. Initial Complaint

1. A parent, as defined by Florida Statutes, may object to the parent's child's use of a specific instructional material, or an adult student may object to the use of a specific material in the adult student's instructional program. The parent or adult student may request a conference with the principal or principal's designee to discuss the use of the material.
2. The complainant shall be provided with the School District's policies and procedures for the selection of instructional materials. The principal or designee shall explain the use of the material in the instructional program and answer questions from the individual.
3. If the issue is not resolved at the conference, the complainant shall be provided with the form to file a written objection and an explanation of the process that shall be followed.
4. Within ten (10) working days of such filing, parents of other students in the class(es) involved or potentially affected in that school shall be notified in writing by the principal that a challenge has been initiated.

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B. School-Level Instructional Materials Appeals Committee

1. The School-Level Instructional Materials Appeals Committee shall consist of two (2) teachers selected by the Superintendent from that particular school, two (2) teachers selected by the principal from that particular school and three (3) citizens selected by the School Board who reside in the particular school zone to evaluate the challenged materials and to make recommendations of any changes. The principal shall notify the Superintendent and the instructional materials coordinator when a committee is convened.
2. Challenged materials shall be read and re-evaluated by the committee, considering the specific objections raised. The committee shall report its decision within fifteen (15) working days. The committee recommendations shall address whether the challenged material is consistent with the selection criteria outlined herein. The Committee shall have no authority to determine curriculum. Within ten (10) working days of receiving the recommendations of the Committee, the principal shall make a decision whether to retain the material or remove the material. The principal shall take into account the Committee's recommendations when making the principal's decision.
3. The complainant shall be informed in writing concerning the principal's decision.
 - a. If the principal determines the challenged material be retained, the complainant shall be notified in writing within five (5) working days. The Complainant shall be given a copy of the decision of the Committee's decision and a copy of the procedures for filing an appeal.
 - b. If the principal determines that the challenged material be removed, then the complainant, the teacher(s), the students in the class, and the parents of the students in the class where the complaint was initiated, shall be notified in writing within five (5) working days of the decision at the same time the decision shall be referred to the School District's Instructional Material Review Committee.

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- C. School District-Level Instructional Materials Appeals Committee
1. An appeal of a principal's determination to retain challenged materials must be filed with the principal within five (5) working days of notification of that determination and shall include a specific statement of the complainant's grounds for disagreement with the principal's determination. Copies of the appeal shall be furnished to the teacher(s) and the parents of the students in the class where the complaint was initiated within five (5) working days of the filing of the appeal.
 2. A School District-Level Instructional Materials Committee shall be appointed by the Superintendent to review the appeal. The Superintendent shall designate the appropriate Assistant Superintendent of Curriculum and Instruction as being responsible for the organization of this review committee according to School Board policies. The committee's recommendations shall be submitted to the Superintendent within fifteen (15) working days. A committee member shall not be selected from the school where the challenged materials originated. The School District-Level Instructional Materials Appeals Committee shall include:
 - a. School District-Level Employee – One (1) employee from the level or special area where the material has been challenged;
 - b. Three (3) Principals – One (1) principal shall be appointed from each level (elementary, middle, and high school). However, only the principal from the same level as the school at which the challenge originates shall serve on the review panel for the particular material;
 - c. Grade Level Instructional Employee – One (1) instructional employee who is a department head, grade level chair, or team leader from the same level (elementary, middle, or high school) at which the challenge originates;
 - d. Three (3) Teachers – Three (3) teachers from the same level at which the challenge originates shall be appointed by name; and
 - e. Four (4) Parents – One (1) shall be a parent of an elementary school student, one (1) shall be a parent of a middle school student, and two (2) shall be the parents of high school students.

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3. The Committee's review shall be treated objectively, unemotionally, and in a businesslike manner, and shall be conducted in the best interest of the students, the school, and the community. Efforts shall be made to meet with citizens who register concerns to consider their objections.
4. The complainant shall be informed, in writing, in fifteen (15) working days after the committee's recommendation is received by the Superintendent.

D. School Board Appeal

1. A School Board appeal may be requested by the complainant when the school-level and School District-level appeals do not satisfactorily resolve the concerns. The School Board shall review recommendations from the school-level and School District-level committees and shall render the final decision on the complainant's concern.
2. The decision to remove challenged material from use shall, unless otherwise determined by the School Board, be effective at the grade level at which the material is in use and all lower grades.

V. Classroom Instructional Materials Libraries

- A. Materials in this category presently in the classroom which have been approved for classroom use shall remain available for continuing use by students.
- B. Materials acquired to replace or duplicate books or other materials which have already been approved may be made available for student use without resubmission of their titles to the school's media center.
- C. When new materials are added to the classroom library, a list of said new materials shall be submitted to the school's media center.
- D. Teachers shall apply the selection criteria set forth in *School Board Rule 4.22 – Education Media Materials Selection*.

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VI. Management of Instructional Materials

- A. Prior to April 1, the school principal shall provide to the Superintendent's designee a list of selected materials planned for purchase for a subject during the first two (2) years of the state adoption cycle.
- B. The Superintendent or designee shall notify the Florida Department of Education by April 1 of each year the state-adopted instructional materials that shall be requisitioned for use in the School District.
- C. The school principal is to 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 such amounts collected to the Chief Business and Finance Officer. Upon reasonable effort by the principal to collect the sum, failure to satisfy the debt may result in the suspension of the pupil from participation in extracurricular activities or satisfaction of the debt by the pupil through community service activities at the school site as determined by the principal. The principal may not delay the transfer of a pupil's permanent record or delay the awarding of grades due to failure of payment of assessment on lost, destroyed, or damaged materials.
- D. All money collected from the sale, loss, or damage of instructional materials shall be transmitted to the Chief Business and Finance Officer to be deposited in the District school fund and added to the District appropriation for instructional materials.
- E. Principals shall see that all books are fully and properly accounted for annually. Notification of the completion of the inventory shall be sent to the appropriate Assistant Superintendent of Curriculum and Instruction and the Director of Media and Instructional Technology via the School District's instructional materials management system.
- F. Instructional materials purchased by the School Board on behalf of dual enrollment students shall be the property of the School Board.
- G. Any surplus or unusable textbooks or instructional materials, excluding testing materials, shall be disposed of as provided herein:
 - 1. Usable surplus and obsolete instructional materials no longer under contract to the State may be given to:
 - a. Other public education programs within the School District or state;

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- b. Instructional employees to use in developing supplementary teaching materials;
 - c. Students or others for personal use and not for profit; and
 - d. Any charitable organization, governmental agency, private school, or the State.
 2. The Superintendent or designee shall use the procedures as prescribed herein if disposal of surplus or obsolete materials cannot be accomplished as specified above.
 3. State-adopted instructional materials which are determined by the Superintendent or designee to be unserviceable or in unsuitable physical condition may be:
 - a. Sent to recycling plants, pulp mills, paper manufactures, junk dealers, or other persons, firms or corporations for disposal upon such terms as are most economically advantageous to the School Board;
 - b. Given to governmental agencies, charitable organizations, or individuals; and/ or
 - c. Offered at public sale through the normal procedures of the School District.
 4. Instructional materials may be destroyed if disposals cannot be completed as prescribed herein.
- VII. State Board of Education Rules shall prevail whenever any part of this policy may conflict.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.28, 1006.283,
1006.29(5), 1006.31, 1006.40, 1006.42, F.S.

HISTORY:

REVISED: 02/06/07, 11/17/09, 07/13/10,
04/21/15, 08/21/18, 08/16/22, 12/13/22

FORMERLY: 3.2, 3.2.1, 3.2.6, 3.28

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EDUCATIONAL MEDIA MATERIALS SELECTION

4.22*+

I. Objectives of Selection -

The primary objective of the school library/ media center is to implement, enrich, and support the educational program of the School District and its schools. The school library/ media center shall provide a wide range of materials on all levels of difficulty, with diversity of appeal, and the representation of different points of view. For the purpose of this policy, "educational media materials" in school libraries/ media centers shall be defined to include, but shall not be limited to, the following categories: books, periodicals, and other print materials; films; videos; and/ or software, etc.

The School Board asserts that the responsibility of the school library/ media center is to provide:

- A. Instructional and supplemental materials that enrich and support the curriculum, taking into consideration the varied interest, abilities, and maturity levels of the students being served.
- B. Materials that stimulate growth in factual knowledge, literary appreciation, aesthetic values, and ethical standards.
- C. A background of information enabling students to make intelligent judgments in their daily life.
- D. Materials on opposing sides of controversial issues in order that students may develop, under guidance, the practice of critical analysis of all media.
- E. Materials representative of the many religious, ethnic, and cultural groups and their contributions to the heritage and culture of America and the world.
- F. A comprehensive collection appropriate for the users of the media center placing principle above personal opinion and reason above prejudice in the selection of materials of the highest quality.

II. Legal Responsibility for Selection

The School Board is legally responsible for all matters relating to the operation of the School District of Osceola County. The responsibility for the selection of educational media materials, regardless of whether the book is purchased, donated, or otherwise made available to students is delegated to a school district employee who holds a valid educational media specialist certificate. School principals are responsible for overseeing compliance with School District procedures for selecting school library media center materials.

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III. Parental Responsibility

Parents shall have the right to review materials in the media center and to request that it be noted in the student's library record that the student not be allowed to check out certain material.

IV. Criteria for Selection of Educational Media Materials

- A. The standards to determine the propriety of the educational media materials shall be pursuant to Florida Statutes.
- B. Educational media materials shall be evaluated and selected to implement, enrich, and support the educational programs of the School District and its schools. Materials placed in school library/ media center collections shall meet the criteria set forth in this policy.
- C. The content of the School District's approved curriculum shall determine the need for the use of educational media materials.
- D. First consideration shall be given to the needs of the individual school based upon knowledge of the curriculum, of the existing collection, and of the needs of children and youth. Requests from users of the collection, (i.e., administrators, faculty, parents, and students) shall be given high priority.
- E. Materials shall be considered on the basis of accuracy of content, overall purpose, timeliness, importance of the subject matter, quality of the writing/production, readability and popular appeal, authoritativeness, comprehensiveness of material, reputation of the publisher/producer, reputation and significance of the author/ artist/ composer/ producer, format, and price.
- F. In determining the suitability and value of the material included in the collection, consideration of the following elements must be given:
 - 1. Religion – Material shall be factual, unbiased, and shall represent all major religions.
 - 2. Ideologies/ Philosophies – Material shall contain factual information on any ideology or philosophy that exerts a strong force in society.
 - 3. Sex Education – Material shall be factual information that is appropriate for the age group and/ or related to the school curriculum.
 - 4. Sex – Pornographic, sensational, or titillating materials shall not be included.
 - 5. Profanity – The fact that limited profanity appears in material shall not automatically disqualify a selection. However, care shall be taken to

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exclude materials using profanity in a lewd or detrimental manner and not in context with the material.

6. Science – Material shall be factual information about medical and scientific knowledge, without any biased selection of facts.
- G. Gifts of media or money shall be accepted with the understanding that their use or disposition shall be determined by those designated employees who have been assigned the responsibility for acquisitions, according to the same selection criteria and procedures as purchased materials.
- V. Procedures for Selection of Educational Media Materials
- A. In selecting materials made available to students through the school library/ media center, the school media specialist shall:
1. Consult with reputable, unbiased, professionally recognized reviewing periodicals and school community stakeholders (including, instructional media employees, curriculum consultants, faculty, parents, and community members);
 2. Require that educational media materials selections meet the criteria set forth in Section 1006.40(3)(d), Florida Statutes;
 3. Ensure school library/ media center collections shall:
 - a. be based on reader interest;
 - b. support state academic standards and aligned curriculum; and
 - c. support the academic needs of students and faculty.
 4. Comply with the following procedures when considering materials to be purchased:
 - a. Purchase materials which are outstanding and frequently used;
 - b. Periodically replace periodically worn or missing basic items;
 - c. Withdraw out-of-date or unnecessary items from the collection or items required to be removed pursuant to this policy and applicable state law; and replaced by new and age-appropriate materials,
 - d. Purchase materials in many types of formats: digital, e-books, electronically, soft or hard bound; and

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- e. Examine sets of materials and materials acquired by subscription, and purchase only materials that fill a definite need.
- B. All School District elementary schools must publish on their school website, a list of all materials maintained in the school library/ media center or required as a part of a school-level or grade-level reading list. The Superintendent or designee shall establish procedures to notify parents when new materials are added to this list.
- C. The School District shall comply with the requirements within *State Board of Education Rule 6A-7.0713 – Elementary School Website Listing of Library Materials and Reading Lists* for the format to be used on elementary school websites in order to post, and permit searches of materials:
- maintained in elementary school library media centers or classroom libraries; and/ or
 - found on a required schoolwide or grade-level reading list in an elementary school.
1. The format that must be used by school districts for materials maintained in an elementary school library media center which can be checked-out or used by a student in any elementary school grade level must:
 - a. Identify the type of material maintained in the library media center by category, such as books, ebooks, periodicals, and videos; and
 - b. List, at a minimum, the following information;
 - The title and author for books and ebooks;
 - The name or title for periodicals and videos; and
 - The title for any other material maintained in the media center.
 - c. Books and ebooks must be searchable by, at a minimum, author and title. All other materials must be searchable by, at a minimum, title.
 2. “Required schoolwide or grade-level reading list” means a list of reading material for a student in an elementary school that is required either for all students enrolled in the elementary school or for students enrolled in one or more elementary school grade levels.
 - a. A schoolwide or grade level reading list must meet the same requirements set forth in 1. this rule.

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VI. Challenge Process for Educational Media Materials

Educational media materials deemed by some individuals to be objectionable may be considered by others to have sound educational value. Any concerned parent, Osceola County resident, or employee of the School District may request reconsideration of educational media materials in a school library/ media center. The following challenge procedure shall be followed:

- A. The school media specialist shall discuss the matter informally with the complainant explaining the selection procedures for school library/ media center materials. If the complainant accepts the explanation given by the school media specialist, then the reconsideration process concludes.
- B. If the explanation fails to resolve the objection, the school principal shall ask the complainant initiating the challenge to file, within two (2) weeks, a formal written objection by completing a "Request for Reconsideration of Library Media" form which must reflect that the complainant has read the material in full. Failure to do so results in the conclusion of the reconsideration process.
- C. School Educational Media Materials Review Committee
 1. Upon receipt of the completed form "Request for Reconsideration of Library Media," the school principal shall forward copies of the form to the appropriate employees on the school-level Review Committee (e.g., a committee of teachers, educational media specialists, and parents of the school).
 2. Pending a final decision, the challenged educational media material:
 - shall not be available for student use; but
 - shall not be removed from the school library/ media center collection.
 3. The School Educational Media Materials Review Committee shall:
 - review and consider the objections being raised;
 - read and re-evaluate the challenged educational media material; and
 - report its decision within fifteen (15) working days.
 4. The school principal shall inform the complainant in writing concerning the School Educational Media Materials Review Committee's decision.

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D. School District Educational Media Materials Review Committee

If the complainant disagrees with the decision rendered by the school-level committee, an Appeal may be filed with the School District Educational Media Materials Review Committee.

E. The Superintendent shall appoint a School District Educational Media Materials Review Committee with the following composition:

1. One (1) representative of the Osceola County Public Library Board;
2. One (1) representative of the general public at large;
3. One (1) representative of a school parent organization;
4. One (1) principal from the level at which the complaint originated (K-5, 6-8, or 9-12);
5. Three (3) school-level instructional employees, including the following:
 - a. One (1) certified media specialist from the level at which the complaint originated;
 - b. One (1) certified media specialist from another level; and
 - c. One (1) classroom teacher from the level at which the complaint originated.
6. Two (2) School District-level instructional employees, including the following:
 - a. One (1) School District-level instructional employee from the level where the material is in question; and
 - b. The Director of Media and Instructional Technology or designee.

F. The School District Review Committee, in carrying out its assigned function, shall:

1. Read, view, or listen to the educational media material in its entirety;
2. Check general acceptance of the educational media material by reading reviews and consulting recommended lists;

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3. Determine the extent to which the educational media material supports the curriculum;
 4. Complete the "Checklist for Reconsideration of Library Media," judging the educational media material for its strength and value as a whole and not in part; and
 5. Forward, within fifteen (15) working days, a written recommendation to the Superintendent.
- G. The Superintendent's designee shall inform the complainant and the school media specialist of the School District Review Committee's decision to retain or withdraw the challenged educational media material.
- H. Appeal to Superintendent
1. If the complainant or the school's media specialist is dissatisfied with the School District Review Committee's decision, a written appeal may be filed with the Superintendent.
 2. Failure of the complainant to file a written appeal within thirty (30) days of the School District Review Committee's decision shall result in a conclusion of the reconsideration process, and the decision of the School District Review Committee shall be final.
 3. The Superintendent shall, within thirty (30) days of receipt of the appeal, send the complainant and the school media specialist a written decision.
- I. Appeal to the School Board
1. If the complainant or the school's media specialist is dissatisfied with the Superintendent's decision, a written appeal may be filed with the School Board.
 2. An appeal to the School Board of the Superintendent's decision must be filed within ten (10) days after the Superintendent's decision.
 3. Failure of the complainant to file a written appeal within ten (10) days after the Superintendent's decision shall result in a conclusion of the reconsideration process, and the decision of the Superintendent shall be final.

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- J. The School Board shall consider the decision of the School District Review Committee, the decision of the Superintendent, and any other appropriate documentation (e.g., meeting summaries, material reviews, etc.). The decision of the School Board regarding appropriateness of a particular school library/ media center material item shall be considered final.
 - K. School library/ media center materials in question, can only be removed from circulation and/ or used in the School District through the procedures of this policy.
- VII. Loan of School District Educational Media Materials
- A. Educational media materials owned by the School Board are not normally made available to non-school-related groups.
 - B. Under exceptional circumstances, the Superintendent or designee may approve for loan educational media materials and equipment from a school or the Professional Development Center.
 - C. No charge is normally made for the occasional use of educational media materials. However, the borrowing group shall be responsible for any damage occurring during the use of the borrowed educational media materials.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.28, 1006.34(2)(b), F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-7.0713

HISTORY:

**REVISED: 08/16/22, 12/13/22
FORMERLY: 3.27**

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EXTRACURRICULAR PROGRAM

4.40+

An interscholastic extracurricular activity shall be defined as a planned secondary school-sponsored competitive activities which exist or are performed between students representing schools, school districts, regions, or the state. The extracurricular program shall be considered an essential part of the total school program and shall be under the principal's direction and general supervision. The principal shall select the personnel to direct and to act as advisors for the various extracurricular activities. Care shall be exercised to limit the load assigned to any one teacher.

- I. The principal shall be responsible for determining each participant's eligibility in interscholastic extracurricular activities pursuant to the Bylaws of the Florida High School Athletic Association, Inc. (FHSAA). Any school that allows an ineligible student to participate shall be subject to the penalties set forth by the Bylaws of the Florida High School Athletic Association, Inc.
- II. All extracurricular activities shall be self-supporting when possible. Students shall not be excluded from participating in activities for lack of money for dues, materials, or uniforms. However, this does not apply to charging admission for students who are spectators of extracurricular activities.
- III. Funds derived from extracurricular activities shall be processed according to the District's accounting procedures.
- IV. Students may be suspended from extracurricular activities based on procedures established by the Superintendent.
- V. Appropriate adult supervision consistent with Florida Statutes shall be provided for all students.
- VI. A safe-school officer shall be assigned to a school facility for certain times outside of the regular school day, including before and after school, summer school, during extracurricular activities and for school-sponsored events. The school principal shall consult with the District school safety specialist to consider factors such as the number of persons present, the ratio of staff members to students, and other safety measures available. The school principal shall follow established School District procedures (e.g., Facilitron or equivalent facility management information system) to submit all requests for the assignment of a safe-school officer for such times at least twenty-four (24) hours in advance.
- VII. Participants in some extracurricular activities may be subject to drug testing as described in School Board Policy and Procedures.

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VIII. Pursuant to and consistent with *Section 1014 – Parents’ Bill of Rights, Florida Statutes*, and *State Board of Education Rule 6A-10.085 (Florida Administrative Code)*, if an extracurricular program is either a field trip itself or includes a field trip as part of its program, then Policy 4.43 shall also apply, and its requirements must be fulfilled.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.15, 1006.20(9), 1012.22, 1014, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171, 6A-10.085

HISTORY: REVISION(S): 02/05/08, 10/05/21, 12/13/22
FORMERLY: 4.43

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PUBLIC APPEARANCE OF SCHOOL GROUPS

4.42

No school group may make a public appearance without the principal's approval.

- I. Requests for any school group or organization to make a public appearance shall be directed to the principal for approval.
- II. School groups may participate in or perform for a political function by parading or playing instruments provided it is a community function.
- III. School groups may appear for school activities, civic programs, and community benefit programs; however, they shall not promote or advertise for-profit organizations or businesses.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07, F.S.

HISTORY:

**FORMERLY: NEW
REVISED: 05/01/07**

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FIELD TRIPS

4.43+

I. Educational Field Trips

Any trip which is directly related to a unit of instruction being studied by a particular group of students shall be considered an educational field trip. A field trip will be approved only when related to the instructional program of the school. The teacher shall direct the request for a field trip to the principal. The request shall include an outline of the trip and shall show how the field trip will be of benefit to the students.

- A. An educational field trip for one (1) calendar day shall be limited to a radius of one hundred (100) miles from the school unless otherwise approved by the School Board.
- B. Transportation costs of educational field trips shall be paid from the school-based budget or from internal accounts. Educational field trips shall not be of a prohibitive cost to the students.
- C. The Superintendent shall develop procedures to be followed relating to educational field trips to ensure all eligible students have the opportunity to participate in the field trip.

II. Extracurricular Field Trips

- A. A trip which is not directly related to the instructional program, but which is related to a school-sponsored or connected activity shall be considered an extracurricular trip.
- B. The Superintendent shall develop procedures to be followed relating to extracurricular field trips.
- C. Field trips or school functions under the sponsorship of the school shall not be held at water parks.

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II. Parental Notification and Permission

- A. Pursuant to and consistent with *Section 1014 – Parents’ Bill of Rights, Florida Statutes*, and *State Board of Education Rule 6A-10.085 (Florida Administrative Code)*, the parent, as defined by Florida Statutes, shall be notified prior to any field trip for the parent’s minor child.
- B. A signed parent permission form for each participating student shall be required for field trips. The signed parent permission form shall also serve as the notice that state law requires, and shall include, at a minimum, the following information:
 - 1. The nature of the field trip;
 - 2. The date(s) and time(s) of the field trip;
 - 3. Specific location(s) and type(s) of establishment(s) to be visited;
 - 4. Mode(s) of transportation;
 - 5. Method of student supervision provided, such as anticipated number of chaperones; and
 - 6. Whether room assignments for overnight lodging are not separated by biological sex at birth.
- C. If overnight lodging is scheduled as part of a field trip, then it must include accommodations or modifications in order to ensure that all eligible students have the opportunity to participate in the field trip.
- D. Any student participating in a field trip shall present a signed parent permission form.
- E. All documents needed in case of emergency should be provided before the trip and should be in the possession of the School Board employee in charge of the field trip.
- F. Medication administration procedures shall be followed in accordance with the medication disbursement guidelines established.
- G. The School District shall protect the privacy of educational records as set forth in *Section 1002.22, Florida Statutes*, as well as the privacy interests of all students and parents participating in the field trip.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

- III. If vehicles other than School Board vehicles are used, refer to Policy 8.36.
- IV. No individual shall be eligible to provide transportation on a field trip or extracurricular trip unless the individual is authorized by the principal or designee.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1006.21, 1006.22, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171, 6A-10.085

HISTORY: REVISED: 02/06/07, 11/17/09, 08/09/11, 12/13/22
FORMERLY: 6.5.1, 6.5.2

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

SCHOOL FUNCTIONS

4.44

- I. Any school social function shall be chaperoned by an instructional staff member and shall be approved by the principal prior to scheduling.
- II. Faculty members shall be encouraged to attend social functions.
- III. All school functions including field trips, extracurricular events, and recreational activities such as picnics, parties, excursions, etc. under the sponsorship of the school shall have an appropriate number of chaperones as determined by the school principal. A sponsor is a School Board employee who holds a valid Florida Educator's Certificate. Chaperones are volunteers approved by both the principal and the School Board in compliance with procedures outlined by the Superintendent. Activities sanctioned by the Florida High School Athletics Association, Inc. (FHSAA), shall be governed by the regulations of that association.
- IV. A student may lose all privileges to participate in school functions if he/she fails to meet the criteria established.
- V. No more than three (3) class parties may be held in the elementary classrooms during a school year.
- VI. Classes and organizations in secondary schools shall not hold picnics and parties during school hours.
- VII. Field trips or school functions under the sponsorship of the school shall not be held at water parks.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07, F.S.

HISTORY:

REVISED: 08/09/11
FORMERLY: 6.5.1

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

SPEAKER GUIDELINES

4.45+

The following guidelines shall be followed for any presentation to students at a school site, either in individual classroom(s) or in a large group, at a school-sponsored group, or at a school-sponsored event:

- I. A legitimate and reasonable connection between the adopted curriculum and the guest's presentation must be established.
- II. While factual information on politics, a religion, a culture, or ethnic group may be presented, proselytizing for or defamation of a particular political, religious, gender, or cultural viewpoint or an alternative lifestyle is not permitted.
- III. Appropriate attire, language, and behavior are required.
- IV. School officials have the right and the responsibility to interrupt the presentation with a warning and/or to stop the presentation for any violation of the agreement.
- V. The name of any speaker who is warned regarding his/her presentation or stopped from continuing a presentation will be distributed to all District schools.
- VI. An approved Agreement and Guidelines for Guest Speakers form must be on file with the site administrator prior to any presentation.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.31, 1006.07, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STUDENT CLUBS AND ORGANIZATIONS

4.50

- I. All student clubs and organizations shall be approved by the principal before they can operate within a school center.
- II. All student clubs and organizations shall comply with the following:
 - A. All clubs and organizations must clearly establish and adhere to membership criteria.
 - B. The charter and constitution of each student club or organization shall set forth the purposes, qualifications for members, and the rules of conduct and shall be maintained on file for immediate reference by all students and instructional personnel of the school.
 - C. There shall be no type of hazing in any club or organization within the school. Hazing shall be defined as any action or situation which recklessly or intentionally endangers a student's mental or physical health or safety.
 - D. Dues shall be reasonable and not prohibitive.
 - E. All meetings shall be held on School Board property, unless waived upon the faculty sponsor's request and principal's approval of special meetings and events.
 - F. A faculty sponsor shall be present at all meetings.
 - G. All social events shall be adequately chaperoned.
 - H. All monies accruing to any school club or organization shall be accounted for through the school's internal accounting system.
 - I. A student club or organization shall not conduct any activity or act which violates Florida Statutes, School Board rules, or the regulations of the local school.
- III. Any school club or organization which engages in an initiation ceremony for its members shall prepare and submit the program of initiation exercises to the faculty sponsor for review and approval by the school principal.
- IV. Secret societies, social clubs, sororities, fraternities, or any similar organizations are prohibited.

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- V. Pursuant to and consistent with *Section 1014 – Parents’ Bill of Rights, Florida Statutes*, and *State Board of Education Rule 6A-10.085 (Florida Administrative Code)*, if a student club or organization is either a field trip itself or includes a field trip as part of its program, then Policy 4.43 shall also apply, and its requirements must be fulfilled.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.07, 1006.09, 1006.135, 1014, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171, 6A-10.085

HISTORY: REVISED: 02/06/07, 12/13/22
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

DISTRICT AND STATEWIDE ASSESSMENT PROGRAM

4.60+

- I. Osceola District Schools shall periodically assess student performance and achievement within each school of the District. The assessment programs must be based upon local goals and objectives that are compatible with the state plan for education and that supplement the skills and competencies adopted by the State Board of Education. Osceola District Schools will participate in the state assessment program designed to measure annual student learning and school performance. Assessment results will be reported using the state management information system.
- II. Provisions governing the School District and statewide testing program for students shall be set forth in the *District Testing Procedures Manuals*. These documents shall be approved by the School Board and are hereby incorporated by reference and made a part of these rules.
- III. The School District shall be responsible for the measurement of student performance for subjects and grade levels not measured under the statewide standardized assessment program. The School District shall adopt local assessments to measure student performance in all subjects and grade levels not measured under the statewide assessment program. The assessments shall measure mastery of course content as described in state adopted course descriptions. Local assessments may include statewide assessments, other standardized assessments, industry certification assessments, end of course assessments, and teacher-selected or principal-selected assessments. The following shall be approved by the School Board and included in the *District Testing Procedures Manuals*: the process for the selection, development, administration, and scoring of local assessments; the procedure for collection of assessment results; and the assessment schedule.
- II. The statewide standardized end of course assessment shall be used as the final cumulative examination for the relevant course. A local assessment may be required as the final cumulative examination for a course that is not assessed under the statewide assessment program. A student enrolled in an Advanced Placement (AP), International Baccalaureate (IB), or Advanced International Certificate of Education (AICE) course who takes the respective AP, IB, or AICE assessment and earns the minimum score necessary to earn college credit, does not have to take the EOC assessment for the corresponding course.
- IV. The uniform calendar of assessment and reporting schedules, provided by the Department of Education, shall be published on the School District's website. The School District's assessment schedule and reporting information, as required by Florida law, shall be incorporated into the uniform calendar.

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- V. Participation in the testing program is mandatory for all students, including students served in Department of Juvenile Justice programs, except as otherwise prescribed by the Commissioner of Education. The School District will follow recommendations of the State Board of Education for the provision of test adaptations and modifications of procedures as necessary for students in exceptional education programs and for students who have limited English proficiency.
- VI. Students not qualifying for School District and/or statewide assessment as determined by their Individual Education Plan (IEP) committees, shall be administered an alternate assessment with scores reported to the Department of Education.
- VII. A student seeking an adult high school diploma or a regular high school diploma must meet the testing requirements as determined by the state.
- VIII. The parent, as defined by Florida Statutes, of each student shall be notified of the student's progress towards achieving the expected state and School District outcomes in reading, science, writing, and mathematics. A student's state/ School District assessment results shall be annually reported to the parent.
- IX. The School District shall provide student performance results on statewide standardized assessments and district-required local assessments to instructional personnel for the purpose of improving instruction

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.11(5), 1001.43, 1008.22, 1008.34, F.S.

HISTORY:

REVISED: 02/06/07, 04/21/15, 04/05/16, 08/20/19

FORMERLY: 6.1.7

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

SECURITY OF TESTS

4.61

All mandatory tests administered by or through the State Board of Education, District administered national norm-referenced achievement tests, and local assessments adopted under the provisions of §1008.22, F.S. shall be secured pursuant to Florida Statutes and State Board of Education rules.

- I. District and school personnel who have access to mandated tests shall be informed of test security laws and procedures and of penalties for breaches of test security.
 - A. The District testing coordinator shall instruct school test coordinators and school administrators who are assigned to supervise school testing programs on test security measures.
 - B. Principals shall be responsible for informing their faculty of test security measures.
- II. The loss of tests, cheating, or any other breach of test security procedures and laws shall be reported immediately to the District testing coordinator. Any unresolved problems in the District shall be reported to the Florida Department of Education pursuant to provisions in State Board of Education rules.
- III. The District testing coordinator shall coordinate the return and/or the destruction of test materials as directed by the Florida Department of Education.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.11(5), 1001.43,
1008.22, 1008.23, 1008.24, 1008.34, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-10.042

HISTORY:

ADOPTED: 04/21/15
REVISION DATE(S): N/A
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

VIRTUAL INSTRUCTION

4.65

- I. At least one (1) course required for graduation must be earned through online learning. A student shall not be required to take an online course outside the regular school day or in addition to the courses in which a student is registered in a given semester.
- II. The School District shall provide various options for eligible students to participate in part-time or full time virtual instruction. Options may include
 - A. Courses in the traditional school setting taught by certified personnel who provide instruction through virtual instruction;
 - B. Blended learning courses taught by certified personnel that consist of traditional classroom and online instructional techniques;
 - C. Online courses offered by the School District;
 - D. Online courses offered by another Florida school district;
 - E. Enrollment in Florida Virtual School; and
 - F. Enrollment with a virtual instruction provider approved by the Florida Department of Education.
- III. Students may also use the following options to meet online course requirements:
 - A. Completion of a course in which a student earns an industry certification in information technology that is identified on the CAPE Industry Certification Funding list;
 - B. Passing the information technology certification exam without enrolling in or completing the course(s); or
 - C. Passing an online content assessment that requires the student to demonstrate skill and competency in locating information and applying technology for instructional purposes without enrollment in or completion of the relevant course(s).

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- IV. To participate in virtual instruction, a student must meet the eligibility requirements set forth in state law.
- A. Industry certification examinations, national assessments, and statewide assessments offered by the School District shall be available to all Florida Virtual School students.
- B. All industry certification examinations, national assessments, and statewide assessments must be taken at the school to which the student would be assigned according to the School Board's established school attendance zones, unless an alternative testing site is mutually agreed to by both Florida Virtual School and the School District.
- V. At the beginning of each school year, the School District shall notify parents and students regarding the right and choice to participate in virtual instruction. Notification shall include eligibility requirements, the options available to the student, and the courses offered by Florida Virtual School.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.04, 1001.20, 1001.42, 1002.20, 1002.321,
1002.37, 1002.45, 1002.455, 1003.02, 1003.4282,
1003.498, 1006.29, 1007.27, 1011.62, F.S.**

STATE BOARD OF EDUCATION RULE(S):

6A-6.0981, 6A-6.0982

HISTORY:

**ADOPTED: 08/16/16
REVISION DATE(S): 08/15/17, 08/21/18
FORMERLY: NEW**

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

HOME EDUCATION PROGRAM

4.70+

- I. Home education programs shall adhere to the provisions of Florida Statutes.
- II. The following provisions shall govern home education programs:
 - A. The parent, as defined by 1000.21, F.S., shall do the following:
 1. Notify the Superintendent or designee in writing within thirty (30) days of the establishment of a home education program. The notice shall be signed by the parent and include the names, addresses, and birth dates of all children who shall be enrolled in the program. The Superintendent shall accept the notice and immediately register the home education program upon receipt of the notice. Copies of applicable Florida Statutes and the home education policy will be given to the parent and a conference to discuss the requirements will be held with the parent.
 2. Maintain a portfolio of records and materials for a period of two (2) years. Contents of the portfolio shall include:
 - a. A log of educational activities made contemporaneously with the instruction and designating by title the reading material being used; and
 - b. Samples of any writings, worksheets, workbooks, and creative materials used or developed by the student and copies of any testing or other appropriate evaluations of skills taught.

Portfolios may be inspected by the Superintendent or designee upon fifteen (15) days written notice.
 3. Provide an annual educational evaluation of each student in the home education program. The annual educational evaluation shall document the student's demonstration of educational progress at a level commensurate with his/her ability. A copy of the evaluation shall be filed annually with the School District. The annual educational evaluation shall be conducted in accordance with Florida Statutes.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

4. A Home education student may enroll in a public school solely for career and technical courses or programs. Industry certifications, national assessments and statewide assessments offered by the district shall be available to the home education program student.
- B. The Superintendent or designee shall receive and accept the results of the annual educational evaluation of the student in the home education program. If the student has not demonstrated educational progress commensurate with his/her ability, the parent shall be notified in writing and have one (1) year from the receipt of written notification to provide remedial instruction. Continuation in the home education program shall depend upon the student's educational progress at the end of the one (1) year probationary period.
- C. Home education families must provide written notice to the Superintendent's office of an address change or of their intention to terminate the home education program.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.41, 1001.43,
1002.01, 1002.41, F.S.

HISTORY:

ADOPTED: 12/06/05

REVISION(S): 02/06/07, 08/20/19

FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

PARTICIPATION OF HOME EDUCATION, PRIVATE SCHOOL AND VIRTUAL SCHOOL STUDENTS IN EXTRACURRICULAR ACTIVITIES

4.71

- I. Students currently enrolled in home education programs registered with the School District, as well as students entering public schools grades nine (9) through twelve (12) from a home education program, are eligible to participate in extracurricular activities, in their attendance zone, provided they meet all Florida Statutes requirements and rules established by the School Board, Florida High School Athletic Association (FHSAA), and Florida School Music Association bylaws.
- II. A private school student is eligible to participate in an interscholastic or intrascholastic sport at a public high school, a public middle school or a six (6) through twelve (12) public school that is zoned for the physical address at which the student resides provided the student meets all Florida Statutes, requirements and rules established by the School Board, and FHSAA bylaws.
- III. A full time Florida Virtual School student is eligible to participate in extracurricular activities at the school to which he/she would be assigned or could choose to attend under District enrollment policies. The student must meet all Florida Statutes and academic and conduct requirements of the District.
- IV. Students at non-traditional schools shall participate in athletics at their home-zoned school only with the following exceptions:
 - A. A student enrolled at NeoCity Academy, Zenith Accelerated Learning Academy, or oTech (Osceola Technical College) may participate at the student's home-zoned school or Gateway High School.
 - B. A student enrolled at the Osceola County School for the Arts may participate at the student's home zoned school or Osceola High School.
 - A student may choose only one (1) school for participation in athletics for the school year
 - C. A students who enrolls at the Osceola Virtual School (OVS) as an option for "Ready, Set, Start Smart" during the 2020-21 school year may participate at the student's home-zoned school or the school where the student was already enrolled as the result of an approved school of choice application.
 - D. A home education student may participate at the student's home zoned school or approved school of choice if the student attends a minimum of one (1) class period, per scheduled school day at the approved school of choice for the entire academic school year.

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.15, F.S.

HISTORY: **REVISED:** 02/07/12, 01/29/13, 12/01/20
FORMERLY: NEW

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 5.00: STUDENTS

CHAPTER 5.00 – STUDENTS

REQUIREMENTS FOR ORIGINAL ENTRY

5.09+

- I. Any student who initially enrolls in the District shall be required to have on file with the immunization registry a certification of immunization as required by Florida Statutes and outlined in the Student Progression Plan. Any child who is excluded from participation in the immunization registry must present or have on file with the school such certification of immunization.
- II. Students in Grades PK-12 who enter Florida public schools for the first time shall present evidence of a health examination within the twelve (12) month period prior to their initial entrance.

Appropriate exceptions and accommodations will be made to minimize the barriers related to original entry for students identified as eligible for services through either the Florida Department of Children and Families or Section 722(d)(2) of the Stewart B. McKinney-Bruce Vento Homeless Assistance Amendments Act of 1990. The Superintendent shall recommend and the Board adopt a Homeless Education Program Manual.

- III. Any student who was previously enrolled in an out-of-state public school and who seeks admission to a District school shall be admitted on the basis of admission requirements established in the state in which the student resided prior to moving to the county, except as provided in this rule.
- IV. Any student who initially enrolls in the District shall be required to report any previous school expulsions; any arrests resulting in a charge and juvenile justice actions the student has had; and any prior referrals to mental health services. If the student is admitted, the student may be placed in an appropriate educational program and referred to mental health services identified by the School District, when appropriate, at the direction of the School Board. The District may waive or honor the final order of expulsion or dismissal of a student if an act would have been grounds for expulsion according to the receiving District School Board's *Code of Student Conduct*.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1003.01, 1003.21, 1003.22, 1006.07, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.024

HISTORY: REVISION(S): 12/06/05, 12/06/05, 08/21/18, 01/07/20
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

ADMISSION TO PREKINDERGARTEN

5.10

- I. Any child shall be eligible for admission to the prekindergarten programs offered by the Osceola School District if he/she has met the eligibility criteria for that program, and there are placement slots available for Early Head Start, Head Start, and Early Intervention Programs or if he/she has the recommendation of an Exceptional Student Education Eligibility Staffing committee for ESE programs. Before admitting a child to a prekindergarten program, the site administrator shall require evidence of the following:
 - A. The child's date of birth documented in the manner provided by Florida Statutes;
 - B. An up-to-date immunization record; and
 - C. A school-entry health examination conducted within one (1) year prior to enrollment in school in accordance with State Board of Education rules.
- II. The documents listed in this policy shall be incorporated into a cumulative folder for the student and forwarded to the receiving elementary school when the student becomes eligible for kindergarten.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.21, 1003.22, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-6.024

HISTORY:

FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

ADMISSION TO KINDERGARTEN

5.11

Any child shall be eligible for admission to kindergarten if he or she has attained the age of five (5) years on or before September 1 of the school year. However, a child who transfers from another state shall be admitted under the same age requirements as established in the state where he or she previously resided if that student was enrolled and attending a public school in that state. Such transfer will be allowed following procedures in the Elementary Student Progression Plan. Before admitting a child to kindergarten, the principal shall require evidence of:

- I. The child's date of birth documented in the manner provided by Florida Statutes;
- II. An up-to-date immunization record; and
- III. A school-entry health examination conducted within one (1) year prior to enrollment in school in accordance with State Board of Education rules.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.21, 1003.22, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-6.024

HISTORY:

REVISED: 02/06/07, 10/21/08
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

ADMISSION TO FIRST GRADE

5.12+

- I. For admission to first grade, a student shall be six (6) years old on or before September 1 of the school year and shall satisfy one (1) of the following requirements:
 - A. Previous enrollment and attendance in a Florida public school;
 - B. Satisfactory completion of kindergarten as specified in Florida Statute; or
 - C. Previous attendance in an out-of-state public school into which he/she was admitted on the basis of age requirement established by the state of residency.
- II. However, for the 2021-22 school year, if a student who was eligible to attend but did not attend Kindergarten for the 2020-21 school year due to the parent's concerns about the Coronavirus/ COVID-19 pandemic, then the student may be assigned to the School District's transitional Kindergarten program. If the school principal determines that the student meets specific criteria mid-year, then the student's parents shall be consulted, and the student may be promoted to Grade 1 mid-year.
- III. First grade students shall progress according to the District's *Student Progression Plan*.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.21, 1003.22, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-6.024

HISTORY:

**REVISED: 10/21/08, 05/04/21
FORMERLY: NEW**

CHAPTER 5.00 – STUDENTS

HOMELESS STUDENTS

5.14*

- I. Children and youth in this school district who experience homelessness, including those not currently enrolled due to homelessness, shall have equal access to the same free, appropriate public education, including public preschool education as provided to other children and youths, and other services needed to ensure an opportunity to meet the same challenging state academic achievement standards to which all students are held, and to participate fully in the district's academic and extracurricular activities.
- II. The District shall remove barriers to the enrollment and retention of homeless children and youth in a qualified school; and:
 - A. Identify homeless children and youth;
 - B. Immediately enroll homeless children and youth;
 - C. Provide access for homeless children to public preschool programs administered by the School District;
 - D. Provide appropriate credit for full or partial coursework satisfactorily completed by homeless children and youth while attending a prior school;
 - E. Provide access for homeless children and youth to academic and extracurricular activities; and
 - F. Coordinate School District programs and collaborate with other school districts community service providers and organizations, including:
 1. Local social services and other community agencies to provide support to homeless students and their families;
 2. Other school districts regarding homeless student-related transportation, transfer of school records, and other inter-district activities, as needed; and
 3. Housing authorities and Exceptional Student Education (ESE).

CHAPTER 5.00 – STUDENTS

III. Definitions

A. Homeless Child or Youth

An individual who lacks a fixed, regular, and adequate nighttime residence and includes children and youth who are:

1. Sharing the housing of other persons due to loss of housing, economic hardship or a similar reason;
2. Living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations;
3. Living in emergency or transitional shelters or Federal Emergency Management Agency (FEMA) trailer, designed to provide temporary living accommodations, abandoned in hospitals, or not in the physical custody of a parent;
4. Living in a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
5. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or
6. Migratory children who qualify as homeless because the children are living in circumstances described in III.A.1. through III.A.5.

B. Unaccompanied Homeless Youth – A child or youth who is not in the physical custody of a parent or guardian.

C. School of Origin – The school that the student attended when permanently housed or the school where the child or youth was last enrolled, including preschool.

D. Enroll and Enrollment – Attending school and participating fully in school activities.

E. Immediate – Without delay.

F. Parent – Parent or guardian of a student.

CHAPTER 5.00 – STUDENTS

- G. Liaison – The staff person designated by the District as the person responsible for carrying out the duties assigned to the liaison by the McKinney-Vento Homeless Assistance Act.
 - H. Eligible School – The school of origin, the school zoned for the address where the student is temporarily residing, or another school with students residing in that attendance zone is eligible to attend.
 - I. Designated receiving school includes the next level school, elementary from prekindergarten, middle from elementary, high from middle, that a homeless child or youth, whose homelessness continues into the next school year, may attend when that next level school is in the district designated school for those students in the homeless student’s school of origin. When more than one school is designated to receive students from the prior level, then the school district will determine to which of the designated receiving schools the student will be assigned.
- IV. The School District shall designate an appropriate staff person able to carry out the duties described in the McKinney-Vento Act, as the School District’s liaison for homeless children and youth.
 - V. The District shall assure children and youth shall not be stigmatized, segregated, or separated in any educational program on the basis of their homeless status.
 - VI. The School District shall identify homeless students as defined by federal and state law. If the School District’s liaison for homeless children and youth determines that the minor is an unaccompanied homeless youth, the liaison shall issue to the youth a certificate documenting his/ her status as required by law.
 - VII. The School District shall ensure the immediate enrollment of homeless students even if the child or youth: is unable to produce records normally required for enrollment, such as:
 - A. Previous academic records;
 - B. Immunizations or other health records;
 - C. Birth certificate;
 - D. Proof of residency;
 - E. Guardianship;
 - F. Uniform or dress code requirements;
 - G. Outstanding fees, fines, or absences; or
 - H. Other required documentation

CHAPTER 5.00 – STUDENTS

- VIII. The School District shall assist homeless children to provide documentation to meet state and local requirements for entry into school.
- IX. A homeless child shall be given a temporary exemption to provide proof of age, certification of a school-entry health examination, proof of immunization, and other documentation required for enrollment.
- X. The School District shall ensure the immediate enrollment of homeless children and youth and assures that:
- A. A homeless child or youth may continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year;
 - B. Keeping the child or youth in the school of origin is presumed to be in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth;
 - C. When considering a placement in a school other than the child's or youth's school of origin, the district will consider student-centered factors to determine a placement that is in the student's best interest;
 - D. The eligible school selected shall immediately enroll the homeless child or youth, even if the child or youth missed an application or enrollment deadline during any period of homelessness;
 - E. When a school other than the school of origin is selected, the district will remove barriers to enrollment and enroll homeless children and youths immediately, even if they cannot produce records or otherwise meet enrollment deadlines during any period of homelessness.
- XI. Each homeless student shall be provided the services that are comparable to services offered to non-homeless students in their school including the following:
- A. Transportation services;
 - B. School nutrition programs;
 - C. Programs for gifted and talented students;
 - D. Programs in career and technical education;
 - E. Preschool programs administered by the district; and
 - F. Educational services for which the child or youth meets the eligibility criteria;
 - Title I;
 - Exceptional Student Education (ESE); and
 - educational programs for English learners.

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- XII. Homeless students shall be given meaningful opportunities to succeed in school.
- XIII. Homeless students shall continue their education in the school of origin for the duration of homelessness in any case in which a family becomes homeless between academic years or during an academic year.
- XIV. Homeless students shall be allowed to remain in the school of origin presumed to be in the child's or youth's best interest, except when doing so is contrary to the request of the child's or youth's parent or guardian, or (in the case of an unaccompanied youth) the youth.
 - A. When considering placement in a school other than the child's or youth's school of origin, the School District shall consider student-centered factors to determine a placement that is the student's best interest;
 - B. The eligible school selected shall immediately enroll the homeless child or youth, even if the child or youth missed an application or enrollment deadline during any period of homelessness; and
 - C. When a school other than the school of origin is selected, the School District shall remove barriers to enrollment and enroll homeless children and youths immediately, even if they cannot produce records or otherwise meet enrollments requirements.
- XV. The School District shall ensure that homeless students, who become permanently housed during the academic year, may remain at their school of origin for the remainder of the academic year and continue to receive all McKinney-Vento Act benefits.
- XVI. Children and youths experiencing homelessness, and who meet the relevant eligibility criteria, will have access to all available academic and extracurricular activities for which they meet relevant eligibility criteria.
- XVII. Unaccompanied homeless high school youth shall receive counseling to prepare and improve their readiness for postsecondary education.
- XVIII. Transportation to and from a child's or youth's school of origin shall be provided or arranged at the request of the parent or guardian, or, in the case of an unaccompanied child or youth, the School District's designated liaison for homeless children and youth.

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- XIX. When the child's or youth's living arrangements are in an area served by another school district (district of residence), the school district of service will coordinate with the district of residence to agree upon a method to apportion the responsibility and costs for providing the child or youth with transportation to and from school of origin.
- XX. The School District shall ensure homeless students' records shall be:
- A. treated as a student education record, and shall not be deemed to be directory information, under Section 444 of the General Education Provisions Act;
 - B. maintained for each homeless child or youth, including:
 - 1. Immunization or other required health records;
 - 2. Birth certificates;
 - 3. Academic records;
 - 4. Guardianship records; and
 - 5. Evaluations for special services;
 - C. Made available, in a timely fashion, when a child or youth enters a new school; and
 - D. Held confidential in a manner consistent with Section 444 of the General Education Provision Act.
- XXI. Homeless students and/ or parents shall have the right to dispute school assignment if placement is other than the school of origin. The School District shall ensure that unaccompanied youth and the parents of homeless students are notified of the right to remain in the school of origin and of the dispute process.
- A. When the School District determines that a placement other than the school of origin is in the best interest, the School District shall provide the parent, guardian, or unaccompanied homeless youth with:
 - 1. A written explanation;
 - 2. In a manner and form understandable to the parent, guardian, or unaccompanied youth; and
 - 3. Information on the right to appeal the placement determination;
 - B. If a dispute arises over eligibility, or school selection or enrollment in a school the child or youth shall be immediately enrolled in the school in which enrollment is sought, pending final resolution of the dispute, including all available appeals;

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- C. The parent or guardian of the child or youth or (in the case of an unaccompanied youth) the youth shall be provided with a written explanation of any decision related to school selection or enrollment made by the school, that local educational agency, or the State educational agency involved, including the rights of the parent, guardian, or unaccompanied youth to appeal such decisions;
 - D. The parent, guardian, or unaccompanied youth shall be referred to the School District's designated homeless liaison to carry out the dispute resolution process as expeditiously as possible; and
 - E. In the case of unaccompanied youth, the liaison shall ensure that the youth is immediately enrolled in the school in which the youth seeks enrollment pending resolution of such dispute.
- XXII. The School District shall follow the requirements of the McKinney-Vento Homeless Assistance Act and Florida Statutes.
- XXIII. Any record ordinarily kept by the school, including health and immunization records, academic records, birth certificates, guardianship records, and evaluations for special services or programs of a homeless student shall be maintained so that the records are available, in a timely fashion, when the student enters a new school district.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1003.21, F.S.

LAW(S) IMPLEMENTED: 382.002, 743.067, 1000.21, 1001.43,
1003.01, 1003.21, 1003.22, F.S.

MCKINNEY-VENTO HOMELESS ASSISTANCE ACT, P.L.100-77

**EVERY STUDENT SUCCEEDS ACT (ESSA) OF 2015, PL 114-95
20 USC 6311(g)(1)(F)**

HISTORY: **ADOPTED: 12/06/05**

**REVISION(S): 08/25/09, 09/17/13, 04/21/15,
08/21/18, 01/07/20, 06/16/20, 05/17/22**

FORMERLY: NEW

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SCHOOL CHOICE

5.141*+

- I. The School Board strives to accommodate family choice to the maximum extent possible. Students may attend a school other than their zoned school if they have been granted a choice assignment in accordance with this policy. Disciplinary and/or attendance issues may result in a return to the home zoned school the following school year and/or may result in immediate return to the home zoned school. School choice is available for the following:
 - A. Magnet Programs
 - B. Controlled Open Enrollment
 - C. Charter Schools
 - D. McKay, Family Empowerment, or Opportunity Scholarships
 - E. Home School
 - F. Virtual School
 - G. Dual Enrollment
- II. The following provisions apply to all choice assignments:
 - A. The student must remain in the zoned school until a choice assignment is granted.
 - B. Applications for certain choice assignments must be submitted within the designated time frame. Time frames are published on the Board website by Date* for applications for the following school year.
 - C. With the exception of children of full-time Board employees who are non-residents of the District, students whose primary legal residence is in the District shall be given preference over non-resident students with respect to the granting of choice assignment.
 - D. The Board does not provide transportation to students with choice assignments except as otherwise provided for in this policy or by law.

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III. Magnet Programs

- A. Magnet programs for elementary, middle, and high school students have pre-established criteria for admission which vary by school/ program. These admission criteria and application procedures will be made available to interested persons through the school where the program is located.
- B. Application to magnet programs shall begin in November for entry into the program at the beginning of the following school year. The Superintendent will annually establish caps for each magnet program and a deadline for applications.
- C. For any school year, parents may apply for admission of the student to magnet programs and, must signify their choice by registering the student by the date established by the Superintendent.
- D. A student who is accepted to a magnet program who ceases to participate in the program will be returned to his/her zoned school. Participation is defined as being registered in and maintaining the expected levels of success as defined by the magnet program. A minimum, grade point average may also be required.
- E. Transportation may be provided for students enrolled in magnet programs at the discretion of the Superintendent or as may be required by applicable law.

IV. Controlled Open Enrollment

- A. Students may be granted choice assignments to schools that are not crowded and would not become crowded as a result of such assignments.
- B. The School Board shall establish a ninety percent (90%) capacity determination for each school, by grade level, in the School District. The capacity determination shall be identified on the School District's website and must be updated every twelve (12) weeks. Schools having a projected enrollment of less than ninety percent (90%) of capacity for the following school year shall be available for controlled open enrollment. Projected enrollment shall be calculated by taking the number of students zoned to the school, subtracting those students granted acceptance to magnet programs at other schools, adding students granted acceptance to magnet programs at the school, and adding students with continuing zoning exceptions.

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- C. Schools having a projected enrollment equal to or greater than ninety percent (90%) capacity for each school, by grade level, shall not be available for controlled open enrollment; any applications submitted will be placed on a waiting list. Students who are ineligible for access due to capacity shall be notified when space becomes available throughout the school year. Eligible schools shall be posted in the Student and Community Engagement Office and on the School Board's website.
- D. Applications for controlled open enrollment will be submitted to the School on the Controlled Open Enrollment Form. The Superintendent will annually establish an application period for controlled open enrollment.
- E. The Student and Community Engagement Office will compile applications into lists by school of application.
 - 1. If the school's ninety percent (90%) capacity would not be exceeded by the number of choice applications when added to the projected school population, choice applicants for that school will be approved as in alignment with the School Choice Plan.
 - 2. If the school's ninety percent (90%) capacity would be exceeded by the number of choice applications when added to the projected student population, admission will be granted first to students who have siblings in the chosen school, and all other available positions will be filled through a stratified lottery will be utilized to maintain socioeconomic and demographic balance as defined in statute.
 - 3. Other priorities, once verified, applications for students meeting one or more of the priority criteria as described in this paragraph shall be granted priority to attend their first choice school if a seat is available. Applications with one or more of the priorities provided in this paragraph shall be separated from each group and placed in random order. Students who are eligible for priority preference include:
 - a. Dependent children of active duty military personnel whose move resulted from military orders;
 - b. Children who have been relocated due to a foster care placement;
 - c. Children who have moved due to a court-ordered change in custody due to separation or divorce;

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- d. Children who have moved due to the serious illness or death of a custodial parent.
 - e. Students at multiple session schools; and
 - f. Students residing in the District.
- F. Parents will be notified of the approval or denial of their student's application.
- G. A student who is granted a choice assignment under Controlled Open Enrollment must register at the new school within ten (10) days of being notified or the choice assignment will be rescinded.
- H. Students who are not selected to attend the school(s) to which they applied will be notified that the District will be unable to place them at a requested school and they must register at their zoned school. The student will be placed on a waiting list. The capacity determination for each school by grade level shall be updated every twelve (12) weeks. If capacity becomes available at a grade level within a school, parent(s) of students who were placed on the waiting list shall be notified of the opening and permitted to enroll throughout the school year.
- I. Positions at a school that were assigned to a student under Controlled Open Enrollment will be monitored at the beginning of the school year. Students who have accepted assignments but who are not in attendance by the tenth (10th) day of school will have their assignments revoked. A revoked choice assignment may then be assigned to the next student on the waiting list.
- V. Charter Schools

In addition to choice within schools operated by the Board, parents may elect for students to attend charter schools that have been approved by the Board. (See Policy 3.90 - Charter Schools). Each charter school is operated and governed by its own independent board. Parents who elect this option need to communicate directly with the charter school to resolve questions and concerns.

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VI. McKay, Family Empowerment, or Opportunity Scholarships

Students with disabilities may be granted choice assignments to schools other than the school to which they are zoned under the provisions of the McKay Scholarship Program (*Section 1002.39, Florida Statutes*).

Students assigned to attend a school that has earned a grade of “F” or three consecutive grades of “D” may request and receive an Opportunity Scholarship for the student to enroll in and attend a public school that has been designated by the state as a school performing higher than that in which the student is currently enrolled. (*Section 1002.38, Florida Statutes*).

Students of families that have limited financial resources may request and receive a Family Empowerment Scholarship to attend a school different from the school to which the student was assigned (*Section 1002.394, Florida Statutes*).

VII. Home School

Parents may elect to home school students in accordance with State law. See *Policy 4.70 - Home Education Programs*.

VIII. Virtual School

Parents may elect to register their students in a virtual education program. See *Policy 4.65 - Virtual Instruction*.

IX. Dual Enrollment

See *Policy 5.142 - Postsecondary Enrollment Programs*.

X. Revocation of Choice Assignment

If a student is granted a choice assignment and displays issues with attendance, grades, or disciplinary actions the principal may make the decision to have the student returned to their zoned school. Prior to revoking a school choice variance the school will document a minimum of three (3) good faith efforts to provide interventions and enlist parental/guardian support for the identified areas of concern. If a student is being returned to their zoned school due to a revocation, communication should occur between the schools to establish supports for the student. Revocation of a choice assignment within ten (10) school days of the end of a nine (9) weeks or semester grading period will be effective the first day of the following grading period. No requests for revocation will be considered during the final twenty (20) days of the school year.

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XI. Zoning Exceptions

Students may attend a school other than their zoned school if they have been granted a zoning exception in accordance with this policy. Zoning exceptions are not to be used as a substitute for school choice. Zoning exceptions may be granted for the following reasons:

- A. Parents employed by the School Board: Students are allowed to attend the school of parent's choice if the parent is a full-time employee with Osceola County Schools who resides in Osceola County. A choice form must be completed and approved prior to the transfer. Students may ride the bus from the nearest existing stop servicing the requested school.
- B. Exceptional Student Education (ESE) Transfers: Students who transfer into the District from another school district must have an IEP meeting to review their current IEP after obtaining approval or upon verification as a new resident. Some ESE programs do not allow for choice because they serve the specific needs of a student with a disability at a cluster site. Siblings of ESE students being served in a cluster site program may attend school with the ESE siblings. Parents must complete the request form prior to sibling transfer. Transportation may not be provided for the non-ESE siblings. Time Frame: ESE service requirements.
- C. Hardship Placement:
 - 1. medical/ psychological need
 - 2. police/ DCF request
 - 3. victim of a violent crime
- D. Transfers are allowed for a student whose parents have begun actual construction on a home in the receiving school zone, if the student shall permanently move into the home by the end of the semester in which the transfer is to take place. Time Frame: One Semester.
- E. Students who move to another school zone within Osceola County before the end of the first semester of the school year are to enroll in their zoned school or may request choice. Students who move following the end of the first semester are permitted to complete the academic year at the school in which the students were legally enrolled prior to the change of address.
- F. Out of district transfers, including students of Osceola County School employees will be approved on a case-by-case basis if space is

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available. An application must be submitted to both the home school district and to Osceola County Schools. The parent must show verification of release from the home school district prior to being approved and enrolling in Osceola County Schools.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.41, 1001.42, 1001.43, 1001.51,
1002.20, 1002.31, 1002.38, 1002.39, 1002.394,
1011.68, 1013.35, F.S.

HISTORY: ADOPTED: 08/15/17
REVISION DATE(S): 08/16/22, 12/13/22
FORMERLY: NEW

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POSTSECONDARY ENROLLMENT PROGRAMS

5.142

- I. The School Board recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities. The Superintendent will annually develop/revise articulation agreements jointly with postsecondary institutions to provide a comprehensive articulated acceleration program including, but not limited to, dual enrollment and early admission programs.
- II. The Board will approve participation by students in grades 10, 11, and 12 who meet the State Board of Education's criteria, to enroll in approved postsecondary programs while in attendance in the District. Students will be eligible to receive secondary credit for completing courses contained in any of these programs. Such credit will count toward graduation requirements.
- III. No student may participate without the written consent of parents and the high school principal.
- IV. Annually all secondary school students and their parents shall be informed of the options available to the students for dual enrollment as an educational option and mechanism for acceleration.
- V. The postsecondary education institution will assign a letter grade for the student's work in the course, and the District will be responsible for posting dual enrollment course grades as assigned by the postsecondary institution to the high school transcript. The Superintendent shall also establish the necessary procedures to comply with State law and ensure that it is properly communicated to both students and their parents.
- VI. The District shall deny high school credit for any portion of postsecondary courses which are taken during the period of a student's expulsion. Any District student who is expelled is not eligible for enrollment or continuation in postsecondary courses during the period of expulsion except as determined by mutual agreement between the District and the college or university.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1007.27, 1007.271, F.S.

HISTORY: ADOPTED: 08/15/17
REVISION DATE(S): N/A
FORMERLY: NEW

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EDUCATIONAL STABILITY FOR CHILDREN IN FOSTER CARE

5.16*+

- I. The District shall collaborate with child welfare agencies to ensure educational stability for children in foster care.
- II. The District shall designate a contact person for students in foster care. The point of contact will be reported to the Florida Department of Education and the local child welfare agency.
- III. The District shall ensure that children in foster care remain in the school of origin when it is in the best interest of the child.
- IV. If it is determined that it is not in the child's best interest to remain in the school of origin, the District shall expedite transfer and enrollment in the new school.
- V. The District shall provide transportation so that a child in foster care may remain in the school of origin. If additional costs are incurred, the District shall work with the child welfare agency to resolve the issue of transportation expense.
- VI. The District shall ensure that children in foster care receive all appropriate services.
- VII. Relevant personnel shall be trained on the requirements relating to educational stability for students in foster care and the procedures for best interest determination and transportation.
- VIII. The Superintendent shall develop procedures for ensuring educational stability for students in foster care. Procedures shall include but are not limited to
 - A. Identification of students in foster care;
 - B. Role of the point of contact;
 - C. Determination of the child's retention in the school of origin or placement in another school;
 - D. A dispute resolution process developed with the child welfare agency to be used when all parties do not agree on the proposed placement of the student;
 - E. Methods of providing transportation to maintain enrollment in the school of origin or to provide transportation to a different school;

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- F. Process for expediting enrollment and attendance in another school if it is determined to be in the best interest of the child;
- G. Process for expediting transfer of student records to the enrolling school if the student does not remain at the school of origin; and
- H. Training for staff regarding the requirements for maintaining stability for children in foster care and the effects placement in foster care on students.

STATUTORY AUTHORITY:

1001.41, 1001.42, 1003.21, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.43, 1003.01,
1003.21, 1003.22, 1003.25, F.S.**

Elementary and Secondary Education Act of 1965, P.L. 89-10

**Family Educational Rights and Privacy Act, 20 USC 1232g
Fostering Connections Act of 2008, P.L. 110-351
EVERY STUDENT SUCCEEDS ACT (ESSA) of 2015, PL 114-95
20 USC 6311(g)(1)(F)**

HISTORY:

**ADOPTED: 08/15/17
REVISION DATE(S): 06/16/20
FORMERLY: NEW**

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CHILDREN OF MILITARY FAMILIES

5.18+

- I. The District shall recognize the provisions of the *Interstate Compact on Educational Opportunities for Military Children* and shall address the educational transition issues faced by military families.
- II. Assistance to children of military families, as defined in the *Compact*, shall include, but not be limited to:
 - A. Enrollment and eligibility;
 - B. Educational records;
 - C. Placement;
 - D. Attendance; and
 - E. Graduation.
- III. A student must be considered a resident for enrollment purposes and provided preferential treatment in the controlled open enrollment process when presented with an official military order advising that the parent is transferred or pending transfer to a military installation within the school district.
- IV. The Superintendent shall develop procedures to assist students who are children of military families and to remove barriers to educational success.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.36, 1001.43, 1003.05, F.S.

HISTORY:

ADOPTED: 02/07/12
REVISION DATE(S): 01/07/20, 12/01/20
FORMERLY: NEW

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STUDENT ASSIGNMENT

5.20+

I. Student Assignment for Regular Schools

- A. The School Board shall establish residential attendance zones for each school based upon the Superintendent's recommendation. All students, unless otherwise provided by School Board rule or authorized by the School Board's order, shall attend the school serving the student's residential attendance zone. Each residential attendance zone shall be established to achieve maximum utilization of all School Board facilities and to consider the time and distance of travel for students. The instructional capacity for each school will be set yearly by the School Board after the recommendation by the Superintendent or the Superintendent's designee ("Instructional Capacity"). For the purposes of this policy, "Enrollment Capacity" is defined as ten (10) percent less than the school's "Instructional Capacity." A student's residence is the residence of the student's parent(s), legal guardian, legal custodian, or other such person as defined by any order issued by a court of competent jurisdiction of the state of Florida and by Florida Statutes.
- B. Any student residing in the School District may be assigned to a school other than his/ her normal attendance zone for attendance by the Superintendent or designee based upon the Controlled School Choice Program.
- C. No student shall be permitted to transfer, enroll, or be admitted to a school when he/she has been expelled or suspended from another school district. This prohibition shall be effective for the period of time in which the student was expelled or suspended from another district. However, under *Section 1006.07, Florida Statutes*, the Superintendent may recommend to the School Board that the other school district's final order of expulsion be waived, and the student may be admitted. The School Board shall make the final decision.
- D. A student may be permitted to attend a school in another residential attendance zone pursuant to the procedures of the *Controlled Open Enrollment Plan* adopted by the School Board listed below:
1. Parents must request reassignment following published timelines if they desire reassignment to any school other than their assigned school.
 2. An Appeals committee will be appointed by the Superintendent to hear protests and requests for reassignment.
 3. Once a child attends a school of choice, preference for continued attendance will be given to that student and their younger brothers and sisters.

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4. Parents participating in the controlled open enrollment program shall provide their own transportation to the school of their choice. The School District shall provide parents with Information on transportation options available within the community. Parents shall be provided information on transportation options available for students attending their school of choice pursuant to *Sections 1002.38, 1002.39, or 1002.394, Florida Statutes*, and including within the community, as well as the funds available for transportation pursuant to *Sections 1002.394, 1002.395, and 1011.68, Florida Statutes*.
 5. Out of county transfers may apply for their school of choice and will be placed in their school of choice in accordance with the procedures set forth in *Policy 5.141 – School Choice* following the placement of the Osceola County Residents who have priority.
 6. In implementing the school choice initiative, no school will be out of compliance with federal desegregation orders.
- E. Students in the Exceptional Education Program will be placed in the best interest educationally for the child and where the programming for that specific disability is being housed.
- F. The Superintendent shall develop procedures for enrollment of any student whose legal residence is outside the boundaries of the county and requests admission to a District school. The student may be enrolled in a District school under the provisions of Florida Statutes and the *Controlled Open Enrollment Plan*. The assigned school for an out-of-district student shall be designated on the basis of space available. Such transfers shall be on a nondiscriminatory basis and shall not result in reducing desegregation in either school district or in reinforcing the dual school system.
- G. Pursuant to *Section 1002.31 -- Controlled open enrollment; Public school parental choice, Florida Statutes*, students shall be permitted to cross district lines for the purpose of attending school in the School District or outside the School District.
1. School choices for an out-of-district student shall be designated on the basis of capacity as defined in Paragraph III of this policy.
 2. The Board shall specify conditions for admitting students from other Florida school districts, including, but not limited to, the application process for school choice programs, review of the student’s disciplinary record, etc.
- H. A student who has been attending, in the year prior to the designation, a public school that has been classified as performance grade category “F” or has earned three (3) consecutive grades of “D” or a student who is assigned to a public school

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that has been designated as performance grade category “F” or has earned three (3) consecutive grades of “D” may attend a higher performing public school in the District or a school in another district as allowed by law.

II. Student Assignment for High School Programs of Choice

- A. The School Board shall establish residential attendance zones for all high school programs designated as choice, e.g., High School International Baccalaureate (IB) Diploma Programme. A student’s residence is the residence of his/ her parents(s), as defined by Florida Statutes.
- B. Admission to high school programs of choice shall be based on selected criteria, and attendance is limited to schools within the established residential attendance zone boundary for the program of choice. However, a student may be permitted to cross established residential attendance zone boundaries for the purpose of attending a program of choice that is not within the student’s established residential attendance zone boundary for the program of choice under the provisions of the *Controlled Open Enrollment Plan*.
- C. If an eligible student who has successfully completed three (3) or more years of a high school program of choice moves to a different residential attendance zone within the School District, the Superintendent or his or her designee may permit the eligible student to finish the same program at the high school where he or she enrolled and began the program upon the condition that the eligible student fulfills the requirements to continue the program and completes the appropriate school choice request.

III. School Choice Programs

- A. Pursuant to *Section 1002.31 -- Controlled open enrollment; Public school parental choice, Florida Statutes*, students who reside within the attendance zone for a school shall have first choice for any school choice programs offered within their home-zoned school. The process for determination of home-zoned schools for students shall occur between January and February each school year. First choice for home-zoned students shall occur within the School District’s established calendar window for the receipt of applications from parents to school choice programs and prior to any approvals of applications for School District choice programs.
- B. All in-county and out-of-county requests for enrollment in school choice programs must comply with the School District’s application process for school choice programs. In-county requests shall receive first preference.

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C. Definitions of Capacity

1. The Deputy Superintendent for Human Services, in consultation with the Chief Facilities Officer or designee and the Executive Director of Charter Schools and Educational Choices or designee, shall determine the number of "choice for program" student stations/ seats and "choice for capacity" student stations/ seats available at each school based upon the following definitions of capacity.

2. Limited Capacity

Schools which are at ninety percent (90%) or higher enrollment for all available student stations/ seats (including student stations/ seats in relocatable classrooms) shall be defined and considered as having "limited capacity" for student enrollment, and fewer "choice for capacity" seats shall be allocated to schools so defined.

3. Reserved Capacity

Schools which are at eighty-five percent (85%) or higher enrollment for all available student stations/ seats (including student stations/ seats in relocatable classrooms) shall be defined and considered as having "reserved capacity" for student enrollment."

"Reserved capacity" shall be used to forecast capacity for available student stations/ seats in future years. Future capacity shall be considered in order to ensure that students may complete the maximum grade level at the school of choice in which they enroll per state law.

4. Grade Level Capacity

Grade level capacity shall also be used for all schools regardless of enrollment status when allocating "choice for capacity" student stations/ seats.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.41, 1001.42, 1001.43, 1001.51,
1002.20, 1001.51, 1002.20, 1002.31, 1002.38,
1002.39, 1002.394, 1002.395, 1006.07, 1011.68, F.S.**

HISTORY:

**REVISION(S): 12/06/05, 02/06/07, 08/25/09, 06/05/12,
05/21/13, 12/13/16, 08/15/17, 08/16/22
FORMERLY: 6.21, 6.22**

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CONTROLLED OPEN ENROLLMENT

5.22*+

- I. The School District shall develop a *Controlled Open Enrollment Plan* that will be approved by the School Board and considered part of this policy. This plan will enable the District to consider student assignment based on parental preference when requested by the parent as defined by Florida Statutes. Schools must accept students throughout the school year as capacity becomes available by grade level.
- II. The plan shall include, but not be limited to, the following:
 - A. Eligibility requirements;
 - B. Application process;
 - C. Forty-five (45) day time period for accepting applications;
 - D. Method of determining capacity of schools;
 - E. Capacity determination for each School District school by grade level, updated every twelve (12) weeks;
 - F. Identification of schools that have not reached capacity;
 - G. Class size standards;
 - H. Lottery procedure for determining student assignment if transfer requests exceed available space;
 - I. Provision for a parent to request placement of siblings within the same school;
 - J. Appeals process for hardship cases;
 - K. Availability of transportation options required by law or available through the School District or in the community;
 - L. The availability of funds for transportation under *Sections 1002.394, 1002.395, and 1011.68*; and

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- M. The maintenance of a wait list of students who are denied access due to capacity and the notification of parents when space becomes available throughout the year.
- III. The plan and process for implementing the plan must
- A. Adhere to federal desegregation requirements;
 - B. Maintain socioeconomic, demographic, and racial balance;
 - C. Allow a student to remain at the chosen school until he/she completes the highest grade level at the school; and
 - D. Maintain existing academic eligibility criteria for public school choice programs.
- IV. Students residing in the District shall not be displaced by a student from another district who is seeking enrollment through the open enrollment provisions.
- V. Preferential treatment shall be provided for
- A. Dependent children of active duty military personnel whose move resulted from military orders;
 - B. Children who have moved due to foster care placement in a different school zone;
 - C. Children who have moved due to a court-ordered change in custody as a result of separation or divorce;
 - D. Children who have moved due to the serious illness or death of a custodial parent;
 - E. Students at multiple session schools; and
 - F. Students residing in the District.
- VI. The *Controlled Open Enrollment Plan* shall be available on the District website.
- VII. The process for participating in controlled open enrollment shall be posted on the District website with a list of schools that have not reached capacity, the application for participation, and the deadline for submitting the request to participate in controlled open enrollment.

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- VIII. The District shall report the number of students participating in public school choice by type as required by the Department of Education.
- IX. The *Controlled Open Enrollment Plan* and the process for implementing the plan shall be reviewed annually. The Superintendent shall present the plan and any recommended changes to the School Board for consideration.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.41, 1001.42, 1001.43, 1001.51,
1002.20, 1002.31, 1002.38, 1013.35, F.S.**

HISTORY:

**ADOPTED: 08/15/17
REVISION DATE(S): 08/16/22
FORMERLY: NEW**

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CLASSROOM TRANSFER

5.24+

- I. A parent as defined by Florida Statutes may request that his/her child be transferred to another classroom teacher in the school.
- II. A parent whose child is assigned to an out-of-field teacher may request that his/her child be assigned to an infield classroom teacher in the same grade within the school.
- III. A request for transfer must be approved or denied within two (2) weeks after receiving the written request. If the request is denied, the school must notify the parent and state the reason(s) for denial.
- IV. The transfer of the student to a different classroom teacher shall not violate the maximum class size regulations.
- V. The Superintendent shall develop procedures for the transfer process which will be published in the *Code of Student Conduct* and on the District website.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1001.51, 1003.03,
1003.3101, 1012.42, F.S.

HISTORY:

ADOPTED: 08/15/17
REVISION DATE(S): N/A
FORMERLY: NEW

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FOREIGN EXCHANGE STUDENTS

5.25+

- I. A foreign exchange student may be enrolled in an Osceola County school provided that the student
 - A. Is sponsored by a program approved by the Council on Standards for International Educational Travel (CSIET);
 - B. Is at least fifteen (15) years of age but has not attained the age of eighteen and one/ half (18 ½) years of age at the time of enrollment. Proof of age must be documented by a birth certificate or passport;
 - C. Will be living with a host family that resides in the county and has been approved by the sponsoring program;
 - D. Provides an academic transcript from the home school with English translation;
 - E. Provides evidence of sufficient language ability to function in an American classroom;
 - F. Meets immunization requirements in accordance with Florida statutes;
 - G. Has health, accident and liability insurance coverage that is valid in the United States;
 - H. Has a host family that meets all Osceola County school registration requirements; and
 - I. Provides notarized statement from parents giving educational responsibility to host parents.
- II. The student shall be:
 - A. Required to enroll for a minimum of one semester and a maximum of a complete school year [two (2) semesters];
 - B. Required to maintain a minimum of a 2.0 Grade Point Average.
 - C. Subject to the *Code of Student Conduct*; and
 - D. Enrolled in grades nine through eleven only.

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- III. The student shall not receive a diploma from any Osceola County school during their participation in this program.
- IV. The student shall be ineligible to participate in this program if they have already graduated from their home school.
- V. The student's eligibility for participation in athletics shall be consistent with Florida High School Athletic Association and School Board rules.
- VI. The Superintendent or designee shall:
 - A. Approve the admission of each foreign exchange student;
 - B. Develop procedures for implementing the foreign exchange student program.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07

HISTORY:

ADOPTED: 02/07/12
REVISION DATE(S): N/A
FORMERLY: NEW

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STUDENT CONTROL

5.30*+

All students enrolled in school shall be subject to federal and state laws, regulations of the State Board of Education, the rules and policies of the School Board and the *Code of Student Conduct*, and shall be under the control and direction of the principal or designee during the time they are transported to or from school at public expense, during the time they are attending school or a school-sponsored activity, and during the time they are on School Board premises for school attendance and authorized activities.

- I. The principal or the principal's designated representative shall see that students are properly supervised while at school and during any school-sponsored activity.
- II. The teacher, other members of the instructional staff, bus driver, or other assigned supervisory staff shall assume such authority for the control and supervision of students as may be assigned by the principal or the principal's designated representative and shall keep good order in the classroom or other places where in charge of students.
 - A. Upon knowledge of an accident sustained by a student on school property, the teacher or paraprofessional employee to whom a student is assigned shall notify his or her supervising administrator immediately and report such accident in accordance with the requirements of the School District of Osceola County Health & Safety Policy & Procedure Manual.
 - B. Upon knowledge, the teacher or paraprofessional employee to whom a student is assigned shall notify his or her supervising administrator immediately when a student, who is assigned to the teacher or paraprofessional employee, elopes off school property during the school day.
 - C. No student may be suspended from school, from school bus transportation, or from class except as provided by law and the policies of the Board.
 - D. No student shall be suspended for unexcused absence, tardiness, or truancy unless otherwise provided in the *Code of Student Conduct*.
- III. The School Board's authority and responsibility do not extend to students while they are being transported by private vehicles.
- IV. The *Code of Student Conduct* is hereby incorporated by reference and made a part of this Rule. The *Code of Student Conduct* and any revisions shall be approved and adopted by the School Board. The *Code of Student Conduct* shall

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- A. Be developed with input from School Board members, grade level directors, teachers, school personnel, school administrators, students, and parents, as defined by Florida Statutes.
 - B. State grounds for disciplinary action procedures and the rights of students.
 - C. Be distributed to all teachers, school personnel, students, and students' parent(s) at the beginning of each school year or upon enrollment.
 - D. Be filed in the Superintendent's office and in the office of the school principal.
- V. The *Code of Student Conduct* shall be discussed with students, school advisory councils, and parent/teacher associations at the beginning of each year. Students who enroll after the beginning of the school year shall be given an orientation to the *Code of Student Conduct* upon enrollment.
- VI. The principal shall use the *Code of Student Conduct* to familiarize students with School Board rules relating to students' rights, responsibilities, and conduct at the beginning of each school year and whenever he/she deems it necessary.
- VII. Any School Board decision which conflicts with provisions in the Code of Student Conduct shall prevail until revisions are adopted.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

120.57(1), 1000.21, 1001.43, 1003.04, 1003.21,
1003.31, 1003.32, 1006.08,
1006.09, 1006.10, 1006.13, F.S.

HISTORY:

REVISION(S): 02/05/08, 08/09/11, 06/07/16
FORMERLY: 3.5, 7.2.1-7.2.6,
7.3.1-7.3.9, 7.3.10-7.5.1

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STUDENT DIGNITY

5.301*+

- I. Employees of the District shall not use any technique, means, or device to discipline, control, or manage the behavior of any student, including Exceptional Student Education (ESE) students, where such means or techniques can reasonably be anticipated to induce or result in physical or psychological pain or discomfort to a student, including, *but not limited to*:
 - A. shouting in the ear;
 - B. throwing objects;
 - C. kicking objects;
 - D. any form of noxious, painful, or intrusive spray, inhalant, or tastes;
 - E. lights that flash or are directed into the eyes;
 - F. extreme physical gestures that could objectively and reasonably be determined to be assaultive or excessively intimidating;
 - G. contingent food programs that include the denial or delay of the provision of meals or intentionally altering staple food or drink in order to make it distasteful;
 - H. movement limitation used as a punishment, including but not limited to helmets and mechanical restraint devices;
 - I. strangling, shoving, pulling, dragging, deep muscle squeeze, or other similar stimuli; or
 - J. any other contingent application of noxious, painful, intrusive stimuli or activities similar to the interventions described in sections (A) through (I) of this paragraph I.
- II. If a student exhibits problematic behavior, the employee may apply an approved and specified program for classroom management or seek assistance from his or her administrator pursuant to Section 1003.32, Florida Statutes.
- III. If an ESE student exhibits problematic behavior, the employee may apply an approved and specified program for classroom management or seek assistance from his or her administrator pursuant to Section 1003.32, Florida Statutes, and the employee shall communicate his or her concerns to the appropriate school administrator and schedule an IEP meeting to address the behavior.

If a Section 504 student exhibits problematic behavior, the employee may apply an approved and specified program for classroom management or seek assistance from his or her administrator pursuant to Section 1003.32, Florida Statutes, and the employee shall communicate his or her concerns to the appropriate school administrator and follow the school's procedures to address the behavior.

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- IV. Employees of the District shall **not** use any aversive technique for an ESE student without prior written allowance by the Superintendent or his or her designee.
- V. The Superintendent or his or her designee may establish training and/ or procedures that direct employees in regard to this rule.
- VI. Administrators shall consult with the Chief Human Resources Officer or his or her designee prior to applying to any employee progressive discipline that either cites or relates to this rule.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

120.57(1), 1000.21, 1001.43, 1003.04, 1003.21,
1003.31, 1003.32, 1006.08,
1006.09, 1006.10, 1006.13, F.S.

HISTORY:

ADOPTED: 03/04/14
REVISION(S): 08/19/14
FORMERLY: NEW

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STUDENT DETENTION, SEARCH, AND SEIZURE

5.31+

- I. Any instructional or administrative staff member shall be authorized to temporarily detain and question a student under circumstances which reasonably indicate that such student has committed, is committing, or is about to commit a violation of Florida Statutes or School Board rules. For further information see *Osceola County Code of Student Conduct*.
- II. If, at any time after the onset of the temporary detention, a reasonable suspicion arises that the detained student is concealing or has concealed stolen or illegal property or contraband on his/her person, or within his/her locker or other student storage space, an administrative staff member may search the personal property of the temporarily detained student or his/her locker or other storage space for the purpose of disclosing the presence of suspected stolen or illegal property.
- III. Stolen or illegal property which is seized during a search of the personal property of the student or his/her locker or other student storage area shall be given to law enforcement authorities, when appropriate.
- IV. Each principal shall post in a prominent place a sign which is clearly visible to students and in a prominent location(s) within the school. This sign shall include a notice to all persons, including but not limited to, the following:
 - A. In an effort to protect our children, visitors must check in at the school office. All persons must have legitimate business, authorization, license, or invitation to enter or remain on property legally. Violators will be subject to arrest and prosecution under Section 810.097, Florida Statutes.
 - B. No gun, weapon, alcohol, or illegal drug will be allowed on the premises.
 - C. By entering school grounds, all persons are giving consent to a search of their person, property, and vehicle.
 - D. All persons on school property are subject to random search using metal detection devices. Backpacks, purses, and other containers, and vehicles on campus may also be subjected to random searches using metal detection devices or canine sniffers.
- V. The following provisions shall apply to metal detection devices and canine searches for screening for illegal substances:
 - A. Metal detection devices and canine sniffers shall be used primarily to maintain a safe school environment, not law enforcement.

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- B. Parents, students, School Board employees, and the public shall be informed that public school campuses, including, but not limited to, buildings, parking areas, athletic and recreational areas, and lockers are School Board property and no one using said property, whether as a student or in any other capacity, has the expectation of privacy in or around said property.
- C. Students shall be informed that automobiles, trucks, vans, or other transportation means located or operated on School Board property is a privilege granted by the School Board and students whose vehicles are so located shall not have any expectation of privacy in or around said vehicles.
- D. Students who refuse to submit to a lawful search by a trained employee with a metal detection device shall receive administrative disciplinary consequences per the District's Code of Student Conduct.
- E. The Superintendent or designee shall determine at what times and in which schools the metal detection devices and canine sniffers shall be utilized. The school principal or designee shall be notified each time the canine sniffers are brought on campus.
 - 1. The metal detection devices and canine sniffers shall be controlled and directed at all times by trained District employees or qualified handlers from the Osceola County Sheriff's Office or local police departments.
 - 2. Searches shall be conducted at the trained District employee's or qualified handler's direction in cooperation with the School Board's administrative personnel.
 - 3. School Board administrative personnel shall be responsible for necessary parental notification, student disciplinary action, student due process, and public relations related to such searches.
 - 4. Custody, analysis, and disposal of the illegal substance shall be the responsibility of law enforcement.
- F. The primary purpose of random and administrative searches of persons using metal detection devices or of vehicles on campus, backpacks, purses, storage areas, and other containers using the canine sniffer program shall be to maintain a safe school environment, not law enforcement. The circumstances in some cases may make it advisable to refer that case to law enforcement due to the serious nature of the

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offense, dangerous nature or sizable amount of the contraband seized, past school disciplinary or criminal record of the suspect, or serious disruption of school that has occurred or is likely to occur. After consultation with the qualified employee or handler, the decision to refer a case to the appropriate law enforcement authorities shall be made by the school principal.

- VI. The following administrative provisions shall be made:
- A. Annual written notice of this policy shall be included in the *Code of Student Conduct* and in the school student/parent handbook.
 - B. The Superintendent shall develop procedures to be used in search and seizure situations.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.31, 1006.07, 1006.09(9), 1006.13, F.S.

HISTORY:

**FORMERLY: 7.2.7
REVISED: 03/04/14**

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ZERO TOLERANCE FOR CRIMES AND VICTIMIZATION

5.32*+

- I. It is essential that schools be safe and orderly to provide environments that foster learning and high academic achievement. The District shall strive to protect students, staff, visitors, and volunteers from harm and/ or from conduct that poses a threat to school safety and to protect and support victims of crime from further victimization. This policy applies to conduct on School District property, school, or District provided transportation, and at any school or District sponsored activity. This policy implements the zero tolerance policy as outlined in Florida Statutes.
- II. Acts that pose a threat to school safety, as determined by the threat assessment team, shall be reported to local law enforcement.
- III. Consultation with law enforcement is required when a student commits more than one misdemeanor in order to determine whether the act should be reported.
- IV. Petty acts of misconduct which are not a threat to school safety do not require consultation with local law enforcement.
- V. Students found to have committed one of the following offenses on school property, school sponsored transportation or during a school sponsored activity shall be expelled, with or without continuing educational services, from the student's regular school for a period of not less than one (1) full year and be referred to the criminal justice or juvenile justice system:
 - A. Bringing a firearm or weapon as defined in Chapter 790, Florida Statutes, to school, to any school function, or onto any school-sponsored transportation or possessing a firearm at school.
 - B. Making a threat or false report as defined in Florida Statutes Sections 790.162 and 790.163 respectively, involving school or school personnel's property, school transportation, or a school-sponsored activity.
 - C. Assault or battery on specified officials or employees in violation of Section 784.081, Florida Statutes.
 - D. Hazing as defined in 1006.135, Florida Statutes.
- VI. When a student is formally charged with a felony or a delinquent act that would be a felony if committed by an adult, upon notification of the charge the Superintendent shall notify the Principal of the school of the student and the Director of Transportation. The Principal shall notify the student's classroom teachers, the student's bus driver, and other school personnel whose duties include direct supervision of the student.

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- VII. The School Board may assign the student to a disciplinary program for the purpose of continuing educational services during the period of expulsion.
- VIII. The Superintendent may consider the one (1) year expulsion requirement on a case by case basis and request the School Board to modify the requirement by assigning the student to a disciplinary program or second chance school if the request for modification is in writing and it is determined to be in the best interest of the student and the school system.
- IX. If a student committing any of the offenses in this policy is a student with a disability, the School Board shall comply with the applicable State Board of Education rules.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 120.57(1), 775.08, 784.081, 790.162, 790.163, 985.04, 1001.42, 1001.43, 1001.54, 1003.31, 1006.07, 1006.08, 1006.09, 1006.13, 1006.135, 1006.14, 1012.28, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.03311

HISTORY: REVISION(S): 12/06/04, 12/06/05, 11/17/09, 02/01/11, 08/09/11, 08/21/18, 07/16/19

FORMERLY: 6.2.3

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PROHIBITING BULLYING AND HARASSMENT

5.321*

I. Statement Prohibiting Bullying and Harassment

- A. It is the policy of the Osceola County School District that all of its students and school employees have an educational setting that is safe, secure, and free from harassment and bullying of any kind, including but not limited to cyberbullying. The District shall not tolerate bullying and harassment of any type. Conduct that constitutes bullying and harassment, as defined herein, is prohibited.

The District may involve students, parents, teachers, administrators, school staff, school volunteers, community representatives, and local law enforcement agencies in the process of developing this policy through the District's Code of Student Conduct committee where appropriate and feasible.

The District shall implement this policy in a manner that is ongoing throughout the school year and integrated within each school's curriculum, discipline procedures, and violence prevention efforts.

- B. The District prohibits the bullying or harassment of any student or school employee.
1. During any education program or activity conducted by a public K-12 educational institution;
 2. During any school-related or school-sponsored program or activity;
 3. On a school bus of a public K-12 educational institution;
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution within the scope of the School District, meaning regardless of ownership, any computer, computer system, computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
 5. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by the School District or a school, if the bullying substantially interferes with or limits the victim's ability to participate

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in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school. School staff is not required to monitor any non-school-related activity, function, or program.

II. Definitions

- A. Accused shall be defined as any District employee, consultant, contractor, agent, visitor, volunteer, parent, student, or other person in the school or outside the school at school-sponsored events, on school buses, and at training facilities or training programs sponsored by the District who is reported to have committed an act of bullying, whether formally or informally, verbally or in writing.
- B. Bullying includes cyberbullying and means systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees. It is further defined as unwanted and repeated written, verbal, or physical behavior, including any threatening, insulting, or dehumanizing gesture, by a student or adult, that is severe or pervasive enough to create an intimidating, hostile, or offensive educational environment; cause discomfort or humiliation; or unreasonably interfere with the individual's school performance or participation; and may involve but is not limited to:
 - 1. Teasing;
 - 2. Social Exclusion;
 - 3. Threat;
 - 4. Intimidation;
 - 5. Stalking;
 - 6. Cyberstalking;
 - 7. Physical violence;
 - 8. Theft;
 - 9. Sexual, religious, or racial harassment;
 - 10. Public or private humiliation; or

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11. Destruction of property.

The term bullying shall include cyberbullying whether or not specifically stated.

- C. Complainant shall be defined as any School District employee, consultant, contractor, agent, visitor, volunteer, parent, student, or other person who formally or informally makes a report of bullying, orally or in writing.
- D. Cyberbullying means bullying through the use of technology or any electronic communication, which includes, but is not limited to, any transfer of signs, signals, writing, images, sounds, data or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic system, photo-electronic system, or photo-optical system, including, but not limited to, electronic mail, Internet communications, instant messages, or facsimile communications. Cyberbullying includes the creation of a webpage or weblog in which the creator assumes the identity of another person, or the knowing impersonation of another person as the author of posted content or messages, if the creation or impersonation creates any of the conditions enumerated in the definition of bullying. Cyberbullying also includes the distribution by electronic means of a communication to more than one person or the posting of material on an electronic medium that may be accessed by one or more persons, if the distribution or posting creates any of the conditions enumerated in the definition of bullying.
- E. Harassment means any threatening, insulting or dehumanizing gesture, use of data or computer software, or written, verbal or physical conduct directed against a student or school employee that:
 - 1. Places a student or school employee in reasonable fear of harm to his/her person or damage to his/her property;
 - 2. Has the effect of substantially interfering with a student's educational performance, opportunities, or benefits;
 - 3. Has the effect of substantially negatively impacting a student's or employee's emotional or mental well-being; or
 - 4. Has the effect of substantially disrupting the orderly operation of a school.

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- F. Bullying, cyberbullying, cyberstalking, and harassment also encompass:
1. Retaliation against a student or school employee by another student or school 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.
 2. 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:
 - a. Incitement or coercion;
 - b. 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;
 - c. Acting in a manner that has an effect substantially similar to the effect of bullying or harassment.
- G. Cyberstalking as defined in s. 784.048(1)(d), F.S., means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

III. Behavior Standards

- A. The Osceola County School District expects students to conduct themselves as appropriate for their levels of development, maturity, and demonstrated capabilities with a proper regard for the rights and welfare of other students and school staff, the educational purpose underlying all school activities, and the care of school facilities and equipment.
- B. The District 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, as well as for District and community property on the part of students, staff, and community members. Because students learn by example, school administrators,

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faculty, staff, and volunteers will demonstrate appropriate behavior, treat others with civility and respect, and refuse to tolerate bullying or harassment.

- C. The District upholds that bullying and harassment of any student or school employee is prohibited:
1. During any education program or activity conducted by a public K-12 educational institution;
 2. During any school-related or school-sponsored program or activity;
 3. On a school bus of a public K-12 educational institution;
 4. Through the use of data or computer software that is accessed through a computer, computer system, or computer network of a public K-12 education institution within the scope of the school district, meaning regardless of ownership, any computer, computer system, or computer network that is physically located on school property or at a school-related or school-sponsored program or activity; or
 5. Through the use of data or computer software that is accessed at a non-school-related location, activity, function, or program or through the use of technology or an electronic device that is not owned, leased, or used by a school district or school, if the bullying substantially interferes with or limits the victim's ability to participate in or benefit from the services, activities, or opportunities offered by a school or substantially disrupts the education process or orderly operation of a school.
 6. This section does not require a school to staff or monitor any non-school-related activity, function, or program.
- IV. Consequences
- A. Committing an act of bullying or harassment
1. 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.

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2. 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*.
 3. Consequences and appropriate remedial action for a school employee, found to have committed an act of bullying or harassment, shall be determined 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 Rule6A-10.081, FAC, *The Principles of Professional Conduct of the Education Profession in Florida*.)
 4. 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.
- B. Wrongful and intentional accusation of an act of bullying or harassment
1. Consequences and appropriate remedial action for a student, found to have accused wrongfully and intentionally 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*.
 2. Consequences and appropriate remedial action for a school employee, found to have accused wrongfully and intentionally another as a means of bullying or harassment, shall be determined in accordance with District policies, procedures, and agreements.
 3. Consequences and appropriate remedial action for a visitor or volunteer, found to have accused wrongfully and intentionally 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.

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- V. Reporting an Act of Bullying or Harassment
- A. At each school, the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
 - B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
 - C. 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.
 - D. The principal or designee of each school in the District shall enforce this policy and prominently publicize to students, staff, volunteers, and parents/legal guardians, the District's procedures for how a report of bullying or harassment may be filed either in person or anonymously and how this report will be acted upon.
 - E. The victim of bullying or harassment, anyone who witnessed the bullying or harassment, and anyone who has credible information that an act of bullying or harassment has taken place may file a report of bullying or harassment.
 - F. A school 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 school official and who makes this report in compliance with the procedures set forth in the 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.
 - G. 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.
 - H. Any written or oral reporting of an act of bullying or harassment shall be considered an official means of reporting such act(s).
 - I. Reports may be made anonymously, but formal disciplinary action may not be based solely upon an anonymous report.

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- VI. Investigation of a Report of Bullying or Harassment
- A. The investigation of a reported act of bullying or harassment is deemed a school-related activity and shall begin with a report of such an act. Incidents that require a reasonable investigation when reported to appropriate school authorities shall include alleged incidents of bullying or harassment committed against a student while the student is en route to school aboard a school bus or at a school bus stop.
 - B. The principal or designee shall select an individual(s), employed by the school and trained in investigative procedures, to initiate the investigation. The person may not be the accused perpetrator (harasser or bully) or victim.
 - C. Documented interviews of the victim, alleged perpetrator, and witnesses shall be conducted privately, separately, and shall be confidential. Each individual (victim, alleged perpetrator, and witnesses) will be interviewed separately and at no time will the alleged perpetrator and victim be interviewed together.
 - D. The investigator shall collect and evaluate the facts including but not limited to:
 - 1. Description of incident(s) including nature of the behavior;
 - 2. Context in which the alleged incident(s) occurred;
 - 3. How often the conduct occurred;
 - 4. Whether there were past incidents or past continuing patterns of behavior;
 - 5. The relationship between the parties involved;
 - 6. The characteristics of parties involved, *i.e.*, grade, age;
 - 7. The identity and number of individuals who participated in bullying or harassing behavior;
 - 8. Where the alleged incident(s) occurred;
 - 9. Whether the conduct adversely affected the student's education or educational environment;

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10. Whether the alleged victim felt or perceived an imbalance of power as a result of the reported incident; and
 11. The date, time, and method in which the parents/ legal guardians of all parties involved were contacted.
- E. Whether a particular action or incident constitutes a violation of this policy shall require a determination based on all the facts and surrounding circumstances and shall include:
1. Recommended remedial steps necessary to stop the bullying and/or harassing behavior; and
 2. A written final report to the principal.
- F. A maximum of ten (10) school days shall be the limit from the initial filing of incidents and completion of the investigative procedural steps.
- G. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of bullying and/or harassment and the investigative procedures that follow.
- VII. Investigation to Determine Whether a Reported Act of Bullying or Harassment is Within the Scope of the District
- A. The principal or designee will assign an individual(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.
 - B. The trained investigator(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.
 1. If it is within the scope of the District, a thorough investigation shall be conducted.
 2. If it is outside the scope of the District and determined a criminal act, the principal shall refer the incident(s) to appropriate law enforcement.
 3. If it is outside the scope of the District and determined not a criminal act, the principal or designee shall inform the parents/legal guardians of all students involved.

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- C. Computers without web-filtering software or computers with web-filtering software that is disabled shall be used when complaints of cyberbullying are investigated.

VIII. Notification to Parents/Guardians of Incidents of Bullying or Harassment

- A. Immediate notification to the parents/legal guardians of a victim of bullying or harassment

- 1. The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) 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).

- 2. If the bullying or harassment 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 the parents/legal guardian of the victim(s) involved in the bullying or harassment incident about the Unsafe School Choice Option (Every Student Succeeds Act, Title VIII, Part F, Subpart 2, Section 8532) that states “. . .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.”

- B. Immediate notification to the parents/legal guardians of the perpetrator of an act bullying or harassment

The principal, or designee, shall promptly report via telephone, personal conference, and/or in writing, the occurrence of any incident of bullying or harassment as defined by this policy to the parent or legal guardian of all students involved on the same day an investigation of the incident(s) 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).

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C. Notification to local agencies where criminal charges may be pursued

Once the investigation has been completed and it has been determined that criminal charges may be pursued against the perpetrator, all appropriate local law enforcement agencies will be notified by telephone and/or in writing.

IX. Referral of Victims and Perpetrators of Bullying or Harassment for Counseling

When bullying or harassment is suspected or when a bullying or harassment incident is reported, counseling services shall be made available to the victim(s), perpetrator(s), and parents/guardians.

- A. The teacher or parent/legal guardian may request informal consultation with a school counselor and/ or trained School District mental health staff, such as a school social worker or school psychologist, to determine the severity of concern and appropriate steps to address the concern. The teacher may request that the involved student's parents or legal guardian are included.
- B. School personnel or the 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 shall be required when the student is referred to the intervention team.
- C. 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 shall be required.
- D. A school-based component to address intervention and assistance shall be utilized by the intervention team. The intervention team may recommend:
 - 1. Counseling and support to address the needs of the victims of bullying or harassment;
 - 2. Research-based counseling or interventions to address the behavior of the students who bully and harass others, e.g., empathy training, anger management; and/or
 - 3. Research-based counseling or interventions, which include assistance and support provided to parents/legal guardians, if deemed necessary or appropriate.

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X. Reporting Incidents of Bullying and Harassment

- A. Incidents of bullying or harassment shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include:
1. Each incident of bullying or harassment and the resulting consequences, including discipline and referrals [reported using the appropriate School Environmental Safety Incident Reporting (SESIR) codes as "BUL" for "bullying" or "HAR" for harassment];
 2. In a separate section, each reported incident of bullying or harassment that does not meet the criteria of a prohibited act under this section (reported using the appropriate SESIR codes as "UBL" for "unsubstantiated bullying" or "UHR" for "unsubstantiated harassment") with recommendations regarding such incidents; and
 3. Cyberbullying incidents are to be included within the bullying incidents category.
- B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data, which includes bullying/ harassment as an incident code as well as bullying-related as a related element code.

The SESIR definition of *bullying* is systematically and chronically inflicting physical hurt or psychological distress on one or more students or employees that is severe or pervasive enough to create an intimidating, hostile, or offensive environment; or unreasonably interfere with the individual's school performance or participation.

The SESIR definition of *harassment* is any threatening, insulting, or dehumanizing gesture, use of data or computer software, or written, verbal, or physical conduct that 1) places a student or school employee in reasonable fear of harm to his or her person or damage to his or her property, 2) has the effect of substantially interfering with a student's educational performance, opportunities, or benefits, or 3) has the effect of substantially disrupting the orderly operation of a school including any course of conduct directed at a specific person that causes substantial emotional distress in such a person and serves no legitimate purpose.

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1. Bullying / harassment incidents shall be reported in SESIR with the bullying or harassment code.
2. If the bullying or harassment results in any of the following SESIR incidents, the incident will be coded appropriately using the relevant incident code and the bullying-related code. Such incidents are:
 - a. Alcohol
 - b. Arson
 - c. Battery
 - d. Breaking and Entering
 - e. Disruption on Campus
 - f. Drug Sale/ Distribution Excluding Alcohol
 - g. Drug Use/ Possession Excluding Alcohol
 - h. Fighting
 - i. Homicide
 - j. Kidnapping
 - k. Larceny/Theft
 - l. Robbery
 - m. Sexual Battery
 - n. Sexual Harassment
 - o. Sexual Offenses
 - p. Threat/ Intimidation
 - q. Tobacco
 - r. Trespassing
 - s. Vandalism

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- t. Weapons Possession
 - u. Other Major (Other major incidents that do not fit within the other definitions)
 - C. Discipline and referral data shall be recorded in Student Discipline/Referral Action Report and Automated Student Information System.
 - D. The District shall provide bullying incident, discipline, and referral data to the Florida Department of Education in the format requested, through Surveys 2, 3, and 5 from Education Information and Accountability Services, and at designated dates provided by the Department. Data reporting on bullying, harassment, unsubstantiated bullying, unsubstantiated harassment, sexual harassment and threat/ intimidation incidents as well as any bullying-related incidents that have as a basis sex, race or disability should include the incident basis. Victims of these offenses should also have the incident basis (sex, race, or disability) noted in their student record.
- XI. Instruction on Identifying, Preventing, and Responding to Bullying or Harassment
- A. The District shall ensure that schools sustain healthy, positive, and safe learning environments for all students. It is committed to maintain a social climate and social norms in all schools that prohibit bullying and harassment. This requires the efforts of everyone in the school environment – teachers; administrators; counselors; school nurses; other nonteaching staff such as bus drivers, custodians, cafeteria workers; school librarians; parents/legal guardians; and students.
 - B. 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 or harassment in schools.
 - C. The School District shall establish a list of programs that provide instruction to students, parents, teachers, school administrators, counseling staff, and school volunteers on identifying, preventing, and responding to bullying and harassment, including instruction on recognizing behaviors that lead to bullying and harassment and taking appropriate preventive action based on those observations. The list of authorized programs shall be available at each school, School District offices, and on the School District website.

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This list may include, but not be limited to, the following programs:

- *Creating Character in Osceola County;*
- *Positive Behavior Interventions & Support (PBIS);*
- *Second Step;*
- *Too Good For Drugs & Violence; and*
- *Why Try*

XII. Reporting to a Victim's Parents/Legal Guardians the Legal 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 or harassment as defined by this policy to the parent or legal guardian of all students involved in accordance with the procedures manual. According to the level of infraction, parents/legal guardians will be notified by telephone and/or writing of actions being taken to protect the student; 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).

XIII. Publicizing the Policy

- A. 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.
- B. Each District school shall provide notice to students and staff of this policy through appropriate references in the *Code of Student Conduct* and employee handbooks and through other reasonable means.
- C. The Superintendent shall also make all contractors contracting with the District aware of this policy.
- D. 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.
- E. 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.

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XIV. Review of Policy

The Superintendent and appropriate staff shall review this policy at a minimum every three (3) years. The review shall include input from parents, law enforcement, and other community members. The Superintendent shall present the policy and any recommended changes to the School Board for consideration.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.04, 1003.31, 1003.32,
1006.07, 1006.08, 1006.09,
1006.10, 1006.147, F.S.
EVERY STUDENT SUCCEEDS ACT (ESSA) OF 2015,
Title VIII, Part F, Subpart 2, Section 8532
20 USC 1232g

STATE BOARD OF EDUCATION RULE(S):

6A-10.081

HISTORY:

ADOPTED: 10/21/08
REVISION(S): 09/17/13, 03/04/14, 08/19/14,
12/13/16, 08/15/17, 06/16/20
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

DATING VIOLENCE AND ABUSE

5.325*

It is the policy of the Osceola County School District that all of its students have an educational setting that is safe, secure, and free from dating violence and abuse. The District shall not tolerate dating violence and abuse of any kind. Dating violence or abuse by any student is prohibited on school property, during any school related or school sponsored program or activity, or during school sponsored transportation.

I. Definitions

- A. *Dating violence* is a pattern of emotional, verbal, sexual, or physical abuse used by one person in a current or past intimate relationship to exert power and control over another when one or both of the partners is a student.
- B. *Abuse* is mistreatment which 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.

II. Reporting Dating Violence or Abuse

School employees shall report to the Principal or designee suspected cases of dating violence and abuse. Students should report suspected cases of dating violence and abuse to the Principal or designee and may do so anonymously. Student victims should report any incidences of dating violence and abuse to the Principal or designee as soon after it occurs as possible.

III. Investigations

- A. The Principal or designee will conduct an investigation. If the Principal or designee determines that inappropriate behaviors have occurred on school property, the Principal or designee will make a determination if disciplinary action is warranted as outlined in the Code of Student Conduct and take the necessary action.
- B. The highest level of confidentiality possible will be upheld regarding the submission of a complaint or a report of dating violence and/or abuse and the investigative procedures that follow.
- C. If a crime has been committed, the appropriate law enforcement agency shall be notified.

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IV. Curriculum

A. The health education curriculum for students in grades 7 through 12 shall include dating violence and abuse. The dating violence and abuse component shall include, but is not limited to, the definition of dating violence and abuse, the warning signs of dating violence and abusive behavior, the characteristics of healthy relationships, measures to prevent and stop dating violence and abuse, and community resources available to victims of dating violence and abuse.

B. The curriculum shall have an emphasis on prevention-based education.

V. Training

Training on the District's policy prohibiting dating violence and abuse and related procedures will be provided.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1003.42, 1006.07, 1006.148, F.S.

HISTORY:

ADOPTED: 02/01/11
REVISION DATE(S): N/A
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

HAZING

5.327*+

The Osceola County School District shall not tolerate hazing of any form. Conduct that constitutes hazing, as defined herein, is prohibited. The District expects students to conduct themselves appropriately for their levels of development, maturity, and demonstrated capabilities with proper regard for the rights and welfare of other students and the educational purpose underlying all school activities.

I. Definition of Hazing

Hazing means any action or situation endangering the mental or physical health or safety of a student at a school with any of grades six (6) through twelve (12) for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a school with any of grades six (6) through twelve (12). Hazing shall include, but is not limited to,

- A. Pressuring, coercing, or forcing a student into violating state or federal law; consuming any food, liquor, drug, or other substance; or participating in physical activity that could adversely affect the health or safety of the student.
- B. Any brutality of a physical nature such as beating, whipping, branding, or exposure to the elements.

II. Reporting an Act of Hazing

- A. At each school with any of grades six (6) through twelve (12), the principal or the principal's designee shall be responsible for receiving complaints alleging violations of this policy.
- B. All school employees are required to report alleged violations of this policy to the principal or the principal's designee.
- C. All other members of the school community, including students, parents as defined by Florida Statutes, 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.
- D. The principal of each school that includes any of grades six (6) through twelve (12) in the District shall establish and publicize to students, staff, volunteers, and parents, and how a report of hazing may be filed either in person or anonymously.

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E. The victim of hazing, anyone who witnessed the hazing, and anyone who has credible information that an act of hazing has taken place may file a report of hazing.

III. Referral of Victims and Perpetrators of Hazing for Counseling

When hazing is suspected or when a hazing incident is reported, counseling services with a certified school counselor shall be made available to the victim(s) and perpetrator(s).

IV. Disciplinary Action

If the incident is determined to be within the scope of the District, disciplinary action will be consistent with the *Code of Student Conduct*.

V. Reporting Incidents of Hazing

A. Incidents of hazing shall be reported in the school's report of data concerning school safety and discipline data required under s. 1006.09(6), F.S. The report shall include each incident of hazing that resulted in either referral to a local law enforcement agency or disciplinary action taken by the school administrator or his or her designee.

B. The District will utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data to report hazing incidents.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.41, 1001.42, 1001.43, 1001.51,
1001.54, 1003.04, 1003.31, 1003.32, 1006.07,
1006.08, 1006.09, 1006.10, 1006.135, F.S.
20 USC 1232g**

HISTORY:

**ADOPTED: 06/02/15
REVISION DATE(S): N/A
FORMERLY: NEW**

CHAPTER 5.00 – STUDENTS

TEACHER REMOVAL OF STUDENTS FROM CLASSROOM

5.33

- I. Appropriate action will be taken to remove or to make special provisions for a disruptive student. Disruptive behavior will include assault on staff or students, threat(s) or violence, disrespect, willful disregard of a teacher's directions, malicious vandalism, possession of weapons of any type, continuing use of profane language or obscene gestures, and instigation of violence or mass disobedience to legitimate directions.

When a teacher sends a disruptive student to the office, the principal or his or her representative will provide oral and/or written feedback to the teacher with regard to present and/or future action concerning the student's behavior. The teacher may request a conference with the principal or his/her representative and the student's parent(s), as defined by Florida Statutes, prior to the student's return to his/her classroom. A disruptive student will not normally be returned to the classroom where he/she exhibited disruptive behavior until the teacher has received the feedback.

- II. A teacher may remove from class a student whose behavior interferes with the teacher's ability to communicate effectively with other students in the class or with the ability of the student's classmates to learn.
- III. The principal may not return a student who has been removed by a teacher from the teacher's class without the teacher's consent, unless the Placement Review Committee established herein determines that such placement is the best or only available alternative. The teacher and Placement Review Committee must render decisions within five (5) working days of the removal of the student from the classroom.
- IV. Each school shall establish a Placement Review Committee(s) to determine whether a student is to be returned to a teacher's class after that student has been removed by the teacher, and the teacher has withheld consent for that student to be returned to the teacher's class.
 - A. Committee membership shall include the following:
 1. Two (2) teachers selected by the instructional staff of the school which shall include:
 - a. One teacher selected by the school's faculty and
 - b. One teacher selected by the teacher who has removed the student;

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2. One (1) member of the school staff selected by the principal;
 3. One (1) teacher selected by the instructional staff of the school to serve as an alternate member of the committee.
- B. A teacher who removed a student from his/her class and who has withheld consent for the return of that student to his/her class shall not serve on the committee when the committee makes its decision regarding the return of the student.
- C. The Placement Review Committee(s) will be selected during pre-planning. Each school's faculty shall also determine the following during pre-planning:
1. Whether a current school committee(s) meets the criteria contained herein for the Placement Review Committee(s) and whether the faculty wishes that committee to perform the duties of the Placement Review Committee(s).
 2. The number of Placement Review Committees needed at each school.
 3. The terms of office of the members of the Placement Review Committee(s).
 4. The method the instructional staff will use in the selection of the Placement Review Committee(s) members.
 5. The appropriate form a teacher uses to document the behavior which resulted in the student's removal from the classroom.
 6. 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. Any required training under this provision shall be free of cost to the teacher.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1003.32, F.S.

HISTORY: REVISION(S): 12/06/04, 02/05/08
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

EXPULSION OR ALTERNATIVE PLACEMENT OF STUDENTS

5.34+

- I. The school principal may recommend to the Superintendent the expulsion or alternative placement of any student who has committed a serious breach of conduct as identified in the Code of Student Conduct.
- II. The principal shall recommend to the Superintendent the expulsion or alternative placement of any student who has violated School Board rules which require mandatory expulsion or reassignment.
- III. The Superintendent or designee shall be authorized to offer to parents probationary options for alternative placement in situations where the student has been recommended for expulsion or a change in placement, and the student is older than the average age for a grade level, lacks course credits required for timely promotion or graduation with the student's peer cohort, and/ or has committed a serious breach of conduct for the first time. These probationary options may include, but are not limited to: Adult Learning Center Osceola (ALCO), Osceola Virtual School, New Beginnings Education Center, or Zenith Accelerated Learning Academy.
- IV. Proper procedures shall be followed in all student expulsion or alternative placement proceedings as required by Florida Statutes, State Board of Education rules, and School Board policy. Details of this policy can be found in the section entitled "Due Process" within the *Code of Student Conduct*.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**120.57(1), 1001.43, 1001.54, 1003.31,
1006.07, 1006.08, 1006.09, 1012.28, F.S.**

STATE BOARD OF EDUCATION RULE(S):

6A-6.0331

HISTORY:

**REVISED: 08/17/21
FORMERLY: 7.2.6, 7.5.2**

CHAPTER 5.00 – STUDENTS

USE OF TIME OUT, SECLUSION, AND PHYSICAL RESTRAINT FOR STUDENTS WITH DISABILITIES

5.343*+

I. The School District shall implement behavioral management interventions for disruptive students to prevent and reduce significant disruptive behavior and to provide for the physical safety and security of students and staff when students pose a threat to themselves and/or others. The focus shall be on the use of the least restrictive but effective intervention(s) for each student.

II. Time Out

Time out is a procedure in which access to reinforcement is removed or reduced for a designated time.

A. *Nonexclusion time out* is the least restrictive form of time out. The student is allowed to observe the classroom activity but not participate.

B. *Exclusion time out* excludes the student from participation in and observation of classroom activities. The student remains in the classroom but cannot observe or participate in ongoing activities.

III. Seclusion

Pursuant to *Section 1003.573, Florida Statutes*, public school employees are prohibited from using seclusion. *Seclusion* is 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 timeout, 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.

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IV. Physical Restraint

- A. *Physical restraint* is the use of manual restraint techniques that involve significant physical force applied by a teacher or other authorized employee to restrict movement of all or part of a student's body. It is a method to prevent a student from harming himself/herself or others.
- B. Physical restraint may only be used after authorized school employees exhaust appropriate positive behavior interventions and supports, and imminent risk of serious injury to the student exists and must be discontinued as soon as the threat posed by the student's dangerous behavior has dissipated.
- C. Physical restraint may only be implemented by trained, qualified school employees.
- D. Physical restraint may be used only to protect the safety of students, school personnel, or others and may not be used for student discipline or to correct student noncompliance.
- E. Physical restraint techniques may not be used to inflict pain to induce compliance.
- F. Each school shall develop a crisis intervention plan for a student after a student has been restrained twice in a semester. The crisis intervention plan shall have specific requirements and shall be completed by a crisis intervention team that must include the parent, authorized school employees, and applicable physical and behavioral health professionals.

V. Documentation and Reporting

All instances of time out, seclusion, and physical restraint shall be documented and reported as required by *Section 1003.573, Florida Statutes*, and the implementing policies and procedures promulgated by the State Board of Education and the School Board.

CHAPTER 5.00 – STUDENTS

VI. Notice, Monitoring, and Analysis

- A. At the beginning of each school year, the district shall post its policies and procedures on positive behavior interventions and supports as adopted by the school district.
- B. The use of physical restraint shall be monitored at the classroom, school, and School District levels.
- C. The use of the behavior interventions, the appropriateness of use, and the effectiveness of the interventions shall be analyzed.

VII. Prohibitions

School District or school employees shall not use:

- A. Mechanical restraint;
 - However, this prohibition does not apply to School Resource Officers, School Safety Officers, School Guardians, or School Security Guards as described in *Section 1006.12, Florida Statutes*, who may use mechanical restraint in the exercise of their powers and duties to restrict students in Grades 6 through 12.
- B. Physical restraint or any other technique that:
 - 1. obstructs or restricts a student's breathing or blood flow; or
 - 2. places a student in a facedown position with the student's hands restrained behind the student's back; or
- C. Seclusion.

VIII. Training

- A. The School District shall provide initial training for designated employees in the use of time out and physical restraint, and in the avoidance of seclusion, including the training components required by House Bill 149 (2021) [*Chapter 2021-140; specifically Section 1012.582, Florida Statutes*].
- B. Refresher training shall be conducted annually.
- C. Employees who have been trained in physical restraint techniques in positions outside of the School District shall receive training in School District methods.

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IX. Procedures

The Superintendent shall develop procedures to implement this policy and related statutes. Procedures shall include but not be limited to the following:

- A. Incident reporting;
- B. Data collection;
- C. Monitoring and analysis;
- D. Plan for reducing the use of restraint and seclusion;
- E. Identification of staff to be trained; and
- F. Training components.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.32, 1003.573, 1006.07,
1006.11, 1012.75, 1012.582, F.S.

STATE BOARD OF EDUCATION RULE(S)

6A-6.03312

HISTORY:

ADOPTED: 02/01/11

REVISION DATE(S): 08/09/11, 02/07/12, 12/17/13,
12/14/21, 05/17/22, 08/16/22

FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

GRANTING PERMISSION FOR STUDENTS TO LEAVE THE SCHOOL CAMPUS

5.35

- I. No student shall be permitted to leave the school grounds during the school day for school business/activities without the principal's prior approval and written consent from the student's parent(s), as defined by Florida Statutes, provided an acceptable reason is established.
- II. The principal or the teacher shall definitely establish the identity and authority of any person who requests the release of a student from school. If the person requesting the release of the student is a person other than the parent with whom the child resides, the principal or teacher concerned shall not release the child without the verified authorization of the parent with whom the child resides.
- III. The provisions of this subsection shall not apply to a law enforcement officer, court official, proper school employee, or Department of Children and Families employee, provided that the person's identity and authority are clearly established.
- IV. If a parent initiates a request with proper documentation, a student who is eighteen (18) years old or otherwise identified by statutes as having achieved majority status and who has verified this status with school officials may be considered as his/her own guardian for purposes of this policy.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.07, F.S.

HISTORY:

REVISED: 02/06/07, 08/09/11
FORMERLY: 6.6.9

CHAPTER 5.00 – STUDENTS

OPEN LUNCH AT HIGH SCHOOLS

5.351

All students who comply with the following guidelines may be free to leave the school campus during the lunch period, provided that:

- I. The principal has given permission.
- II. A notarized permission slip on a form approved by the School Board has been signed by the parent, relieving the school of responsibility.
- III. Students granted this privilege shall not be party to transporting students who are not eligible to be off the school premises.
- IV. This privilege is subject to review on a student by student basis at the end of each semester.

The open lunch privilege may be revoked for abuse of the privilege.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07, F.S.

HISTORY:

REVISION(S): 12/06/05, 08/09/11
FORMERLY: 6.6.2

CHAPTER 5.00 – STUDENTS

STUDENT ENROLLMENT AND EDUCATION DECISIONS

5.352

I. General Principles

This policy is based on the following general principles:

- A. The School District refrains from involvement in any dispute between a student's parents.
- B. The School District abides by, but does not enforce, court orders.
- C. The custodial/enrolling parent must have custody of the child at least fifty per cent (50%) of the time.
- D. The custodial/enrolling parent is the decision maker on educational issues.
- E. Both parents have access to student records.

II. Definitions

- A. The term *parent* is defined consistent with Florida Statutes as being either or both parents of the student, any guardian of a student, any person in a parental relationship to a student, or any person exercising supervisory authority over a student in place of the parent. This definition recognizes that family units consist of a variety of situations.
- B. The term *guardian* is defined to include one established by a court order or a guardianship-in-fact, *i.e.*, the person is acting in a parental relationship to a student or exercising supervisory authority in place of the parent. The guardianship-in-fact may be established by filing an Affidavit of Responsibility utilizing the School District approved form. A person, who cannot afford to go to court to establish a formal guardianship, may establish the relationship by filing the Affidavit of Responsibility with the School District at no cost.

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III. Custodial/ Enrolling Parent

- A. A parent may enroll a child only if the parent has custody of the student at least fifty percent (50%) of the time and certifies to that fact on the enrollment form. (Note: providing false information to a government official is a misdemeanor, subject to criminal penalties.)
- B. In the case of a 50-50 "time share" situation, either parent is entitled to enroll the child. The address of the enrolling parent will determine school assignment under the District's pupil assignment plan and the address to which notices and reports will be mailed. School assignment will not change when the student is living with the non-enrolling parent.
- C. A complete Student Registration form and an Emergency Procedures form are required for each student enrolling in schools within the School District.

IV. Decision-Making Parent

- A. The enrolling parent has the final decision-making authority on all educational decisions unless a court-approved Parenting Plan designates the non-enrolling parent as the final decision maker.
- B. The decision-making parent (either enrolling parent or court designated) has the authority to make the final decision on all educational issues, including who will be included on the pick-up/emergency contacts list. Only persons listed on the pick-up/emergency contacts list are allowed to take the student from school, either during the day or at the end of the day. The decision-making parent may not limit the authority to pick up the student to certain days unless directed by a court order.
- C. If the court grants both parents the authority to be listed as emergency contacts, then both parents shall be listed as such, and each parent shall be allowed to add up to three (3) persons of each parent's own choice to serve as emergency contacts.

V. Change in Custody

A change in custody occurs when the enrolling parent no longer has custody at least 50% of the time. If the School District determines that the enrolling parent never had or no longer has custody of the student at least 50% of the time, the child may be reassigned to another school based upon the address of the parent who does have custody at least 50% of the time. If the assigned school is changed, athletic eligibility may be affected. In the event of a dispute, court documents shall be required to verify custody.

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VI. Changes to Pick-Up/ Emergency Contacts List

Only the decision-making parent may make changes to the Pick-Up/ Emergency Contacts List. If the non-decision-making parent wants to include a name on the list, he/she should ask the decision-making parent to include the name on the list. If the decision-making parent refuses, then the non-decision making parent may apply for a court order that orders the decision-making parent, not the School District, to include the name on the list. The School District shall follow the court order or court-mandated parenting plan.

VII. Student Records

- A. Either parent, as documented on the birth certificate, and/ or the guardian, as established by court order or guardianship-in-fact, is entitled to copies of the student records relating to his/her child, regardless of whether or not he/she is on the pick-up/emergency contacts list. In the event of divorce, both parents shall retain access rights to student records regardless of a custody order, unless a parent's parental rights or Family Educational and Privacy Act (FERPA) rights have been specifically terminated by a court order.
- B. The initial copies of records and reports will be provided at no cost to the enrolling parent at the address provided. Additional copies of records and reports will be provided upon request of either parent and may incur costs for copying and/or reproduction designated in School Board Rule 3.51, Copying of Public Records.

VIII. Transportation

Entitlement to transportation and the designated bus stop will be based on the address of the enrolling parent. When the student is staying with the non-enrolling parent, it is that parent's responsibility to get the student to and from school or to and from the assigned bus stop based on the enrolling parent's address.

IX. Unforeseen Circumstances

The Superintendent or designee is given authority to resolve situations that are not covered by the policy on a case-by-case basis in the best interest of the student or the School District. The Superintendent or designee is also given authority to make individual exceptions to the policy when deemed in the best interest of the student or School District.

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X. Conclusion

- A. This policy provides written guidance to administrators and staff and to parents and their respective counsels so that some, if not most, parental disputes will be resolved outside of the school campus and the time spent by staff on such matters will be minimal.
- B. The provisions of this policy shall not apply to a law enforcement officer, court official, proper school employee, or DCF employee acting in an official capacity, provided that the person's identity and authority are clearly established.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.07, F.S.
20 USC 1232g

HISTORY:

ADOPTED: 02/01/11
REVISION DATE(S): 02/07/12, 04/05/16, 01/26/21
FORMERLY: NEW

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VEHICLE USE BY STUDENTS

5.36+

The Superintendent shall develop guidelines to be used at schools to implement this policy. These guidelines are addressed in each high school's individual student handbook.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.07, F.S.

HISTORY:

FORMERLY: NEW

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STUDENT ATTENDANCE

5.40*+

- I. Regular attendance is the actual attendance of a pupil during the school day as defined by law and regulations of the State Board of Education. A student who is absent or tardy without the principal's approval shall have his/her parent(s), as defined by Florida Statutes, report such absences or tardies to the school center in the manner prescribed by the *Code of Student Conduct*.
 - A. The *Code of Student Conduct* shall prescribe attendance requirements including but not limited to provisions for excused and unexcused absences, opportunities to make up work assignments, and reporting absences and tardies.
 - B. Students shall be excused from any examination, study, or work assignments for observance of a religious holiday or because the tenets of his/her religion forbid secular activity at such time. The school principal shall implement this provision on an individual basis pursuant to Florida Statutes and State Board of Education rules.
 - C. No adverse or prejudicial effects shall result to any student who avails himself/herself to the provisions of this rule.
- II. Student attendance must be monitored on a daily basis and parents contacted as required by law.
- III. A person designated by the Superintendent or his/her designee shall investigate truancy problems according to the Osceola Attendance/Truancy Plan.
- IV. Definitions and procedures regarding types of absences and absenteeism shall be contained in the Osceola County School District *Code of Student Conduct*.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 985.03, 1000.21, 1001.43,
1003.21, 1003.23, 1003.24, 1003.26, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.044, 6A-1.09514

HISTORY: **REVISION(S):** 02/05/08, 08/25/09
FORMERLY: 6.1.3

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HEALTH SERVICES PLAN

5.51+

- I. The School District shall annually submit a written *School Health Services Plan* (the “Plan”) to the Superintendent who shall transmit the Plan to the School Board.
- II. The Plan must describe the services to be provided, the responsibility for the provision of services, the anticipated expenditures to provide the services, and evidence of cooperative planning by the School District and the Osceola County Health Department.
- III. The Plan must include, but not be limited to, the provision of all healthcare services, healthcare education, in service health training for school personnel and adequate physical facilities for the provision of health services, as required by law.
- IV. Parents will be informed annually, in writing, of each health care service offered at their student’s school and that the parent has the option to withhold consent or decline any specific service as provided in the Plan. A health care practitioner may not solicit or arrange to provide health care services or prescribe medicinal drugs to a minor child without first obtaining written parental consent. When invasive screening is one of the specified services, written consent of the parent or guardian shall be obtained prior to the provision of such screening.
- V. Prior to the School District administering a student well-being questionnaire or health screening form to a student in Grades K through 3, the School District shall provide the questionnaire or health screening form to the student’s parent and obtain the permission of the student’s parent.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**381.0056, 394.463, 1001.21, 1001.43,
1002.20, 1006.062, 1014.06, F.S.**

HISTORY:

REVISED: 04/05/16, 05/17/22, 08/16/22

FORMERLY: 6.1.5

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NOTIFICATION OF INVOLUNTARY EXAMINATION

5.55*+

- I. A student may be taken to a receiving facility for involuntary examination if there is reason to believe that the student has a mental illness and because of the mental illness, the student:
 - A. Has refused voluntary examination after conscientious explanation and disclosure of the purpose of the examination; or
 - B. Is unable to determine for himself or herself whether the examination is necessary; and
 1. Without care or treatment, the student is likely to suffer from neglect or refuse to care for himself or herself; such neglect or refusal poses a real and present threat of substantial harm to his or her well-being; and it is not apparent that such harm may be avoided through the help of willing family members or friends or the provision of other services; or
 2. There is a substantial likelihood that without care or treatment the person will cause serious bodily harm to himself or herself or others in the near future, as evidenced by recent behavior.
- II. An involuntary examination may be initiated by:
 - A. An ex parte court order;
 - B. A law enforcement officer if the law enforcement officer determines that the student meets the criteria for involuntary examination; or
 - C. A physician, clinical psychologist, psychiatric nurse, mental health counselor, marriage and family therapist, or clinical social worker, if the health care professional certifies, in writing, that he or she has examined the student within the preceding 48 hours and finds that the student appears to meet the criteria for involuntary examination and stating the observations upon which that conclusion is based. If other less restrictive means are not available, such as voluntary appearance for outpatient evaluation, a law enforcement officer shall take the student named in the certificate into custody and deliver him or her to the nearest receiving facility for involuntary examination.

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- III. When there is a student crisis situation, school or law enforcement personnel must make a reasonable attempt to contact, either in person or using telehealth, a mental health professional who may initiate an involuntary examination pursuant to *Section 394.463, F.S.*, unless the child poses an imminent danger to themselves or others.
- IV. The school principal or designee shall exercise reasonable diligence and care to make contact with the parent, as defined by law, before the student who is removed from school, school transportation, or a school-sponsored activity is taken to a receiving facility for an involuntary examination.
 - A. Methods of communication to contact the student’s parent or other known emergency contact include, but are not limited to telephone calls, text messages, e-mails, and/ or voicemail messages, following the decision to initiate an involuntary examination of the student.
 - B. The method and number of attempts made to contact the student’s parent or other known emergency contact and the outcome of each attempt must be documented.
 - C. If an emergency contact is notified, the school principal or designee may only share the information necessary to alert such contact that the parent must be contacted.
- V. The school principal or designee may delay the required notification to the parent for up to twenty-four (24) hours if a report has been submitted to the central abuse hotline due to knowledge or suspicion of abuse, abandonment, or neglect and:
 - A. The delay is considered in the student’s best interest, or
 - B. It is reasonably believed to be necessary to avoid jeopardizing the health and safety of the student.
- VI. Before contacting a law enforcement officer, the school principal or designee must verify that de-escalation strategies have been utilized and outreach to a mobile response team has been initiated unless the school principal or designee reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.
- VII. The Superintendent shall annually report to the Florida Department of Education the number of involuntary examinations, as defined in *Section 394.455, F.S.*, initiated at a school, on school transportation, or at a school-sponsored activity.

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- VIII. The Superintendent shall develop procedures for the notification of parents and for reporting, if appropriate, alleged child abuse, abandonment, or neglect to the central abuse hotline when a student is taken to a facility for an involuntary examination. The procedures shall be contained in the *Health Services Manual*.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 39.201, 381.0056, 394.463,
1001.21, 1002.20, 1006.062, F.S.

HISTORY: ADOPTED: 04/05/16
REVISION DATE(S): 12/01/20, 12/14/21
FORMERLY: NEW

CHAPTER 5.00 – STUDENTS

STUDENT INJURIES

5.60+

Students sustaining injuries will be administered to by procedures contained in the *School Health Services Manual*.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.07, 1006.08, F.S.

HISTORY: REVISED: 10/21/08
FORMERLY: 3.3

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STUDENT ILLNESS

5.61+

Students becoming ill at school or at a school-sponsored event will be administered to by procedures contained in the *School Health Services Manual*.

- I. The teacher, principal or nurse shall isolate a student who becomes ill while at school until the student can be removed to the student's home. A student with a temperature above normal, diarrhea, or emesis (vomiting) shall be evaluated and sent home, if necessary.
- II. A student who has had a serious communicable disease shall present a statement from a physician licensed by the State of Florida before being readmitted to classes. A student not attended by a physician may be readmitted if the principal, in the principal's judgment, finds the student has met the criteria for readmission as established by the Osceola County Health Department.
- III. No internal medicine of any kind may be given to a student without the written permission of the parent(s), as defined by Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

100.21, 1001.43, 1006.07, 1014.06, F.S.

HISTORY:

REVISED: 10/21/08, 05/17/22
FORMERLY: 3.3

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ADMINISTRATION OF MEDICATION

5.62*+

The Superintendent shall develop and the Board approve a *Medication Administration Guidelines* section within the *School Health Services Manual*.

- I. Administration of Prescription Medication
 - A. Each school principal shall designate a staff member(s) to administer medications. The staff member(s) shall be trained by the School District Registered Nurse.
 - B. Administration of prescription medications during school hours is discouraged unless a physician determines that a student's health needs require medication during school hours. The *School Health Services Manual* shall set forth provisions for administering prescription medications.
 - C. Instructions on using a prescription shall be provided by a physician or described on the medication container provided by the physician or pharmacist.
 - D. All prescription medications shall be delivered by the student's parent to the office/ clinic with the following information provided:
 1. Name of prescriber;
 2. Name and address of pharmacy;
 3. Date of dispensing;
 4. Serial number;
 5. Name of patient/ student;
 6. Name of medication;
 7. Directions for use;
 8. Expiration/ beyond use date;
 9. Maximum thirty (30) day supply;
 10. Original container;

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11. Authorization for School Personnel to Administer Medication Form signed by the student's parent(s), as defined by Florida Statutes, to grant permission for administering the prescription medication; and
 12. Medication to be counted with two (2) persons signing.
- E. First dosage of any new prescription or non-prescription medication shall be dispensed at the student's home.
 - F. Prescription medication which is kept at school shall be stored in a secure place under lock and key with the student's name attached. Only authorized staff who administer said medication shall have access to it.
 - G. A student with a special health condition(s) such as asthma, diabetes, pancreatic insufficiency, cystic fibrosis, or hypersensitivity may carry prescription medication for emergency situations on self if approved by the student's physician and the student's parent. The approval of the physician and the parent and information regarding the medication required in IV. must be on file in the office/clinic. A student who has permission to self-administer emergency medication may carry the medication on the school bus or at any school related activity.
 - H. A record shall be maintained on each student who receives a prescription medication during school hours, including the time each dose of prescription medication was administered. These records shall be made available daily to the principal and the county health nurse.
 - I. Field Trips - The requirements for the administration of medication while students are away from school property or on official school business shall be the same as those while on school property. All medications including nonprescription medications that are taken on field trips or other official school business must be in the original container. Only trained personnel shall administer medication away from the school site except for students who have permission to self-administer emergency medications.

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II. Administration of Emergency Medication

- A. The medication shall be kept in a secure location accessible only to trained personnel.
- B. The School Board shall adopt a protocol, developed by a licensed physician, for the administration of epinephrine in emergency situations.
- C. Only school personnel who are trained to recognize an anaphylactic reaction and certified to administer an epinephrine auto-injector or a person who is authorized by an authorized health care practitioner shall be permitted to administer this medication; however, the auto-injector may be given to a student who is authorized to self-administer an epinephrine auto-injector.
- D. Under the provisions of Florida Statutes, the District, trained and certified personnel, or an uncertified person who administers an epinephrine autoinjector under the authorization of an authorized health care provider shall not be liable for any injury resulting from the administration of an autoinjector provided that school personnel were trained or authorized as provided by law, followed the established protocol, and believed that the student was having an anaphylactic reaction.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 381.88, 381.885, 768.13, 1000.21, 1001.43, 1002.20, 1002.22, 1006.062, 1014.06, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-6.0251, 6A-6.0252, 6A-6.0253

STATE DEPARTMENT OF HEALTH RULE(S): 64F-6.004

HISTORY: REVISION(S): 12/06/05, 02/06/07, 10/21/08, 04/21/15, 05/17/22

FORMERLY: NEW

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MEDICAL MARIJUANA

5.622*

- I. Administering Medical Marijuana to Qualified Students/ Patients on School District Property
 - A. The School Board strives to comply with state law to honor families' private medical decisions while ensuring a learning environment free of disruption. To accomplish these goals, as a general rule, prescription medication, including medical marijuana/ low THC (tetrahydrocannabinol) cannabis/ cannabinoid products, should be administered at home. Prescription medications, including medical marijuana, should only be administered on School District property during school hours when administration cannot reasonably be accomplished outside of school hours. The primary caregiver should administer the medical marijuana at home whenever possible to qualified students/ patients who require the use of medical marijuana for a qualifying medical condition.
 - B. In those limited circumstances when it is medically necessary, administration of medical marijuana to qualified students/ patients on School District property shall be in accordance with this policy. Administration of all other prescription and nonprescription medications to students on School District property during school hours shall be in accordance with applicable law and School Board policy concerning the administration of medications to students.
 - C. Medical marijuana cannot be administered to a qualifying student/ patient while aboard a school bus or at a school-sponsored event.
 - D. This policy conveys no right to any student or to the student's parents/ guardians or other caregivers to demand access to any general or particular location on school or School District property, a school bus, or at a school-sponsored event to administer medical marijuana.
 - E. If the federal government indicates that the School District's federal funds are jeopardized by this policy, or asks the School District to cease and desist the implementation of this policy, the School Board declares that this policy shall be suspended immediately, and that the administration of any form of medical marijuana to qualified students/ patients on School Board property shall not be permitted. The School District shall comply with any federal guidance and/ or directives related to this policy. The School District shall post notice of such policy suspension and prohibition in a conspicuous place on its website.

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- F. Definitions - For purposes of this policy, the following definitions shall apply per Florida Statute:
1. “Student” means an individual enrolled in an Osceola County public school, Pre-K through Grade, 12 who is subject to compulsory school attendance, as well as students with disabilities who are 18 through 21 years of age.
 2. “Qualified student/ patient” means a student/ patient who:
 - is a resident of this state;
 - has been added to the State of Florida Medical Marijuana Use Registry by a qualified physician to receive medical marijuana or a marijuana delivery device for a medical use;
 - has a qualified patient identification card; and
 - for whom the administration of medical marijuana cannot reasonably be accomplished outside of school hours.
 - a) A qualified student/ patient may designate no more than one (1) caregiver to assist with the qualified student’s/ patient’s medical use of marijuana unless the qualified student/ patient:
 - 1) is a minor, and the designated caregivers are parents/ legal guardians of the qualified student/ patient;
 - 2) is an adult who has intellectual or developmental disability that prevents the student/ patient from being able to protect or care for himself/ herself without assistance or supervision, and the designated caregivers are the parents or legal guardians of the qualified patient; or
 - b) If a qualified student/ patient is younger than 18 years of age, then only a caregiver may purchase or administer marijuana for medical use by the qualified student/ patient. The qualified student/ patient may not purchase marijuana.
 3. “Primary caregiver” or “caregiver” must be 21 years of age or older and a resident of this state who:
 - has agreed to assist with a qualified student’s/ patient’s medical use of marijuana;
 - has a caregiver identification card; and
 - meets the requirements set forth in Section 381.986(6), Florida Statutes.

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- a) The primary caregiver or caregiver shall:
 - 1) Agree in writing to assist with a registered qualified student's/ patient's medical use of marijuana, is not currently serving as primary caregiver for another qualifying patient, and is not a qualifying student's/ patient's physician.
 - 2) Register with the Florida Department of Health (FLDOH) Registry for medical marijuana use and meets all of the requirements.
 - 3) Be designated as a primary caregiver on the qualifying student's/ patient's FLDOH application.
 - b) The primary caregiver or caregiver may be registered in the medical marijuana use registry for no more than one qualified student/ patient unless the caregiver is:
 - 1) a parent/ legal guardian of more than one (1) minor who is a qualified student/ patient; or
 - 2) a parent/ legal guardian of more than one (1) adult who is a qualified student/ patient and who has an intellectual or developmental disability that prevents the qualified student/ patient from being able to protect or care for himself or herself without assistance or supervision.
4. "Designated location" means a location identified in writing by the School District in its sole discretion on school grounds, such as the nurse's office or a building administrator's office. School District or school administration determines, in its sole discretion, the location of administration of a permissible form of medical marijuana that does not create risk of disruption to the educational environment or exposure to other students.
 5. "Qualified physician" means an individual who holds an active, unrestricted license as an allopathic physician under chapter 458 or as an osteopathic physician under chapter 459 and is in compliance with the physician education requirements set forth in Section 381.986(3), Florida Statutes.
 6. "Permissible form of medical marijuana/ low THC/ cannabinoid products" means non-smokeable/ non-inhalable products such as oils, tinctures, edible products, or lotions that can be administered and fully ingested or absorbed in a short period of time. Due to the potential for misuse, vapors, patches, or other forms of administration that continue to deliver medical marijuana to a student/ patient while at school are not permitted.

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7. “Marijuana” means all parts of any plant of the genus Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant or its seeds or resin, including low-THC cannabis, which are dispensed from a medical marijuana treatment center for medical use by a qualified student/ patient.
 8. “Low-THC Cannabis” means a plant of the genus Cannabis, the dried flowers of which contain 0.8 percent or less of tetrahydrocannabinol and more than 10 percent of cannabidiol weight for weight; the seeds thereof; the resin extracted from any part of such plant; or any compound, manufacture, salt, derivative, mixture, or preparation of such plant or its seeds or resin that is dispensed from a medical marijuana treatment center.
 9. “Prohibited forms of medical marijuana/ cannabinoid products” means vapors, patches, and any other forms of administration that provide continuous delivery of medical marijuana/ low THC cannabis to a qualified student/ patient while at school shall not be permissible. Forms of medical marijuana/ low THC cannabis not included in this definition may be addressed as outlined in the “Extenuating Circumstances” section of this policy.
- II. Permissible Administration of Medical Marijuana to a Qualified Student/ Patient on School District Property
- A. Administration of Medical Marijuana/ Low THC Cannabis Use at School
1. School District/ school-level nurses or health care personnel or school staff are not allowed to administer, store/ hold, or transport the medical marijuana in any form, and it shall not be stored on any School District property, including school grounds, at any time.
 2. A parent/ caregiver may administer medications/ treatments to their child or a qualified student/ patient during the school day. The parent/ caregiver shall be responsible for safely administering and transporting the medication/ treatment to and from school each day. An **Authorization for Medical Marijuana/ Low THC Cannabis Use for Qualified Students/ Patients at School Form** must be completed by a physician for all medication/ treatments that a parent/ primary caregiver will be administering to their child during the school day, acknowledging that the parent/ caregiver will be administering the medication/ treatment.

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3. School District or school administration may determine, in its sole discretion, the location and method of administration of a permissible form of medical marijuana/ low THC cannabis that does not create risk of disruption to the educational environment or exposure to other students.
 4. School District or school administration shall prepare, with input from the qualified student's parent/ guardian, a written medical marijuana/ low THC cannabis implementation plan that identifies the form, designated location(s), and any protocol regarding administration of a permissible form of medical marijuana/ low THC cannabis to the qualified student/ patient. The school administrator, the school nurse, the qualified student/ patient (if capable), the qualified student's parent/ guardian, and the caregiver (if applicable) shall sign the written plan.
- B. Request by Parent/ Guardian for Authorization for the Use of Medical Marijuana/ Low THC Cannabis to Be Administered at School
1. The District allows for the administration of medications/ treatments, including medical marijuana, when administration cannot reasonably be accomplished outside of school hours. The primary caregiver should administer the medical marijuana/ low THC cannabis at home whenever possible to qualified students/ patients who require the use of medical marijuana/ low THC cannabis for a medical condition.
 2. The parent/ guardian of a qualifying student/ patient requesting the administration of medical marijuana/ low THC cannabis to the student/ patient at school, must submit a written request to the school principal.
 3. Qualified students/ patients who require the use of medical marijuana/ low THC cannabis for a medical condition while at school, shall receive the medical marijuana/ low THC cannabis by their primary caregiver as ordered/ recommended by a physician on school grounds at the location designated by the school principal.
- C. Extenuating Circumstances
- Any administration of medical marijuana/ low THC cannabis that requires consideration outside of the rules outlined within this policy must be reviewed and approved by the School District's Department of Student Services. Parents may make requests for consideration through the school principal.

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III. Responsibilities of the Parent/ Caregiver

- A. The qualified student/ patient's caregiver shall be responsible for providing the permissible form of medical marijuana/ low THC cannabis to be administered to the qualified student.
- B. A parent/ guardian of a qualifying student/ patient requesting the administration of medical marijuana/ low THC cannabis to the qualified student/ patient while on school grounds must submit a written request to the school principal at least forty-eight (48) hours in advance, excluding weekends and holidays, requesting authorization to administer medical marijuana/ low THC cannabis pursuant to this policy.
- C. Parent/ guardian must provide the school principal a copy of the current Department of Health Registry Identification Card for the qualifying student/ patient and the primary caregiver, and a valid form of picture ID.
- D. The qualified student's parent/ guardian shall provide the school, with an **Authorization for Medical Marijuana/ Low THC Cannabis Use for Qualified Students at School Form** completed by a physician and signed by the parent/ guardian for the administration of medical marijuana/ low THC cannabis to the qualified student/ patient during the school day, acknowledging that a parent/ caregiver will be administering the medical marijuana/ low THC cannabis.
- E. The parent/ caregiver must submit the form to the school principal/ designee every school year, and when there are any changes to the medication and the type of preparation (i.e., oils, tablet).
- F. The completed form shall include the type, amount, time to be administered, possible side effects and any special instructions regarding the medication.
- G. A written statement signed by the qualified student's/ patient's parent/ guardian must be on file which assumes all responsibility for ensuring the administering individual is qualified to perform the task, assumes all responsibility for the administration, maintenance, and use under state and federal law, and releases the School District from liability for any injury arising out of the administration of medical marijuana on School District property.
- H. Any parent/ guardian seeking access to School District property for purposes of this policy must comply with School District policy and/or procedures concerning visitors to schools, including checking in through the school's Front Office.

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IV. Responsibilities of School District/ School-Level Administrators

A. Upon review and approval of the documentation submitted by the parent, the school principal shall:

1. Coordinate the development of the School District's written implementation plan for medical marijuana/ low THC cannabis use at school. This plan shall include the following information:
 - a) The specific location and time(s) where the parent/ primary caregiver shall report to administer the medical marijuana; and
 - b) The school staff member(s) who the parent/ primary caregiver must coordinate with at the school for administration of the medical marijuana/ low THC cannabis to the qualifying student.
2. Provide the parent/ guardian with a copy of this policy, and review the School District's implementation plan for medical marijuana/ low THC cannabis use at school with parent/ guardian.
3. Report to the School District's Department of Student Services any incidence of student/ parent/ caregiver dispensation of substances other than the permissible forms of medical marijuana/ low THC cannabis as specified on the ***Authorization for Medical Marijuana/ Low THC Cannabis Use for Qualified Students at School Form***, signed by the parent/ guardian and the student's/ patient's physician and take action in accordance with the School District's Code of Student Conduct.
4. The school principal or designee may consult with the School District's Department of Student Services as needed.

VI. Consequences of Violation of Policy and/ or Procedures

- A. Permission to administer medical marijuana/ low THC cannabis to a qualified student/ patient may be limited or revoked if the qualified student/ patient or the student's parent/ caregiver violates this policy or demonstrate an inability to responsibly follow this policy's parameters.
- B. At no time shall the qualifying student/ patient have the medical marijuana/ low THC cannabis in their possession except during the administration process, through dispensation by the designated primary caregiver, per the School District's written implementation plan.

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- C. Consequences for sale/ attempted sale/ transmittal of any medical marijuana/ low THC cannabis products or low THC cannabis, or substances held out and represented to be medical marijuana/ low THC cannabis, may result in disciplinary actions as outlined in the School District’s Code of Student Conduct.
- D. Student possession, use, or being under the influence of marijuana or marijuana derivatives inconsistent with this policy:
1. shall be considered a violation of the School District’s Code of Student/ Conduct;
 2. may subject the student to disciplinary consequences, including suspension and/ or expulsion, in accordance with applicable School Board policy, and
 3. may require consultation with local law enforcement.
- E. Dispensation by parent/ caregiver of medical marijuana/ low THC cannabis in any form other than specified on the ***Authorization for Medical Marijuana/ Low THC Cannabis Use for Qualified Students at School Form***, signed by the parent/ guardian and physician may be treated as a violation of the School District’s Code of Student Conduct, for possession, use, or being under the influence of unauthorized substance, which are expellable offenses.

STATUTORY AUTHORITY:
381.986, 1001.41, 1001.42, F.S.

Article X, Section 29, Florida Constitution

LAW(S) IMPLEMENTED:

**381.88, 381.885, 768.13, 1000.21, 1001.43,
1002.20, 1002.22, 1006.062, F.S.**

HISTORY:

**ADOPTED: 12/18/18
REVISION DATE(S): N/A
FORMERLY: N/A**

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HIV, AIDS, OR OTHER COMMUNICABLE DISEASES, BLOODBORNE PATHOGENS AND ENVIRONMENTAL HAZARDS **5.63+**

- I. It is the School Board’s intent to protect employees and students from exposure to infectious diseases and from risk occasioned by infectious diseases and environmental hazards and to provide reasonable accommodations to infected students.
- II. It is recognized that students with any illness, including HIV infected persons, may continue to attend school as long as academic, behavioral, and medical evidence indicates that their condition is not a threat to themselves or to others. If it becomes necessary, reasonable accommodations within the school setting shall be made, or an alternative educational services delivery shall be implemented.
- III. All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need to know.
- IV. School Board employees shall receive and review procedures governing immunization against Hepatitis B infection, HIV, AIDS, bloodborne pathogens, other communicable disease, and environmental hazards.
- V. Staff members shall cooperate with public health authorities by practicing and promoting “universal precautions,” as deemed by the Centers for Disease Control (CDC). Procedures for dealing with students who pose a threat of transmitting a bloodborne health condition are contained in the *School Health Services Manual*.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **1000.21, 1001.03, 1001.42, 1001.43, 1002.22, F.S.**

STATE BOARD OF EDUCATION RULE(S): **6A-6.03020, 6A-6.0331**

STATE DEPARTMENT OF HEALTH RULE(S): **64E-16**

HISTORY: **REVISION(S): 12/06/05, 10/21/08**
FORMERLY: 6.1.5

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STUDENT RECORDS

5.70*+

School Board rules and procedures for maintaining student records shall be consistent with Florida Statutes, including the “Parents’ Bill of Rights,” State Board of Education rules, and federal laws relating to Family Educational Rights and Privacy Act (FERPA), also known as the Buckley Amendment – U.S. Codes (20 USC 1232g), Code of Federal Regulations (CFR) for Title 34; part 99. The Superintendent shall be responsible for interpreting this rule and the school principal shall be responsible for controlling and supervising student records, following all rules on student records, and interpreting rules on student records to the school staff, students, and the community.

- I. Procedures on student records shall be approved by the School Board and contained in the Student Records Handbook. These procedures shall include provisions of the Family Educational Rights and Privacy Act requirements relating to the surveying of students, the collecting of information from students for marketing purposes, and certain nonemergency medical examinations.
- II. Parents, as defined by law, and students shall be notified annually of their rights regarding education records.
- III. The School District shall not collect or retain information including biometric information restricted by *Section 1002.222, F.S.*
- IV. The individual records of children enrolled in the Voluntary Prekindergarten Education Program shall be maintained as confidential records exempt from the public records law as required by Florida Statutes.
- V. The School District acknowledges important information relating to a minor child should not be withheld inadvertently or purposefully, from the parent, as defined by law, including information relating to the minor child’s health, well-being, and education, while the minor child is in the custody of the School District.
- VI. Pursuant to *Section 1006.07, F.S.*, the parent, as defined by state law, shall have the right to access and review all school records related to the parent’s minor child, including, but not limited to, the right to access school safety and discipline incident reports.
- VII. Student information that is confidential and exempt shall not be released except when authorized by *Section 1002.221, F.S.*
- VIII. The School District, upon receiving a written request for another school, public or private, within or out of State, shall transfer within three (3) school days the records of the student.

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- A. The records to be transferred shall include:
 - 1. Category A and B (including disciplinary records with respect to suspension and expulsion) records as defined by *State Board of Education Rule 6A-1.0955 – Education Records, Florida Administrative Code (FAC)*.
 - 2. Verified reports of serious or recurrent behavior patterns, including threat assessment evaluations and intervention services; and
 - 3. Psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff, as appropriate.

- IX. Reporting of information in any student database shall comply with these safeguards.
 - A. Data reported to the Florida Department of Education shall not disclose a student's name or identity unless required by Florida Statutes;
 - B. Data shall not be stored in a single file or released in such a manner that a complete student profile can be reported unless specified by Florida Statutes; and
 - C. Data shall be protected from unauthorized use at all times.

- X. Social security numbers may be collected from students
 - A. To be used as student identification numbers as allowed by 1008.386, F.S., until the Department of Education has issued a student identification number;
 - B. To facilitate the processing of student scholarships, college admission and other applications; and
 - C. For other purposes when consent of the parent or adult student is granted.

- XI. Transfer of Student Records
 - A. Pursuant to Section 1003.25 – Procedures for transfer of student records, Florida Statutes, the transfer of records for students who transfer from school to school shall occur within three (3) school days.

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- B. When transferred, student records shall include all verified reports of serious or recurrent behavior patterns, including threat assessment evaluation and intervention services, and psychological evaluations, including therapeutic treatment plans and therapy or progress notes created or maintained by School District or charter school staff.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 119.071, 1001.43, 1001.52, 1002.22, 1002.222, 1003.25, 1002.72, 1008.386, 1014, et seq., F.S.
20 USC §1232g (34 CFR PART 98)
PL 103-382 (34 CFR PART 99)

STATE BOARD OF EDUCATION RULE(S): 6A-1.0955

HISTORY: **REVISION(S):** 12/06/05, 02/06/07, 02/05/08, 10/21/08, 04/21/15, 07/16/19, 06/16/20, 05/04/21, 12/14/21
FORMERLY: 6.4

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DIRECTORY INFORMATION

5.71+

Students' parent(s), as defined by Florida Statutes, shall be notified annually in the *Code of Student Conduct* that the School Board may release "directory information" to the general public. No name or addresses shall be released to any company, corporation, or individual without approval by the School Board unless a school directory is published.

- I. Directory information includes the following data about a student:
 - A. Name;
 - B. Address;
 - C. Telephone number, if listed;
 - D. Participation in officially recognized activities and sports;
 - E. Weight and height, if an athletic team member;
 - F. Name of the most recent school or program attended;
 - G. Dates of attendance at schools in the District and degrees and awards received; and,
 - H. Date and place of birth.
- II. Information described in subsections I.A., D., E., F., and G. herein may be published routinely by the School Board in conjunction with press releases about school activities, honor roll announcements, athletic events, and other school-related activities.
- III. Directory information shall not be published when the student's parent(s) submits written notification to the principal prior to September 1, or within ten (10) school days after the student enrolls. Failure to advise the student's principal shall be deemed a waiver of any right to preclude release of such directory information pursuant to Florida Statutes or federal laws.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1002.22, 1002.222, F.S.
20 USC 1232g

HISTORY: **REVISION(S):** 02/05/08, 04/21/15
FORMERLY: 3.4

CHAPTER 5.00 – STUDENTS

PARENTAL ACCESS TO INFORMATION

5.711*+

- I. The Board shall incorporate into the Board approved *Student Services Plan*, rules and procedures required by the Every Student Succeeds Act, relating to student privacy, parental access to information and administration of health screenings to minors.
- II. The Superintendent shall develop procedures to ensure that this policy is carried out in each of the School District schools.
- III. Parent, as defined by Florida Statutes, of each student shall be notified at a minimum, at least annually at the beginning of the year, regarding the rules and procedures relating to this policy. Parents shall be notified within a reasonable period of time of any substantive change made to this policy.
- IV. The School District understands a student's physical, behavioral, and emotional well-being are integral components of student achievement. Pursuant to *Section 1014.01 et seq., Florida Statutes*, parents have the right to access and review all school records, including medical records, pertaining to their minor child. Parents shall be notified of any change in student's services or monitoring related to the student's mental, emotional, or physical health or well-being, unless:
 - A. It is prohibited by law; or
 - B. The parent is the subject of an investigation of a crime committed against the minor child, and a law enforcement agency or official requests that the information not be released; or
 - C. A reasonably prudent person would believe that disclosure would result in abuse, abandonment, or neglect.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1002.22, F.S.
EVERY STUDENT SUCCEEDS ACT (ESSA) OF 2015,
Title I, Part A, Subpart 1, Section 1116
Title IV of Public Law 90-247, [Section 445(20 USC 1232(h)(b))]
20 USC 1232g

HISTORY:

REVISION(S): 02/05/08, 06/16/20, 08/16/22
FORMERLY: 6.4

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LEGAL NAME OF STUDENT

5.72

When a parent, as defined by Florida Statutes, or any other person seeks to enroll a student under a name other than the legal name, or seeks to change the name of a student already enrolled, the parent or other person shall be informed that the name of the student as recorded on the birth certificate or other supporting evidence, as provided by law, will be used on all official records until such time as a final court order verifying a legal change is received.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1003.21, F.S.

HISTORY:

REVISION(S): 02/05/08
FORMERLY: NEW

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ATHLETICS

5.80+

- I. Each school may establish a board of control for athletics to include the school principal, instructional staff members, the athletic director, and any other member deemed appropriate by the school principal.
- II. All District high schools shall be members of the Florida High School Athletic Association, Inc. (FHSAA) and shall be governed by the rules and regulations adopted by FHSAA. Students who participate in athletics shall meet eligibility requirements established by FHSAA and the School Board. Membership dues will be paid from the internal accounts of each respective school.
- III. In the event a fine is imposed by the FHSAA on any school, coach, assistant coach, District employee, student athlete, or school athletic booster club member, no District funds, including internal accounts, shall be used to pay the fine without requiring reimbursement from the responsible person(s).

FHSAA policy imposes fines after a pre-determined number of student athlete suspensions and incidents of unsportsmanlike conduct per school. Responsible student athletes shall be levied a fine for each offense, regardless of an FHSAA imposed fine, as follows:

- a. Level 1 Offense \$100
- b. Level 2 Offense \$250

When the school receives notification from the FHSAA of an imposed fine or student suspension, a fine shall be payable to the school immediately by the responsible person(s). Payments of fines shall be placed in a special internal account designated exclusively for the payment of FHSAA fines. The school shall pay any levied fines imposed by the FHSAA from the specially designated accounts within thirty (30) days of notification and seek reimbursement from the responsible parties. At the close of the fiscal year and after all imposed fines have been paid to the FHSAA, monies remaining in the account shall be transferred to the Athletic General Account for program support.

This policy shall be published annually to all applicable coaches, assistant coaches, District employees, student athletes, and school athletic booster clubs by each high school and shall be a condition of participation. Responsible person(s) who do not comply shall be immediately suspended from participation.

- IV. Students practicing or participating in any type of interscholastic athletics shall provide proof of accident insurance covering medical expenses of any injury sustained in a sport. The principal shall be responsible for obtaining proof, as evidenced by a signed statement from the student's parent(s), as defined by

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Florida Statutes, of the student's insurance prior to practice or participation in interscholastic athletics. Such insurance may be made available to the parent(s) through the school, or the parent(s) may submit evidence that insurance has been provided through another source.

- V. No student shall engage in practice or participate in any interscholastic game without the written permission of the student's parent(s) and a current physical examination as required by Florida High School Athletic Association being on file.
- VI. No student shall be a candidate for an athletic team or a participant in athletic competition without filing an informed consent signed by his/her parent(s). The consent must explain the nature and risk of concussion and head injury as required by law. The consent must be filed annually prior to participating in any physical activity related to athletic competition or candidacy for an athletic team.
- VII. A student athlete who is suspected of sustaining a concussion or head injury in a practice or competition shall be removed from play immediately. The athlete may not return to play without a clearance from appropriate medical personnel.
- VIII. Pursuant to Florida Statutes, 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.
- IX. Beginning June 01, 2021, per FHSAA rules, a school employee or volunteer with current training in cardiopulmonary resuscitation (CPR) and the use of an automatic external defibrillator (AED) must be present at each athletic event during and outside of the school year, including practices, workouts, and conditioning sessions.
- X. An automatic external defibrillator (AED) shall be available for use, per FHSAA rules, at every preseason and regular season interscholastic contest and at every FHSAA state championship series contest. In addition, the AED must be in a clearly marked and publicized location for each athletic contest, practice, workout, and conditioning session, including those conducted outside of the school year. Staff shall be trained to use such equipment.
 - See also *Osceola County School Board Rule 3.25 – Automatic External Defibrillators*.

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- XI. Beginning July 01, 2020, per Section FHSAA rules, in order to better protect student athletes participating in athletics during hot weather and avoid preventable injury or death, each member school on a year-round basis shall:
- Ensure that each athletic coach and sponsor of extracurricular activities involving outdoor practices or events shall annually complete training in exertional heat illness identification, prevention, and response, including effective administration of cooling zones.
 - Comply with FHSAA guidelines for monitoring heat stress and identify heat stress levels at which a school must make a cooling zone available for each outdoor athletic contest, practice, workout, or conditioning session. Heat stress must be determined by measuring the ambient temperature, humidity, wind speed, sun angle, and cloud cover at the site of the athletic activity;
 - Monitor heat stress and modify athletic activities, including suspending or moving activities, based on the heat stress guidelines;
 - Comply with FHSAA guidelines for hydration, including appropriate introduction of electrolytes after extended activities or when a student participates in multiple activities in a day;
 - Meet FHSAA requirements for cooling zones, including, at a minimum:
 - the immediate availability of cold-water immersion tubs or equivalent means to rapidly cool internal body temperature when a student exhibits symptoms of exertional heat stroke; and
 - the presence of an employee or volunteer trained to implement cold-water immersion;
 - Include, within the school's emergency action plan, a procedure for onsite cooling using cold-water immersion or equivalent means before a student is transported to a hospital for exertional heat stroke.
 - See also *Osceola County School Board Rule 5.85 – Exertional Heat Illness*.
- XII. All students shall be subject to all School Board rules and to the *Code of Student Conduct* while attending athletic events and practices.

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- XIII. In order for a student to be eligible to participate in interscholastic extracurricular student activities, he/she must meet all of the requirements established by the Florida High School Athletic Association consistent with Florida Statutes and maintain satisfactory conduct, as defined by the *Code of Student Conduct*. If a student is convicted of an on- or off-campus 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 extracurricular activities will be suspended for at least one (1) calendar year.
- XIV. A report of an alleged violation of this standard of conduct shall be submitted to the principal or designee for investigation. If the principal or designee determines that a violation has occurred, the student and his/her parent shall be notified in writing of the suspension from school sponsored extracurricular activities.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

768.135, 943.0438, 1000.21, 1001.43, 1002.20,
1002.31, 1006.07, 1006.15, 1006.16, 1006.20, F.S.

HISTORY:

REVISION(S): 12/06/05, 02/06/07, 05/01/07, 11/17/09,
01/29/13, 09/17/13, 08/15/17, 06/16/20,
12/01/20
FORMERLY: 6.51

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RANDOM DRUG AND ALCOHOL TESTING OF STUDENT ATHLETES

5.81+

I. General

- A. Findings and Purpose - We recognize that some students in the School District of Osceola County, Florida and throughout our nation are involved in the illegal use of drugs and alcohol. The illegal use of drugs and alcohol by students during school hours and at other times has a detrimental impact on behavior, academic performance, and safety. This may cause permanent physical and mental harm.

Student athletes involved in such conduct may experience other harmful effects, including: Interference with their athletic performance; interference with their academic performance; increased risk of injuries to themselves, teammates, and others; impairment of their judgment; slowing of their reaction time and reflexes; inability to adequately perceive pain; and reduction in motivation and the level of discipline necessary to any athletic program. And, because some students look up to student athletes as role models, their use of illegal drugs or alcohol may encourage other students to engage in such behavior. For these reasons, the School District has determined to initiate a testing program and procedure to deter and reduce the illegal use of drugs and alcohol by student athletes. Through this program, participating schools will educate student athletes concerning the problems and detrimental effects of drug and alcohol use, identify those student athletes who may be using drugs and alcohol, identify the substances being used, encourage and facilitate appropriate counseling and treatment for any identified drug and alcohol dependency, and provide reasonable assurance that students wishing to participate in interscholastic athletics are medically and physically competent to do so.

- B. School Board's Authority - In recognition of the fact that student participation in interscholastic athletics is extracurricular and voluntary, and pursuant to the authority in Sections 1001.41, 1001.42 and 1001.43, Florida Statutes, and the opinion of the United States Supreme Court in the case of Vernonia School District 47J vs. Acton, 115 S. Ct. 2386 (1995), The School Board of Osceola County, Florida is authorized to adopt a policy allowing drug and alcohol testing of student athletes as provided herein.

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- C. Effective Date and Scope - This is a pilot program that will become effective during the fall sports season of the 2000-2001 school year, including practice and preparation in accordance with official rules of the Florida High School Athletic Association (FHSA). The Principal of any high school within the District, after consultation with the School Advisory Council and the Superintendent, may elect to implement this policy by giving reasonable notice to the students, and their parents, as defined by Florida Statutes, affected by and subject to the provisions of this policy.
- II. Definitions - For purpose of this policy, the following terms and phrases shall be defined as follows:
- A. *Alcohol* shall mean any beverage, mixture, or preparation, including any medications or other products, containing alcohol or ethanol.
- B. *Chain of custody* shall mean the methodology of tracking specified materials or substances for the purpose of maintaining control and accountability from initial collection to final disposition for all such materials or substances and providing for accountability at each stage in handling, testing, and storing specimens and reporting test results.
- C. *Confirmation test, confirmed test, or confirmed drug test* shall mean a second analytical procedure used to identify the presence of a specific drug or metabolite in a specimen, and must be capable of providing reasonable specificity, sensitivity, and quantitative accuracy. The test will be performed by a qualified and licensed laboratory or testing company.
- D. *Drugs* shall mean any substance or drugs identified in Schedules I through V in Section 893.03, Florida Statutes, as it may be amended, and shall include, without limitation, cannabinoids (marijuana), amphetamines, alcohol, cocaine, opiates, phencyclidine (PCP), and performance enhancing drugs (PEDs), including but not limited to anabolic steroids.
- E. *Drug test, alcohol test, or test*, shall mean any chemical, biological, or physical instrumental analysis administered by either school personnel or the Principal, for the purpose of determining the presence or absence of alcohol, a drug or its metabolite.
- F. *Initial drug test or initial alcohol test* shall mean a sensitive, rapid, and reliable procedure to identify negative and presumptive positive specimens, using a method that has a reasonable degree of acceptance in the scientific community.

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- G. *Medical Review Officer* or *MRO* shall mean a licensed physician who has agreed to provide services to the school for the purpose of reviewing drug test results and communicating with the student athlete and their parent(s) concerning any positive drug test result as more specifically described herein.
- H. *Prescription medication* shall mean a drug or medication obtained pursuant to a prescription as defined by §893.02, Florida Statutes, whereas non-prescription medication means medication that is authorized pursuant to federal or state law for general distribution and use without a prescription in the treatment of human disease, ailments or injuries.
- I. *Counseling Session* shall mean one (1) normal drug and alcohol counseling session provided by the School Board with the School Board's designated counselor. If this session is missed on the part of the student athlete, such student athlete's suspension shall continue until such counseling session has been attended.
- J. *Specimen* shall mean tissue, hair, or a product of the human body, such as urine or breath, capable of revealing the presence of drugs or their metabolites, as approved by the United States Food and Drug Administration or the Agency for Health Care Administration.
- K. *Student athletes* shall mean any student enrolled in the School District of Osceola County, Florida, and who is participating in or applying for participation in any interscholastic athletic program, including practices and games or contests, under the control and jurisdiction of the School District of Osceola County, Florida. It is the intention of the School Board that all students who are participating in activities that are deemed to be interscholastic athletic activities or interscholastic sports as defined by the applicable rules of the Florida High School Athletic Association (FHSAA) shall be covered under this policy for random drug and alcohol testing.

III. General Prohibitions and Penalties

- A. **Standard of Conduct for Student Athletes** - The use or possession of a drug or alcohol as defined herein, by a student athlete at any time is both illegal and detrimental to that student athlete's ability to participate in interscholastic athletics and is hereby prohibited. Any student athlete determined to be in violation of this policy is subject to disciplinary action related to his or her participating in interscholastic athletics and will be suspended from participation as provided in this policy.

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- B. *Code of Student Conduct* - Nothing contained in this drug or alcohol testing policy for student athletes shall be construed to limit or preempt the application and enforcement of the *Code of Student Conduct*, including all of its provisions pertaining to drugs and alcohol.

- C. Positive Test Results - A drug test or alcohol test administered pursuant to this policy will be deemed to have rendered a positive result indicating the presence of a drug if the quantity, as determined by an initial drug test followed by a confirmation analysis of the remaining portion, is equal to or greater than the levels which have been established by the National Institute of Drug Abuse or the protocols and procedures established by the laboratory or other company that has performed the confirmation analysis. Each high school that elects to implement this policy shall have the discretion to determine which drugs will be subject to the drug test. It is understood that the number of items being tested for will increase the expense or vary the cost of the testing and the schools shall have the discretion to implement testing for any or all of the following items: Alcohol; Amphetamines; Cannabinoids; Cocaine; Ethanol; Opiates; Phencyclidine PCP; or any other drug or substance that is illegal for students to possess and/or ingest on school property or at a school function.

- D. Penalties - For any student athlete whose drug test administered pursuant to this policy renders a positive test result or who otherwise violates this policy, the following consequences shall apply:
 - 1. Random Test - The student athlete shall be suspended from participation in ten percent (10%) of the interscholastic athletic competitions (games or contests, but not including practices) of the total number of games or competitions in the regular season. In the event the season ends before ten percent (10%) of the games or competitions are missed by virtue of the suspension, such suspension shall be carried forward into the next school year in the event the student participates in the particular athletic program. Additionally, the student will be referred to a school district drug and alcohol counselor. As a condition of being reinstated to the team, the student athlete shall be required to attend at least three meetings with the approved drug and alcohol counselor and also attend such further counseling as the counselor or school principal may direct. Further, the student athlete will be subject to recurring drug tests or alcohol tests at times that will not be previously disclosed to the student athlete to deter him or her from committing a subsequent violation of this policy throughout the remainder of the time that he/she participates in an interscholastic athletic

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activity as defined by FHSAA policy or rule and is enrolled in the School District of Osceola County.

2. Second Offense or Second Positive Drug Test Results - Upon a determination that a student athlete is guilty of a second violation of this policy or has a second positive drug test result, the student athlete shall be prohibited from participation in all interscholastic athletics for the remainder of the season and one (1) full calendar year following the end of the athletic season during which the second offense or second positive drug test occurs. For example, if a volleyball player has a second positive drug test during the volleyball season, he/she would be prohibited from participating for the remainder of the volleyball season and prohibited from participating in all interscholastic athletics (including practices) for one (1) full calendar year thereafter. In addition, the student athlete must attend counseling sessions with a School District counselor (preferably a drug and alcohol counselor) as the school principal directs.

IV. Drug Testing Procedures

- A. Consent - Each student athlete and his or her parent(s) are required to sign a written consent for drug testing form, attached as Exhibit A prior to being allowed to participate or continue to participate in interscholastic athletics. All random drug testing and random alcohol testing done throughout the course of the school year will be paid for by the school. Any refusal by the student athlete to be tested shall constitute a violation of this policy and shall be grounds to deny eligibility from participation or removal from interscholastic athletics.
- B. Medication - Student athletes who have been selected for drug testing or alcohol testing and who are or have been taking prescription or nonprescription medication should disclose that fact at the time of such testing and upon request provide verification. This may be done by either a copy of the prescription or by the physician's written authorization.
- C. Selection Process - Drug testing or alcohol testing of student athletes shall occur at various times throughout the school year on a team and/or individual basis. Any and all student athletes participating in interscholastic sports may be required to undergo drug testing or alcohol testing on a random selection or "no reason" basis. Individuals may only be selected using a numerical selection process where each student-athlete's name and identity remains unknown until the random selections are completed. Selections pursuant to this process shall be deemed

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"random" for purposes of this policy and will be satisfactory. The times for the drug testing or alcohol testing will be determined by the athletic director at the high school. The random selection will occur throughout the fall, winter, and spring sports seasons. Retesting of student athletes following a first offense or first positive drug test result shall occur as set forth in this policy.

- D. Specimen Collection Procedures - Those student athletes who are selected for drug testing or alcohol testing will report to the area designated for testing immediately, and produce a specimen under the supervision of the athletic trainer and athletic coach in a manner that will minimize intrusiveness and embarrassment to the student athlete while also insuring that there is no tampering with the specimen by the student athlete. Each specimen container will be checked for appropriate temperatures and for any signs of tampering and will be sealed and labeled with a number or other means of identification which does not disclose the student athlete's name. Efforts will be made to limit knowledge of the student being tested to the trainer, coach and other school officials involved in this process.
- E. Sample Analysis Procedures - The sealed specimen container will be immediately handed over to the athletic trainer to administer the drug test or alcohol test in confidence with the student athlete. If that initial analysis renders a negative result then no further analysis will be conducted. If the initial analysis of the alcohol test renders a positive result, the MRO will be notified immediately and the same procedures which follow for a positive confirmation drug test will be implemented. If the initial analysis of the test renders a positive result, then a second analysis of the remaining portion of the specimen will be conducted for confirmation of the positive drug test result at the approved School Board laboratory, which shall be a licensed testing facility. If a second analysis is necessary, the initial specimen will be sealed, identified by student identification number, and delivered to the laboratory for testing. If such confirmation analysis renders a negative result, then the drug test will be deemed negative and no further analysis or action will be taken. If the confirmation analysis renders a positive result, then the drug test result will be deemed positive and a report of such result will be delivered to the MRO bearing only a number to identify the student athlete without the student athlete's name appearing on that report.
- F. MRO Procedure - The MRO will receive all reports of positive drug test or alcohol test results, and will be supplied with information to determine the correct name of the student athlete whose identifying number appears on each positive test result report. Prior to verifying a positive drug test or

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alcohol test result, the MRO shall contact the student athlete whose name coincides with the identifying number on the positive drug test or alcohol test report and that student athlete's parent(s) to afford them the opportunity to confidentially discuss the test result with the MRO and provide the MRO with the student athlete's medical history and any other relevant biomedical information that would assist the MRO in determining whether he or she should verify the drug test or alcohol test result as positive or deem that result to be negative. If the MRO determines that the test result should be deemed negative, then no further action shall be taken and the student athlete's test result along with all other previous negative test results will be reported to the school principal or his or her designee as a negative result. If the MRO verifies that a positive drug test or alcohol test result as reported by the laboratory is indeed positive, then the MRO shall submit that positive drug test or alcohol test result to the student athlete's school principal or his or her designee identifying that student athlete by name so that the appropriate disciplinary action can be taken pursuant to this policy.

Retesting of student athletes who are on probation because of a previous positive drug test or other violation of this policy shall be processed in the manner described above.

- V. Appeal Procedures - The student athlete and his or her parent(s) have the right to discuss that student athlete confirmed positive drug test or alcohol test result with the MRO. Additionally, a student athlete whose test result has been verified as positive and forwarded by the MRO to the school principal for the imposition of discipline or a student athlete facing disciplinary actions provided herein as a result of any alleged violations of this policy, shall be entitled to procedural due process as follows:
 - A. Notice - The Principal shall notify the student athlete and his or her parent(s) that the student athlete positive drug test or alcohol test result has been verified by the MRO or that the student athlete has otherwise violated this policy, describe the disciplinary action to be taken and advise the student athlete and his or her parent(s) of their right to schedule a due process hearing.
 - B. Hearing - If requested by the student athlete or his or her parent(s), the principal shall conduct a hearing within a reasonable period of time following notification to the student athlete and parent(s) of the notice described in paragraph V.A. above.

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The hearing shall be informal and conducted with the same level and types of procedures as afforded by the principal in a suspension hearing. The principal shall render a decision and provide the student athlete and parent(s) with a written record of that decision at the hearing or within three (3) days of the hearing. The principal's decision shall be final and shall not be subject to any further administrative appeal.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.41, 1001.43, F.S.

HISTORY:

**REVISION(S): 02/05/08, 09/17/13
FORMERLY: NEW**

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CROWD CONTROL AT ATHLETIC EVENTS

5.82

- I. Athletic events are a vital part of the total school program. In order that students and the community may enjoy these events they shall be conducted in a manner that will reflect credit to the school and community.
- II. The school administrator (principal, assistant principal) or athletic director shall be on duty at each athletic event. The law officer in charge will be given the name of the school official on duty.
- III. Offenses pertaining to alcohol, drugs, fighting, and direct and willful disobedience will be strictly enforced.
- IV. No child under age eight (8) will be admitted to an event without an accompanying adult.
- V. No alcoholic beverages will be permitted on the property, including the parking lot.
- VI. No one under the influence of alcoholic beverages will be admitted to events.
- VII. Anyone leaving the game and going outside the gates must purchase another ticket to re-enter.
- VIII. The gates shall not be opened at any time for free admission. The only exception shall be that a school district employee may present a valid school district employee identification badge in order to attend any school district activity free of charge in accordance with Florida High School Athletic Association (FHSA) rules. However, this exception applies only to the school district employee with a valid school district employee identification badge and does not extend to the employee's family members or others.
- IX. Those persons out of uniform and authorized to be on sidelines at football games (press, photographers, student managers, assistant coaches, etc.) must display a sideline pass to be worn around the neck.

These passes will be issued by the school using the approved school district form with a list given to the law officer in charge. Anyone out of uniform without a pass will not be permitted to remain. No exceptions.

- X. Profane, abusive language, or language or actions in the opinion of the administrator, or law officers on duty, are likely to incite riot or provoke trouble will not be permitted. Such actions will lead to ejection from property, and such other actions as deemed necessary.

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- XI. Upon receipt of a police report notifying the School Board of the ejection of any person under these rules, the School Board shall decide if such actions by a fan merits further discipline. If further action is merited, the Board will notify the fan of date, time and place of hearing. Party may be subject to civil action or barred from attending any school function for any length of time deemed necessary.
- XII. Violation of these rules by Osceola County fans at out-of-county high school events may also lead to a School Board Hearing for disciplinary action.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.37, 1001.43, 1006.145, F.S.

HISTORY:

**REVISED: 09/17/13
FORMERLY: 3.17**

CHAPTER 5.00 – STUDENTS

SCHOOL CHOICE TRANSFER — ATHLETIC ELIGIBILITY

5.83+

- I. The following conditions apply to all high school students commencing with the successful completion of the eighth (8th) grade as defined in the Osceola District Schools *Student Progression Plan*. These requirements are a supplement to the bylaws of the Florida High School Athletic Association (FHSAA) guidelines relative to the transfer and eligibility of student athletes.
 - A. The student's designated interscholastic athletic participation school shall be defined as the school to which the student is zoned to attend upon completion of the eighth (8th) grade.
 - B. Any student who transfers to a school other than the student's designated interscholastic athletic participation school will be eligible at the new school provided the student qualifies under one of the transfer regulations listed within the current published FHSAA Transfer bylaw.
 1. Exception
 - a. All student transfers are subject to FHSAA bylaws regarding students participating in non-school athletic activities affiliated with a school.
 - C. It shall be the responsibility of the parent/guardian and the student to indicate the desire to participate in interscholastic athletic programs at the initiation of the transfer by indicating such on the appropriate school choice transfer request form and the "Affidavit of Compliance with Policy on Recruiting" form that FHSAA requires.
 1. All School Choice request are required to be completed during the open enrollment window and must meet district criteria for approval.
 2. A qualifying transfer student becomes eligible on the sixth day of attendance as stated in the FHSAA current guidelines.
 - D. A student may not participate in a sport if the student participated in that same sport at another school during that school year, unless the students meet the criteria in s.1006.15(3)(h), (per s.1006.195). (Participation is defined as the first day of the sport season as posted by the FHSAA.) Exceptions are listed as follows:
 1. Children of active duty military whose move resulted from military orders
 2. Children relocated due to foster care placement

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3. Children who move due to a court-ordered change in custody due to separation, divorce or serious illness or death of a custodial parent.
4. Reassignment by District School Board
5. Transfer of school within the first twenty (20) days for acceptance into a previously applied program
6. Students shall have the right to appeal to the district athletic eligibility appeal committee. The committee will have ten (10) school days to schedule and hear the hardship case. The appeal Committee shall be made up of the following;
 - a. Deputy Superintendent of Human Services
 - b. Two High School Principals whose school are not involved in the transfer of the student
 - c. Representative from student Services
 - d. Representative from District leadership team.

E. Due Process

When a student is determined to be ineligible or is ruled ineligible by the FHSAA, the member school principal may appeal the ruling of the FHSAA if he/she or the student takes issue with it, and must do so at the student's request. If possible, such disposition of the appeal is to be made before the end of the applicable sport season.

- F. A student receiving any type of transfer into a high school must abide by all the FHSAA bylaws and applicable School Board Rules relative to athletic eligibility.
- G. Any parent/guardian on behalf of a student or the student themselves who is found to have provided falsified eligibility information shall lose athletic eligibility for one (1) calendar year form the date of discovery of the violation.
- H. Any student who is found to be attending a school out of his/her assigned attendance zone without a properly executed student transfer shall be returned to his/her home school and shall forfeit athletic eligibility for a period of one calendar year form the discovery of the violation.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 768.135, 1001.43, 1006.07,
1006.15, 1006.16, 1006.20, F.S.

HISTORY: REVISED: 09/17/13, 08/15/17
FORMERLY: NEW

CHAPTER 4.00 - CURRICULUM AND INSTRUCTION

EXERTIONAL HEAT ILLNESS

5.85*+

I. Purpose of policy:

This policy describes the best practice procedures for the prevention, monitoring, and when necessary, the treatment of exertional heat illnesses for students/athletes, faculty, and staff of the School District of Osceola County. This policy applies to all staff members, including but not limited to athletic trainers, physicians, athletic administrators, coaches, strength and conditioning staff, and school administrators who are associated with activities where heat illness poses a risk, including but not limited to, outdoor and indoor activities where high temperature and specifically, high humidity environmental risks are present (e.g., athletics, intramurals, course instruction, marching band). Exertional heat illness includes exercise-associated muscle cramps, heat syncope, heat exhaustion, and exertional heat stroke (EHS)). Current best practice guidelines suggest that the risk of exertional heat injuries can be minimized with heat acclimatization and diligent attention to monitoring individuals participating in activities that place them at a higher risk for these types of injuries. In the event an athlete sustains a heat illness, immediate and proper treatment is necessary.

II. Definitions:

- A. *Acclimatization* – The process of gradually increasing the intensity of activity in a progressive manner that improves the body’s ability to adapt to and tolerate exercise in the heat. The acclimatization period is defined as the first 14 calendar days of a student-athletes’ participation, beginning with the first allowable date of practice in the sport of the first day an athlete begins official practice, whichever is later.
- B. *Wet Bulb Globe Temperature* – The WBGT is a measurement tool that uses ambient temperature, relative humidity, wind, and solar radiation from the sun to get a comprehensive measure that can be used to monitor environmental conditions during exercise. WBGT is different from heat index, as it is a more comprehensive measurement of environmental heat stress on the body.
- C. *Non-Practice Activities* – Activities that include meetings, injury treatment, and film study.
- D. *Practice* – The period of time that a student-athlete engages in coach-supervised, school approved sport or conditioning related-activity. Practice time includes from the time the players report to the field until they leave.
- E. *Walk Through* – A period of time where players are reviewing positional strategy and rehearsing plays. Players do not experience contact and thus

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- they do not wear equipment and the intensity of the activity is minimal often involving walking. This period shall last no more than one hour. It is not considered part of the practice time regulation. It may not involve conditioning or weight room activities. Players may not wear protective equipment during the walk through.
- F. *Recovery Time* – This period of time is defined as non-activity time outside of practices or games. NO ACTIVITY, including non-practice activity, can occur during this time. When it is possible, proper recovery should occur in an air-conditioned facility for a minimum of 3 hours in duration.
 - G. *Rest Breaks* – This period of time occurs during practice and is a non-activity time that is in a ‘cool zone’ out of direct sunlight.
 - H. *Exertional Heat Stroke (EHS)* – Defined as having a rectal temperature over 104°F-105°F (40.5°C), and central nervous system dysfunction (e.g. irrational behavior, confusion, irritability, emotional instability, altered consciousness, collapse, coma, dizzy, etc.).
 - I. *Cooling Zone*- An area out of direct sunlight with adequate air flow to assist in cooling. A cold-water or ice tub and ice towels should be available to immerse or soak a patient with suspected heat illness. This area may be outdoors or indoors depending on proximity to field.
 - J. *Qualified Health Care Professional (QHP)* - As defined by the American Medical Association (AMA), “is an individual who is qualified by education, training, licensure/regulation (when applicable), and facility privileging (when applicable) who performs a professional service within his/her scope of practice and independently reports that professional service.”
 - K. *Hypohydration*- (reduced hydration status) is a deficit of body water that is caused by acute or chronic dehydration.
 - L. *Central Nervous System dysfunction*- includes any sign or symptom that the central nervous system is not working properly, including: dizziness, drowsiness, irrational behavior, confusion, irritability, emotional instability, hysteria, apathy, aggressiveness, delirium, disorientation, staggering, seizures, loss of consciousness, coma, etc.
- III. *Monitoring Heat Stress* - Schools must monitor heat stress. Heat stress is determined by measuring the ambient temperature, humidity, wind speed, sun angle, and cloud cover at the site of the athletic activity. Schools are required to follow and adhere to the guidelines set forth by the FHSAA for heat stress readings.

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- A. A pre-participation history and physical exam is required. Individuals with risk factors will be identified and counseled on heat illness.
 - B. The athletic trainer or persons responsible will be notified of individuals with pre-existing conditions that place the individual at risk of exertional illness.
 - C. Coaches will be notified of individuals at higher risk as needed.
- IV. Each athletic coach involving outdoor practices or events shall annually complete training in exertional heat illness identification, prevention, and response, including the effective administration of cooling zones.
- V. Environmental Monitoring and Activity modification/Cancellation
- A. Environmental monitoring will occur utilizing a WBGT device (insert school device here)
 - B. Environmental monitoring will occur any time it is warm outside (i.e. over 70°F)
 - C. Environmental monitoring and activity modifications may be necessary for certain types of indoor facilities.
 - D. Monitoring of WBGT will occur every 30 minutes beginning at the scheduled practice time.
 - E. All environmental monitoring will be recorded and stored either hard copy or electronically.
 - F. Modifications will be made in accordance with the best practice guidelines for our region. (School District) is in the southern region and will follow the guidelines based on the Florida High School Athletic Association policy.
- VI. Acclimatization protocols apply to all sports. Days One (1) through Five (5) of the heat acclimatization period consists of the first 5 days of formal practice. During this time, athletes may not participate in more than one (1) practice per day. If a practice is interrupted by inclement weather or heat restrictions, the practice will recommence once conditions are deemed safe. Total practice time will not exceed 3 hours in a single day. A 1-hour maximum walk-through is permitted during days 1-5 of the heat acclimatization period. A 1-hour recovery period will take place between the practice and walk-through (or vice versa).

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- VII. Student-athletes who participate in activities that last for an extended amount of time or multiple activities in a day should be provided electrolytes to assist in rehydration. Rest breaks must involve unlimited hydration intake and rest without any activity involved.
- VIII. Coaches are required to adopt a heat injury prevention philosophy by promoting unrestricted access to water at all times. A student-athlete should never be denied access to water.
- IX. The school's emergency action plan must include a procedure for onsite cooling using cold-water immersion or equivalent means before a student-athlete is transported to a hospital for exertional heatstroke.
- X. Cooling zones must be available for each outdoor athletic contest, practice, workout, or conditioning session. Cooling zones must include the immediate availability of cold-water immersion tubs or equivalent and may also include ice sponges and towels or tarps that can be filled with ice and wrapped around individuals to cool internal body temperature rapidly. An employee or volunteer trained to administer cold-water immersion must be present.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1006.165, F.S.

HISTORY:

**ADOPTED: 12/01/20
REVISION DATE(S): N/A
FORMALLY: NEW**

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 6.00: HUMAN RESOURCES

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EMPLOYMENT OF PERSONNEL

6.10*+

- I. All personnel shall be appointed or reappointed as prescribed by Florida Statutes and in conformance with applicable State Board of Education rules and School Board rules.
- II. The Superintendent is directed to 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 School Board rules.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.42, 1001.43, 1012.22, 1012.27, 1012.32, 1012.335, 1012.39, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0502, 6A-1.064, 6A-4.0081, 6A-4.0082, 6A-4.0083

HISTORY: REVISED: 10/21/08, 02/07/12
FORMERLY: 4.1.1, 5.1.1

CHAPTER 6.00 – HUMAN RESOURCES

AFFIRMATIVE ACTION

6.101

Affirmative action is a concept which required an employer to do more than refrain from discriminatory practices and policies, and to go beyond the maintenance of policies of passive nondiscrimination, by taking positive results-oriented steps toward the elimination of discriminatory barriers.

There is hereby created an Affirmative Action Committee which shall consist of fifteen (15) members. The members of the Committee shall be recommended by the Superintendent and appointed by the School Board and shall serve three (3) years. The following shall apply to the operation of the Affirmative Action Committee:

- I. The Affirmative Action Committee is distinguished from the Equity Committee of the School Board, which investigates individual complaints, in that the Affirmative Action Committee is not necessarily comprised solely of employees of the District. The Affirmative Action Committee shall not have access to materials or items which are confidential by law.
- II. Responsibilities of the Affirmative Action Committee shall include but not be limited to the following:
 - A. Monitoring all educational programs and employment opportunities to ensure that they are available to all individuals with the District who are eligible under the State of Florida and the School Board of Osceola County, Florida;
 - B. Monitoring the hiring of protected classes of employees;
 - C. Reviewing promotional opportunities for protected class employees;
 - D. Reviewing the percentage of disciplinary actions against protected classes of students and employees;
 - E. Monitoring the participation of protected classes of students and parents in school activities and providing motivational programs to promote increased participation if needed;
 - F. Monitoring the dropout rate among protected classes of students;
 - G. Monitoring academic skills among protected classes of students;
 - H. Reviewing curriculum content to ensure motivation and self-esteem development for protected classes of students;

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- I. Monitoring the providing of programs designed to create awareness of college/vocational opportunities;
 - J. Monitoring retention of teachers among protected classes; and
 - K. Monitoring redistricting activities and school choice applications.
- III. The Affirmative Action Committee shall report to the School Board at least once per school year. This presentation to the School Board shall include, but not be limited to a discussion of current School Board efforts in minority hiring, trends detected by the Affirmative Action Committee, problems and potential problems identified by the committee.
- IV. The Superintendent shall name a representative as an ex-officio member of the Affirmative Action Committee, and shall make the facilities of the School Board available for the business of the committee, including meeting locations, use of equipment for preparation of reports, communications of official business of the committee and for other similar purposes, and shall provide reasonable secretarial and clerical services.

The Affirmative Action Committee may provide input to the School Board in developing a program or programs for the advertisement of job opportunities in various minority communities, and may otherwise assist the School Board in recruiting qualified minorities for employment within the District.

The Affirmative Action Committee may review job descriptions and other testing requirements for employment in the District and present the results of the review to the School Board. They may also present any perceived EEO barriers to employment or advancement.

The Affirmative Action Committee is purely an advisory body and does not have the authority to commit or obligate the School Board or District in any manner. The committee serves at the discretion of the School Board and may be modified or dissolved by future School Board action in accordance with law.

CHAPTER 6.00 – HUMAN RESOURCES

V. Implementation

The Superintendent shall implement the affirmative action policy of this School Board by all appropriate means, including the following:

- A. Ascertain that all unnecessary references to race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy have been removed from any and all applications for employment or for enrollment in programs.
- B. The term “Equal Opportunity Agency” shall be printed on all stationery and applications for employment.
- C. Maintain a continuous review of all curriculum and curriculum materials to avoid materials biased as to race, color, religion, gender, age, marital status, disability, political or religious beliefs, national or ethnic origin, genetic information, sexual orientation, gender identity, or pregnancy.
- D. Disseminate information to all employees that a credit union is available to help meet their financial needs.
- E. Maintain an exit interview program to ascertain reasons for and solutions to any existing turnover problems.
- F. Provide ample opportunities for employees to discuss individual problems informally outside normal administrative channels to obtain needed advice and counseling with complete confidentiality.
- G. Promulgate an administrative memorandum providing a method for the filing of verbal or formal written complaints alleging discrimination and assuring that such complaints will be fully investigated, receive an impartial review, and take appropriate action on the same if warranted.
- H. Continue to maintain an active recruitment program in colleges throughout Florida and the southeastern United States having minority graduation rates.
- I. Report at least annually to the School Board as to the implementation of this plan and to recommend to the School Board any change in this policy or additions thereto from time to time as he may deem advisable or appropriate.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, F.S.

HISTORY: **REVISION(S):** 12/15/15, 08/15/17
FORMERLY: 1.23

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYMENT DEFINED

6.11

- I. Employment Eligibility – The School District shall register with and use the E-Verify system to verify the work authorization status of all newly hired employees.
- II. Full time – A regular full time employee is a person who is employed for the school term or for the school fiscal year to render the minimum number of hours each day as established by the School Board for that position or job.
- III. Part-time – A part-time employee is a person who is employed to render less than the number of hours each day as established by the Board for a regular full time employee.
- IV. Temporary Labor – A temporary employee is a person whose employment is expected to be less than a six (6) month period to fill a vacancy for which a permanent employee is not available or to perform work of a temporary nature. Such employment will cease at the close of the school term or school fiscal year or when the temporary work has been completed. A temporary employee may be a part-time or a full time employee.
- V. Short-term Contract Personnel – A short-term contract shall be defined as a contract given to a teacher other than one on annual contract, continuing contract or professional services contract. Such contract shall specify a beginning and ending date of employment and shall be for a period less than the ten (10) month school year.
- VI. Substitute employees are those who perform services which are normally performed by a permanent employee and which are performed during the absence of a permanent employee not receiving pay. They are not entitled to the fringe benefits provided by the School Board.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, F.S.

HISTORY:

**REVISED: 12/01/20
FORMERLY: 2.4.5, 4.1.4**

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYEE DEFINED	6.111*
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Instructional, administrative, and professional support personnel shall be defined in accordance with the provision of Florida Statutes.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1012.01, F.S.

HISTORY: FORMERLY: 4.1.4, 4.2.4.B.(2), 9.1.1

CHAPTER 6.00 – HUMAN RESOURCES

NEPOTISM

6.12

- I. The School Board shall not employ two or more close relatives or family members where one individual is the immediate supervisor of another relative or family member as defined in Paragraph II of this policy.
- II. Such close relatives or family members are defined as: father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half-brother, or half-sister.
- III. All known or reported instances of nepotism shall be investigated annually by the Superintendent or his or her designee. All persons concerned shall be consulted and steps taken to eliminate such practice or perceived conflicts of interest when recommended in individual cases. Recommendations made shall be subject to School Board approval.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

112.3135, 1001.43, 1012.22, F.S.

HISTORY:

**REVISED: 08/18/15
FORMERLY: 3.14**

CHAPTER 6.00 – HUMAN RESOURCES

YEAR OF SERVICE DEFINED FOR ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

6.13*

- I. 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) 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.

- II. Any claim to a year of service for salary purposes shall be the equivalent of the service required for a continuing, professional 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 the contract agreement between the School Board and the local education association.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1011.60, F.S.

HISTORY: FORMERLY: 4.1.2.B, 4.2.4.B.(2), 5.4.7.H, 9.2.1.B, 9.3.12.B.(3)

CHAPTER 6.00 – HUMAN RESOURCES

THE INSTRUCTIONAL STAFF

6.14*

The instructional staff shall be composed of school-based or site-based personnel other than administrators and school support personnel. Instructional staff members shall hold a valid Florida Educator's Certificate or the equivalent as prescribed by Florida Statutes and State Board of Education rules.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1000.21, 1001.43, 1012.32, 1012.39, 1012.53,
1012.54, 1012.56, 1012.57, F.S.

HISTORY: FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYMENT OF ATHLETIC COACHES WHO ARE NOT FULL TIME EMPLOYEES OF THE SCHOOL BOARD

6.141*+

Persons who are not full time employees of the School Board and hold an athletic coaching certificate issued by the state of Florida may be recommended by the Superintendent and appointed by the School Board to perform designated secondary school athletic coaching responsibilities on a contract basis, subject to the following conditions:

- I. The principal has determined that qualified full time employees of the School Board are not available to perform these responsibilities.
- II. The contracted employment conforms to rules and regulations of the State Board of Education and the bylaws of the Florida High School Athletic Association (FHSA).
- III. The employment procedures and contracted services conform to standards and procedures provided by the Superintendent, including but not limited to:
 - A. Use of an approved agreement form for contracted services.
 - B. Assessment of the qualifications of such persons.
 - C. Agreement by the contracted employee to abide by the *Code of Ethics of the Education Profession in Florida*.
 - D. Evaluation of performed services to be conducted by the principal/designee and appropriate records maintained.
- IV. Payment for services shall be according to the approved District schedule of salary supplements for the services rendered.
- V. The District shall attempt to ensure that community-based coaches reflect the diversity of racial, ethnic, and gender groups that the School Board believes to be important to the educational experiences of students.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 119.07, 1001.43, 1012.22, 1012.24, 1012.27,
1012.31, 1012.33, 1012.36, 1012.55, 1012.56, F.S.

HISTORY: **FORMERLY: NEW**

CHAPTER 6.00 – HUMAN RESOURCES

NONCERTIFICATED INSTRUCTIONAL PERSONNEL

6.142*

Persons who possess expert skill in or knowledge of a particular subject or talent but who do not hold a Florida teaching certificate constitute an invaluable community resource for the education of the students in the District. Such persons may serve as non-paid volunteers or as a paid member of the instructional staff to render instructional service in the individual's field of specialty but shall not be required to hold a Florida teaching certificate. Policies concerning noncertificated instructional personnel shall be as follows:

I. Employment Procedures

Procedures shall be the same as those followed for certificated personnel, except that noncertificated personnel shall not be entitled to a contract as prescribed by State Board of Education rules. The supervisor recommending the appointment must explain the circumstances that necessitate employing a noncertificated instructional person. A copy of such material shall be placed in the employee's personnel file.

II. Personnel Records

The records of noncertificated personnel shall contain the same kinds of information that would be contained in the record of a regular member of the instructional staff. In lieu of a certificate and transcripts there shall be complete, detailed and certified documentation attesting to the individual's expertise in the area for which he or she is employed. The record shall also contain a statement of the specific instructional duties assigned and evaluations of performance of such duties.

III. Salary

Noncertificated persons shall be paid according to the terms set forth in the salary schedule.

IV. Assignment, Suspension, and Dismissal

Noncertificated instructional personnel may not be assigned to any teaching duties other than those for which specifically employed. They shall remain employed only as long as the need exists. If at any time during the employment of a noncertificated instructional person there is an indication that he or she is not carrying out his or her duties as assigned, he or she shall be suspended from that duty immediately and further action, including dismissal, shall be recommended by the Superintendent.

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V. Assessment of Performance

The performance of each noncertificated person shall be assessed against his or her specifically assigned duties. The supervisor recommending the appointment of these personnel shall monitor performance and provide a written evaluation at least once each school term using the teacher evaluation form.

VI. Student Welfare

Each noncertificated instructional person shall, prior to assuming his or her duties, be instructed as to his or her responsibilities in regard to the health, safety, and welfare of students. If assigned duties require knowledge of rules, regulations or policies of a special nature, the written statement of duties assigned shall include the duty to be familiar with such material.

VII. Instructional Practices and Policies

Prior to assuming their duties all noncertificated instructional personnel shall be advised of the state, District, and school policies relevant to instructional responsibilities.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.42, 1012.55, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0502

HISTORY: FORMERLY: 5.1.2.D

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EMPLOYMENT OF NONDEGREED VOCATIONAL AND ADULT INSTRUCTIONAL PERSONNEL

6.143*+

The Superintendent is authorized to develop procedures for the employment of nondegreed vocational and adult instructional personnel. These procedures shall be consistent with Florida Statutes and shall be approved by the School Board and listed in the procedures manual.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.32, 1012.36, 1012.39, F.S.

HISTORY: FORMERLY: 5.1.2.F-G

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EDUCATIONAL PARAPROFESSIONALS AND ASSISTANTS

6.144*

Assistants and paraprofessionals are persons assigned by the School Board to assist an instructional staff member(s) in performing his/her instructional or professional duties or responsibilities. A paraprofessional has additional responsibilities consistent with the requirements of the federal Every Student Succeeds Act.

- I. The conditions of employment of an assistant or paraprofessional shall include the following:
 - A. An assistant shall have a high school diploma or hold a high school equivalency diploma issued pursuant to State Board of Education rules.
 - B. A paraprofessional shall meet one of the following requirements:
 1. Hold an associate's or higher degree from an accredited institution;
 2. Two (2) years of study at an institution of higher education or sixty (60) semester hours or equivalent from an accredited institution; or
 3. A rigorous state or local assessment of knowledge of and the ability to assist in instruction in reading, writing, and mathematics or reading readiness, writing readiness, or mathematics readiness.
 - C. Be at least eighteen (18) years of age.
 - D. Present a complete set of fingerprints taken by a law enforcement agency or properly trained School District personnel and the appropriate processing fee. The fingerprints shall be acceptable for processing by the Florida Department of Law Enforcement and the Federal Bureau of Investigation. The Director of Human Resources and Employee Relations or designee shall initiate a records check by the two (2) agencies.
 - E. A drug test with negative results shall be required of all noninstructional applicants recommended for hire and shall be administered by the School Board approved testing laboratory.
- II. The principal shall ensure that the assistant or paraprofessional assigned to the school possesses a clear understanding of state and School District rules relating to his/her responsibilities and to the safety, welfare, and health of students. It shall be the principal and the instructional staff member's responsibility to ascertain that an assistant or paraprofessional possesses the necessary knowledge about rules to perform duties of a special nature in a proper and reasonable manner.

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- III. It shall be the principal's responsibility to assure the School Board and the Superintendent that each assistant or paraprofessional possesses a clear understanding of all state and School District instructional practices and rules relevant to his/her responsibilities if he/she is expected to assist a teacher in promoting learning activities. When an assistant is assigned duties requiring knowledge of instructional practices and policies or providing prescribed physical care for students of a specialized nature, it is the instructional staff member's responsibility to ascertain in advance whether the assistant possesses the necessary knowledge and skills.
- IV. The assistant or paraprofessional shall complete a period of supervised practice when assigned to a new instructional staff member or assigned a type of duty which he/she has not previously performed. The length of such supervised practice may vary depending upon previous experiences of the assistant or paraprofessional. A record shall be maintained in each school to show the length, nature, and inclusive dates of each supervised practice assignment for each assistant or paraprofessional.
- V. An education paraprofessional may administer or proctor statewide standardized assessments or assessments associated with Florida Approved Courses in accordance with Florida Statutes and State Board of Education rules. Paraprofessionals must successfully complete required training prior to performing these tasks.
- VI. An assistant or paraprofessional shall not perform any of the following:
 - A. Establish instructional objectives;
 - B. Render decisions regarding the relevancy of certain activities or procedures to achieve instructional objectives;
 - C. Make decisions regarding the appropriateness of training materials for accomplishing instructional objectives; and,
 - D. Evaluate a student's attainment of instructional objectives unless clear and objective criteria such as a specific achievement standard on an objective test are defined.
- VII. The principal and instructional staff members who are assigned assistants or paraprofessional personnel shall be responsible for assigning duties which are consistent with Florida Statutes, State Board of Education rules, School Board rules, and other controlling regulations.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1008.24, 1012.22, 1012.32, 1012.37, F.S.

**EVERY STUDENT SUCCEEDS ACT (ESSA) OF 2015,
Title I Part A Section 1111(g)(2)(J)**

STATE BOARD OF EDUCATION RULE(S): 6A-1.070, 6B-1.006

HISTORY: **REVISED:** 02/06/07, 04/05/16, 06/16/20
FORMERLY: 4.1.1.I, 4.4

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SUBSTITUTE TEACHERS

6.145*+

- I. Each school principal is authorized to employ a substitute teacher when an instructional staff member is unable to perform assigned duties. The principal shall obtain substitute teachers from the approved list published by the Human Resource Department.
- II. Applicants who seek employment as substitute teachers shall meet the following minimum qualifications and provide the appropriate materials as required by Human Resources:
 - A. Hold a high school diploma or equivalent;
 - B. Be at least eighteen (18) years of age;
 - C. Submit a complete set of fingerprints taken by a law enforcement agency or properly trained District personnel and the appropriate processing fee to obtain a records check by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI);
 - D. Evidence of a negative drug screening shall be received by the District prior to being eligible to substitute; and
 - E. Complete an initial orientation/training program and other training required by Florida Statutes.
- III. The Human Resources Department shall approve applicants as substitute teachers provided their qualifications are found to be satisfactory. Applicants shall not be eligible for substitute teaching until approved.
- IV. A retired member of a Florida state-administered retirement system may be employed as a substitute teacher as allowed by law.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 121.091, 1001.43, 1012.32, 1012.35, 1012.36, 1012.39, 1012.55, 1012.56, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-4.0012

HISTORY: REVISED: 12/06/04, 12/06/05, 08/18/15, 08/16/16, 01/07/20
FORMERLY: 4.1.1, 5.1.1.B.(7), 5.1.8, 5.4.7.C

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ASSISTING TEACHERS TO BECOME HIGHLY QUALIFIED

6.146+

The Superintendent shall develop procedures to assist experienced teachers to meet the highly qualified requirements of the No Child Left Behind Act.

STATUTORY AUTHORITY: **1001.41, 1012.22, 1012.23, F.S.**

LAW(S) IMPLEMENTED: **1001.43, 1012.22, 1012.27, 1012.42, F.S.
No Child Left Behind Act of 2001, P.L. 107-110
20 USC 7801**

STATE BOARD OF EDUCATION RULE(S): **6A-1.0503**

HISTORY: **ADOPTED: 12/06/05
REVISION(S): 02/06/07
FORMERLY: NEW**

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APPOINTMENT OR EMPLOYMENT REQUIREMENTS

6.17*

Any person desiring employment shall file a completed application on the form provided by the Superintendent.

I. Qualifications

- A. Must be of good moral character.
- B. Must have attained the age of eighteen (18) years, with the exception of students employed by the Board.
- C. Must have a high school diploma from an accredited institution, a GED certificate, or an ESE special diploma.
- D. As provided in the District Salary Handbook, in the sole discretion of the Superintendent or designee, the requirements set forth in paragraph “C” above may be waived for positions classified as “critical shortage areas” by the state or by the Superintendent.
- E. Must not be ineligible for employment under 1012.315, F.S., if applying for an instructional, administrative or any other position requiring direct contact with students.

II. Certificate Requirements

Each applicant for an instructional or a certificated administrative position shall hold or be eligible for a certificate, have a receipt from the Florida Department of Education acknowledging that an application has been filed and that issuance of the certificate is pending, or have the proper license to perform services.

- A. To be considered for a position, an applicant shall be duly qualified for that position in accordance with state law, regulations of the Florida Department of Education, and the approved job description. If it appears that the applicant is eligible for proper certification, appointment may be made subject to the conditions set forth in the annual contract of employment as approved by the School Board.
- B. Any person not holding a valid Florida certificate at the time of employment shall be required, upon initial employment, to make application to the Florida Department of Education for such a certificate through the Human Resource Department of the District. When such certificate is received, it must be filed with the office of the Director of Human Resources and Employee Relations. If the Department of

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Education declines to issue a certificate, the person's employment shall be terminated immediately. Failure to file such certificate, except for good cause as determined by the Superintendent, shall result in the termination of employment.

III. Interviews and Appointments

- A. When interviews are conducted by interview teams, including those with community representatives, the team shall reasonably reflect the community's diverse racial, ethnic, and gender composition.
- B. The Superintendent or designee shall monitor and ensure that appointments and assignments are consistent with the District's intent of maintaining a diverse work force.

IV. Initial Employment/Offer of Employment

- A. Any offer of employment with the School District is conditioned on submission of fingerprints as required by Florida Statute and a background investigation by the Superintendent or designee and Professional Practices Committee (PPC). After a job offer, but prior to beginning employment with the District, all candidates for all positions must undergo a criminal and employment background check (including verification of work authorization status through the E-Verify system) to determine suitability for employment. The application for employment shall inform applicants they are subject to criminal background checks, and advise applicants that failure to be truthful on the application about prior criminal history will be grounds for ineligibility or dismissal from employment.
- B. As a condition of employment and prior to beginning work, an applicant who has received a conditional job offer must undergo background screening as required by Florida Statutes by filing a complete set of fingerprints taken by authorized an employee of the district trained to take fingerprints. The fingerprints shall be processed by the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). All applicants, except food service assistants, bus drivers, bus aides, professional support staff substitutes, and employees who have retired from the District, shall be required to pay for full costs of processing at the time of fingerprinting. However, if such waived persons, within six (6) months of initial employment are employed in a position that would have required payment of the full cost of fingerprinting, they shall reimburse the District for the full cost.

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- C. A Professional Practices Committee (PPC) shall be established to review the criminal history of all persons nominated for initial employment. The PPC shall obtain criminal background information for applicants through requests to the Florida Department of Law Enforcement (FDLE) and the Federal Bureau of Investigation (FBI). The PPC shall include, but not be limited to, the Director of Human Resources and Employee Relations, the EE Officer, and a representative principal.
- D. When the fingerprint or background check reports are returned, the Committee shall review both the application and the report(s) concerning the individual. The PPC will compare the information provided by the applicant with the information received from the FDLE and/or the FBI pursuant to Florida Statute.
- E. The Superintendent or designee shall conduct employment history checks of applicants for instructional, administrative, or any other positions requiring direct contact with students. The employment history check shall include, but not be limited to, screening through the use of educator screening tools described in law and contact with each previous employer. All findings shall be documented. If the Superintendent is unable to contact a previous employer, he/she shall document all efforts to contact the previous employer.
- F. No applicant who has received a conditional job offer shall begin work before his/her fingerprints are processed, the criminal and pre-employment investigation is completed, and a determination is rendered as to suitability for employment.
- G. Based upon the facts of an application, criminal background check or other valid or reliable data sources, applicants who are, or have been convicted of certain serious offenses may be denied employment by the School District. As used in this section the term conviction is defined as a finding of guilt, a plea of guilty, or a plea of *nolo contendere*, or a verdict of guilty. The withholding of adjudication or the entry of an order sealing or expunging the record requiring a pre-trial intervention or pre-trial diversion shall not be considered an exception to this section. Other information derived from the pre-employment investigation, which indicates the applicant may not be suitable for employment by the School District, may be grounds for denying employment to an applicant.
- H. An applicant shall be disqualified from employment in any position requiring direct contact with students if he/she is ineligible for employment under 1012.315, F.S.

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- I. Drug Testing - Evidence of a negative drug screening on each new employee and any employee with a break in service of ninety (90) days or more (not including approved leaves of absence) shall be received by the School District prior to effective date of appointment.
 - J. Any persons under contract to the School District to operate student programs, student teachers, persons participating in short-term teacher assistance experiences or field experiences who have direct contact with students must meet the requirements of IV.A., B., E., and F. Such persons may not be in direct contact with students if ineligible under 1012.315, F.S.
 - K. Acceptance of Appointment – Failure to signify acceptance of appointment or to begin working within ten (10) days after receipt of the official notice of appointment shall be considered a rejection of the offer, and the position shall be declared vacant.
- V. Current Employees
- A. As required by statute, periodic refingerprinting of current employees will be completed. Additionally, whenever a personnel investigation of a complaint against an employee is required, a supplemental criminal background check may be conducted as part of the investigation.
 - B. If it is discovered during the period of employment (either by a periodic refingerprinting or investigatory supplemental refingerprinting) that a regular employee has a prior criminal record and that the employee was requested to provide this information at the time of hire, but did not do so, the employee may be subject to disciplinary action, including dismissal for submitting false information on the employment application, or otherwise having misled the District.
 - C. If it is discovered during the period of employment (either by a periodic refingerprinting or investigatory supplemental refingerprinting) that an employee has a prior criminal record and no falsification of an application nor attempt to mislead occurred, the record shall be reviewed by the PPC. The committee shall consider all information, including any mitigating conditions, and report findings of fact, possible mitigating circumstances, and recommendations for action to the Superintendent or designee. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent or designee shall review the record, recommendation, and response before taking appropriate action. Appeal of the Superintendent's action shall follow collective bargaining agreements or School Board Policy, as appropriate.

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- D. If it is discovered during the period of employment, either by a periodic refingerprinting or investigatory supplemental refingerprinting that an employee has a criminal record which occurred during the period of employment, and which required “self-reporting” but was not previously self-reported by the employee to the District, then the employee may be subject to disciplinary action, including dismissal for failing to self-report such information or otherwise having misled the District.
 - E. If it is discovered during the period of employment, either by a periodic re-fingerprinting or investigatory supplemental fingerprinting that an employee has a criminal record which occurred during the period of employment, but which did not require “self-reporting,” the record shall be reviewed by the Osceola PPC. The committee shall consider all information obtained, (including any mitigating conditions), and report their findings of fact, and recommendations for action to the Superintendent or designee. The employee shall have the opportunity to respond in writing to the findings and recommendation. The Superintendent or designee shall review the record, recommendation, and response before taking appropriate action.
 - F. An employee whose criminal record after employment would disqualify him/her from employment shall be subject to disciplinary action up to and including termination.
- VI. Reconsideration and Appeal
- A. Applicants, who have been denied employment because of their criminal record and/or background check, may appeal to the Superintendent or designee. Applicants shall receive written notice of the right to appeal the decision by the PPC to the Superintendent. Their appeal must be in writing, and may respond to the findings and decision of the PPC. If new information is to be submitted, the applicant must first request reconsideration by the PPC. The Superintendent’s decision shall be final.
 - B. School Board personnel who have been terminated because of their criminal record or employment background investigation shall receive written notice of the right to appeal such a decision consistent with the collective bargaining agreements and District policy.
- VII. The District shall ensure that all aspects of the recruitment and selection process are job-related and are consistent with business necessity so as to ensure equal employment opportunity. Neither the District nor its agents shall engage in any discrimination with respect to employment in violation of any state or federal laws. Applicants shall be informed of the complaint procedure that may be used should they allege discrimination.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 288.061, 381.0056, 448.095, 1001.42, 1001.43,
1012.01, 1012.22, 1012.27, 1012.315, 1012.32,
1012.39, 1012.465, 1012.55, 1012.56, F.S.

HISTORY: **REVISION(S):** 12/06/04, 12/06/05, 02/06/07, 10/21/08
08/25/09, 08/16/16, 08/16/22

FORMERLY: 4.1.1, 4.1.2, 5.1.1.B, 8.6.1, 8.6.2,
8.6.3, 8.6.5, 9.1.2, 9.1.4, 9.2.10

CHAPTER 6.00 – HUMAN RESOURCES

PHYSICAL EXAMINATIONS

6.171

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 relevant to the teaching performance or employment status of a School Board employee. If a Florida physician is not available within a reasonable distance, a licensed physician from a nearby state may be used. 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 report of the physician(s), psychologist(s), or psychiatrist(s) to be submitted to the Superintendent with a copy being forwarded to the employee.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.32, F.S.

HISTORY:

FORMERLY: 5.1.1.C.(7), 8.6.5, 9.2.10

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EMPLOYMENT OF SCHOOL BUS OPERATORS

6.172*

- I. School bus operators are defined as any persons employed or contracted to the School District to transport prekindergarten through grade 12 students in school buses as defined in Section 1006.25, Florida Statutes.
- II. At the time of initial employment the School Board shall assure that the operator of a school bus meets the following requirements:
 - A. Has five (5) years of licensed driving experience.
 - B. Has submitted to the Superintendent a written application for employment in a form prescribed by the School Board.
 - C. Has filed a set of fingerprints for the purpose of the required background check for determining criminal record.
 - D. Has filed Medical Examiner's Certificate (Form MCSA-5876).
 - E. Has filed Form ESE 480, Dexterity Test for School Bus Driver.
- III. Prior to transporting students on a school bus, each operator shall meet the following requirements:
 - A. Hold a valid Commercial Driver's License (CDL) with passenger (P) and school bus (S) endorsements.
 - B. Successfully complete seventy-five (75) 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 Basic School Bus Operator Curriculum.
 - C. Demonstrate the ability to prepare required written reports. Be physically capable of operating the vehicle as determined by a physical examination, Medical Examiner's Certificate (Form MCSA-5876), prescribed by the commissioner and given by a physician designated by the School Board and as determined by a dexterity test administered by the District.
 - D. Demonstrate physical and mental capabilities required to fulfill all assigned responsibilities as a school bus operator.
- IV. A certification of training provided by the Commissioner shall be issued by the District to each driver successfully completing a minimum of forty (40) hours of pre-service training.

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- V. The School Board shall obtain an operator's history record from the Department of Highway Safety and Motor Vehicles for each regular school bus operator, substitute operator, or any other individual certified to drive a school bus by the District. The schedule for reviewing these records shall be as follows:
 - A. Prior to initial employment;
 - B. Prior to the first day of the fall semester;
 - C. Thereafter, the District shall continuously screen operator records using the automated weekly updates, ensuring proper retrieval documentation for every week.
- VI. Driver history records shall be requested and reviewed by the District in a manner prescribed by the Department of Highway Safety and Motor Vehicles using the Automated School Bus Driver's License Record Check System through the Department's database.
- VII. The driving record of each applicant and school bus operator shall be reviewed to determine if the record contains any infractions of the driving code that would make the person unqualified for the position of school bus operator in accordance with the District safe driver plan.
- VIII. Any school bus operator who should have known that the school bus operator's driver's license has expired or has been suspended or revoked and who drives a bus shall be subject to disciplinary action up to and including dismissal.
- IX. At least annually, the District shall assure that the operator of a school bus meets the following requirements:
 - A. The requirements of paragraph III.A. of this rule.
 - B. Successful completion of a minimum of eight (8) hours of inservice training related to the operator's responsibilities for transporting students.
 - C. Successful passing of a dexterity test administered by the District and maintenance of a valid operator's medical examination report.

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- X. At the time of reemployment, the School Board shall assure that each school bus driver meets all the requirements of section II. and III.A. of this policy. If not more than a twelve (12) continuous calendar month break in service has occurred, an operator shall be required to complete eight (8) hours of inservice training related to his/her responsibilities for transporting students prior to driving a school bus with students. If a period exceeding twelve (12) calendar months has occurred, the driver shall be required to complete successfully all of the requirements of sections II. through V. of this rule.
- XI. All school bus operators shall be subject to the federal requirements of 49 CFR, Parts 382 and 391 related to substance abuse testing and alcohol detection program.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 322.57, 1001.42, 1001.43, 1012.45, F.S.
49 CFR 350, *et al.*

STATE BOARD OF EDUCATION RULE(S): 6A-3.0141, 6A-3.0171(1)(d)

HISTORY: REVISION(S): 12/06/05, 02/05/08, 05/17/22
FORMERLY: 3.1.3

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RESPONSIBILITIES OF SCHOOL BUS OPERATORS

6.173*

- I. School bus operators shall be responsible for adhering to the requirements of federal laws and regulations, Florida Statutes, State Board of Education rules, driving regulations, School Board policies, District safe driver plan, and the adopted District job description.
- II. Responsibilities shall include, but not be limited to, the following:
 - A. To maintain an appropriate Florida driver's license.
 - B. To cease and desist from driving with an expired, suspended or revoked license.
 - C. To complete annual school bus operator training.
 - D. To participate in the substance abuse testing and alcohol detection program required by 49 CFR 382 and 49 CFR 391.
 - E. To cease and desist from using a cellular telephone or other wireless communications device while actively driving a bus.
 - F. To maintain order and discipline on the bus.
 - G. To instruct students, teachers, and chaperones who are being transported on field and activity trips regarding the locations and proper use of school bus emergency exits prior to each trip.
 - H. To perform a complete interior inspection of the bus after each run and trip to ensure that no students remain on the bus.
 - I. To ensure that no one is on the bus while refueling.
 - J. To avoid unnecessary idling of the bus while in the vicinity of students.
 - K. To adhere to the requirements for the reduction of heavy-duty idling.
- III. Failure to fulfill the responsibilities of a school bus operator may result in disciplinary action up to and including dismissal.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 316.305, 322.57, 1001.42, 1001.43, 1012.45, F.S.
49 CFR 382, 49 CFR 391

STATE BOARD OF EDUCATION RULE(S): 6A-3.0141, 6A-3.0171

**DEPARTMENT OF ENVIRONMENTAL
PROTECTION RULE(S):** 62-285.420

HISTORY: ADOPTED: 02/05/08
REVISION(S): 08/25/09, 03/04/14
FORMERLY: NEW

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CONTRACTS: INSTRUCTIONAL AND ADMINISTRATIVE PERSONNEL

6.18*

- I. Any person employed as a member of the instructional staff shall hold a valid Educator's Teaching Certificate or professional license, except as noted elsewhere in policy. Any person employed as an administrator shall meet those qualifications as enumerated in the Board-adopted job description. All instructional and administrative staff shall be entitled to and shall enter into a written contract with the School Board as provided by law. All contracts shall be on prescribed forms. Any member of the instructional or administrative staff who is willfully absent from duty without approved leave shall forfeit compensation for the time absent, and his/her contract shall be subject to cancellation by the Board.
 - A. Contracts with Instructional Staff
 1. Each member of the instructional staff shall receive a contract in accordance with the provisions of law. Any contract shall be in accordance with the duly adopted salary schedule(s) of the Board and shall be for a definite term of service.
 2. A probationary contract for one (1) school year shall be awarded upon initial employment in the District regardless of previous employment in the District, in another district or in another state.
 - B. Contracts with Administrative Staff
 1. Each member of the administrative staff on initial employment shall be given a written contract. Renewal of the contract from year to year will be based on an annual review of the services rendered and renewed only when acceptable and satisfactory service has been rendered.
 2. The first ninety-seven (97) working days of the initial contract shall be a probationary period during which the employee may be dismissed without cause.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 120.57, 1001.43, 1012.22, 1012.32,
1012.33, 1012.335, 1012.34, 1012.56, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0502, 6A-1.064

HISTORY: REVISION(S): 12/06/04, 02/07/12
FORMERLY: 5.1.4, 5.1.8.D,
5.2.1.A, 5.4.7.D, 9.1.6

CHAPTER 6.00 – HUMAN RESOURCES

PROBATIONARY STATUS FOR PROFESSIONAL SUPPORT STAFF

6.181+

Upon initial employment, educational support employees shall serve a probationary period. If a collective bargaining agreement does not provide for the conditions of a probationary period, then the following provisions shall govern the implementation of this policy:

- I. The probationary period shall begin the first day of regular employment.
- II. The probationary period shall be ninety (90) calendar days in duration or the time period established by a collective bargaining agreement.
- III. Employment during the probationary period must be continuous in the position for which the employee is hired in order for probation to be successfully completed.
- IV. The Superintendent shall determine whether to continue the employee's employment for the duration of the contract year.
- V. A probationary employee who is recommended for termination (nonrenewed) shall not have rights of appeal nor have a written explanation.
- VI. A procedural manual shall include other employment information.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.40, F.S.

HISTORY:

**REVISION(S): 02/05/08
FORMERLY: 4.1.2.C**

CHAPTER 6.00 – HUMAN RESOURCES

CERTIFICATION OF ADMINISTRATIVE AND INSTRUCTIONAL PERSONNEL

6.20*

No person shall be employed or continued in employment if he or she does not hold or is ineligible to hold a Florida Educator's Certificate, an Osceola County certificate or hold a professional license. However, a person may be employed as noncertificated instructional personnel pursuant to School Board rules. The staff member shall be responsible for maintaining a valid certificate. The staff member shall register his or her certificate and each certificate reissuance or renewal in the District office as soon as the Department of Education issues the new validity period on the certificate.

- I. The Superintendent shall designate a certification contact person to work directly with the Bureau of Educator Certification, Florida Department of Education, to assist personnel with certification issues.
 - A. If an individual employed by the District does not achieve a passing score on any subtest of the state General Knowledge examination, the School District shall provide information regarding the availability of state-level and district level supports and instruction to assist in achieving a passing score.
 - B. The relevant information shall include state-level test information guides, School District test preparation resources, and available test preparation courses offered.
- II. An individual nominated for an instructional position shall be properly certificated, be eligible for certification, meet conditions prescribed in State Board of Education rules, or qualify for employment or re-employment as a nondegreed vocational education or adult education teacher based on School Board rules.
- III. Pursuant to Sections 1012.39, 1012.55, and 1012.57, for the purposes of employment of temporary instructors, teachers of adult education, non-degreed teachers of career and technical education, adjunct educators, career specialists, and experts in the field, each school district shall establish the minimal qualifications for the issuance of their own specific certificates. Such certificates establish eligibility for employment, but do not confer a right to employment.
 - A. The School Board defines an adjunct educator as a teacher who has expertise in the subject area to be taught. A teacher shall be considered to have expertise in the subject area to be taught if the teacher demonstrates sufficient subject area mastery through passage of a subject area test. The district is permitted to issue adjunct certificates to qualified applicants.

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- B. Adjunct certificate holders should be used primarily to enhance the diversity of course offerings offered to all students.
- C. Adjunct teaching certificates issued for full time teaching positions are valid for no more than three (3) years and are nonrenewable.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1011.60, 1012.24, 1012.39,
1012.54, 1012.55, 1012.56, 1012.57, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0501, 6A-1.0502, 6A-1.0503

HISTORY: REVISION(S): 12/06/04, 01/07/20
FORMERLY: 5.1.2, 5.1.8.A,
9.1.2.B(3), 9.1.3

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DISTRICT CERTIFICATES

6.21*+

The School Board authorizes issuance of School District Certificates to JROTC teachers and full time and part-time nondegreed vocational education teachers. The areas of certification shall be specified in the procedures manual. Each certificate shall bear an effective date of July 1 of the school fiscal year for which it is issued and shall expire on June 30.

- I. The following types of Full Time Certificates shall be issued at the nondegreed vocational level.
 - A. Nondegreed instructional personnel will be issued a three (3) year Temporary Certificate upon receipt of fingerprint clearance from the FDLE and FBI.
 - B. A five (5) year Professional Certificate will be issued when all requirements have been completed as specified in the Human Resources Procedures Manual.
 - C. To renew a valid Professional Certificate, official transcripts must be filed with the appropriate renewal form showing six (6) semester hours of college credit which includes three (3) semester hours specific to each area on the certificate. One hundred twenty (120) Inservice Points shall be considered equivalent.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.32, 1012.39, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0502

HISTORY: REVISION(S): 02/05/08, 05/21/13, 01/07/20

FORMERLY: 5.1.2

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.32, 1012.39, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0502

HISTORY: REVISION(S): 02/05/08, 05/21/13
FORMERLY: 5.1.2

CHAPTER 6.00 – Human Resources

CERTIFICATION OF ADJUNCT EDUCATORS

6.211*+

- I. Notwithstanding the provisions of ss. 1012.32, 1012.55, and 1012.56, or any other provision of law or rule to the contrary, the Superintendent or his/ her designee shall establish procedures to allow for the issuance of an adjunct teaching certificate to any applicant who fulfills the requirements of s. 1012.56(2)(a)-(f) and (10) and who has expertise in the subject area to be taught. An applicant shall be considered to have expertise in the subject area to be taught if the applicant demonstrates sufficient subject area mastery through passage of a subject area test. The adjunct teaching certificate shall be used for part-time teaching positions.
- II. The intent of this policy is to enact state law that allows the School District to:
 - hire qualified applicants with a broad range of talent and expertise who may not hold a teaching certificate but who may wish to teach part-time in a district public school and
 - issue adjunct certificates to these qualified applicants.
- III. The School District may hire adjunct certificate holders as a strategy to increase the number of course offerings for students. The School District may also use the expertise of individuals in the state who wish to provide online instruction to students by issuing adjunct certificates to qualified applicants.
- IV. Each adjunct teaching certificate shall be valid through the term of the annual contract between the School District and the employee. At its discretion, the School District may award an additional annual certification and an additional annual contract upon the condition that the applicant is rated "Effective" or "Highly Effective" under s. 1012.34 during each year of teaching under adjunct teaching certification.
- V. Individuals who are certified and employed under this policy shall have the same rights and protection of laws as teachers certified under s. 1012.56.

STATUTORY AUTHORITY:

1012.57, F.S.

LAW(S) IMPLEMENTED:

1012.57, F.S.

HISTORY:

ADOPTED: 12/06/05
REVISION(S): 05/21/13
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

TEACHING OUT-OF-FIELD

6.22+

- I. For initial employment in Osceola County, each member of the instructional or certificated administrative staff shall be employed in the subject field in which he or she is properly certified or has demonstrated sufficient subject area expertise in the subject being taught by one of the methods outlined in district procedures, except as approved by the Superintendent/designee. Employees hired to teach out-of-field must complete the minimum college credit hours or equivalent as specified in this policy each year toward certification in order to be eligible for reappointment.
- II. Continuing and professional services contract personnel who are out-of-field of certification shall complete the minimum college credit hours or equivalent as specified in this policy each year toward certification. Failure to comply with this policy may result in actions permitted by law or the *Code of Ethics of the Education Profession in Florida*.
- III. A teacher out-of-field in a subject other than English for Speakers of Other Languages (ESOL) shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification within one (1) calendar year from date of initial appointment to the out-of-field assignment and each calendar year thereafter until all requirements are completed for the appropriate certification.
- IV. A teacher out-of-field in ESOL only shall complete at least three (3) semester hours of college credit or the equivalent toward the ESOL requirements within the first two (2) calendar years from date of initial assignment and three (3) semester hours or the equivalent during each calendar year thereafter until all course requirements for certification in ESOL or completed.
- V. A teacher out-of-field in ESOL and another subject shall complete at least six (6) semester hours of college credit or the equivalent toward the appropriate certification within one (1) calendar year from the date of initial appointment to the out-of-field assignment and each calendar year thereafter until all course requirements are completed for the appropriate certification. During the first two (2) years, at least three (3) of the required hours or the equivalent shall be completed in ESOL strategies. Beginning with the third year and each year thereafter, at least three (3) semester hours or the equivalent shall be completed in ESOL strategies and at least three (3) semester hours in requirements for the other subject shall be completed until all course requirements are completed for the appropriate certifications.

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- VI. All out-of-field teachers shall sign an agreement to work toward the appropriate certification. The principal shall be responsible for obtaining signatures on the agreement and a copy shall be placed in the teacher's personnel file. Each year as applicable, the out-of-field teacher shall file appropriate verification of course work until fully certified.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.42, 1012.55, 1012.57, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0503

HISTORY: REVISION(S): 12/06/04, 12/06/05
FORMERLY: 5.1.2.E

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PROFESSIONAL ETHICS

6.27*

- I. An effective educational program requires the services of personnel of integrity, high ideals, and human understanding. All employees shall be expected to maintain and promote these qualities. The Board shall also expect all administrative, instructional, and support staff employees to adhere to the *Principles of Professional Conduct for the Education Profession in Florida*.
- II. All administrative, instructional, and support staff employees, as defined by Florida Statute, shall be required to complete training on these ethical standards. All other employees shall be required to complete training on professional ethics.
- III. The Superintendent and School Board members shall complete annual ethics training as required by law.
- IV. All employees shall be responsible for reporting misconduct by School Board employees that affects the health, safety, or welfare of a student.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

112.313, 1001.42, 1012.01,
1012.22, 1012.27, 1012.796, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-10.081

HISTORY:

ADOPTED: 10/21/08
REVISION DATE(S): 08/16/16, 08/16/22
FORMERLY: NEW

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REPORT OF MISCONDUCT

6.29*

The School District of Osceola County shall adhere to all requirements related to employee misconduct that affects the health, safety, or welfare of a student.

I. Mandatory Reporting of Misconduct

- A. It is the duty of all employees to report immediately upon knowledge to the Superintendent or designee alleged misconduct by any School Board employee that affects the health, safety, or welfare of a student that would be violation of *Section 800.101, Florida Statutes*, or that would be a disqualifying offense under *Section 1012.315, Florida Statutes*, or any allegation of sexual misconduct with a student. Failure of an employee to report such misconduct shall result in disciplinary action. Further, an employee who knowingly or willfully fails to do so, or who knowingly or willfully prevents another person from doing so, commits a misdemeanor of the first degree. An employee who knowingly or willfully coerces or threatens another person with the intent to alter his or her testimony or written report regarding a violation of *Section 800.101, Florida Statutes*, commits a misdemeanor of the first degree.
- B. In particular, pursuant to *Section 1001.42, Florida Statutes*, educational support employees, instructional personnel, administrative personnel, and school officers shall report alleged misconduct of any employee or volunteer who engages in or solicits sexual, romantic, or lewd conduct with a student.
- C. If the prohibited conduct occurs while employed by the School District, the School Board, and the Superintendent must report the employees or personnel and the disqualifying circumstances to the Florida Department of Education for inclusion on the disqualification list maintained by the Florida Department of Education pursuant to *Section 1001.10(4)(b), Florida Statutes*.

II. Investigation

The Superintendent shall immediately investigate any allegation of misconduct by an employee that affects the health, safety, or welfare of a student regardless of whether the person resigned or was terminated before the conclusion of the investigation. The Superintendent shall notify the Florida Department of Education of the result of the investigation and whether the misconduct warranted termination, regardless of whether the person resigned, retired, or was terminated before the conclusion of the investigation.

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- A. An employee who is alleged to have committed such misconduct shall be reassigned to a position not requiring direct contact with students pending the outcome of the investigation.
- B. Information related to the alleged misconduct shall be considered confidential until the investigation is concluded with a finding to proceed or not to proceed with disciplinary action or charges, and the subject/employee of the complaint has been notified of the finding.
- C. The Superintendent shall report alleged misconduct to the Florida Department of Education as required by Florida Statutes. The Superintendent shall report alleged misconduct of educational support employees, instructional personnel, administrative personnel, or school officers who engage in conduct that would be considered disqualifying pursuant to *Section 1012.315, Florida Statutes*, or any allegation of sexual misconduct with a student. Failure to report such conduct to the Florida Department of Education or law enforcement forfeits the Superintendent's salary for up to one (1) year.
- D. After the conclusion of the investigation, the School District shall notify the parents of a student affected by an educator's violation of the School District's Standards of Ethical Conduct. This notice must be provided to the parent within thirty (30) days of knowledge of the incident and inform the parent of:
 - 1. The nature of the misconduct;
 - 2. If the School District reported the misconduct to the Florida Department of Education in accordance with *Section 1012.796, Florida Statutes*;
 - 3. The sanctions imposed against the employee, if any; and
 - 4. The support the School District shall make available to the student in response to the employee's misconduct.

III. Legally Sufficient Complaint

The Superintendent shall file any legally sufficient complaint with the Department of Education within thirty (30) days after the date the School District became aware of the subject matter of the complaint. A complaint is considered to be legally sufficient if it contains ultimate facts that show that an instructional or administrative employee has committed a violation as provided in *Section 1012.795, Florida Statutes*, and defined by State Board of Education Rule.

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IV. Resignation or Retirement in Lieu of Termination

If the Superintendent determines that misconduct by an educational support employee, an instructional employee, or an administrator, who holds a certificate issued by the Florida Department of Education, affects the health, safety, or welfare of a student, and the misconduct warrants termination, then the employee may resign or be terminated, and the Superintendent shall report the misconduct to the Florida Department of Education as required.

V. Employment Reference

The School Board, Superintendent, or any other representative of the School District shall not enter into a confidentiality agreement regarding educational support employees, instructional personnel, or school administrators, who are terminated, dismissed, or who resign or retire 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 an employment reference or discuss the performance of an employee with a prospective employer in an educational setting without disclosing the person's misconduct that affected the health, safety, or welfare of a student. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by an educational support employee, instructional employee, or administrator that affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

VI. Notification

The policies and procedures for reporting alleged misconduct by employees that affects the health, safety, or welfare of a student shall be posted in a prominent place at each school and on each school's website. The notice shall include the name of the person to whom the report is made and the consequences for misconduct.

VII. Protection from Liability

- A. Any individual who reports in good faith any act of child abuse, abandonment, or neglect to the Department of Children and Family Services or any law enforcement agency shall be immune from any civil or criminal liability that might result from such action.
- B. An employer who discloses information about a current or former employee to a prospective employer, at the employee's request or at the prospective employer's request, shall be immune from civil liability for such disclosure as provided by Florida Statute.

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VIII. False or Incorrect Report

The Superintendent, a Board member or any School District official shall not sign and/or transmit any report regarding employee misconduct to a state official that he/she knows to be false or incorrect. An individual who knowingly makes a false or incorrect report shall be subject to disciplinary action as prescribed by Florida Statute.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 39.203, 112.313, 768.095, 1001.42, 1006.061,
1012.01, 1012.22, 1012.27, 1012.795, 1012.796, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-10.081

HISTORY: **ADOPTED:** 10/21/08
REVISION DATE(S): 08/16/16, 08/21/18, 12/14/21, 08/16/22
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

VIOLATION OF LOCAL, STATE, AND/ OR FEDERAL LAWS

6.30

- I. Anyone known to be violating a local, state, and/ or federal law on School Board property or at a school function will be subject to referral for prosecution to the appropriate law enforcement agency. The referral process will be subject to Florida Statutes and School Board rules.
- II. Any employee in violation of the reporting requirement of this policy may be subject to disciplinary action by the Superintendent or School Board up to or including dismissal.
- III. Self-Report of Arrests or Charges
 - A. All employees are required to self-report in writing within forty-eight (48) hours to the Superintendent any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance.
 - B. All contractual personnel who have direct contact with students or who have access to or control of funds are required to self-report in writing within forty-eight (48) hours to the Superintendent any arrests or charges involving the abuse of a child or the sale and/or possession of a controlled substance.
 - C. Such notice of arrest and charges 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.
 - D. In addition, self-reporting shall also be required of all employees as well as contractual staff (who have direct contact with students or who have access to or control of funds) of 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, including DUI or any resulting suspension, revocation or restriction, other than a minor traffic violation within forty-eight (48) hours after the final judgment.
- IV. It is the duty of all employees to report to the Superintendent any misconduct by any School Board employee that affects the health, safety, or welfare of a student in accordance with School Board policy.
- V. When handling sealed and expunged records disclosed under this rule, school districts shall comply with the confidentiality provisions of Sections 943.0585(4)(c) and 943.059(4)(c), Florida Statutes.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 887.13, 943.0585, 943.059, 1001.41, 1001.42,
1001.43, 1006.145, 1012.22, 1012.27, 1012.465, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-10.081

HISTORY: **REVISION(S):** 12/06/04, 12/06/05, 10/21/08, 08/16/16
FORMERLY: 1.1.8, 3.1.3.B, 4.1.1.P,
5.1.1.B.(12), 9.1.2.B.(10)

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CONFLICT OF INTEREST IN PURCHASING

6.301

- I. No employee of the District shall on behalf of the District either directly or indirectly purchase, rent, or lease any realty, goods, or services from any business entity of which the employee or the employee's spouse or child has a material interest. No business in which an employee holds ownership or material interest shall either directly or indirectly purchase, rent, or lease any realty, goods, or services to the District, subject to Florida Statutes and provisions herein.
- II. This policy is not intended to prohibit the School Board from authorizing purchases or other related activities from or with a business or individual related to an employee who provides an acceptable bid or quote for such services or goods and, when all other conditions are equal or comparable. This policy does not prohibit reimbursements to employees for purchases made in connection with their employment.
- III. Any employee who is found to have violated the provisions of this policy shall be subject to the provisions of policy 6.30.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.313, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-10.081

HISTORY: REVISED: 08/15/17
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

RECORDS AND REPORTS

6.31*

- I. All School Board employees shall faithfully and accurately maintain records and file reports as may be required by Florida Statutes, State Board of Education rules, and School Board rules, or as the Superintendent may deem necessary for the effective administration of the District school system. Such records and reports shall include:
 - A. Student attendance, property inventory, personnel, school funds, and other types of information; and
 - B. any determination to withhold from a parent information regarding the provision of any services to support mental, physical, or emotional well-being of the parent's minor child. Any such determination must be based solely on child-specific information personally known to the school personnel and documented and approved by the school principal or designee. The determination must be annually reviewed and re-determined.
- II. Reports shall be submitted on forms prescribed for such purposes at designated intervals or on specified dates. All such reports shall be filed by the designated time. The Superintendent may withhold any salary warrants until the required report is submitted in acceptable form. School Board employees who resign shall receive the final salary warrant when all reports are current and officially checked.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, 1012.53, F.S.

HISTORY:

**REVISED: 08/16/22
FORMERLY: 5.3.4**

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TELEPHONE CALLS, ELECTRONIC COMMUNICATIONS, AND FACSIMILES

6.32+

Use of District phones, cellular phones, radios, pagers, facsimile, e-mail, or other communications devices is for the sole purpose of conducting official District business, and personal communications are discouraged and should be kept to a minimum.

- I. Prior authorization for all personal long distance calls and facsimiles shall be given by the principal or site administrator. Any expense for personal use shall be reimbursed to the District within fourteen (14) calendar days of the District's receipt of the invoice. Failure to reimburse the District in a timely manner or excessive use of the District equipment for personal reasons may be cause for suspension or dismissal.
- II. Employee use of District cell telephones shall be, to the extent possible, limited to business use only. The District shall be reimbursed for any personal calls made by the employee. Procedures for implementing this provision shall be developed.
- III. Any long distance telephone calls made by a School Board member and charged to the District office shall be paid by the School Board, provided the purpose of the call was to conduct School Board business.
- IV. Procedures shall be developed to review telephone and facsimile bills.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, F.S.

HISTORY:

**REVISED: 05/01/07
FORMERLY: NEW**

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EMPLOYEE USE OF CELLULAR TELEPHONES

6.321+

I. District Cellular Telephones

- A. It is the policy of the School Board to provide selected employees cellular telephones in support of fulfilling their assigned duties. The Superintendent shall develop procedures governing cellular telephone usage.
- B. Failure to follow procedures may result in disciplinary action including suspension or termination from employment.
- C. An employee shall not forward a call or message on a District cellular telephone issued to the employee to his or her personal cellular telephone.
- D. The Superintendent or his or her designee may establish procedures that direct employees in appropriate communication for school-sponsored events or activities, including, but not limited to, field trips.

II. Personal Cellular Telephones

- A. Employees shall not use personal cellular telephones or other personal communication devices (including wireless earpieces or ear sets) for personal or non-school use during the workday except within recognized break or lunch times or circumstances of emergency.
- B. Employees shall not use personal cellular telephones or other personal communication devices to communicate with students in any way, including but not limited to, texting and instant messaging.

Exceptions to this policy shall include:

- Employees may use District-approved communications technology, hardware, and software applications to send text communications to students that shall be archived in order to comply with state law.
- When no District cellular telephone or other communication device is reasonably available to the employee, an employee may use a personal cellular telephone or other personal communication device to communicate with a student in an emergency situation in order to ensure the safety of the student. In such emergency situations, the employee shall report this communication to an administrator immediately, and no disciplinary action shall be taken against the employee who acts in good faith. However, the use of such device may not violate School Board Rule 6.84 or any other law or regulation that is intended

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- to prohibit inappropriate conduct or communication with students and/ or minors.
- C. Employees shall not allow students to view any website or other digital content on the employee's personal cellular telephones or other personal communication device.
 - D. Per Chapter 119, Florida Statutes, if an employee uses a personal cellular telephone or other personal communication device to conduct District business pursuant to an employee's official role and duties and for communication, the employee's personal cellular telephone or other personal communication device may be subject to inspection in response to a public records request or official District or law enforcement investigation.
 - E. Employees shall not use personal data plans for cellular telephones or other communication devices to establish connectivity to the Internet (e.g. hotspot) for student access or to circumvent the District filtered network for either instructional use or student access.
 - F. Employees may choose to connect, pursuant to their duties, personal cellular telephones or other personal communication devices to the School District's guest network. Employees' personal devices connected to the School District's guest network may be subject to a public records request or official School District or law enforcement investigation. The Superintendent or his or her designee may establish procedures to monitor appropriate network activity.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.27, F.S.

HISTORY: ADOPTED: 12/06/04
REVISED: 04/15/08, 06/03/14, 04/21/15, 12/15/15, 08/15/17, 08/21/18
FORMERLY: NEW

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ALCOHOL AND DRUG-FREE WORKPLACE

6.33+

- I. The School Board strictly prohibits its employees from being on duty and unlawfully possessing, using, distributing, or being under the influence of alcohol, marijuana, or any drug not prescribed for the employee. Further, the Board prohibits its employees from misusing alcohol or possessing, using, or distributing drugs off the job, to the extent that any off-duty possession, use, or distribution impacts upon their effectiveness and ability to perform their employment duties or adversely affects the interests of the Board.
- II. The appropriate use of legally prescribed drugs and nonprescription medication is not prohibited. However, it is the employee's responsibility to inform the prescribing physician of the employee's job duties and to ask the prescribing physician to determine whether or not the prescribed drug may impair the employee's job performance within a mandatory drug testing position as defined by state law. It is the employee's responsibility to remove himself/ herself from service if unfit for duty.
- III. An employee must obtain a written release from the prescribing physician if he/ she has prescribed any substance that carries a warning label indicating that mental functioning, motor skills, or judgment may be adversely affected. The release must state that the employee is able to perform his or her job duties within a mandatory drug testing position as defined by state law.
- IV. Drug and/or alcohol testing will be conducted for employees under the following circumstances:
 - A. An employee may be subject to drug testing based on a reasonable belief that he/ she is using or has used drugs in violation of the Drug-free Workplace policy.
 - B. An employee may be subject to follow up testing at the recommendation of a substance abuse professional or medical review officer.
 - C. An employee shall be subject to a drug screen immediately following a work-related accident or injury.
 - D. An employee who is subject to the requirements of the Omnibus Transportation Employees Testing Act (OTETA) shall be subject to random drug testing, post-accident drug testing and return to duty testing as required by federal law.

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- V. The penalty for violation of this policy may include termination of employment or some other form of discipline which the School Board, in its discretion, deems appropriate, and loss of workers' compensation benefits.
- VI. The Board maintains an alcohol and drug-free workplace in compliance with applicable laws and rules; related procedures are in the procedures manual.

STATUTORY AUTHORITY:

**893.01, 1001.41, 1012.22,
1012.23, 1012.27, F.S.**

LAW(S) IMPLEMENTED:

**420.102, 1001.41, 1001.43, 1012.795, F.S.
DRUG FREE WORKPLACE ACT OF 1988,
34 CFR PART 85, SUBPART F**

HISTORY:

**REVISED: 12/06/04, 08/25/09, 08/07/12, 08/18/15
FORMERLY: 1.18**

CHAPTER 6.00 – HUMAN RESOURCES

POLITICAL ACTIVITIES OF EMPLOYEES

6.34

- I. School district employees shall not solicit support for any political candidate, partisan or non-partisan, during regular work hours.

- II. A School district employee who offers himself/herself as a candidate for public office shall notify the Superintendent immediately upon qualifying for election. He/she shall conduct his/her campaign so as not to interfere with his/her responsibilities.
 - A. Such candidate shall adhere strictly to Florida Statutes governing political activity on the part of public officials and public employees.

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

STATUTORY AUTHORITY: **1001.41, 1012.22, 1012.23, F.S.**

LAW(S) IMPLEMENTED: **104.31, 106.15, 1001.41, 1001.43, F.S.**

HISTORY: **REVISED: 05/01/12, 01/29/13**
FORMERLY: NEW

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GRIEVANCE PROCEDURE FOR PERSONNEL

6.35*+

This grievance procedure shall apply to any problem dealing with the treatment of personnel due to the alleged violation of existing School Board rules or policies, except discrimination, and harassment which are included to policy 2.70. Whenever an employee feels that he has a grievance, every effort shall be made to arrive at a satisfactory resolution of the problem on an informal basis. When this cannot be done, the more formal procedures stated herein will be followed in an effort to resolve grievances and preserve good morale. No grievance shall be processed anonymously.

I. Definitions

Grievance - Any claim by an employee or group of employees that there has been a violation, misinterpretation or misapplication of a School Board rule or policy, except Policy 2.70. The term grievance as used in this section and for the purposes of the procedures set forth herein, shall not apply to any matters or procedures covered by the terms of any contract entered into pursuant to Chapter 447, Florida Statutes.

Representative – Any person or legal counsel designated by the grievant.

Grievant – Any person or group of persons who initiated a grievance unable to be resolved in an informal manner.

Superintendent – The Superintendent, as duly holding office in Osceola County.

School Board – The School Board of Osceola County, Florida

Administrative Channel – The normal chain of command of administrative responsibility of the Osceola District Schools.

Days – Actual working days.

Rights – The rights of employees to

- A. Call upon any representative to aid and assist in any level of the grievance procedure.
- B. Request and receive for his representative a copy of all information pertaining to the grievance.
- C. Have all documents, communications and records dealing with the processing of the grievance kept separate from the assessment file of the participants.

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- D. No reprisals of any kind shall be taken against any participant in the grievance procedures by reason of such participation.
- E. Sample forms shall be made available to all persons by the Superintendent.
- F. The number of days of each level shall be considered a maximum except when extended in writing by mutual consent.
- G. If an individual does not file a grievance within ten (10) days after becoming aware of the act or condition on which the grievance is based, or after a reasonable person under similar circumstances should have become aware of such act or condition, then the grievance shall be considered to have been waived.
- H. Failure of the grievant to appeal the grievance to the next level within five (5) days shall be deemed to be acceptance of the decisions rendered at that level.
- I. The grievant and his representative shall have the right to be present at any and all levels.
- J. No employees, including probationary or substitute employee (OPS), may use the grievance procedure in any way to appeal discharge or a decision by the Superintendent not to renew his contract.
- K. Failure at any step of this procedure to communicate the decision on a grievance within the specified time shall permit the grievant to appeal at the next step of this procedure.

II. Procedure for Resolving Grievances

For individual grievances, the following procedures shall apply in the order specified below:

Level 1 – The grievant shall discuss the grievance with the principal or worksite supervisor for the purpose of resolving the grievance. If satisfactory results are not obtained within five (5) days, then

Level 2 – The grievant may file the grievance by submitting a written “Statement of Grievance” on a form (FC-120-183) provided by the School Board with the Assistant Superintendent of Personnel and Administrative Services, and a copy to any representative of his choice. It shall include the name of the employee involved, the facts giving rise to the grievance, the identity

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by appropriate reference of all rules or policies alleged to be violated, the contention of the employee with respect to those provisions, and the specific relief requested. The Assistant Superintendent of Personnel and Administrative Services shall respond in writing within five (5) days. Copies shall be sent to any representative designated by the grievant.

Level 3 – If the grievant is not satisfied with the disposition of the grievance at level two (2) or if no decision has been rendered in writing within five (5) days the grievant may forward the written grievance form directly to the Superintendent, with copies to the person who caused the grievance and any other representative of his choice.

The Superintendent shall, within ten (10) days file his reply in writing to the grievance with copies to the person who caused the grievance and the grievant's representative.

If satisfactory results are not obtained at this level, then:

Level 4 – The grievant or his representative may forward the written grievance form within five (5) days directly to the School Board with copies to all concerned. Within fifteen (15) days after receipt of the grievance, the School Board chairperson shall call a meeting for the purpose of resolving the grievance. The School Board, at the discretion of the chairperson, may appoint an independent committee of its choosing to investigate the grievance. With twenty (20) days after the above meeting, the Board shall communicate its decision in writing and state its reason in writing, if requested to the grievant.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

**447.401, 1001.43, 1001.49,
1012.22, 1012.27, F.S.**

HISTORY:

FORMERLY: 3.15

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COMPLAINTS AGAINST EMPLOYEES

6.36*+

- I. Anyone who has a complaint about a District employee may submit his/her complaint to the Superintendent, an Assistant Superintendent, appropriate Director, or another administrator. The complainant must identify himself/herself and submit the complaint in writing if possible. The administrator will take written notes of the specific information and investigate or forward to another appropriate administrator for investigation.
- II. It is the duty of all employees to report to the Superintendent alleged misconduct by any School Board employee that affects the health, safety or welfare of a student as required by Florida Statute and School Board policy.
- III. The Superintendent or designee shall report to the Department of Education legally sufficient complaints within thirty (30) calendar days after the date on which the complaint comes to the attention of the School District.
- IV. Failure to report to the Superintendent or designee within forty-eight (48) hours a legally sufficient complaint shall result in disciplinary action.
- V. The Superintendent shall develop procedures to comply with the reporting requirements for legally sufficient complaints.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, 1012.22, 1012.796, F.S.

HISTORY:

**REVISED: 02/06/07, 10/21/08
FORMERLY: NEW**

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CONFIDENTIALITY OF INTERNAL INVESTIGATIONS

6.361+

- I. The District shall maintain confidentiality during internal investigations prior to determining that cause for further action exists or that allegations are unfounded. Subsequent action may include but is not limited to referral to the
 - A. Education Practices Commission;
 - B. Appropriate law enforcement agency;
 - C. Appropriate governmental agency; and/or
 - D. School Board for consideration of suspension or dismissal.
- II. Internal investigations may be conducted for but are not limited to alleged
 - A. Employee misconduct;
 - B. Violation of School Board Rules;
 - C. Misuse of electronic resources;
 - D. Workplace violence;
 - E. Violation of the Principles of Professional Conduct for the Education Profession in Florida;
 - F. Violation of the Code of Ethics of the Education Profession in Florida;
 - G. Violation of the Florida Ethics in Education Act
 - H. Violation of state or federal laws.
- III. Maintenance of confidentiality shall be consistent with public records laws.
- IV. No employee shall knowingly interfere with an ongoing internal investigation by engaging in obstructive behaviors such as but not limited to attempting to influence, delay, or prevent the testimony of a witness.
- V. This policy shall not allow the Board, the Superintendent or any other District employee to enter into any confidentiality agreement regarding terminated instructional personnel or school administrators or personnel or administrators who resign in lieu of termination based on misconduct that affects the health, safety or welfare of a student or to provide employment references or to discuss

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a person's performance with prospective employers in an educational setting without disclosing the personnel's or administrator's misconduct.

- VI. An employee that does not comply with this policy shall be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of any negotiated collective bargaining agreement.
- VII. The Superintendent shall develop procedures to maintain confidentiality during internal investigations. Such procedures shall be compatible with requirements to report legally sufficient complaints.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 119.07, 119.071, 1001.42, 1001.43, 1012.22, 1012.31, 1012.796, F.S.

HISTORY: **ADOPTED: 08/07/12**
REVISED: 12/16/14
FORMERLY: NEW

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SUSPENSION AND DISMISSAL

6.37

- I. No employee may be suspended from duty except by the Superintendent or the School Board. The Superintendent may suspend a member of the staff during an emergency for a period extending to and including the next meeting of the School Board.
- II. In the case of a suspension without pay by the School Board, an affected employee shall be entitled to a hearing on the charges as to why he/she should be suspended without pay. Said hearing shall be upon reasonable notice by the School Board.
- III. If any dismissal 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 Chapter 120, Administrative Procedure Act.
- IV. 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. The petition shall further notify the employee that in the event a written request for a hearing is not received by the Superintendent within fifteen (15) calendar days after receipt of said notice, if the employee is under annual or professional service contract or thirty (30) days after receipt of said notice if the individual is under continuing contract that the employee waives his/her right to a hearing.
- V. In the event a hearing is requested as prescribed by law, pursuant to this policy, 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.
- VI. No member of the staff may be dismissed except by action of the School Board.
- VII. Any suspension or dismissal shall be as prescribed by law.
- VIII. Employees terminated during their probationary period or upon expiration of a time-limited contract shall not be subject to this policy.
- IX. Any provision in the Collective Bargaining Agreement to the contrary shall supersede this policy.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: CHAPTER 120, 1001.43,
1012.22, 1012.27, 1012.33, 1012.335, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-5.056

HISTORY: REVISION(S): 12/06/04, 02/06/07, 02/07/12, 01/29/13
FORMERLY: 4.3.2, 5.1.2.D(5),
5.1.5, 9.1.7, 10.1

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SUSPENSION WITH PARTIAL OR NO PAY

6.38

The School Board hereby delegates authority of employee suspension with partial or no pay to the Superintendent in order to facilitate personnel management, to maintain an orderly and productive work environment, to avoid public embarrassment to employees, and to eliminate minor disciplinary action from the School Board's agenda.

- I. The suspension shall not exceed five (5) days.
- II. The suspension may be wholly or partially without pay.
- III. An employee who is suspended under the authority of this rule shall be granted all due process rights accorded by the Florida Statutes.
- IV. This rule grants the Superintendent authority in addition to that provided by Florida Statutes. It shall not be construed to limit the Superintendent's statutory powers.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.22, 1012.27, 1012.33, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-5.056

HISTORY: REVISION(S): 12/06/04, 01/29/13
FORMERLY: NEW

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REPORTING UNLAWFUL ACTS

6.39

- I. Employees are encouraged to report unlawful acts to the Director for Human Resources and Employee Relations or specific designee.
- II. Employees shall be afforded reasonable confidentiality and protection from harassment or retribution.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

FORMERLY: NEW

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ZERO TOLERANCE FOR WORKPLACE VIOLENCE

6.391+

- I. Employees shall not engage in speech, conduct, behavior, verbal or nonverbal, or commit any act of any type which is reasonably interpreted as abusive, profane, intolerant, menacing, intimidating, threatening, or harassing against any person in the workplace.
 - A. *Person* means any natural person, including an employee, student, parent, or guardian.
 - B. *Workplace* means any place where job performance is implicated, including but not limited to, any facility owned and operated by the School Board, during travel to and from any educational facility, attendance at any school related or school sponsored function, and any environment where the reputation and credibility of the School District may be impaired by inappropriate conduct.
- II. Each employee must report to his/her immediate supervisor any violation of this policy. If, for any reason, an employee believes that he/she cannot report a violation of this rule to the immediate supervisor, the complaint must be filed with the Superintendent.
- III. Violation of this policy by an employee will subject that employee to disciplinary action up to and including termination from employment.
- IV. The Superintendent shall establish procedures for the implementation of this policy.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.42, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

6B-1.001, 6B-1.006

HISTORY:

**REVISED: 08/25/09
FORMERLY: 1.22**

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EMPLOYEE RELATIONS – CIVILITY

6.392*

I. Purpose

The purpose of this policy is to provide rules of conduct for employees that permit and encourage communication between employees, but which also identify behaviors that are unacceptable, inappropriate, and/or disruptive to the operation of the School District.

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among District employees. It is not the intent of the School Board to deprive any employee of his or her right to freedom of expression. The intent of this policy is to encourage positive communication by and among employees and to prohibit rude, impolite, disruptive, volatile, hostile, pejorative, derisive, disparaging discriminatory, scandalous, false, threatening, or aggressive communications or actions by employees.

II. Expected Behavior

Employees at all levels will treat other employees with courtesy and respect.

III. Unacceptable Behavior

Prohibited behavior includes, but is not necessarily limited to:

- A. Behavior that interferes with or threatens to interfere with the operation of an employee's department, work unit, workspace, work area, office area, or any other area owned, operated, or maintained by the School Board;
- B. Using loud, offensive, rude, impolite, disruptive, volatile, hostile, pejorative, derisive, disparaging, discriminatory, scandalous, false, threatening or aggressive language; swearing, cursing, using profane language; or the display of temper in the presence of, directed to, or stated about another employee or employees;
- C. Threatening to do bodily or physical harm to another employee regardless of whether or not the behavior constitutes or may constitute a criminal violation;
- D. Damaging or destroying school or School Board property;
- E. Spreading rumors or making false statements about another employee or other employees;
- F. Being rude or disrespectful to another employee or other employees; and
- G. Any other behavior that disrupts the orderly operation of a school, a school classroom, any other School Board facility, work unit, or work site.

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STATUTORY AUTHORITY: 1001.41, 1001.42, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.23, F.S.

HISTORY: ADOPTED: 04/15/08
REVISION DATE(S): N/A
FORMERLY: NEW

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ASSESSMENT OF EMPLOYEES

6.40*

- I. The Superintendent shall develop or select personnel performance assessment systems for all staff. The School Board will adopt instructional and administrative employee performance criteria in compliance with Florida Statutes.
- II. Each member of the staff shall receive, at a minimum an annual evaluation by his/her immediate administrative supervisor. The purpose of the evaluation shall be to improve the services of personnel in all departments. The administrative supervisors and department heads shall use the evaluation form provided by the Superintendent/designee.
- III. A copy of each employee's evaluation report shall be filed in the District Human Resource Department.
- IV. The assessment of all employees shall be based on observations of the individual's work by his/her immediate supervisor and shall be made at least once each year prior to reappointment. Evaluation of instructional personnel and school administrators shall include indicators of student learning growth.
- V. The Superintendent or designee shall arrange for the assessment of all principals, supervisors and administrative personnel as required by law.
- VI. The principal and/or administrator supervising personnel shall arrange for the assessment of all employees under his/her supervision as required by law.
- VII. Prior to preparing the written report of the assessment, the individual being assessed shall be informed as to the criteria and the procedure to be used.
- VIII. The written report of the assessment shall be reviewed with the employee and discussed with him/her by the person who made the assessment.
- IX. An employee may respond to an assessment in the manner provided by law or other approved procedures.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1008.22, 1008.36, 1012.22,
1012.27, 1012.34, F.S.

HISTORY:

REVISED: 12/06/05, 02/07/12, 04/21/15, 08/18/15
FORMERLY: 5.1.1.C, 5.1.2.D60, 5.1.7.C

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LEAVE OF ABSENCE

6.50*+

- I. Leave of Absence - A leave of absence is permission granted by the School Board or allowed under its adopted policies for an employee to be absent from duty for a specified period of time with the right to return to employment upon the expiration of leave. Any absence of a member of the staff from duty shall be covered by leave duly authorized and granted. Leave shall be officially granted in advance and shall be used for the purposes set forth in the leave application. Leave for sickness or other emergencies may be deemed to be granted in advance if prompt report is made to the proper authority.
- II. Generally, no leave, except military leave or illness-in-line-of-duty leave, will be granted for a period in excess of one year. Illness-in-line-of-duty leave may not be extended beyond the maximum medical improvement date or a maximum of two (2) years from the date of injury, whichever is the earliest date. Leave may be with or without pay as provided by law, regulations of the State Board, and these rules. For any absence that is without pay, the deduction for each day of absence shall be determined by dividing the annual salary by the number of days/hours for the employment period.
- III. A leave shall not be granted to any employee to accept other employment. Accepting employment while on a leave of absence cancels the leave automatically. The person on leave will be notified that he/she must return to work with the School Board immediately, resign, or be terminated.
- IV. The Superintendent shall develop procedures to implement leave provisions.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

**1001.43, 1012.22, 1012.61,
1012.63, 1012.64, 1012.66, F.S.**

STATE BOARD OF EDUCATION RULE(S):

6A-1.080

HISTORY:

**REVISED: 08/25/09
FORMERLY: 4.2, 5.3, 5.3.1, 5.3.2,
5.3.3, 9.3, 9.3.1**

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LEAVE APPLICATION

6.501*

An application for leave shall be made in writing and on the form prescribed by the School Board, approved by the principal or site supervisor, and shall be directed to the School Board. The principal, supervisor, or other person under the direct supervision of the Superintendent, shall submit any leave application directly to the Superintendent. Leave granted for a school year or for the remaining part thereof will expire at the end of the school year or school fiscal year for which such leave is granted.

A District employee having leave for the year or for the remaining part thereof and who plans to return to duty the next school fiscal year shall send a copy of such notice to the administrative supervisor by April 1 of that fiscal year.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.66, F.S.

HISTORY:

REVISED: 08/25/09
FORMERLY: 4.2, 5.3, 5.3.2,
5.3.3, 9.3.2, 9.3.3

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APPROVAL OF LEAVES

6.502*

All requests for leave shall be submitted on the proper form and shall be approved by either the School Board or the Superintendent as provided herein:

- I. The following types of leave require approval of the School Board:
 - A. Military Leave in excess of seventeen (17) working days
 - B. Personal Leave in excess of six (6) working days
 - C. Charter School Leave
 - D. Illness-or-Injury-in-Line-of-Duty Leave
 - E. Natural Disaster Leave
 - F. Professional Leave in excess of five (5) working days
 - G. Family and Medical Leave
 - H. Sabbatical Leave
- II. The Superintendent is authorized to grant the following types of leave:
 - A. Sick Leave
 - B. Personal Leave not in excess of six (6) working days
 - C. Vacation Leave
 - D. Professional Leave not to exceed five (5) working days
 - E. Jury/Witness Duty assignment
 - F. Military Leave not to exceed seventeen (17) working days
 - G. Temporary Duty elsewhere

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III. Each principal or administrative department head shall have the authority to:

- A. Board Leave
Release employees for less than one-half (1/2) day for temporary absence without Superintendent or Board approval.

- B. Volunteer Leave
Grant leave for up to two (2) hours per month for volunteer, mentor, or assisting schools and departments.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.22, 1012.61,
1012.63, 1012.64, 1012.66, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.080, 6A-1.081,
6A-1.082

HISTORY: REVISED: 02/06/07, 02/05/08
FORMERLY: 4.2, 5.3, 9.3

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NOTIFICATION OF ABSENCE

6.51*

- I. The principal or designee shall notify and submit the appropriate leave form to the Superintendent when he/she plans to be away from school for a half-day or longer. The principal shall designate a responsible member of the administrative or instructional staff to be in charge during his or her absence.
- II. An employee who is absent from duty for any reason shall notify the principal or his or her immediate supervisor as early as possible. Such notification shall be given in advance unless conditions beyond the control of the employee make such advance notification impossible.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, 1012.66, 1012.67, F.S.

HISTORY:

FORMERLY: 4.2, 5.3

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ABSENCE WITHOUT LEAVE

6.511*

- I. Administrative and Instructional - Any member of the administrative or instructional staff who is willfully absent from duty without leave shall forfeit compensation for the time of the absence and the employee's contract shall be subject to cancellation by the School Board. In addition, such absence without leave shall interrupt continuity of service.
- II. Professional Support - Any other employee who is willfully absent from duty without leave shall be subject to dismissal from employment and shall forfeit compensation for the time of the absence.
- III. Three (3) working days of failure to report for duty or be on approved leave will be determined abandonment of position and employee will be subject to termination.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.33, 1012.66, 1012.67, F.S.

HISTORY:

FORMERLY: 5.3.11, 9.3.13

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RESIGNATIONS

6.52

- I. Any administrative or instructional staff member who wishes to resign shall submit his/her resignation in writing addressed to the Superintendent. The letter of resignation shall state the reasons for the resignation and the desired effective date. The resignation of any administrative or instructional staff member shall be sent to and countersigned by the person's administrative supervisor who shall forward the resignation to the Superintendent for presentation to the School Board. Any resignation must be approved by the School Board before it is considered final.
 - A. The resignation of an administrative or instructional staff member may be accepted during the contractual period of service, provided that an acceptable reason is given and a qualified and satisfactory replacement is available. Any resignation for an ensuing school year shall be accepted without question if submitted prior to June 20 of the current school year.
 - B. All resignations shall be processed through the Human Resources Department.
 - C. An employee who violates the terms of an employment agreement or written contract by leaving his/her position without first being released from the agreement or contract by the School Board shall be subject to the jurisdiction of the Education Practices Commission. When this occurs, the Superintendent shall be responsible for notifying the Commissioner of Education about the School Board's action of declaring the position as abandoned and vacant.
- II. A professional support employee who wishes to resign shall submit his or her resignation in writing addressed to the Superintendent on the prescribed resignation form. Whenever possible, two (2) weeks prior notice shall be given. The letter of resignation shall state the reason for the resignation and the desired effective date. A resignation of an employee shall be sent to and countersigned by his/her immediate administrative supervisor. The resignation shall be submitted to the School Board at its next regular or special meeting. Any resignation must be approved by the School Board before it is considered final; the School Board may refuse to accept any resignation for cause.
- III. When possible an exit interview shall be conducted with an instructional employee, prior to last official day of employment.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.22, 1012.23, 1012.33,
1012.34, 1012.795, F.S.

HISTORY: REVISION(S): 12/06/05
FORMERLY: 4.3.1, 5.1.6, 9.1.8

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**EFFECTIVE DATE FOR LEAVE, SUSPENSION, OR
TERMINATION**

6.521*

The effective date of any employment termination or unpaid leave of absence shall be the first day on which a School Board employee is not paid, unless otherwise provided. The effective date of any suspension or paid leave of absence shall be the first day on which a School Board employee does not work.

An employee eligible to receive holiday pay must be on paid status the day before and the day after the holiday to receive pay for the holiday.

STATUTORY AUTHORITY: **1001.41, 1012.22, 1012.23, F.S.**

LAW(S) IMPLEMENTED: **1001.43, 1011.60, 1012.22, 1012.66, F.S.**

HISTORY: **REVISION(S): 02/05/08**
FORMERLY: NEW

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DEFERRED RETIREMENT OPTION PROGRAM (DROP)

6.531

The Deferred Retirement Option Program (DROP) as defined in Chapter 121, Florida Statutes, is an alternative method of deferred payment of retirement benefits for up to sixty (60) months after an eligible member of the Florida Retirement System reaches the eligible member's normal retirement date but wishes to continue employment with a Florida Retirement System employer. In order to participate, the employee must submit a binding letter of resignation, establishing a deferred termination date. DROP shall allow the participant to defer all retirement benefits payable during the DROP period. Upon termination of DROP, the participant shall receive the DROP benefits and the regular retirement benefits under *Chapter 121, Florida Statutes*.

- I. Participation in DROP – All members of the Florida Retirement System are eligible for DROP. Members electing to participate in DROP must meet the eligibility and timeline requirements outlined in Florida Statute.
- II. Pursuant to *Section 121.091(13)(b)*, certain K-12 instructional personnel, as defined by *Sections 1012.03(2)(a)-(d)*, F.S., may be permitted to extend DROP participation beyond the initial sixty (60) calendar month period up to an additional thirty-six (36) calendar months upon authorization from the School District and approval by the Florida Division of Retirement.
- III. Pursuant to *Section 121.091(13)(b)*, certain K-12 administrative personnel, as defined by *Sections 1012.03(3)*, F.S., may be permitted to extend DROP participation beyond the initial sixty (60) calendar month period if the eligible administrative employee's termination date is before the end of the school year.

Such an eligible administrative employee may have DROP participation extended until the last day of the last month of the same school year upon authorization from the School District and approval by the Florida Division of Retirement.

IV. Benefits Payable

- A. Sick Leave – Upon election to participate in DROP, and following completion of one full fiscal year in DROP, sick leave benefits shall be paid in accordance with Policy 6.912 (V) according to the following schedule:

On a calculation date commencing on June 30th following the completion of a full fiscal year in the DROP program, and on each June 30th annually thereafter, a payment shall be made to the employee's 401A / 403B plan in an amount representing a percentage of the sick leave balance calculated as follows:

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- i. If there is 1-12 months then remaining from the calculation date to the Deferred Termination Date the payment shall be made as 50% of the value of the accumulated sick leave.
 - ii. If there is 13-24 months then remaining from the calculation date to the Deferred Termination Date the payment shall be made as 33.33% of the value of the accumulated sick leave.
 - iii. If there is 25-36 months then remaining from the calculation date to the Deferred Termination Date the payment shall be made as 25% of the value of the accumulated sick leave.
 - iv. If there is 37-48 months then remaining from the calculation date to the Deferred Termination Date the payment shall be made as 20% of the value of the accumulated sick leave.
1. Sick leave shall be earned during DROP as prescribed by Florida Statutes. Accumulated sick leave earned during DROP participation shall be paid to the employee at the end of their DROP participation or as prescribed in any Board approved alternative retirement plan.
 2. It is in the intent of this policy that an individual entering DROP shall be allowed to use sick leave which was accrued prior to their retirement and entrance into DROP, in accordance with Policy 6.915.
- B. Annual Leave – Employees electing to participate in DROP shall be entitled to terminal pay for accrued annual leave as required by state law, Board policy, and/or union contract. Upon election to participate in DROP, and the employee's election to receive a lump-sum payment of accrued annual leave, payment shall be made prior to the effective beginning date of DROP into the tax deferral plan adopted by the School Board, and shall then be paid to the employee in accordance with the terms of such plan.
1. Annual leave earned prior to entering DROP which exceeds the maximum lump sum payment allowed by Board policy may be used during DROP: however, the employee shall not be entitled to compensation at the end of DROP for any unused portion of the accumulated leave.

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2. Employees shall earn annual leave during the DROP period as prescribed by Florida Statute, Board policy and/or union contract. Annual leave accumulated during DROP participation shall not be paid to the employee at the end of DROP participation, except to the extent the employee has earned additional annual leave which combined with the original payment does not exceed the maximum lump-sum payment allowed by Board policy.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 121.091, 1001.43, F.S.

HISTORY: **REVISION(S):** 12/06/05, 02/06/07, 12/14/21
FORMERLY: 4.2.4, 5.2.2, 9.3.12

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VACATION LEAVE

6.541*

- I. Twelve (12) month professional support employees shall accumulate vacation as follows:
 - One (1) day for each month of employment for those employed by the District for less than five (5) active service years.
 - One and one-fourth ($1\frac{1}{4}$) days per month of employment for those employed five (5) active service years or more.
 - One and one-half ($1\frac{1}{2}$) days per month of employment for those employed ten (10) active service years or more.
- II. Twelve (12) month instructional and administrative employee shall accumulate vacation as follows:
 - One (1) day for each month of employment for those employed by the District for less than five (5) active service years.
 - One and one-half ($1\frac{1}{2}$) days per month of employment for those employed five (5) active service years or more.
- III. Earned leave shall be credited at the end of the month. An employee earning pay for at least seventy-five percent (75%) of the workdays in the month shall be treated as earning benefits for a month of employment.
 - A. A full time employee whose normal working day is less than eight (8) hours shall earn and use vacation leave days in proportion to hours worked.
 - B. No professional support staff employee shall earn more than one and one-half ($1\frac{1}{2}$) seven and one-half ($7\frac{1}{2}$) hour vacation leave days per month.
 - C. Effective July 1, 2009, the maximum number of vacation leave days that may be accrued is the greater of:
 1. 80 vacation leave days, or
 2. The number of vacation leave days accrued as of July 1, 2009, plus 20 vacation leave days.

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- D. Annual vacation leave time for an individual employee shall be approved by the Superintendent/designee and scheduled so that there will be a minimum disruption of the operation of the school system.
- E. A leave application shall be filed with the Superintendent or designee showing the annual leave dates.
- F. Annual leave used shall be charged to accumulated balances on a last-in-first-out basis.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1011.60, 1012.22, 1012.62, 1012.66, F.S.

STATE BOARD OF EDUCATION RULE(S) 6A-1.082

HISTORY: REVISION(S): 12/06/05, 02/06/07, 02/05/08, 11/17/09
FORMERLY: 4.2.6, 5.2.2.A, 9.2.2

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FAMILY AND MEDICAL LEAVE

6.542*

- I. In compliance with the Family and Medical Leave Act of 1993, full time qualified school employees are entitled to take up to twelve (12) weeks unpaid leave a year for the following reasons:
 - A. The birth of the employee's child;
 - B. The placement of a child with the employee for adoption or foster care;
 - C. To care for the employee's spouse, child, or parent who has a serious health condition;
 - D. A serious health condition rendering the employee unable to perform his/her job; or
 - E. Any qualifying exigency as defined by the United States Department of Labor that arises because the spouse, son, daughter, or parent of an employee is a covered military member on active duty or has been notified of an impending call or order to active duty in support of a contingency operation.
- II. An eligible employee who is the spouse, son, daughter, parent, or next of kin of a covered service member is entitled to a total of twenty-six (26) weeks of leave during a twelve (12) month period to care for the service member. This leave is available only during a single twelve (12) month period.
- III. During the single twelve (12) month period described in section II., an eligible employee is entitled to a combined total of twenty-six (26) weeks of leave under the provisions of sections I. and II. This does not limit the availability of leave under section I. during any other twelve (12) month period.
- IV. Employees are to provide at least thirty (30) calendar days notice, if possible, of their intention to take leave. Medical certification that the leave is needed is required for the employee's own serious health condition or that of a family member. The School Board will continue the employee's health insurance under the same conditions as if the employee were working. Upon returning from leave, the employee will be restored to the same or equivalent position with equivalent pay, benefits, and other terms and conditions of employment.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.66, F.S.
THE FAMILY AND MEDICAL LEAVE ACT OF
1993, PART 825 OF THE CODE OF FEDERAL
REGULATIONS, TITLE 29, U.S. DEPARTMENT
OF LABOR, EMPLOYMENT STANDARDS
ADMINISTRATION, WAGE AND HOUR DIVISION

HISTORY: REVISED: 10/21/08, 08/25/09, 02/01/11
FORMERLY: 4.2.1.B, 5.3.16, 9.3.B

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ILLNESS-OR-INJURY-IN-LINE-OF-DUTY LEAVE

6.543+

- I. Any employee shall be entitled to illness-or-injury-in-line-of-duty leave for a period not to exceed ten (10) working days per fiscal year when he/she has to be absent from work because of a personal injury received in the discharge of his/her duties or because of illness from any contagious or infectious disease contracted in the performance of his/her duties. Illness-in-line-of-duty leave is intended to deal with the illnesses normally known as childhood diseases, such as mumps, measles, and chicken pox. This leave does not include normal adult illnesses, such as colds and influenza. This leave is noncumulative.
- II. In order to be considered for injury-in-line-of-duty leave, the following conditions shall be met:
 - A. The employee must provide written testimony or evidence that his/her injury was received in the line of duty.
 - B. The employee must supply a letter from a medical doctor who treated the patient, stating that in his/her opinion, there is a strong probability that the illness was contracted at the work site.
 - C. The employee must file a written claim as outlined below.
 - D. The employee must complete a drug test with negative results.
- III. Leave for any employee, as prescribed by law, shall be authorized for a total not to exceed ten (10) working days during any school fiscal year for an illness contracted or an injury sustained in the line of duty. The employee granted such leave is entitled to full pay status for a period not to exceed ten (10) working days.
- IV. It is the goal of the Board to avoid whenever possible lost time due to injuries. In the event of a lost-time injury, the goal is to return the employee to productive employment as soon as possible. Guidelines for returning employees to productive employment on a temporary and long-term basis can be found in the procedures manual.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.61, 1012.63, 1012.66, 1012.69, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.080

HISTORY: REVISION(S): 12/06/05, 02/06/07, 04/15/08
FORMERLY: 2.2.2.J, 4.2.5, 5.3.5, 9.3.4

CHAPTER 6.00 – HUMAN RESOURCES

JURY/WITNESS DUTY

6.544*

- I. An employee of the Board who is summoned as a member of a jury panel may be granted temporary duty leave. If the employee is released from jury duty at a point in time that is more than half of the employee's regular workday, the employee may request, and the Superintendent or designee may grant temporary duty leave for the full day. Otherwise, the employee shall return to work upon release. Any jury fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a juror.
- II. An employee who is subpoenaed as a witness, not involving personal litigation, may be granted temporary leave. Any witness fees may be retained by the employee. The Board shall not reimburse the employee for meals, lodging, and travel expenses incurred while serving as a witness.
 - A. When an employee is subpoenaed in line of duty to represent the Board as a witness or defendant, he/she may be granted temporary duty leave, since his/her appearance in such cases shall be considered a part of his/her job assignment. The employee may retain any fees received from the court. In the event no fees are received from the court, he/she may be paid per diem and travel expenses.
 - B. In no case shall temporary duty leave be granted for court attendance when an employee is engaged in personal litigation. In such cases, an employee may request personal leave.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

40.24, 40.271, 1001.43, 1012.66, F.S.

HISTORY:

REVISION(S): 02/05/08
FORMERLY: 4.2.8, 4.2.9, 5.3.14,
5.3.15, 9.3.14, 9.3.15

CHAPTER 6.00 – HUMAN RESOURCES

MILITARY LEAVE

6.545*

- I. Military leave shall be granted to an employee who is required to serve in the armed forces of the United States or of the state of Florida in fulfillment of obligations incurred under the Selective Service Laws or because of membership in the reserves of the armed forces or the National Guard.
 - A. When an employee enters voluntarily into any branch of the armed forces for temporary or an extended period of service, military leave shall be granted at the School Board's discretion.
 - B. Request for military leave shall be in writing and countersigned by the principal or immediate administrative supervisor. The request shall include:
 1. A copy of the military order; and
 2. Written evidence that effort has been made to serve the duty when school was not in session. This shall be required only of personnel who are employed for ten (10) or eleven (11) months.
- II. An employee granted military leave for extended active duty shall, upon the completion of the tour of duty, be returned to employment without prejudice, provided that an application for re-employment is filed within six (6) months following the discharge date or release from active military duty. Following receipt of the application for re-employment, the School Board shall have a reasonable time, not to exceed six (6) months, to assign the employee to duty in the same or similar position he/she left in the District.
- III. Compensation allowed during military leave for reserve or guard training may not exceed 240 working hours in any one annual period, as provided in section 115.07, Florida Statutes. For purposes of this rule, "any one annual period" shall be defined as the fiscal year of the School Board.
- IV. Extended Active Duty During National/ Regional Emergency
 - A. District employees who are reserve members of the armed forces or National Guard shall be granted benefits as stated below, provided the following conditions are met:
 1. The appropriate federal or state authority has declared a national or regional emergency.
 2. The employee called to active duty provides a copy of his or her official orders for active duty.

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B. Salary

1. For the first thirty (30) days of active duty, the employee shall receive all District salary and benefits regardless of compensation received from the active duty service.
2. For any period exceeding an initial thirty (30) days of active duty for up to eighteen (18) months, the employee shall be entitled to receive from the District salary or wages equal to the difference between the employee's military pay and the employee's District salary, provided the employee's military pay does not exceed his/her District salary or wages. The employee must provide the District with all documentation necessary to permit the aforementioned computation prior to the expiration of the initial thirty (30) day period. For periods beyond eighteen (18) months, the Board will review and consider approval for any further extensions.
3. Employees who do not request District pay or who fail to provide the documentation required in this policy shall not be entitled to receive any District salary or wages as set forth in this policy.

C. Benefits

If the employee provides documentation of orders for active duty and requests benefit continuance in writing, the employee shall be entitled to continue to receive District health or other insurance benefits. The Board's contribution toward benefits will continue. The employee will continue to pay the employee portion of all premiums.

D. Continued Employment

Notwithstanding any other provision in Board rules or policy, employees called to active duty pursuant to this section shall be granted military leave for period of active duty without loss of seniority and shall be entitled to re-employment upon release of active duty as provided in School Board Policies.

- V. An employee who enters active military service shall be governed by the provisions of Sections 115.09, 115.14, 121.111, and 250.341, Florida Statutes.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 115.07, 115.09, 115.14, 121.111,
250.341, 1001.43, 1012.66, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.080

HISTORY: REVISION(S): 12/06/05, 02/01/11, 05/04/21
FORMERLY: 4.2.3, 5.3.7, 9.3.7

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PERSONAL LEAVE

6.546*

- I. Personal Leave Chargeable to Sick Leave - Employees may be allowed six (6) days paid leave for personal reasons each year to be charged against accrued sick leave. Such leave shall be non-cumulative and any request for such leave shall be approved, in advance, by the Superintendent or his/her designee.
- II. Unpaid Extended Personal Leave - Extended leave shall be defined as leave without pay for more than ten (10) consecutive days. Employees shall make written application for such leave without compensation. Professional support staff shall be eligible for extended leave without pay after three (3) or more years of continuous service. The three (3) year requirement may be waived in extenuating circumstances as recommended by the Superintendent and approved by the Board. Extended leave, when granted, shall not exceed one (1) year, except that military leave shall be granted for a longer period as necessary for the completion of active duty. Maternity leave is exempt from the three (3) year provision. Personal leave shall terminate at the end of the contractual period. Personal leave may be granted at the discretion of the School Board as hereinafter provided:
 - A. Leave to serve in the armed services.
 - B. Leave for academic study.
 - C. Leave for serving in the Peace Corps.
 - D. Leave for child rearing (for natural or adoptive child).
 - E. Leave for childbearing or adoption.
 - F. Leave to run for or serve in an elected office.
 - G. Leave to participate in exchange programs in other states or countries.

Each extended leave-without-pay request shall be considered on its own merit by the School Board. Return from leave is contingent on there being a vacant position in the system which the employee is qualified to fill. Requests for extended leave to take another position for salary shall be denied unless there are extenuating circumstances that are acceptable to the Board.

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III. Personal Leave Without Pay

- A. Professional support staff employees may be granted personal leave without pay for ten (10) days or less by the supervisor provided the request is submitted at least one (1) week prior to the beginning date of the leave. Employees absent without leave shall be subject to dismissal. An employee having vacation or personal charged to sick leave available may not receive personal leave without pay except in circumstances approved by the Superintendent.
- B. An employee on personal leave, without pay, may not receive holiday pay unless he/she works or is on paid leave the day before and day after the holiday. Anyone on personal leave without pay for more than ten (10) days shall be placed on extended leave, if eligible, and the position advertised. Professional support staff employees who are not eligible for extended leave will be terminated after ten (10) days of personal leave without pay. The Superintendent may extend this leave in extenuating circumstances.

IV. CORE Personal Leave

In addition to the above, any member of the professional support staff who is enrolled in the Creating Opportunities and Resources for Education (CORE) Program and completing the senior internship CORE Program requirement may be granted unpaid extended personal leave to complete such internship in a public school within the School District of Osceola County. The unpaid extended personal leave described in this paragraph IV shall not exceed one (1) academic semester. Appropriate documentation as described in the CORE Program must be submitted with the request for unpaid extended personal leave. Professional support staff granted unpaid extended personal leave under this subparagraph IV may be eligible to receive paid benefits or receive a stipend for participation in the senior internship CORE Program requirement. Nothing in this rule would prohibit the payment of both benefits and stipend. Such payment of benefits or a stipend associated with the CORE Senior Internship Program shall not constitute a violation of paragraph II.H. above. *This policy is effective retroactive to 07-01-04.*

V. Leave Related to Domestic or Sexual Violence

- A. An employee, who has been employed by the District for at least three (3) calendar months, may request and shall be granted up to three (3) days of unpaid personal leave within a twelve (12) month period if he/she has been a victim of domestic or sexual violence or if a family or household member has been a victim of domestic or sexual violence.

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- B. The leave must be used for one or more of the following purposes:
1. To seek an injunction for protection against domestic violence or for protection in cases of repeat violence, dating violence or sexual violence;
 2. To obtain medical care and/or mental health counseling for the employee or a family or household member;
 3. To obtain services from a victim-services organization;
 4. To make the employee's home secure from the perpetrator or to seek new housing; and/or
 5. To seek legal assistance related to the violence.
- C. All records related to such leave will be considered confidential.
- D. This leave shall be noncumulative and shall be requested in advance except in the case of an emergency.
- E. If an employee elects to be on paid leave, he/she may request personal leave chargeable to sick leave provided that the employee is eligible to be on such leave or he/she may request annual (vacation) leave provided that the employee accrues annual leave and has an annual leave balance.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F. S.

LAW(S) IMPLEMENTED: 741.313, 1001.43, 1012.61, 1012.66, F.S.

HISTORY: REVISION(S): 12/06/04, 10/21/08
FORMERLY: 4.2.2, 5.3.6, 5.3.8, 5.3.13, 9.3.5, 9.3.6, 9.3.8, 9.3.16

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PROFESSIONAL LEAVE

6.547*

- I. Any member of the administrative or instructional staff who has been employed with the District for the previous three (3) continuous years may be granted professional leave.
- II. Professional leave is leave granted to an employee to engage in activities that will contribute to the profession or will result in his/her professional benefit or advancement, including the earning of college credits and degrees.
- III. Extended professional leave is leave in excess of thirty (30) consecutive days. Such leave is primarily for the benefit of the employee or of the teaching profession and only incidentally for the benefit of the School Board. Extended leave for professional improvement may be granted to a member of the instructional or administrative staff provided he/she has served satisfactorily in the District for a period of three (3) years or more. Extended professional leave shall be without pay. (See Sabbatical Leave 6.548)

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.66, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.081

HISTORY:

FORMERLY: 5.3.9, 9.3.9

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SABBATICAL LEAVE

6.548*

- I. Instructional Personnel - Sabbatical leave for study, research, educational travel or such reason as approved by a sabbatical committee shall be granted by the Board to teachers who have four (4) or more years of service in Osceola County. This leave shall be granted for a period not to exceed one (1) year.
- II. Administrative Personnel - Sabbatical leave for study or research may be granted to administrative employees by the Board upon recommendations of the Superintendent. Such leave shall be granted under the following conditions:

Sabbatical leave for study or research may be granted to administrative employees by the board upon recommendations of the Superintendent. Such leave shall be granted under the following conditions:

 - A. Sabbatical leave shall be in recognition of significant service to the District for the purpose of encouraging scholarly achievement which contributed to the professional effectiveness of the members of the staff and the value of their subsequent service to the School District.
 - B. A sabbatical leave may be granted for one (1) full year.
 - C. An administrator on sabbatical leave shall be given compensation of half (1/2) pay for such leave, as provided by the Board in accordance with Florida Statutes.
 - D. The penalty for breaking the sabbatical leave contract shall involve either:
 1. The administrator's refunding any salary received during his sabbatical leave; or
 2. The Administrator's paying the Board's incurred cost for collecting said monies.
- III. Educational Expenses - In lieu of sabbatical leave, the School Board may approve expenses for an administrator in an approved degree program, for an amount not to exceed that which the administrator would have earned during regular sabbatical leave.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F. S.

LAW(S) IMPLEMENTED: 1001.41, 1001.43, 1012.64, 1012.66, F. S.

HISTORY: REVISION(S): 02/05/08
FORMERLY: 5.3.12, 9.3.10, 9.3.11

CHAPTER 6.00 – HUMAN RESOURCES

SICK LEAVE

6.549*

- I. Any full time employee of the District who is unable to perform his/her duty in the District on account of personal sickness, accident disability, or extended personal illness, or because of illness or death of father, mother, brother, sister, husband, wife, child, or other close relative, or member of his/her own household, and consequently has to be absent from his/her work shall be granted leave of absence for sickness by the Superintendent. Sick leave must be certified by an application signed by the applicant and approved by the principal or supervisor.
 - A. Sick leave may be taken for maternity.
 - B. Sick leave for professional support staff shall amount to one (1) day for each month of employment to be credited at the end of the month and may be earned at the rate of one day per month.
 - C. An employee earning pay for at least seventy-five percent (75%) of the workdays in the month shall be treated as earning benefits for a month of employment. Such sick leave shall be cumulative from year to year.
 - D. There shall be no limit on the number of days of sick leave an employee may accrue.
 - E. In cases of investigated sick leave abuse, the supervising administrator may recommend to the Superintendent that the employee present a certificate of illness from a licensed physician.
 - F. Employees working in a combination of two (2) or more positions shall be assigned a primary position and shall be entitle to all benefits earned in the position. All other work shall be considered as extra pay and no additional benefits will be earned.
 - G. Employees formerly employed by the School District shall have any accumulated sick leave reinstated upon reemployment. The reinstated leave shall be reduced only to the extent that the number of days used in another district exceeds the number earned in that district.
 - H. An employee may authorize his or her spouse, child, parent, or sibling who is also an employee to use sick leave that has accrued to the authorizing employee. The recipient may not use the donated sick leave until all of his/her sick leave has been depleted, excluding sick leave from the sick leave pool. Donated sick leave shall have no terminal value.

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II. Sick Leave Buyback

- A. School District employees that earn sick leave shall have the option, upon the condition of available funding, to receive an annual payment for unused accumulated sick leave which was earned during the current school year. Employees who have used three (3) days or less of sick leave during the year may elect to be compensated for up to five (5) sick leave days at 80% of the employee's daily rate of pay.
- B. The employee shall make the election to participate in the buyback program by May 1st of each school year. Annual payment for unused sick leave will be distributed no later than July 31st of the following fiscal year.
- C. The value of unused sick leave, up to five (5) days, shall be calculated based on the employee's daily rate of pay for the school year multiplied by 80 percent. Days for which such payment is received shall be deducted from the accumulated leave balance.
- D. In no case shall the employee's accumulated sick leave balance be less than fifteen (15) days.
- E. The School Board may consider annually, upon the recommendation of the Superintendent, an appropriation to fund the sick leave buyback program.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.61, 1012.62, 1012.66, F.S.

HISTORY:

**REVISION(S): 12/06/04, 08/15/17
FORMERLY: 4.2.4, 5.3.10.A, 9.3.12**

CHAPTER 6.00 – HUMAN RESOURCES

TEMPORARY DUTY ELSEWHERE

6.55*+

- I. An employee may be assigned to be temporarily away from his/her regular duties and place of employment for the purpose of performing other educational services, including participation in surveys, professional meetings, study courses, workshops and similar services of direct benefit to the School District. Such assignment may be initiated by the Superintendent or by the individual who desires the temporary duty as days of duty.
- II. The Superintendent shall develop procedures and guidelines to implement this policy.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.32, 1001.43, 1012.27, 1012.66, F.S.

HISTORY:

**REVISION(S): 02/05/08
FORMERLY: 4.2.10, 5.2.3, 9.2.3**

CHAPTER 6.00 – HUMAN RESOURCES

PALLBEARER	6.551
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The school principal or any department head is authorized to approve any employee's request to serve as a pallbearer.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

FORMERLY: 4.6.A, 5.2.6, 9.2.8

CHAPTER 6.00 – HUMAN RESOURCES

CHARTER SCHOOL LEAVE

6.552

An employee of the School Board may take unpaid leave to accept employment in a Charter School upon the approval of the School Board. While employed by the Charter School and on leave that is approved by the School Board, the employee may retain seniority accrued in the School District and may continue to be covered by the benefit programs of the School District, if the Charter School and the School Board agree to this arrangement and its financing. The employee must apply for Charter School Leave on an annual basis. An employee who is granted Charter School Leave may not participate in the sick leave pool because the employee is not an employee of the District while on Charter School leave. If the District at the end of the leave employs the employee, the employee may participate in the sick leave pool and will be credited with accumulated sick leave in accordance with School Board policy when the employee returns.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.61, 1012.66, F.S.

HISTORY: FORMERLY: 4.2.11, 5.3.17, 9.3.17

CHAPTER 6.00 – HUMAN RESOURCES

NATURAL DISASTER LEAVE

6.553

If an employee is affected by a Natural Disaster in the county where the employee resides, then that employee may be eligible for Natural Disaster Leave.

- I. Natural Disaster - A Natural Disaster means a tornado, hurricane, flood, fire, or similar event.
- II. Eligibility - An employee may be eligible for Natural Disaster Leave if the employee has been directly affected by the natural disaster. A person is directly affected by the natural disaster under the following circumstances:
 - A. Personal injury as a result of the natural disaster;
 - B. Substantial loss of property (defined as the employee's primary physical residence) as a result of the natural disaster.
- III. Application - An eligible employee may file an application for a maximum of ten (10) days of paid Natural Disaster Leave. The application must include documentation to support the employee's eligibility and the number of days requested. An eligible employee must file an application for Natural Disaster Leave within thirty (30) days of the natural disaster.
- IV. Approval of Leave - A determination of eligibility for Natural Disaster Leave is solely within the discretion of the Superintendent/designee. The number of days of Natural Disaster Leave granted to an eligible employee is also solely within the discretion of the Superintendent/designee. An employee who has been granted Natural Disaster Leave may request an extension of the number of days of the leave. Approval of an extension is solely within the discretion of the Superintendent.
- V. Reimbursement - The Natural Disaster Leave shall be paid retroactively to eligible employees as a reimbursement after their application has been approved by the Superintendent.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.61, 1012.66, F.S.

HISTORY: REVISION(S): 12/06/05
FORMERLY: 4.2.12, 5.3.18, 9.3.18

CHAPTER 6.00 – HUMAN RESOURCES

EMPLOYEE VOLUNTEER LEAVE

6.554

All full time employees of the School District, who have been employed for three (3) consecutive months, may receive a maximum of two (2) hours of paid discretionary volunteer leave, for every calendar month of the school calendar year, for the purpose of volunteering, mentoring, or otherwise assisting in Osceola County public schools. For the purposes of this policy, the school calendar year is defined as the adopted student school year consisting of one-hundred eighty (180) days. An employee is eligible for this leave after three (3) months of consecutive employment. Discretionary volunteer leave time is noncumulative.

It is the responsibility of the employee to make prior arrangements regarding the appropriate completion of their job responsibilities during the requested leave. The employee must submit the proposed arrangements for completion of job responsibilities and requested leave time in advance to the employee's direct supervisor for approval.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.61, 1012.66, F.S.

HISTORY:

FORMERLY: 4.2.13, 5.3.19, 9.3.19

CHAPTER 6.00 – HUMAN RESOURCES

OTETA EMPLOYEE DRUG AND ALCOHOL TESTING

6.60*+

- I. The *School Board Omnibus Transportation Employee Testing Act Drug and Alcohol Testing* procedures are hereby incorporated by reference and made a part of this rule. All zero tolerance provisions of current School Board rules shall apply. Any revisions shall be approved and adopted by the School Board.
- II. In 1991, Congress passed the *Omnibus Transportation Employee Testing Act* (OTETA), 49 CFR Part 382. This law applies to anyone who holds a Commercial Driver's License (CDL) and drives a commercial vehicle.
- III. For employees of the School Board, OTETA applies to anyone who holds a Commercial Driver's License (CDL) and drives a school bus, a county vehicle weighing over twenty-six thousand (26,000) pounds, or who is in a "safety sensitive position" in regard to transporting passengers, equipment, or School Board property. This federally mandated OTETA is now incorporated into the Board rules. These include random unannounced alcohol and other drug testing, additional driver and supervisor training, and other items.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F. S.

LAW(S) IMPLEMENTED:

112.0455, 440.102, 1001.43, 1012.45, F.S.,
49 CFR PART 40, DOT, 49 CFR PARTS 382 & 391,
FEDERAL HIGHWAY ADMINISTRATION

HISTORY:

REVISED: 02/06/07
FORMERLY: 1.18.5

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HIV, AIDS, OR OTHER COMMUNICABLE DISEASES, BLOODBORNE PATHOGENS AND ENVIRONMENTAL HAZARDS	6.61+
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- I. It is the School Board's intent to protect employees and students from exposure to infectious diseases and from risk occasioned by infectious diseases and environmental hazards and to provide reasonable accommodations to infected School Board employees.
- II. It is recognized that employees with any illness, including HIV infected persons, may continue to work. As long as employees are able to meet acceptable performance standards, and medical evidence indicates that their condition is not a threat to themselves nor to others, they shall be assured of continued employment as would any other employees. If it becomes necessary, reasonable accommodations shall be made to enable the qualified individual to continue to work.
- III. All information regarding such matters shall be held in strict confidence and released only to those who have a legitimate need to know.
- IV. The School Board shall receive and review procedures governing immunization against Hepatitis B infection, HIV, AIDS, bloodborne pathogens, other communicable disease, and environmental hazards.
- V. Staff members shall cooperate with public health authorities by practicing and promoting standard precautions, as deemed by the Centers for Disease Control and Prevention (CDC). Procedures for dealing with employees who pose a threat of transmitting a bloodborne health condition shall be developed.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 381.0098, 1001.43, 1012.27, 1013.12., F.S.

STATE DEPARTMENT OF HEALTH RULE(S): 64E-16

HISTORY: REVISION(S): 12/06/05, 02/07/08, 09/17/13, 08/19/14
FORMERLY: 1.21

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NURSING MOTHERS

6.65+

- I. Under the provisions of the Fair Labor Standards Act, the District shall provide reasonable unpaid breaks for an employee to express breast milk for her child for up to one (1) year after the birth of the child.
- II. A private area, free from intrusion, shall be made available to the employee.
- III. A nursing mother shall be responsible for notifying her supervisor of her intent to exercise her right under the Fair Labor Standards Act.
- IV. The Superintendent shall develop procedures for the notification of employees and for the implementation of this policy.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

**383.015, 1001.43, 1012.23, F.S.
Fair Labor Standards Act of 1938 (29 USC 207, Section 7)**

HISTORY:

**ADOPTED: 06/05/12
REVISION DATE(S): N/A
FORMERLY: NEW**

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STAFF TRAINING

6.70+

- I. The School Board recognizes that proper training of employees is essential to maintaining a safe, effective, and efficient workforce. State mandates, federal requirements, and local conditions require that certain training be required for all employees and other training of selected employees, depending upon their work assignments.
- II. The Osceola County School Board provides appropriate training to employees of the District.
- III. Professional Development Center (PDC)
 - A. A Professional Development Center shall provide professional development activities for all employees that will enable the school community to succeed in school improvement and whenever possible to provide those activities that meet the requirements for the renewal of teacher certificates.
 - B. The Professional Development Center Council (PDC Council) shall be established and consist of members nominated by the Osceola Teacher Education Center Council, the Professional Support Inservice Committee, administrators, universities, community colleges, community agencies and other interested groups. The Superintendent shall recommend members to the School Board for approval. Membership on the PDC Council shall include instructional personnel, professional support staff personnel, business/community members, university and community college personnel, and administrative personnel. PDC Council size shall not exceed eleven (11) members.
 1. Term of Office for PDC Council Members - The term of office of a PDC Council member shall be one (1) year. Members may be appointed to successive terms on the PDC Council.
 2. Attendance at Professional Development Council Meetings – Appointment to the PDC Council is an honor and should be received as such. With the appointment, the member accepts the responsibility or representing all employees of the School Board. In order to represent employees properly, the representative must make every reasonable effort to attend all meetings.

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- IV. Training for employees should include the following:
- A. Identifying and reporting child abuse and neglect;
 - B. Nondiscrimination provisions;
 - C. Guidelines for identifying and reporting harassment (including sexual harassment);
 - D. Handling hazardous materials and toxic substances, including bloodborne pathogens, chemicals, and petroleum products;
 - E. District policies and procedures related to HIV or AIDS disease, communicable diseases, alcohol and drug-free facilities, use of tobacco products, possession of weapons, and *Code of Student Conduct*, and
 - F. Other topics as deemed appropriate by the Superintendent or required by law, rule, or other governing provision.
- V. Training guidelines are available in the District Master Inservice Plan.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1006.07, 1012.22, 1012.27, 1012.38, 1012.583, 1012.98, 1012.985, F.S.

HISTORY: REVISED: 02/01/11, 08/15/17
FORMERLY: 1.4, 1.8, 4.6.F

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WHISTLEBLOWER PROTECTION

6.75

- I. This policy shall be known as the Whistleblower Protection Policy.
- II. Definitions
 - A. *Employee* – Any person hired by the School Board after completing the personnel procedures required by the School Board.
 - B. *Independent Contractor* – Any person or company other than a School Board employee, who provides goods and/or services to the School Board and enters into a contractual agreement with the School Board.
 - C. *Adverse personnel action* – Discharge, suspension, transfer, demotion, reprimand, warning, withholding or reduction of salary or benefits of employee, or any other adverse action taken against an employee within the terms and conditions of employment by the School Board; or debarment, suspension, cancellation of contract of an independent contractor.
- III. Prohibited Action
 - A. Neither the School Board, Superintendent, department heads, nor principals shall take or recommend to the School Board to take adverse personnel actions against an employee for disclosing information pursuant to the provisions of this policy.
 - B. Neither the Superintendent nor the School Board shall take any adverse personnel action that affects the rights or interests of an independent contractor in retaliation for the contractor's disclosure of the information under this policy.
 - C. The provisions of this policy shall not be applicable when an employee or independent contractor discloses information known to be false.
- IV. Disclosure of Information
 - A. The information disclosed under this section shall include reporting of any violation or suspected violation of federal, state, or local laws, School Board policy, or administrative directive by a School Board member, employee, or independent contractor which presents a substantial and specific danger to interests of the School Board. Additionally, information disclosed, which indicates acts or suspected acts of malfeasance,

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misfeasance, gross waste of funds or neglect of duty committed by an agency, shall be included.

- B. The information shall be disclosed to the appropriate entity having the authority to investigate, police, manage, or otherwise remedy the violation or act.

V. Protection

- A. This policy protects employees and other persons who disclose information on their own motive in a written and signed complaint, or who are requested to participate in an investigation, hearing or other inquiry conducted by the Superintendent, School Board, state agency, or federal government.

- B. Any employee who is subject to adverse personnel action has a right to file a grievance pursuant to the applicable collective bargaining agreement or School Board policy. An independent contractor may appeal to the School Board for administrative review.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

112.3187, 1001.32, 1001.43, F.S.

HISTORY:

ADOPTED: 02/06/07
FORMERLY: NEW

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REIMBURSEMENT FOR DAMAGE TO PERSONAL ITEMS

6.82

The Board shall reimburse professional support staff for damage to clothing, dentures, eyeglasses, prosthetic devices or artificial limbs where such damage occurs as a result of:

- I. Breaking up a fight;
- II. Protecting students or other employee(s) from physical harm or injury;
- III. Assault and/or battery occurring in the course of the legal performance or assigned duties. Such reimbursement shall not exceed the replacement cost nor be paid when the above loss is reimbursable from other sources.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: CHAPTER 440, 1001.43, 1001.51, F.S.

HISTORY: FORMERLY: 4.6.E, 9.4.11

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PROHIBITED INTERACTION WITH STUDENTS

6.84

I. Definitions for the Purposes of This Rule

A. *Prohibited Personal Communication or Interaction* means any relationship or communication between an employee and a student that is unrelated to the delivery of educational services or services that support the delivery of education or other programs offered officially by the School District. Examples of *Prohibited Personal Communication or Interaction* include, but are not limited to:

- Communication or interaction between an employee and a student, involving or relating to dating, kissing, or touching of an intimate or sexual nature;
- Sexual contact or sexual relations;
- Touching otherwise prohibited by law;
- Gifts that have a romantic, intimate, or sexual overtone (such as underwear or sexual aides);
- Verbal or written comments of a sexual nature or reflecting sexual innuendo; or
- Any other activity that is objectively and reasonably found to reduce seriously the employee's effectiveness as an employee of the School District of Osceola County, Florida.

B. *Prohibited Communication or Interaction Utilizing Social Media or a Social Media Network* means engaging in *Prohibited Personal Communication or Interaction* with a student through the utilization of *Social Media or Social Media Network*.

C. *Social Media or Social Media Network* means a network that focuses on building online communities of people who share interests and/ or activities, or who are interested in exploring the interests and activities of others. Most network services are web-based and provide a variety of ways for users to interact. Examples of networks include, but are not limited to: Facebook, Instagram, Kik, LinkedIn, Snapchat, Twitter, etc.

II. Prohibited Conduct

A. All employees are prohibited from engaging in prohibited personal communication and/ or prohibited interaction with students through all means, including:

- direct interaction;
- electronic or digital interaction;
- the use of *Social Media or Social Media Networks*, emails, "tweets," or traditional mail;
- mobile communication devices; and
- all other methods of communication, through either a school district resource or a personal resource.

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- B. All employees are prohibited from taking a student off the premises of any school or away from a school or School Board sponsored activity without specific written permission in advance from a student's parent and the approval of the principal or assistant principal of the child's school or of the principal or assistant principal in charge of the School Board sponsored activity.
- C. An exception to this rule shall apply in the following limited circumstances:
 - 1. The School Board recognizes that there may be situations in which it is necessary for an employee to transport a student off the premises of a school or from a school or School Board sponsored activity during an emergency without parent permission, such as transport to a medical facility, to the student's home, or to a designated law enforcement agency in order to safeguard a student's health, safety, or welfare.
 - 2. Off-campus transport for the protection of a student's health, safety, or welfare by an authorized employee is not prohibited by this policy. However, the employee shall notify a District administrator of such action, in advance if reasonably possible, and if not reasonably possible then the notice shall be made as soon as reasonably possible, and the employee shall also promptly provide notice of the emergency action to the employee's supervisor (if different from an administrator to whom the employee has already given emergency notice).
 - 3. In such situations, the employee shall report the emergency to the student's principal or designee immediately. If the employee is unable to have personal contact with the principal, the employee shall leave a detailed message on the principal's voice-mail or communicate by e-mail.
 - 4. In addition, the District requires two (2) employees or adults per vehicle that transports a student in these emergency situations unless that is impossible under the circumstances.

III. Duty to Report Known or Suspected Violations

- A. Pursuant to Section 39.201, Florida Statutes, an employee having knowledge or reasonable suspicion that another employee may have engaged in prohibited conduct that may constitute child abuse or neglect shall immediately report the information to the appropriate authorities following the requirements adopted in *School Board Rule 2.80 – Reporting Child Abuse, Abandonment, or Neglect*.
- B. Pursuant to Section 39.201, Florida Statutes, any employee who has knowledge or reasonably suspects that another employee may have engaged in prohibited conduct as defined by this policy shall also immediately report this information to:

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(1) the employee's supervisor; (2) the student's principal; or (3) the District's Chief Human Resources Officer.

IV. Consequences

- A. A violation of this policy, including the duty to report, shall subject the employee to discipline, up to and including termination, as provided by School Board policy, state law, or any applicable collective bargaining agreement. A violation may also subject the employee to criminal prosecution.
- B. A violation may, as applicable, constitute a violation of the Code of Ethics of the Education Profession in Florida, 6A-10.080, F.A.C., and/or the Principles of Professional Conduct for the Education Profession in Florida, 6A-10.081, F.A.C., and will be reported to the Department of Education, Professional Practices Services.

STATUTORY AUTHORITY: 1001.41, 1001.43(11), F.S.

LAW(S) IMPLEMENTED: 39.201, 1001.42, 1012.21(1), 1012.795, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-10.080, 6A-10.081, F.A.C.

HISTORY: ADOPTED: 12/15/15
REVISED: N/A
FORMERLY: NEW

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NAME AND ADDRESS OF EMPLOYEE

6.85

- I. Any employee who legally changes his/her name or address shall notify the human resources department within ten (10) days after a change of name or address.
- II. Any employee who is required to have a Florida Educator Certificate or other license or certificate shall maintain the license or certificate in his/her legal name.
- III. Any employee who is a certificated educator is responsible for maintaining his/her current name and address with the Department of Education. The Department of Education shall be notified in writing or electronically of any changes of name and/or address.

STATUTORY AUTHORITY:

1001.41, 1001.42, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.561, F.S.

HISTORY:

**ADOPTED: 12/06/05
REVISION(S): 02/06/07
FORMERLY: NEW**

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SOCIAL SECURITY NUMBERS

6.88*

I. Collection

- A. Social security numbers shall be collected only when allowed by law or when necessary for the performance of the school system's duties.
- B. The District shall collect the social security number of each applicant and employee for the following reasons:
 - 1. Identification and verification;
 - 2. Benefit processing;
 - 3. Data collection;
 - 4. Tax reporting; and
 - 5. Criminal background checks.
- C. The District may also use the social security number for search purposes.

II. Notification

The District shall notify each applicant and employee of the reasons for which his/her social security number may be collected. Such notification shall include the specific law governing the collection, use, or release of a social security number, and whether the collection of social security numbers is authorized or mandatory under law.

III. Review

The Superintendent shall review the collection of social security numbers to ensure that the reasons for collection and the process for collection and maintenance are consistent with Florida Statutes. The Superintendent shall report his/her findings as required by law.

IV. Confidentiality

A social security number shall be considered confidential and exempt from public inspection in accordance with Florida Statutes. Social security numbers may be disclosed to another agency or governmental entity if it is necessary for the receiving entity to perform its responsibilities.

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V. Release to Commercial Entities

- A. Social security numbers may be released to a commercial entity as allowed by law. The commercial entity must state the reason for requesting the social security numbers.
- B. The District, as required by law, shall annually report the identity of all commercial entities that have requested social security numbers during the preceding year and the reasons for the requests. If no requests have been received during the preceding year, the District shall report that information.

STATUTORY AUTHORITY: 1001.41, 1001.42, 1012.23, F.S.

LAW(S) IMPLEMENTED: 119.071, 1001.43, 1012.23, F.S.

HISTORY:

ADOPTED: 04/15/08
REVISION DATE(S): 07/13/10
FORMERLY: NEW

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PERSONNEL RECORDS

6.90

The term *personnel file*, as used in this rule with respect to any employee, shall mean all records, information, data, or materials uniquely applicable to that employee and maintained by the District in any form or retrieval system whatsoever.

- I. A personnel record shall be maintained by the Superintendent on each employee. The record shall include
 - A. Application for employment
 - B. References
 - C. Annual evaluations
 - D. Letters of commendation, reprimand, etc.
 - E. Data substantiating placement on the salary schedule (education, official transcripts, experience, etc.)
 - F. Teaching certificate, if applicable
 - G. Any other pertinent data.
- II. Except for materials pertaining to work performance or other matters that may be cause for discipline, suspension, or dismissal under laws of this state, no derogatory materials relating to an employee's conduct, service, character, or personality shall be placed in the personnel file of such employee. No anonymous letter or anonymous materials shall be placed in the personnel file.
- III. Materials relating to work performance, discipline, suspension, or dismissal must be reduced to writing and signed by a person competent to know the facts or make the judgment.
 - A. No such materials may be placed in a personnel file unless they have been reduced to writing within forty-five (45) calendar days, exclusive of the summer vacation period, of the administration becoming aware of the facts reflected in the materials.
 - B. Additional information related to such written materials previously placed in the file may be appended to such materials to clarify or amplify as needed. A copy of such materials to be added to an employee's personnel file shall be provided to the employee either by certified mail or by personal delivery.

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- IV. The employee's signature on a copy of materials to be filed in the employee's personnel file signifies receipt and does not necessarily indicate agreement with its content. The employee will be afforded every right as outlined in Florida Statutes.
- V. In cases of separation due to termination or resignation or retirement in lieu of termination, the person competent to know the facts or make the judgment on the separation shall execute and maintain an affidavit of separation, on the form adopted by the Florida Department of Education, setting forth in detail the facts and reasons for such separation. The affidavit must expressly disclose when separation is due to a report of sexual misconduct with a student. The affidavit of separation must be executed under oath and constitutes an official statement within the purview of *Section 837.06, F.S.* The affidavit of separation must include conspicuous language that intentional false execution of the affidavit constitutes a misdemeanor of the second degree.
- VI. Personnel files, regardless of their location in the school system, are open to inspection pursuant to Florida Statutes, except as follows:
 - A. Any complaint and any material relating to the investigation of a complaint against an employee shall be confidential until the conclusion of the preliminary investigation or until such time as the preliminary investigation ceases to be active as defined in Florida Statutes.
 - B. Employee evaluations prepared pursuant to Florida Statutes, rules adopted by the State Board of Education, or a local School Board shall be confidential until the end of the school year immediately following the school year during which each evaluation is made. No evaluations prepared prior to July 1, 1983, shall be made public.
 - C. No material derogatory to the employee shall be open to inspection until ten (10) calendar days after the employee has been notified pursuant to III.B. of this rule.
 - D. The payroll deduction records of the employee shall be confidential.
 - E. Employee medical records, including medical claims, psychiatric and psychological records, shall be confidential. However, at any hearing relative to an employee's competency or performance, the hearing officer or panel shall have access to such records.
 - F. Any information in a report of injury or illness filed pursuant to Florida Statute that would identify an ill or injured employee shall be confidential.

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- G. Agency personnel information that is excluded under the provisions of *Section 119.071, F.S.* shall be confidential.
- VII. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be open to inspection at all times by School Board members, the Superintendent, and the principal or their respective designees in the exercise of their respective duties. The individual who reviews the file in the performance of his/ her duties shall maintain the exempt or confidential status of the personnel file.
- VIII. Notwithstanding other provisions of this rule, all aspects of each employee's personnel file shall be made available to law enforcement personnel in the conduct of a lawful criminal investigation.

STATUTORY AUTHORITY:

1001.43, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

112.08(7), 119.07, 119.071, 441.85(10)
1001.43, 1008.24, 1012.31, F.S.
34 CFR 99 (FERPA), 45 CFR 164 (HIPAA)

HISTORY:

REVISED: 09/17/13, 08/19/14, 04/21/15, 12/14/21
FORMERLY: 1.1, 1.16, 5.1.2.D.(3), 5.1.7, 9.2.5

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SALARY SCHEDULES

6.91*

- I. All personnel shall be paid in accordance with salary schedules as adopted by the School Board.
- II. All salary schedules and their implementation shall comply with the requirements of Florida Statutes.
- III. Any employee subject to the overtime provisions of the Fair Labor Standards Act of 1938, as amended, and who is required to work in excess of forty (40) hours in any work week, shall be compensated for the hours in excess of forty (40) at the rate of one and one-half (1½) times the regular rate of pay for the service performed or shall be provided compensatory time.
- IV. Any employee working beyond his/her designated total weekly hours without prior permission of the Superintendent through the principal or supervisor may be subject to disciplinary action.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1011.60, 1012.22, 1012.27, 1012.55, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.052

HISTORY: REVISED: 02/06/07, 02/05/08, 02/07/12
FORMERLY: 2.4, 4.1.3, 5.1.2.D(4),
5.4.7, 8.6.4, 9.4.7

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SICK LEAVE BANK

6.911

Employees Voluntary Sick Leave Bank

I. Membership

Any full time employee of the District, having been employed by the School District for at least one (1) year and having at least ten (10) days accrued sick leave by the end of September of each year (inclusive of four [4] days sick leave advanced), may enroll in the sick leave bank by voluntarily contributing one (1) sick leave day to the Bank. The enrollment shall be opened each year during the months of September and February only. Employees on leave returning to service may join the Bank within ten (10) days of their employment if they meet all other criteria.

- A. Enrollment must be made on the prescribed form furnished by the Personnel Department.
- B. Any sick leave day contributed pursuant to this section shall be removed from the personally accumulated sick leave balance of that employee and shall not be returned except as provided in section IX.
- C. Membership in the Sick Leave Bank shall be continuous from the initial enrollment until an individual member has withdrawn from the plan or has drawn the maximum allowed from the Bank (see VI.D.).

II. Establishment and Duration

- A. The Sick Leave Bank will not come into existence until at least twenty percent (20%) of the total number of employees eligible to join the pool elect to do so and will remain in existence unless the participation drops below twenty percent (20%) of the number of employees eligible.
- B. In the event the Sick Leave Bank is discontinued, distribution of remaining sick leave will be in accordance with section IX. below.

III. Replenishment Contributions

If the Bank is depleted during a school year, members may be assessed up to a maximum of three (3) days per year.

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IV. Administration and Governance

- A. Personnel Department Committee will administer the Sick Leave Bank and will determine the validity of claims against the Bank.
- B. The Personnel Department will make available an annual report of usage of the Bank to the School Board and to participating members.
- C. Appeals shall be handled by the Superintendent who will establish a five (5) member Appeals Committee, representative of both association and management for the purpose of settling any dispute arising from claims against the Bank. The Committee will be comprised of two (2) members from the OCTA appointed by the President, two (2) members appointed by the Superintendent and one professional support staff employee mutually agreed upon by the Association President and the Superintendent. This Appeals Committee shall be the final authority on all disputes or interpretation involving eligibility for benefits.

V. Eligibility

In the event of a serious personal illness, accident or injury over which the employee has no control, causing a participating employee to be absent from work for an extended period of time, the employee may receive paid leave as follows:

- A. All accumulated sick leave of the employee must first be expended, followed by a leave, not charged to sick, of five (5) workdays per incident.
- B. Applications must be made to the Personnel Department; including a statement from a doctor attesting to the members extended illness, accident, or injury. The statement must certify:
 - 1. The nature of the illness, accident, or injury.
 - 2. That in the event of an operation, it is absolutely necessary and could not reasonably be delayed until a break in the employee's duty schedule.
 - 3. The probable date the member would be able to return to work.
- C. Application must also provide permission to investigate medical records and other information needed for review or appeal.

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- D. A participating member shall not be eligible to use sick leave from the Bank if the employee is on leave for injury or illness in the line of duty, workers' compensation, or on medical retirement.

VI. Benefits

- A. All cases will be reviewed by the Sick Leave Bank Approval Committee when each twentieth (20th) day of benefits has been reached up to the maximum amount allowable. At this time, the Committee may request additional medical certification. Also, at this time, any sick leave, which may have been accrued by the participant, must then be used before resumption of drawing from the Sick Leave Bank.
- B. Upon approval of application, a member will be allowed to draw up to a maximum of forty (40) paid sick leave days from the Bank, provided there remain sufficient leave days in the Bank.
- C. The employee shall not have to pay back in any manner the number of days used from the Sick Leave Bank except as outlined in Section VII. below.
- D. In the event a member draws from the Sick Leave Bank, that individual membership shall be suspended from the Bank membership after drawing all days authorized from the Bank. Such individuals may reinstate membership by meeting qualifications in section I. above.

VII. Participation Abuse

Alleged abuse of the Sick Leave Bank shall be investigated by the Personnel Department. If an employee is found to have abused the use of the Sick Leave Bank, the employee shall repay all sick leave credited (in dollars) drawn from the Sick Leave Bank and, after review by the Appeals Committee, be subject to such other disciplinary action as determined by the School Board.

VIII. Withdrawal from Participation

Any participating employee who wishes to withdraw from participation in the Sick Leave Bank may do so and withdrawal will be effective immediately upon receipt by the Personnel Department of written notification of the employees intent to withdraw. Any previously contributed sick leave will become the property of the Sick Leave Bank.

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IX. Discontinuance of Sick Leave Bank

If it becomes necessary to terminate the Sick Leave Bank, unused sick leave in the Bank will be distributed in the following manner:

- A. Each member will receive an equal share of the unused days to be credited to his/her personal accumulated sick leave account in fourths of a day.
- B. Any balance left will be disposed of at the sole discretion of the Board.
- C. In no instance will the days credited back to members be greater than the number remaining in the Bank.
- D. Any member joining this Sick Leave Bank acknowledges that the limits of liability for any challenge to the Appeals Committees decision is limited to the number of days the individual contributed to the Bank.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.61, F.S.

HISTORY:

FORMERLY: 4.2.4.C, 9.3.12.I

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TERMINAL SICK LEAVE PAY

6.912

- I. Terminal Pay for Sick Leave – The beneficiary of any employee whose service is terminated by death, and any employee with at least six (6) years service with the School District of Osceola County, shall be entitled to payment for accumulated sick leave as follows:
 - A. During the first three (3) years of service in the District, the daily rate of pay multiplied by thirty-five percent (35%) times the number of days of accumulated sick leave.
 - B. During the next three (3) years of service in the District, the daily rate of pay multiplied by forty percent (40%) times the number of days of accumulated sick leave.
 - C. During the next three (3) years of service in the District, the daily rate of pay multiplied by forty-five percent (45%) times the number of days of accumulated sick leave.
 - D. During the next three (3) years of service in the District, the daily rate of pay multiplied by fifty percent (50%) times the number of days of accumulated sick leave.
 - E. During and after the thirteenth (13) year of service in the District, the daily rate of pay multiplied by one-hundred percent (100%) times the number of days of accumulated sick leave.
- II. Instructional Staff and Educational Support Employees

Terminal pay for accumulated sick leave shall be paid at the daily base rate of pay at the time of retirement.
- III. Other Full Time Employees

Full time employees who are not classified as instructional staff or educational support employees as defined by law shall be eligible for terminal sick leave payment at the time of normal retirement as follows:

 - A. Terminal pay for sick leave accrued prior to July 1, 2004 shall be paid at the daily base rate of pay at the time of retirement.
 - B. Terminal pay for sick leave accrued after June 30, 2004 shall be paid at the base rate of pay at the time it was earned.

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- C. Payment shall be calculated according to the schedule in I.A. – I.E.
- IV. For employees with five or more years experience in the District, terminal payment for unused sick leave shall be made to the District's Section 401(a)/403 (b) Qualified Special Pay Plan to the extent allowed by the plan document and applicable law.
- V. Annual contributions to the Special Pay Plan ("the plan") based on accumulated sick leave shall be made for employees enrolled in the Deferred Retirement Option Program (DROP) to the extent allowed by the plan document and applicable law. Such contributions will be calculated each June 30 subsequent to the employee's completion of one full fiscal year in DROP. Days for which contribution is made to the plan will be deducted from the employee's leave balance on a first in first out basis. Contributions will be calculated based on the employee's daily rate of pay as of each computation date subject to the limitation of section III, B above. Amounts contributed will not be adjusted for subsequent changes in daily rate of pay. The Cumulative total number of days for which contributions are made to the plan and paid as terminal sick pay will not exceed the number of days for which payment would be allowed as terminal sick pay under rules in effect on each computation date. For this calculation, days previously deducted due to plan contributions will be added back to leave balances on the computation date. Days previously contributed to the plan properly computed as of the computation dates will not be withdrawn due to subsequent leave usage by the employee or other subsequent events, except as required by law or rule. Any distribution from the 401(a)/403(b) plan shall be made in accordance with the Plan documents.
- VI. For employees who elect to enter DROP, prior to payment for the number of days of accumulated sick leave, the employee:
- shall have no less than thirteen (13) years of service in the District;
 - shall have no less than forty-five (45) days of accumulated sick leave balance; and
 - shall not cause such payment to reduce accumulated sick leave balance less than thirty (30) days.

Upon completion of DROP, the District shall pay the employee for the balance of their accumulated sick leave.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.61, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.052

HISTORY: REVISED: 12/06/04, 12/06/05, 02/06/07, 11/17/09, 05/21/13
FORMERLY: 2.4.3, 4.2.4.B, 5.2.2.B,
5.3.10.B, 9.3.12.B, 9.4.12

CHAPTER 6.00 – HUMAN RESOURCES

SICK LEAVE DONATION

6.913*

- I. Any District employee may authorize the use of the employee's accrued sick leave as follows:
 - A. As provided by any existing provision in negotiated contracts;
 - B. By the spouse, child, parent, or sibling who is also a District employee; or
 - C. As provided within the Compassionate Sick Leave Program.
- II. Sick leave donated as provided in I.B. or I.C. cannot be used until all of the receiving individual's sick leave has been depleted, excluding any Sick Leave Bank entitlement.
- III. Donor employees of sick leave donated as provided in I.B. or I.C. shall retain a minimum of ten (10) days of available sick leave after the sick leave donation is deducted.
- IV. Donated sick leave shall have no terminal pay value.
- V. **Compassionate Sick Leave Program**
 - A. The Compassionate Sick Leave Program is established as a mechanism for accepting from qualified employees the voluntary donation of accrued sick leave.
 - B. Compassionate sick leave may be used by eligible employees who have exhausted all types of accrued leave and need sick leave due to a catastrophic, serious health condition, or life-altering event of a member of the employee's immediate family or for someone residing within the employee's household for whom the employee is the primary caregiver.
 - C. Exclusions shall include, but are not limited to, normal pregnancy, any injury covered by workers' compensation, or mental health conditions, chemical dependency, alcoholism, or related chronic conditions.
 - D. The following criteria shall govern the creation, maintenance, and use of the Compassionate Sick Leave Program:
 1. The recipient employee must have been a regular employee of the School District for at least one (1) full year preceding the current fiscal year and must have exhausted all types of available leave prior to receiving donated sick leave.

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2. The donor employee must be eligible to donate creditable time they have earned as long as the donor employee retains a minimum of ten (10) days of available sick leave after the sick leave donation is deducted.
3. The sick leave shall be donated to the specific recipient employee at the time the donation takes place.
4. Donations shall be applied on a first received from the donor employee, first transferred to the recipient employee basis.
5. The donor employee shall complete a donation form for the Compassionate Sick Leave Program which shall include, but not be limited to, the following items:
 - The donor employee's name;
 - The donor employee's employee identification number;
 - The specified number of sick leave days that the donor employee seeks to donate to the recipient employee; and
 - The recipient employee's name to whom the donor employee seeks to donate sick leave days.
6. The recipient employee shall complete an application for the Compassionate Sick Leave Program which shall include, but not be limited to, the following items:
 - The recipient employee's name;
 - The recipient employee's employee identification number;
 - The beginning and ending dates of the compassionate sick leave days that the recipient employee requests;
 - The last day of the recipient employee's available paid leave;
 - An explanation regarding the circumstances surrounding the reason for the recipient employee's request for compassionate sick leave; and
 - A physician's statement providing documentation of the injury, illness, or accident; or other appropriate documentation for which compassionate sick leave is requested.

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7. In no event shall any compassionate sick leave days approved under this policy exceed a total of forty (40) sick leave days for the recipient employee.
8. Any unused transferred compassionate sick leave shall be returned to the donor employee on a last in, first out basis.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.61, F.S.

HISTORY:

**ADOPTED: 12/06/05
REVISED: 12/15/20; 01/26/21
FORMERLY: NEW**

CHAPTER 6.00 – HUMAN RESOURCES

UTILIZATION OF SICK LEAVE

6.915

Full time employees shall utilize accumulated sick leave as follows:

- I. Sick leave earned prior to July 1, 2004 shall be used only after all sick leave earned on and after July 1, 2004 has been exhausted. Sick leave earned prior to July 1, 2004 shall be carried forward for terminal pay in accordance with School Board rule 6.912.
- II. Sick leave earned on and after July 1, 2004 by employees in positions not classified as instructional or educational support, as defined by law, shall be used first, until exhausted, on a first in, first out basis. Once all such leave has been exhausted, sick leave earned on and after July 1, 2004 by employees in positions classified as instructional or educational support, as defined by law, shall then be used on a first in, first out basis.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

**ADOPTED: 12/06/04
FORMERLY: NEW**

CHAPTER 6.00 – HUMAN RESOURCES

TERMINAL VACATION (ANNUAL) LEAVE PAY

6.916

- I. Unused accrued vacation leave shall be paid to employees as terminal pay at the time of retirement or separation of employment or upon entry into DROP in accordance with the provisions of this section.
- II. Effective September 1, 2011 the maximum total number of unused, accrued vacation days that may be paid upon retirement, separation of employment or entry into DROP is the greater of the following:
 1. 60 days, or
 2. For employees hired before July 1, 1995, the number of days unused and accrued as of June 30, 2001, or
 3. For employees hired before July 1, 1995 and employed under a three year contract on June 30, 2001, the number of days unused and accrued as of June 30, 2004.
- III. Payments for terminal vacation leave made to employees prior to September 1, 2011 in accordance with School Board policies and rules of the Florida Retirement System in effect at the time of payment shall be deemed proper and not subject to recovery.
- IV. An employee in good standing who terminates his/her employment with an unused, accrued vacation balance in excess of the maximum allowed to be paid as terminal pay, may extend his/her employment status through the last day of the accrued vacation leave which is in excess of the maximum allowed to be paid as terminal pay.
- V. Upon entering the Deferred Retirement Option Program (DROP), employees with unused, accrued vacation leave may choose to receive payment for all or part of their unused, accrued vacation leave at the time of entrance into the DROP subject to the maximum allowed under this policy and rules of the Florida Retirement System. Those persons choosing to receive a partial payment upon entry into DROP will receive the remainder, if any, at the time of separation from employment.

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- VI. If, at the time of retirement, or separation from the District, or entry into DROP, the employee has five (5) years of continuous employment with the District, the payment for unused, accrued vacation leave shall be made to the District's 401(a)/403(b) Qualified Special Pay Plan to the extent allowed by the Plan Document and applicable law. Any distribution from the 401(a)/403(b) Qualified Special Pay Plan shall be made in accordance with the Plan Document.
- VII. All payments for terminal vacation leave shall be made at the current daily rate of pay.
- VIII. If service is terminated by death, payment shall be made to the employee's beneficiary.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1012.65, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.052

HISTORY: **ADOPTED:** 12/06/04
REVISION(S): 12/06/05, 02/06/07, 11/17/09, 08/09/11
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

HEALTH INSURANCE PREMIUMS

6.92

- I. The School Board may contribute to the cost of an employee's normal group health insurance plan.
- II. A School Board member or employee who is a Florida resident and a member of the Florida National Guard or a reserve in any branch of the United States military and who is called into active military duty is entitled to health insurance pursuant to the provisions and conditions prescribed in Section 250.341, Florida Statutes.
- III. Employees on approved leave of absence without pay shall be eligible to continue on group insurance benefits at their expense.
- IV. Retired School Board personnel may continue to participate in the current group health insurance plan of the District, provided the person is enrolled at the time of retirement from active employment with the School Board and continues coverage without interruption. Retirement shall mean application for and receipt of retirement benefits under any Florida Retirement System plan. Current participants not meeting this definition will be allowed to remain enrolled in their current Plan until 09/30/2008, at which time they will be offered COBRA coverage for 18 months at the active employee rate plus the COBRA administration fee. The health insurance coverage shall be identical to that offered to School Board employees. Health insurance premiums for continued participation shall be paid by the retiree without contribution from the School Board.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

112.0801, 250.341, 340.33, 1001.43, F.S.

HISTORY:

REVISION(S): 02/05/08
FORMERLY: 2.4.3.B, 9.4.8, 9.4.9, 9.4.13

CHAPTER 6.00 – HUMAN RESOURCES

DOMESTIC PARTNERSHIP BENEFITS

6.921+

- I. It is the policy of the School District to offer benefits to domestic partners and their dependent children. Domestic partners are defined to be two individuals of the same or opposite gender who reside together with the intent of a committed relationship that meet the criteria listed below to qualify for Domestic partnership Benefits. This declaration does not affect Federal or State laws, and is subordinate to such laws concerning common law marriages, real and personal property rights, wills and estates, child custody, taxes, etc.
- II. The following criteria must be met to be considered for domestic partnership benefits. The partners must declare:
 - A. The employee and his/ her partner are each other's sole and exclusive domestic partner and they mutually intend to remain so indefinitely.
 - B. The employee and his/ her partner reside together in a common residence and at the time of the declaration, must have previously resided together on a continuous basis for the preceding twelve (12) months and intend to continue that arrangement.
 - C. Both the employee and his/ her partner are at least 18 years of age and mentally competent to consent to a contract.
 - D. The employee and his/ her partner shall have the responsibility for a significant measure of each other's common welfare and financial obligations.
 - E. The employee and his/ her partner are not married to or domestic partners as defined herein, with anyone else and have not been so during the preceding twelve (12) months prior to the declaration.
 - F. The employee and his/ her partner are not related by blood to a degree of closeness that would prohibit legal marriage in the State of Florida (i.e. siblings or first cousins).
- III. All employees wishing to claim domestic partnership benefits must execute a written declaration, acknowledging the above listed criteria and submit the necessary and appropriate paperwork as requested by the School District to substantiate their eligibility. Proof of eligibility shall require a minimum of two (2) documents/ instruments showing joint residency and joint financial responsibility. Subsequent declarations with a different partner are not eligible for consideration until at least twelve (12) months have elapsed since the previous declaration has been terminated by the School District. If, after the initial declaration, the criteria changes

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for domestic partnership benefits, the employee shall promptly submit any new documentation necessary to comply with the new policy.

- IV. A qualified domestic partner and dependent children may be eligible for group insurance coverage for Medical, Dental, Vision and Universal Life Insurance.
- V. All employees who qualify for this benefit recognize and acknowledge that IRS regulation does not recognize domestic partners as the equivalent of spouses. As such, payroll deductions cannot be made on a pretax basis and those employees shall have to pay income tax on the imputed value of the domestic partnership benefit. Employees are encouraged to seek tax advice from a qualified tax accountant.
- VI. If an employee terminates his/her employment with the School District, the domestic partner and dependent children are eligible for COBRA coverage for Medical, Dental and Vision coverage.
- VII. A domestic partnership shall be considered automatically terminated in the event that one of the domestic partners, marries, remarries, dies or enters into a domestic partnership with another. In those instances where a domestic partnership dissolves, the date of termination shall be the date of the event the eligibility is lost, not the date of notice to the School District. Within 30 days of that date, the employee is required to complete and file with the School District's Risk & Benefits Management Department a Notice of Termination of Declaration of Domestic Partnership.
- VIII. Domestic partners have the obligation to and shall within thirty (30) days of the date of which the domestic partnership no longer meets the eligibility criteria file with the School District's Risk & Benefits Management Department a Notice of Termination of Domestic Partnership. Failure to timely report and file the Notice of Termination of Domestic Partnership is a violation of District policy and will lead to disciplinary action, including possible termination.
- IX. If the employee fails to comply with the policies of the domestic partnership benefits, the District may seek reimbursement from the employee (even if the employee no longer works for the District) for any and all benefits paid under the plan on behalf of the ineligible dependent, plus any costs and attorney fees associated with obtaining reimbursement.
- X. If at any time State or Federal law is enacted to treat a union between same-sex couples, under either or both State or Federal law, as a marriage, then the School District will treat such relationships as such to the fullest extent allowed by law, and will afford such couples all associated benefits.

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STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 112.0801, 250.341, 340.33, 1001.43, F.S.

HISTORY: **ADOPTED: 09/17/13**
REVISED: N/A
FORMERLY: NEW

CHAPTER 6.00 – HUMAN RESOURCES

TRANSFERS

6.93+

- I. Any transfer of an employee from one work site to another work site or position shall be made on the recommendation of the Superintendent and the approval of the School Board. In case of an emergency the Superintendent may transfer the person subject to the subsequent approval of the School Board.
- II. Transfer procedures outlined in the procedures manual will be followed.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, F.S.

HISTORY:

FORMERLY: 5.1.3, 9.1.5

CHAPTER 6.00 – HUMAN RESOURCES

RETIREMENT ANNUITIES PROGRAM

6.94

- I. The School Board will consider annually, upon the recommendation of the Superintendent, requests for retirement annuities for school personnel with twenty-five (25) years or more years of creditable service (at least five of which must have been in this District) who have reached the age fifty-five (55) and have applied for retirement under the Florida Retirement System or Teachers Retirement System.
 - A. All requests must be received between September 1 and October 31 of the calendar year for those requesting retirement during or at the conclusion of that school year or four (4) months prior to retirement if planning retirement before February of that school year.
 - B. A copy of the official determination, by the Division of Retirement, of the projected monthly benefits at the effective date of retirement based on the average monthly compensation and creditable service as of the member's early retirement date and the actual early retirement benefits shall accompany the request.
 - C. Requests of applicants between the ages of fifty (50) and fifty-four (54) may also be considered by the School Board if the School Board first determines for that year that it is economically feasible to do so.
- II. Between November 1 and November 30 an annual survey and study will be conducted prior to the determination of the Superintendent and School Board on the feasibility of the program being offered during that school year with no commitment to offer the program in future years unless the School Board opts to do so after reviewing the annual survey. The employee may be required to contribute to the annuity in order to qualify.
- III. The School Board upon the recommendation of the Superintendent will determine before January 15, whether or not the program will be offered for that year.
- IV. If the program is offered, the Superintendent shall make recommendations pertaining to either the investment in a specific amount of current funds or the purchase of an adequate annuity either of which would provide earned income in an amount sufficient to provide the annual early retirement supplemental benefit for the named employee.

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- V. In the event an employee has military service credit or earned experience in a public school system in another state, the School Board may choose to purchase such experience (up to five years) as is necessary to provide regular retirement benefits. This experience may not be purchased in addition to an annuity.
- VI. The maximum monthly benefit to any individual shall be in compliance with Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.685, F.S.

HISTORY:

FORMERLY: 4.5, 5.4.1, 9.4.1

CHAPTER 6.00 – HUMAN RESOURCES

REDUCTION IN FORCE

6.95

- I. In the event the Superintendent determines that there is to be a reduction in employee allocations for any reason, an affected employee shall be given the opportunity to transfer to an available position, provided the employee meets the qualifications of the new position and has clearly demonstrated the ability to meet the requirements of said position.

- II. In making involuntary transfers or layoffs, length of service in the District shall be considered.

STATUTORY AUTHORITY: 1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED: 1001.41, 1001.43, F.S.

HISTORY: FORMERLY: 4.1.2.C.(5), 10.7

CHAPTER 6.00 – HUMAN RESOURCES

GIFTS TO EMPLOYEES

6.96

- I. *Gift* means anything accepted by a person or on that person's behalf, whether directly or indirectly, for that person's benefit, and for which equal or greater consideration is not given. The term includes real property, tangible personal property or the use of such property; a preferential rate or term on a transaction which is not available to others similarly situated; forgiveness of a debt; transportation (unless provided by an agency in relation to officially approved governmental business); lodging; parking; food or beverage, including a meal which is consumed at single sitting or event; dues, fees, and tickets; plants and flowers; personal services for which a fee is normally charged by the provider; and any other thing or service having an attributable value. The term gift does not include salary, benefits, services, fees, gifts, commissions, or expenses associated primarily with one's employment as an officer or director of a corporation or organization; campaign contributions or expenditures pursuant to the election laws; an honorarium or honorarium expense; an award, plaque, or certificate given in recognition of public, civic, charitable or professional service; honorary membership in a service or fraternal organization; and the use of a public facility or public property made available by a governmental agency for public purpose.
- II. *Lobbyist* means any individual, firm, association, partnership, corporation or any other such group who, for compensation, seeks or sought during the preceding twelve (12) months, to influence the governmental decision-making, or to encourage the passage, defeat, or modification of any proposal or recommendation by the employee or the School Board.
- III. Solicitation and Acceptance of Gifts

An employee shall not solicit or accept a gift from any lobbyist or person, natural or corporate, doing business or soliciting business with the School Board or any public school within the District based upon any understanding that the vote, official action, or judgment of the employee would be influenced thereby.

An employee is prohibited from accepting a gift with a value equal to or in excess of one hundred dollars (\$100.00) from any lobbyist or person, natural or corporate, doing business or soliciting business with the School Board or any public school within the District.

An employee may accept a gift with a value that is less than one hundred dollars (\$100.00) from any lobbyist or person, natural or corporate, doing business or soliciting business with the School Board or any public school within the District, if it is reported in writing to the Superintendent and reported to the Commission on Ethics as required under Florida Law. An employee need not report a gift in value

CHAPTER 6.00 – HUMAN RESOURCES

equal to or less than twenty-five dollars (\$25.00). Gifts or bonuses which are advertised as accompanying a purchase of goods, materials, or equipment of any kind and ordered in the name of the school, District, students or employees of the School Board may be accepted, providing such gifts or bonuses become and remain the property of the school or the District.

IV. Exception

- A. In order to comply with the requirements of the federal E-Rate program, an employee is prohibited from accepting any one (1) gift with a retail value greater than twenty dollars (\$20.00) [or any combination of separate gifts with a retail value equal to or less than twenty dollars (\$20) each that when combined are greater than fifty dollars (\$50.00) in the aggregate per fiscal year] from any lobbyist or person, natural or corporate, doing business or soliciting business with the School Board (or any public school within the School District) to provide any eligible products or services on the official list posted on the Universal Service Administrative Company (USAC) website [e.g., <https://www.usac.org/e-rate/applicant-process/before-you-begin/eligible-services-list/>]. The USAC administers the Universal Service Fund under the direction of the Federal Communications Commission (FCC).
- V. This section shall not act to prohibit the acceptance of gifts from those persons who are not lobbyists or persons, natural or corporate, doing business or soliciting business with the School Board or any public school within the District.
- VI. The willful violation of this rule by any employee shall be cause for disciplinary action up to and including dismissal.

STATUTORY AUTHORITY:

1001.41, 1012.22, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

**REVISION(S): 08/17/21
FORMERLY: 2.5.1**

CHAPTER 6.00 – HUMAN RESOURCES

WEAPONS

6.97

- I. The School Board prohibits all employees from possessing, storing, making, or using a weapon, including a concealed weapon, on School Board property and any setting that is under the control and supervision of the Board for the purpose of school activities approved and authorized by the Board including, but not limited to, property leased, owned, or contracted for by the Board, a school-sponsored event, or in a vehicle.
- II. Weapons and firearms as defined in Section 790.001, Florida Statutes, include, but are not limited to, firearms, guns of any type, knives, razors, clubs, electric weapons, metallic knuckles, martial arts weapons, ammunition, and explosives.
- III. For purposes of this policy, the term "weapon" also means any object that, in the manner in which it is used, is intended to be used, or is represented, is capable of inflicting serious bodily harm or property damage, as well as endangering the health and safety of persons.
- IV. Employees shall report knowledge of dangerous weapons and/ or threats of violence by students, employees, visitors, or other individuals to the Principal. Failure to report such knowledge may subject the employee to discipline.
- V. The Superintendent or his or her designee shall require that any employee possessing, without prior written permission of the Superintendent or his or her designee, a weapon or other device designed to inflict serious bodily harm, including a concealed weapon, shall be reported immediately to the appropriate law enforcement agency, regardless of whether such employee possesses a valid concealed weapon license. The employee shall be subject to disciplinary action, up to and including termination, consistent with law, due process, and the terms of any negotiated agreement.
- VI. Items pre-approved by the Superintendent or his or her designee in writing, as part of a class, ROTC program, sporting event, individual presentation, or a theatrical prop used under adult supervision, if used for the purpose and in the manner approved, would be an exception to this policy. However, working firearms and any ammunition shall never be approved as part of a presentation. Persons transporting firearms to approved programs shall use a case.
- VII. The Board authorizes the Superintendent or his or her designee to post notices prohibiting the carrying and possession of concealed weapons on School Board property, including but not limited to buildings, grounds, vehicles, and at District or school sponsored activities.

CHAPTER 6.00 – HUMAN RESOURCES

- VIII. The Superintendent or his or her designee shall conspicuously post such notices at each entrance of a school and/ or school building.
- IX. No part of this policy shall prevent sworn law enforcement officers or qualified School Guardians, who are appointed by the Superintendent and approved by the School Board, from possessing weapons on School Board property pursuant to their official duties.

STATUTORY AUTHORITY: 30.15, 790.001, 790.115, 1001.43, 1006.07, 1006.12, F.S.
18 U.S.C. 922

LAW(S) IMPLEMENTED: 30.15, 790.001, 790.115, 1001.43, 1006.07, 1006.12, F.S.

HISTORY:

ADOPTED: 12/16/14
REVISED: 10/05/21
FORMERLY: NEW

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 7.00: BUSINESS SERVICES

CHAPTER 7.00 - BUSINESS SERVICES

SCHOOL BUDGET SYSTEM

7.10+

- I. The Superintendent shall prepare an annual School District budget in the manner prescribed by the State Board of Education. In formulating the budget, the Superintendent shall take into consideration the immediate and long-range needs of the District's school system and student achievement data obtained pursuant to Florida Statutes. The Superintendent shall submit the proposed annual budget to the School Board for review. The School Board shall adopt a balanced budget in accordance with Florida Statutes and submit it to the state on or before the date prescribed in State Board of Education rules or established by the Commissioner of Education.
- II. In order to ensure appropriate preparation and management of the District budget, the Superintendent or designee is authorized to develop and implement appropriate budgetary development, accounting, and record keeping procedures consistent with mandatory federal and state laws, rules and regulations, and with School Board rules. Such procedures shall be consistent with good business practice.
- III. Expenditures shall be made in accordance with state law and rules of the School Board of Education.
- IV. The proposed budget and any amendments submitted to the School Board by the Superintendent each year shall include the projected ending fund balance not classified as assigned, restricted, committed, or nonspendable in all funds of zero or greater and, in the General Fund, a projected ending fund balance not classified as assigned, restricted, committed, or nonspendable of at least 3% of estimated general fund revenues. If, at any time, the projected ending fund balance not classified as assigned, restricted, committed, or nonspendable falls below 3%, the Superintendent shall provide written notification to the School Board and the Commissioner of Education in accordance with Section 1011.051, Florida Statutes. If the projected ending fund balance not classified as assigned, restricted, committed, or nonspendable falls below 2% of estimated revenues, the Superintendent shall file, within 14 days, a plan with the Commissioner of Education demonstrating how the district will avoid a financial emergency as defined by Section 218.503, Florida Statutes.
- V. The Superintendent and Chief Business and Finance Officer are authorized to assign General Fund fund balance for specific purposes. Any remaining fund balance is unassigned. An amount equal to six percent (6%) of General Fund revenues and other financing sources shall be maintained within the unassigned fund balance as a contingency reserve. The Superintendent shall obtain approval from the School Board if at any time it is projected that this balance will not be maintained.

CHAPTER 7.00 - BUSINESS SERVICES

- VI. For the School District's Health and Life Self-Insurance Trust Fund, the net position at the end of each fiscal year shall be maintained at the value of two (2) months or sixty (60) days of average claims expense paid over the prior fiscal year, as required by the Florida Department of Financial Services, Office of Insurance Regulation (OIR), in order for the plan to be actuarially sound. The Superintendent shall obtain approval from the School Board if at any time it is projected that this balance shall not be so maintained.
- VII. With respect to long-term debt obligations that are either secured by the capital outlay tax [Section 1011.71(2), Florida Statutes] or not secured by any other revenue source, the total of payments due under all such long-term debt obligations shall not exceed the projected revenues from the capital outlay tax levy for any fiscal year, as defined in Florida Statutes. Failure to meet this target must be disclosed to the School Board and approved by majority vote. Such disclosure shall specifically state the amount of the total payments due under such long-term debt obligations and that it deviates from this policy.
- VIII. The tentative budget, the adopted budget, and any amended budget(s) shall be posted on the District's official website as required by law.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1008.385, 1011.01 – 1011.18,
1011.051, 1011.71, F.S.

STATE BOARD OF EDUCATION RULES: 6A-1.002, 6A-1.004, 6A-1.006,
6A-1.007, 6A-1.0071

HISTORY: **REVISION(S):** 05/01/07, 08/25/09, 08/09/11,
02/07/12, 06/03/14, 12/01/20
FORMERLY: 2.1, 2.2, 2.3

CHAPTER 7.00 - BUSINESS SERVICES

ACCOUNTING AND CONTROL

7.20*+

- I. The financial records and accounts of the School Board shall be kept by the Superintendent on forms and in the manner prescribed by State Board of Education rules. If such forms are not prescribed by State Board of Education rules or Florida Statutes, then forms prescribed by the Superintendent shall be used.
- II. The Superintendent shall submit to the School Board a financial statement for each month of the school fiscal year. The format of the statement shall be approved by the School Board and shall include a cumulative report to date of all receipts and expenditures for the school fiscal year.
- III. The Superintendent shall develop and the School Board approve procedures under which any funds under their control are allowed to be transmitted by electronic transaction.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

215.85, CHAPTER 668, 1001.43,
1001.51, 1010.11, 1011.60, 1011.62, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.001

HISTORY:

REVISED: 10/21/08
FORMERLY: 2.6(1), 2.11(1)

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ELECTRONIC FUND TRANSFERS

7.22+

I. Electronic Records, Electronic Signatures, and Electronic Funds

- A. For the purposes of this rule, all electronic records and electronic signatures for School District business shall comply with Policy 2.48, Electronic Records and Electronic Signatures and all applicable state and federal laws.

II. Electronic Fund Transfers

- A. The School Board authorizes the movement of District funds into, out of, and between any District account by electronic means [e.g., electronic fund transfers (EFTs)] including Fedwire, automatic clearinghouse (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 School District funds by electronic means shall comply with the provision of Chapter 668, Florida Statutes.

School Board funds shall be electronically transferred for the following purposes:

1. receipt of revenue from local, State, and Federal sources;
 2. settlement on investment transactions (e.g. purchases, sales, or principal and interest distributions);
 3. transfers between Board accounts as needed for legitimate funds management activities;
 4. payment of obligations, based upon legal or contractual requirements incurred in the course of Board business, including epayables; and
 5. payroll and other payroll related direct deposit payments.
- B. The Chief Financial Officer, Finance Director, or designated backup, shall execute the electronic transfer of funds through qualified financial institutions. All necessary documentation shall be maintained so the transactions can be properly recorded within the Board's financial system.

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C. Types of Electronic Funds Transfers

1. Fedwires

- a. Fedwires between Board accounts can be initiated and approved by the Chief Financial Officer or his/ her designee.
- b. Templates of Fedwire instructions to non-Board accounts shall be established by a Finance Department employee using software provided by the Board's financial institutions and approved by the Chief Financial Officer. Wires to non-Board accounts require two-factor authentication to initiate the wire and a second approval to complete.

2. ACH Transactions

- a. Vendors may be paid via ACH Credit transactions when advantageous to the Board. An ACH Credit transaction is where money is sent from a Board account to the vendors' appropriate bank account.
- b. ACH Debit transactions are prohibited unless the counterparty to the transaction is another governmental entity or required by a Board approved contract. An ACH Debit transaction is where money is retrieved from a Board account by the counterparty's financial institution.
- c. Authorized vendors to be paid via ACH shall be set up to receive such payments in the Board's financial system by finance department personnel, upon approval by the Chief Financial Officer. Such payments shall be initiated by the accounts payable fiscal assistant in compliance with procedures established by the Finance department.
- d. Payment of employees' wages via direct deposit or paycard shall be initiated by the payroll department in compliance with procedures established by the payroll department.
- e. ACH transactions require two-factor authentication to initiate the ACH transaction and a second approval to complete.

3. Other Electronic Funds Transfers. 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 Chief Financial Officer or other Board employee. Instructions to transfer funds electronically, to non-Board accounts, shall always be established under dual control, one District employee inputting the payment instructions and a second District

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employee approving the instructions. Said instructions can then be used by the Chief Financial Officer or his/ her designee to execute an electronic transfer of funds.

D. The School Board shall approve agreements with the Board's financial institution(s). Such agreements shall set forth internal controls required by State law and State School Board Rule that shall provide adequate integrity, security, confidentiality, and auditability of business transactions conducted by electronic commerce, including, but not limited to, the following:

1. 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;
2. the manual signatures of the School Board Chairman and the Superintendent, as the authorized check signers for Board issued checks;
3. 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; and
4. 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 canceled 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.

III. Internal Controls and Delegation of Authority

A. The oversight of the EFTs resides with the Chief Financial Officer and the Director of Finance. A system of internal controls and operational procedures has been established to manage the funds transfer process and the reconciliation of bank accounts. Staff shall utilize effective internal controls including the separation of duties when performing funds transfers and cash management functions. The internal controls are designed to prevent losses of monies, which might arise from fraud, employee error, and misrepresentation by third parties, or imprudent actions by employees. Independent auditors, as part of the School District's financial audits, shall review the system of internal controls and compliance with the operational procedures and with this policy.

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STATUTORY AUTHORITY: 668.01 et seq., 668.50, 1010.11, 282.0041, F.S.

LAW(S) IMPLEMENTED: 668.01 et seq., 668.50, 1010.11, 282.0041, F.S.

STATE SCHOOL BOARD OF EDUCATION RULE(S): 6A-1.0012, FAC

HISTORY: **ADOPTED:** 12/14/21

REVISION(S): 05/17/22

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GRANTS MANAGEMENT

7.25+

- I. The Superintendent shall seek grant funds to expand the financial capabilities of the School District and provide additional resources to enhance educational opportunities and to support student learning and performance.
- II. All grant monies awarded to the School District shall be used in accordance with applicable federal and state laws and rules, grantor rules, and School Board policies.
- III. For projects utilizing federal funds, the School District shall adhere to the requirements of Uniform Grant Guidance (UGG). In the event that state requirements are more stringent than federal requirements, state mandates shall be followed.
- IV. The Superintendent shall develop procedures for grant administration that include but are not limited to
 - A. Application process for grant funds including School Board approval;
 - B. Procurement of materials and equipment;
 - C. Standard of conduct including conflict of interest;
 - D. Property control;
 - E. Cash management;
 - F. Record maintenance;
 - G. Financial reporting;
 - H. Protection of personally identifiable information; and
 - I. Internal evaluation of accomplishments as related to program goals.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1001.51, 1008.385, 1010.01, F.S.
2 CFR 200, 20 USC 7906

HISTORY: ADOPTED: 04/05/16
REVISION DATE(S): N/A
FORMERLY: NEW

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EDUCATIONAL ENHANCEMENT FUNDS

7.30*+

- I. Lottery Trust Fund Allocations (enhancement funds) received from state proceeds will be used to provide educational opportunities based on the needs of students, as determined by the School Board or as required to be distributed by state law, and consistent with proviso language included in the annual state appropriations bill or other state requirements.
- II. Enhancement funds may be used for the following:
 - A. Maintain approved programs.
 - B. Develop and implement school improvement plans.
 - C. Supplement school funding through the expansion of existing programs.
 - D. Enhance equipment or facilities as permitted by state law.
 - E. Provide financial awards for school recognition.
 - F. Provide such other services programs, or distribution as may be required or permitted by state law or regulations. Such services or programs shall be identified during the annual budget adoption process by the Board.
 - G. Maintain a pupil/teacher ratio as low as possible.
- III. Enhancement funds provided directly to schools shall be subject to annual audits to assure compliance with state law and sound business practices.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1001.43, 1011.62, F.S.
ANNUAL STATE APPROPRIATIONS ACT**

HISTORY:

FORMERLY: NEW

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INTERNAL FUNDS

7.32*+

I. Definition

School Organizations are those whose existence is derived from the school program or from personal associations in the school setting. Members normally consist of students. Adult leadership, in the form of a teacher, coach or sponsor, and space and equipment are normally provided by the School District. Bands, choruses, other music classes, and combined groups involving more than one such organization from the same school or from different schools are included. Football, basketball, and all athletic teams fielded by the school are included. All student classes and clubs with a Board employee as sponsor approved by the Principal to meet on school grounds are included.

The receipts of all school organizations, regardless if derived on or off school grounds, or during or outside the normal school day, will be deposited in internal accounts. Parking fees, concession stand sales, program sales, etc., that are derived from performances by school organizations and athletic events will be deposited to the internal account of that organization unless another school organization or school-related organization conducts the sale and is authorized by the Principal to receive the proceeds. Admission charges will be deposited to internal accounts.

All funds handled by School Board employees during normal working hours are internal funds unless accounted for in the District level accounting system.

Faculty and staff funds will be accounted for in internal funds.

Collections for student pictures and school insurance will not be handled by school personnel and will not be deposited in internal accounts. Transactions will be handled directly between the parent or student and vendor.

II. Administration

Internal funds shall be classified in accordance with the several activities of the school having funds. Depositories may be established using any institution authorized to hold public funds.

III. Responsibilities

A. The School Board will

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1. Require that written procedures and rules governing the receipt, use, and accounting of all internal funds be developed and approved by the Board (see Internal Funds Procedure Manual).
 2. Require that all internal funds be used for legal public purposes.
 3. Provide for an annual audit of all internal funds by a qualified auditor/internal staff to be presented to the School Board by the last School Board meeting in March of the following fiscal year.
- B. The Superintendent or designee shall administer all rules and policies established by the School Board relating to internal funds.
- C. The principal shall
1. Be held accountable for the handling of all phases of internal accounting in his or her school.
 2. Use a uniform system of accounting as directed by the Superintendent.
 3. Prepare monthly and annual reports of internal funds in a timely manner.
 4. Assure that the maximum sum of funds permitted to be kept in the school overnight shall not exceed amounts as prescribed in the procedures manual.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1011.07, 1011.18, F.S.

STATE BOARD OF EDUCATION RULE(S):

**6A-1.001, 6A-1.085,
6A-1.087, 6A-1.091**

HISTORY:

FORMERLY: 2.9

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PETTY CASH FUNDS OR CHANGE FUNDS

7.33*+

Petty cash funds shall be used for operating expenses in accordance with State Board of Education rules and provisions described herein.

- I. A principal or District department head may establish a petty cash fund by submitting a request to the finance division for approval.
- II. The Superintendent or designee shall reimburse the funds from the budgetary accounts of schools and District departments when petty cash is exhausted.
- III. Each petty cash fund must be authorized by the Superintendent or designee at a set amount, the amount of which shall be commensurate with the volume and the purpose of transactions, but in no case shall the amount exceed the amount authorized in State Board Rules.
- IV. An itemized receipt for each expenditure shall be kept to receive reimbursement.
- V. The Finance Department is authorized to develop related procedures.

Change funds are authorized for each school and shall be established at a set amount by the Superintendent/designee. No expenditures are to be made from any change fund, nor shall checks be cashed or loans made from any change fund.

STATUTORY AUTHORITY:

1001.41, 1001.42, 1006.21, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1010.4, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.087

HISTORY:

REVISED: 02/07/12
FORMERLY: 2.2.2.H, 2.9.3.3.F

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HOSPITALITY FUNDS

7.34

The Superintendent or designee may authorize expenditures for purposes of promotion, public relations activities, and hospitality, as set forth herein. Such expenditures are restricted as to the source of funds, amount of annual expenditures and conditions for expenditures, as set forth herein and as limited by law or regulations.

- I. Expenditures may include promotion and public relation activities and hospitality of business guests provided they will directly benefit or are in the best interest of the District. Expenditures may also include, but are not limited to, activities involving graduation, visiting committees, orientation and work conferences, recruitment of employees, official meetings and receptions, guest speakers, accreditation studies, and other developmental activities, awards or other types of recognition for meritorious performance
- II. Expenditures shall be made from auxiliary enterprises and undesignated donations to the District for promotion and public relations except that federal funds may be used to purchase food when federal program guidelines permit such use.
- III. School internal account funds may not be spent on the hospitality of business guests.
- IV. Expenditures for hospitality of business guests shall be limited to the maximum permitted by state law and rule.

STATUTORY AUTHORITY: 1001.41, 1001.42, F. S.

LAW(S) IMPLEMENTED: 1001.43, 1010.08, F. S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0143

HISTORY: REVISED: 02/06/07, 08/21/18
FORMERLY: 2.6

CHAPTER 7.00 - BUSINESS SERVICES

INVESTMENT OF FUNDS

7.35

I. 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 of Osceola County, Florida (hereinafter "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.

II. Scope

In accordance with Section 218.415, Florida Statutes, this investment policy applies to all cash and investments held or controlled by the School Board with the exception of Pension Funds and funds related to the issuance of debt where there are other existing policies or indentures in effect for such funds. Funds held by state agencies (e.g., Department of Education) are not subject to the provisions of this policy.

III. Investment Objectives

A. Safety of Principal

The foremost objective of this investment program is the safety of the principal of those funds within the portfolios. Investment transactions shall seek to keep capital losses at a minimum, whether they are from securities defaults or erosion of market value. To attain this objective, diversification is required in order that potential losses on individual securities do not exceed the income generated from the remainder of the portfolio.

B. Maintenance of Liquidity

The portfolio shall be managed in such a manner that funds are available to meet reasonably anticipated cash flow requirements in an orderly manner. Periodic cash flow analyses will be completed in order to ensure that the portfolios are positioned to provide sufficient liquidity.

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C. Return on Investment

Investment portfolios shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of least importance compared to the safety and liquidity objectives described above. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed.

IV. Delegation of Authority

The responsibility for providing oversight and direction in regard to the management of the investment program resides with the School Board's Chief Business and Finance Officer (hereinafter the "Chief Business Officer"). The daily management responsibility for all School Board funds in the investment program and investment transactions is delegated to the Director of Finance. The Chief Business Officer shall establish written procedures for the operation of the investment portfolio and a system of internal accounting and administrative controls to regulate the activities of employees. The School Board may employ an Investment Advisor to assist in managing some of the School Board's portfolios. Such Investment Advisor must be registered under the Investment Advisers Act of 1940.

V. Standards of Prudence

The standard of prudence to be used by investment officials shall be the "Prudent Person" standard and shall be applied in the context of managing the overall investment program. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectation are reported to the Chief Business Officer in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy. The "Prudent Person" rule states the following:

Investments shall 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.

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While the standard of prudence to be used by investment officials who are officers or employees 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.

VI. 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. In addition, employees involved in the investment process shall disclose to the Superintendent or designee any material financial interests in financial institutions that conduct business with the School Board, and they shall further disclose any material personal financial/investment positions that could be related to the performance of the School Board's investment program.

VII. Internal Controls and Investment Procedures

The Chief Business Officer shall establish a system of internal controls and operational procedures that are in writing and made a part of the School Board's operational procedures. The internal controls should be designed to prevent losses of funds, which might arise from fraud, employee error, and misrepresentation, by third parties, or imprudent actions by employees. The written procedures should include reference to safekeeping, repurchase agreements, separation of transaction authority from accounting and recordkeeping, wire transfer agreements, banking service contracts and collateral/depository agreements. No person may engage in an investment transaction except as authorized under the terms of this policy.

The independent auditor, as a normal part of the annual financial audit to the School Board shall conduct a review of the system of internal controls to ensure compliance with policies and procedures.

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VIII. Continuing Education

The Chief Business Officer, the Director of Finance, and other appropriate staff shall annually complete eight (8) hours of continuing education in subjects or courses of study related to investment practices and products.

IX. Authorized Investment Institutions and Dealers

Authorized School Board staff shall only purchase securities from financial institutions, which are qualified as public depositories by the Treasurer of the State of Florida, institutions designated as "Primary Dealers" by the Federal Reserve Bank of New York or from direct issuers of commercial paper and bankers' acceptances.

Authorized School Board staff shall only enter into repurchase agreements with financial institutions that are state qualified public depositories and primary dealers as designated by the Federal Reserve Bank of New York.

X. Maturity and Liquidity Requirements

Operating Funds

To the extent possible, an attempt will be made to match investment maturities with known cash needs and anticipated cash flow requirements. Investments of current operating funds ("short term fund") shall have maturities of no longer than twenty-four (24) months.

Core Funds

Investments of reserves and other non-current operating funds ("core funds" or "Surplus Fund") shall have a term appropriate to the need for funds and in accordance with debt covenants, shall not exceed five and one-half (5.50) years. Longer-term maturities require School Board approval prior to the purchase of the investments.

The maturities of the underlying securities of a repurchase agreement will follow the requirements of the Securities Industry and Financial Markets Association (SIFMA) Master Repurchase Agreement.

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XI. Risk and Diversification

Assets held shall be diversified to control risks resulting from over concentration of assets in a specific maturity, issuer, instruments, dealer, or bank through which these instruments are bought and sold. The Director of Finance and/or Investment Advisor shall determine diversification strategies within the established guidelines.

XII. Master Repurchase Agreement

The Director of Finance will require all approved institutions and dealers transacting repurchase agreements to execute and perform as stated in the SIFMA Master Repurchase Agreement. All repurchase agreement transactions will adhere to requirements of the SIFMA Master Repurchase Agreement.

XIII. Competitive Selection of Investment Instruments

1. After the Director of Finance or the Investment Advisor has determined the approximate maturity date based on cash flow needs and market conditions and has analyzed and selected one or more optimal types of investments, a minimum of three (3) qualified banks and/or approved broker/dealers must be contacted and asked to provide bids/offers on securities in questions. Bids will be held in confidence until the bid deemed to meet the investment objectives best is determined and selected. Internal Funds may purchase certificates of deposit from depository banks on a non-competitive basis.

However, if obtaining bids/offers is not feasible and appropriate, securities may be purchased utilizing the comparison to current market price method on an exception basis. Acceptable current market price providers include, but are not limited to:

- a. Tradeweb
- b. Bloomberg Information Systems
- c. Wall Street Journal or a comparable nationally recognized financial publication providing daily market pricing
- d. Daily market pricing provided by the School Board's custodian or their correspondent institutions

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2. The Director of Finance or the Investment Advisor shall utilize the competitive bid process to select the securities to be purchased or sold. Selection by comparison to a current market price, as indicated above, shall only be utilized when, in judgment of the Director of Finance or the Investment Advisor, competitive bidding would inhibit the selection process.

Examples of when this method may be used include:

- a. When time constraints due to unusual circumstances preclude the use of the competitive bidding process
 - b. When no active market exists for the issue being traded due to the age or depth of the issue
 - c. When a security is unique to a single dealer, for example, a private placement
 - d. When the transaction involves new issues or issues in the "when issued" market
3. Overnight sweep instruments including repurchase agreements and money markets will not be bid, but may be placed with the School Board's depository bank relating to the demand account for which the investment was purchased.

XIV. Authorized Investments and Portfolio Composition

Investments should be made subject to the cash flow needs, such cash flows are subject to revisions as market conditions, and the School Board's needs change. However, when the invested funds are needed in whole or in part for the purpose originally intended or for more optimal investments, the Director of Finance may sell the investment at the then-prevailing market price and place the proceeds into the proper account at the School Board's custodian.

The following are the investment requirements and allocation limits on security types, issuers, and maturities as established by the School Board. The Chief Business Officer or the Director of Finance shall have the option to restrict further investment percentages from time to time based on market conditions, risk, and diversification investment strategies. The percentage allocations requirements for investment types and issuers are calculated based on the original cost of each investment at the time of purchase. Investments not listed in this policy are prohibited. Internal Funds are exempt from the maturity and asset allocation requirements.

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A. Permitted Investments

1. U.S. Treasury & Government Guaranteed - U.S. Treasury obligations, and obligations the principal and interest of which are backed or guaranteed by the full faith and credit of the U.S. Government.
2. Federal Agency/GSE - Debt obligations, participations, or other instruments issued or fully guaranteed by any U.S. Federal agency, instrumentality, or government-sponsored enterprise (GSE).
3. Corporates – U.S. dollar denominated corporate notes, bonds or other debt obligations issued or guaranteed by a domestic corporation, financial institution, non-profit, or other entity.
4. Municipals – Obligations, including both taxable and tax-exempt, issued or guaranteed by any State, territory, or possession of the United States, political subdivision, public corporation, authority, agency board, instrumentality, or other unit of local government of any State or territory.
5. Agency Mortgage Backed Securities - Mortgage-backed securities (MBS), backed by residential, multi-family or commercial mortgages, that are issued or fully guaranteed as to principal and interest by a U.S. Federal agency or government sponsored enterprise, including but not limited to pass-throughs, collateralized mortgage obligations (CMOs), and REMICs.
6. Non-Negotiable Certificate of Deposit and Savings Accounts - Non-negotiable interest bearing time certificates of deposit, or savings accounts in banks organized under the laws of this state or in national banks organized under the laws of the United States and doing business in this state, provided that any such deposits are secured by the Florida Security for Public Deposits Act, Chapter 280, Florida Statutes.
7. Commercial Paper – U.S. dollar denominated commercial paper issued or guaranteed by a domestic corporation, company, financial institution, trust or other entity, including both unsecured debt and asset-backed programs.
8. Bankers' Acceptances - Bankers' acceptances issued, drawn on, or guaranteed by a U.S. bank or U.S. branch of a foreign bank.

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9. Repurchase Agreements - Repurchase agreements (Repo or RP) that meet the following requirements:
 - a. Must be governed by a written SIFMA Master Repurchase Agreement which specifies securities eligible for purchase and resale, and which provides the unconditional right to liquidate the underlying securities should the Counterparty default or fail to provide full timely repayment.
 - b. Counterparty must be a Federal Reserve Bank, a Primary Dealer as designated by the Federal Reserve Bank of New York, or a nationally chartered commercial bank.
 - c. Securities underlying repurchase agreements must be delivered to a third party custodian under a written custodial agreement and may be of deliverable or tri-party form. Securities must be held in the School Board's custodial account or in a separate account in the name of the School Board.
 - d. Acceptable underlying securities include only securities that are direct obligations of, or that are fully guaranteed by, the United States or any agency of the United States, or U.S. Agency-backed mortgage related securities.
 - e. Underlying securities must have an aggregate current market value of at least 102% (or 100% if the counterparty is a Federal Reserve Bank) of the purchase price plus current accrued price differential at the close of each business day.
 - f. Final term of the agreement must be 1 year or less.
10. Money Market Funds - Shares in open-end and no-load money market mutual funds, provided such funds are registered under the Investment Company Act of 1940 and operate in accordance with Rule 2a-7.

A thorough investigation of any money market fund is required prior to investing, and on an annual basis. The procedures for this rule shall include a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. A current prospectus must be obtained.

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11. Local Government Investment Pools – State, local government or privately sponsored investment pools that are authorized pursuant to state law.

A thorough investigation of any intergovernmental investment pool is required prior to investing, and on an annual basis. The procedures for this rule shall include a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. A current prospectus must be obtained.

12. The Florida Local Government Surplus Funds Trust Funds (“Florida Prime”) A thorough investigation of the Florida Prime is required prior to investing, and on an annual basis. The procedures for this rule shall include a questionnaire that contains a list of questions, to be answered prior to investing, that cover the major aspects of any investment pool/fund. A current prospectus or portfolio report must be obtained.

B. General Investment and Portfolio Limits

1. General investment limitations:

- a. Investments must be denominated in U.S. dollars and issued for legal sale in U.S. markets.
- b. Minimum ratings are based on the highest rating by any one Nationally Recognized Statistical Ratings Organization (“NRSRO”), unless otherwise specified.
- c. All limits and rating requirements apply at time of purchase.
- d. Should a security fall below the minimum credit rating requirement for purchase, the Investment Advisor will notify the Director of Finance.
- e. The maximum maturity (or average life for MBS) of any investment is 5.50 years. Maturity and average life are measured from settlement date. The final maturity date can be based on any mandatory call, put, pre-refunding date, or other mandatory redemption date.

2. General portfolio limitations:

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- a. The maximum effective duration of the aggregate portfolio is three (3) years.
3. Investment in the following are permitted, provided they meet all other policy requirements:
 - a. Callable, step-up callable, called, pre-refunded, putable, and extendable securities, as long as the effective final maturity meets the maturity limits for the sector
 - b. Variable-rate and floating-rate securities
 - c. Subordinated, secured and covered debt, if it meets the ratings requirements for the sector
 - d. Zero coupon issues and strips, excluding agency mortgage-backed Interest-only structures (I/Os)
 - e. Treasury TIPS
 4. The following are NOT PERMITTED investments, unless specifically authorized by statute and with prior approval of the governing body:
 - a. Trading for speculation
 - b. Derivatives (other than callables and traditional floating or variable-rate instruments)
 - c. Mortgage-backed interest-only structures (I/Os)
 - d. Inverse or leveraged floating-rate and variable-rate instruments
 - e. Currency, equity, index and event-linked notes (e.g. range notes), or other structures that could return less than par at maturity
 - f. Private placements and direct loans, except as may be legally permitted by Rule 144A or commercial paper issued under a 4(2) exemption from registration
 - g. Convertible, high yield, and non-U.S. dollar denominated debt

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- h. Short sales
 - i. Use of leverage
 - j. Futures and options
 - k. Mutual funds, other than fixed-income mutual funds and ETFs, and money market funds
5. Equities, commodities, currencies and hard assets

(See chart on following pages.)

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Sector	Sector Maximum (%)	Per Issuer Maximum (%)	Minimum Requirement¹	Ratings	Maximum Maturity
U.S. Treasury	100%	100%	N/A		5.50 Years (5.50 Years avg. life ⁴ for GNMA)
GNMA		40%			
Other U.S. Government Guaranteed (e.g. AID, GTC)		10%			
Federal Agency/GSE: FNMA, FHLMC, FHLB, FFCB*	75%	40% ³	N/A		5.50 Years
Federal Agency/GSE other than those above		10%			
Corporates	25% ²	5%	Highest ST or Three Highest LT Rating Categories (A-1/P-1, A-/A3 or equivalent)		5.50 Years
Municipals	25%	5%	Highest ST or Three Highest LT Rating Categories (SP-1/MIG 1, A-/A3, or equivalent)		5.50 Years
Agency Mortgage-Backed Securities (MBS)	25%	40% ³	N/A		5.50 Years Avg. Life ⁴
Non-Negotiable Collateralized Bank Deposits or Savings Accounts	50%	None, if fully collateralized	None, if fully collateralized.		2 Years
Commercial Paper (CP)	25% ²	5%	Highest ST Rating Category (A-1/P-1, or equivalent)		270 Days
Bankers' Acceptances (BAs)	10% ²	5%	Highest ST Rating Category (A-1/P-1, or equivalent)		180 Days

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Sector	Sector Maximum (%)	Per Issuer Maximum (%)	Minimum Requirement¹	Ratings	Maximum Maturity
Repurchase Agreements (Repo or RP)	40%	20%	Counterparty (or if the counterparty is not rated by an NRSRO, then the counterparty's parent) must be rated in the Highest ST Rating Category (A-1/P-1, or equivalent) If the counterparty is a Federal Reserve Bank, no rating is required		1 Year
Money Market Funds (MMFs)	50%	25%	Highest Fund Rating by all NRSROs who rate the fund (AAAm/Aaa-mf, or equivalent)		N/A
Intergovernmental Pools (LGIPs)	50%	25%	Highest Fund Quality and Volatility Rating Categories by all NRSROs who rate the LGIP, (AAAm/AAAf, S1, or equivalent)		N/A
Florida Local Government Surplus Funds Trust Funds ("Florida Prime")	50%	N/A	Highest Fund Rating Categories by all NRSROs who rate the LGIP, (AAAm/AAAf, or equivalent)		N/A

Notes:

¹ Rating by at least one SEC-registered Nationally Recognized Statistical Rating Organization ("NRSRO"), unless otherwise noted. ST=Short-term; LT=Long-term.

² Maximum allocation to all corporate and bank credit instruments is 50% combined.

³ Maximum exposure to any one Federal agency, including the combined holdings of Agency debt and Agency MBS, is 40%.

⁴ The maturity limit for MBS is based on the expected average life at time of settlement, measured using Bloomberg or other industry standard methods.

* Federal National Mortgage Association (FNMA); Federal Home Loan Mortgage Corporation (FHLMC); Federal Home Loan Bank or its District banks (FHLB); Federal Farm Credit Bank (FFCB).

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XV. Derivatives and Reverse Repurchase Agreements

Investment in any derivative products or the use of reverse repurchase agreements is specifically prohibited by this investment policy, unless otherwise stated in Section XIV. A "derivative" is defined as a financial instrument the value of which depends on, or is derived from, the value of one or more underlying assets or indices or asset values.

XVI. Performance Measurements

In order to assist in the evaluation of the portfolio's performance, the School Board will use performance benchmarks for short-term and long-term portfolios. The use of benchmarks will allow the School Board to measure its returns against other investors in the same markets.

1. Investment performance of funds designated as short-term funds and other funds that must maintain a high degree of liquidity will be compared to the return on the S&P Rated GIP Index Government 30 Day Yield. Investments of current operating funds shall have maturities of no longer than twenty-four (24) months.
2. Investment performance of funds designated as core funds, Surplus Funds, and other non-operating funds that have a longer-term investment horizon will be compared to the Bank of America Merrill Lynch 1-3 Year U.S. Treasury/Agency Note Index and the portfolio's total rate of return will be compared to this benchmark. The appropriate index will have a duration and asset mix that approximates the portfolio and will be utilized as a benchmark to be compared to the portfolio's total rate of return.

XVII. Reporting

The Chief Business Officer shall provide the School Board with a quarterly and an annual investment report. The report should include the following:

1. A listing of individual securities held at the end of the reporting period
2. Percentage of available funds represented by each investment type
3. Coupon, discount or earning rate
4. Average life or duration and final maturity of all investments
5. Par value, and market value

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XVIII. Third-party Custodial Agreements

1. Securities, with the exception of certificates of deposits, shall be held with a third party custodian; and all securities purchased by, and all collateral obtained by, the School Board should be properly designated as an asset of the School Board. The securities must be held in an account separate and apart from the assets of the financial institution. A third party custodian is defined as any bank depository chartered by the Federal Government, the State of Florida, or any other state or territory of the United States which has a branch or principal place of business in the State of Florida as defined in Section 658.12, Florida Statutes, or by a national association organized and existing under the laws of the United States which is authorized to accept and execute trusts and which is doing business in the State of Florida. Certificates of deposits will be placed in the provider's safekeeping department for the term of the deposit.
2. The custodian shall accept transaction instructions only from those persons who have been duly authorized by the Chief Business Officer and which authorization has been provided, in writing, to the custodian. No withdrawal of securities, in whole or in part, shall be made from safekeeping, shall be permitted unless by such a duly authorized person.
3. The custodian shall provide the Chief Business Officer with safekeeping receipts that provide detail information on the securities held by the custodian. Security transactions between a broker/dealer and the custodian involving the purchase or sale of securities by transfer of money or securities must be made on a "delivery vs. payment" basis, if applicable, to ensure that the custodian will have the security or money, as appropriate, in hand at the conclusion of the transaction. Securities held as collateral shall be held free and clear of any liens.

XIX. Investment Policy Adoption

The investment policy shall be adopted by School Board resolution. The Chief Business Officer and the Director of Finance shall review the policy annually, and the School Board shall approve any modification made thereto.

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XX. Investment Procedures Manual

The procedures for this rule shall be contained within the District Investment Procedures Manual. The District Investment Procedures Manual shall include a glossary of cash and investment terms and the Investment Pool/ Fund Questionnaire. The Department of Business and Fiscal Services shall maintain and update the District Investment Procedures Manual as necessary.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.32, 1001.43, 1011.09, F.S.

HISTORY:

REVISED: 12/06/04, 08/25/09, 11/17/09, 12/16/14
FORMERLY: 2.2.3, 2.9.3.1.N

CHAPTER 7.00 - BUSINESS SERVICES

INDEBTEDNESS CREATED AGAINST A SCHOOL OR THE SCHOOL BOARD

7.36

Any school employee or other person shall be personally liable for creating any bill of indebtedness against a school or against the School Board unless authority exists under duly adopted policy of the School Board or unless authorized in writing by the Superintendent. Any employee violating the provisions of this rule shall be subject to cancellation of his or her contract or dismissal from employment.

STATUTORY AUTHORITY:

1001.41, 1001.42, 1012.23, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.22, F.S.

HISTORY:

**REVISED: 02/06/07
FORMERLY: NEW**

CHAPTER 7.00 - BUSINESS SERVICES

BONDED PERSONNEL

7.37*

Each School Board member, the Superintendent, and any employee of the School Board who is responsible for school funds or property shall be placed under a bond or insured in an amount to be determined by the School Board as provided in State Board of Education rules or state law.

STATUTORY AUTHORITY: 112.08, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 112.08, 1001.43, 1010.07, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.0692

HISTORY: FORMERLY: 2.2.2.I

CHAPTER 7.00 - BUSINESS SERVICES

FACSIMILE SIGNATURE

7.38

- I. In accordance with Florida Statutes, after filing a manual signature certified under oath, the Superintendent and Chairperson of the School Board may execute or cause to be executed a facsimile signature.
 - A. Any public security as permitted by Florida Statutes.
 - B. Any instrument of payment.
 - C. Any official order, proclamation, instrument of conveyance, or resolution, provided, however, that the same has been authorized by said School Board and such authorization be reflected in the minutes thereof.
 - D. Contracts with school personnel.
- II. Definitions as used in this policy are as follows:
 - A. Public security means a bond, note, certificates of indebtedness, or other obligation for the payment of money issued by the Board.
 - B. Instrument of payment means a check, draft, warrant, or order for the payment, delivery, or transfer of funds.
 - C. Instrument of conveyance means an instrument conveying any interest in real property.
 - D. Facsimile signature means a reproduction by engraving, imprinting, stamping, or other means of the manual signature of an authorized officer.
- III. The vice-chairperson shall have no authority to sign warrants or school documents except when he or she is required to assume the duties of the chairperson, in which case he or she shall be legally empowered to sign warrants and other legal documents as the chairperson would be empowered to sign.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 116.34, 1001.43, F.S.

HISTORY: **FORMERLY: NEW**
REVISED: 08/09/11

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FUND-RAISING FOR SCHOOL PROJECTS AND ACTIVITIES

7.40

All fund-raising projects and activities by schools or groups within the school shall contribute to the educational and extracurricular experiences of students and shall not be in conflict with the overall instructional program as administered by the Superintendent.

- I. Money derived from any school fund-raising project or activity shall be deposited in the school's internal funds account and shall be disbursed as prescribed by School Board rules and State Board of Education rules. A financial report must be filed with the principal after each fund-raising activity.
- II. Each school shall continuously evaluate its fund-raising projects and extracurricular activities of the school program, the promotion of education experiences, the time involved for students and teachers, and the additional demands made on the school community.
- III. The determination of the fund-raising projects and activities for a school shall be the responsibility of the principal and staff and shall conform to the following conditions and any directives by the Superintendent:
 - A. Fund-raising activities and projects within all schools shall be kept within a reasonable limit. Before approving any project or activity, the principal shall require full written justification of the need and explanation of the manner in which the funds will be expended.
 - B. Merchandising projects shall be kept to a minimum.
 - C. Any fund-raising activity which might expose the School Board to extraordinary liability requires advance approval of the Superintendent or designee.
 - D. Charitable Fund raising – Door-to-door fund raising drives or public solicitations for external organizations such as United Way, March of Dimes, or Red Cross shall not be conducted by students in Osceola District Schools. Such organizations are not permitted to organize students on campus or to distribute literature in schools encouraging student participation in door-to-door fund raising drives or public solicitation. The name of the school or any school organization will not be associated with charitable fund raising by mail, door-to-door, or public solicitation.

With the Principal's approval, schools and school organizations may make contributions of time, goods, and money to philanthropic, educational, and charitable causes of interest to the school. Such activities shall not conflict with the educational program.

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Fund-raising activities for the benefit of a private individual (e.g., sickness or financial hardship cases) must be approved by the Principal or other site administrator. Any fund-raising approved shall be conducted in a nonintrusive manner, and shall not be conducted during work hours.

- IV. A parent-teacher association or any other organizations connected with the school may sponsor fund-raising activities, provided schoolwork and time are not adversely affected. Such activities shall be conducted in accordance with School Board rules (see Rule 9.10). Unlawful activity shall be prohibited by any school group or on School Board property.
- V. Schools shall not raise funds through lotteries, raffles, and other activities of chance.
- VI. Admission Fees
 - A. Admission fees may be charged for school-sponsored events, such as athletic competitions, held during the regular school day under the following conditions:
 - B. Attendance is optional and voluntary,
 - C. Attendance is not required as part of any academic program or for credit in any class, and
 - D. Time in attendance for students participating in the programs shall not be used to meet or reduce FTE contract hours and mandated by law.
- VII. Door-to-door fund-raising by elementary and middle school students is prohibited.
- VIII. Individuals and business agencies shall not be subject to excessive annoyances from the solicitation of funds by school groups or school personnel. The solicitation of funds away from school shall require the principal's approval. When possible, all necessary money shall be raised for school needs without recourse to any solicitation away from the school. The principal shall approve a solicitation activity only when funds cannot be raised otherwise. This rule does not preclude private or volunteer contributions for athletic or other purposes.
- IX. Food and beverage services which are available to students shall be provided only during the school day by the food service program. However, school organizations approved by the School Board shall be permitted to sell food and beverage items to students as follows:

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- A. School organizations are authorized to conduct the sale of food and beverage items beginning thirty (30) minutes after the end of the official school day until midnight, as provided in policy 8.43, Competitive Sales Regulations.
- B. Food offered to students during the school day shall comply with the provisions of the district's Wellness Plan, the State Department of Agriculture and Consumer Services rules and the regulations from the United States Department of Agriculture.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.51, 1006.07, 1010.01, 1011.07, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.085, 6A-7.0411
FINANCIAL AND PROGRAM COST
ACCOUNTING AND REPORTING FOR
FLORIDA SCHOOLS (REDBOOK)
CH.7 SECTION 4.4(C)

HISTORY: REVISED: 10/21/08, 08/18/15, 08/15/17, 01/07/20
FORMERLY: 2.9, 2.9.3.4, E and G

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PAYMENT OF VOUCHERS/INVOICES

7.50

Disbursements for payment of vouchers and invoices shall be made by warrants or electronic transfers of the School Board. Authorization for such payments shall be deemed approved by the Board if within amounts approved in the Board-adopted District budget or amendment thereto. In cases of expenditures exceeding approved purchasing limits, specific School Board approval is required and shall be reflected in School Board minutes. The School Board shall not be required to approve individual warrants, themselves. Payment for purchases and services shall be made in a timely manner as set forth in Chapter 218, Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

218.72-75, 1001.43, 1001.51, 1011.06, F.S.

HISTORY:

FORMERLY: NEW

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PAYROLL PROCEDURES

7.51

- I. Payrolls shall be submitted for all School Board employees and shall be properly signed by a designated administrative employee. Such payrolls shall be supported, where applicable, by time records.
- II. Payroll checks or warrant distribution dates shall be established administratively to ensure that the employees are paid promptly in accordance with Florida Statutes.
- III. No payment shall be made except to properly authorized and approved personnel.
- IV. Payment shall be based on the duly adopted salary schedule for each position. No employee shall be paid for school-related duties directly by another organization or from school internal funds.
- V. Full time and part-time regular, probationary, and temporary employees shall be paid at the regular established pay period.
- VI. Principals shall be responsible for submitting accurate payrolls in accordance with the payroll time schedules and procedures.
- VII. Salary Corrections – Amounts overpaid to employees shall be recovered by deductions from subsequent salary payments within the same fiscal year that the error is discovered. The number of subsequent checks to be effected shall be no greater than the number of checks that contained the error. If an employee terminates prior to reimbursing the District in full, the remaining balance due to the School Board shall be deducted from the final check. In the event that the amount due to the School Board is greater than the final check, or if the overpayment occurred on a person who is no longer an employee, recovery shall be by direct reimbursement and shall be due and payable within thirty (30) days of notice of the amount due.
- VIII. A payroll deduction for an employee beyond those required by Florida Statutes shall have the Superintendent's approval and shall be made only upon the written request of the employee. An authorized payroll deduction may be initiated during any fiscal year in which the group or organization deduction authorization and the written request of the employee(s) are in the district office on or before the date established as the final date for the initiation of employee deductions. Insurance deductions shall not be granted to any group or organization unless such group or organization is approved by the Superintendent.

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- IX. Any employee organization certified by the Florida Public Employees Relations Commission as the official bargaining agent for a group of District employees may be entitled to a payroll deduction for membership dues. The organization may be billed annually for the cost of deducting and transmitting such dues to the organization.
- X. No payments shall be made for overtime services without prior approval of the Superintendent or designee.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **106.15, 1001.43, 1011.60, 1012.22, 1012.23, F.S.**

STATE BOARD OF EDUCATION RULE **6A-1.052**

HISTORY: **FORMERLY: 2.4.2, 2.9.1B and C, 2.9.3**

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TRAVEL EXPENSE REIMBURSEMENT

7.52*+

- I. Travel expenses incurred by employees or other authorized persons involved in conducting School Board business may be reimbursed when authorized by the Superintendent or the Board.
- II. Any person requesting reimbursement for travel expenses shall provide required documentation. No person shall receive reimbursement from the Board and from other sources for the same travel expense.
- III. Subsistence (meal) allowances, per diem rates, vehicle mileage rates, and other allowable travel reimbursement rates shall be established annually by the Superintendent, not to exceed the Federal Standard Rates.
- IV. The Superintendent shall establish uniform procedures to implement this policy and prescribe forms and procedures necessary for maintaining accurate, uniform records. Travel procedures shall ensure reasonable economy.
- V. Violation of this policy or falsification of required records shall be grounds for disciplinary action not excluding dismissal.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

112.061, 1001.39, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.056

HISTORY:

REVISED: 12/06/04
FORMERLY: 2.4.8, 2.9.3.3.G

CHAPTER 7.00 - BUSINESS SERVICES

DELINQUENT ACCOUNTS

7.53

The Superintendent is authorized to establish procedures for the collection of amounts owed to the District and for classifying receivables as uncollectible. Uncollectible accounts of one thousand dollars (\$1,000.00) or less may be written off with the Superintendent's approval. Individual receivables in excess of one thousand dollars (\$1,000.00) may be written off with the approval of the School Board.

STATUTORY AUTHORITY:

1001.41, 1001.42 F.S.

LAW(S) IMPLEMENTED:

1001.43, 1010.03, F. S.

HISTORY:

FORMERLY: 2.5.2

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AUDITS

7.60*

- I. District Audits
 - A. Periodic audits shall be made of accounts, records, financial practices, and program elements of the District, pursuant to Florida Statutes and State Board of Education rules.
 - B. The School Board shall select an independent auditor to perform the 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.
 1. The School Board shall establish an audit committee as required by Florida Statutes. This committee shall assist in selecting an auditor to conduct the annual financial audit.
 2. Selection of the financial auditor shall be pursuant to provisions in Section 218.391, Florida Statutes.
 3. The certified public accountant who coordinates the financial audit shall have completed twenty-four (24) hours of inservice training in government or governmental auditing as approved by the Board of Accountancy within the last three (3) years.
 4. At the conclusion of the audit fieldwork, the preliminary findings shall be discussed with the Superintendent or designee. The auditor's comments shall reflect items which are intended to be included in the final audit report.
 - C. Other auditors may be selected as permitted by law.
- II. Audits of Internal Accounts
 - A. Each principal shall report in writing or email to the auditor of internal accounts within twenty (20) working days of receiving an audit report. The written report shall address the audit report and any discrepancies cited therein.
 - B. The Superintendent may direct an audit of a school's internal accounts without prior notification. Such audits may be conducted by a School Board employee or an independent accounting firm.
 - C. Reference policy 7.32.

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- III. Nonfinancial audits shall be conducted by persons or entities qualified to conduct audits of the programs, functions, or services to be audited.
- IV. Results of all audits shall be provided to the Board for information and appropriate action consistent with law if action is required.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 11.45, 218.39, 218.391, 1001.42,
1001.43, 1008.35, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.087

HISTORY: FORMERLY: 2.9.3.4.D

CHAPTER 7.00 - BUSINESS SERVICES

ANTIFRAUD

7.65+

- I. The School Board of Osceola County will not tolerate fraud or the concealment of fraud.
- II. This policy applies to any fraud, suspected or observed, involving District employees, 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 School Board.
- III. Fraud includes, but is not limited to, knowingly misrepresenting the truth or concealment of a material fact in order to benefit personally 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.
 - 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.
 - F. Using District equipment or work time for any outside private business activity.
- IV. Any perceived fraud that is detected or suspected by any staff member or other person shall be reported immediately to Human Resource Services 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. Any investigation required shall be conducted without regard to the suspected wrongdoer's length of service, position/title, or relationship. Investigations shall be conducted in a confidential manner.

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- V. Violation of this policy may result in disciplinary action, termination of employment, termination of contract or legal action.
- VI. The Superintendent or designee shall develop procedures to implement this policy. Procedures shall include but not be limited to:
 - A. Employee notification and education;
 - B. Self-assessment of risk of fraud;
 - C. Reporting suspected or detected fraud;
 - D. Investigation of fraud;
 - E. Consequences and disciplinary action.
- VII. The Superintendent or designee shall prepare and present the procedures to the School Board for approval.
- VIII. The process for notifying the School District of suspected or detected fraud shall be available to all employees and the public.

STATUTORY AUTHORITY: 1001.32, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.42, 1001.421, 1001.43, F.S.

HISTORY:

ADOPTED: 02/06/07
REVISED: 02/07/12, 08/16/16
FORMERLY: NEW

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PURCHASING AND COMPETITIVE SOLICITATIONS

7.70*+

The Superintendent is directed to centralize the purchasing activities of the District within the guidelines and requirements of the State Board of Education. All purchases shall be made through the Purchasing Department of the District except to the extent expressly noted hereinafter.

The Superintendent shall publish a purchasing manual defining guidelines and procedures for conducting the function of purchasing in accordance with the policy stated herein and consistent with the State Board of Education and State Department of Agriculture and Consumer Services rules.

I. Purchase Orders and Contracts

A. School Board Approval Required

All contracts equal to or exceeding the amount requiring competitive solicitations according to the rules of the State Board of Education must be approved in advance by the School Board.

B. Purchase Orders

All purchases, except petty cash purchases and those otherwise authorized herein shall be based on purchase orders issued by the Purchasing Department of the School District. The Purchasing Department shall review and approve all purchase requisitions and issue all purchase orders that involve the expenditure of funds which are not internal funds, and shall review and approve all internal account purchase requisitions for purchases equal to or greater than three thousand dollars (\$3,000).

1. Pursuant to State Board of Education rule, the School Board designates the Superintendent and his designees in the Purchasing Department of the School District to approve purchase orders. All purchase orders must be issued through the School District Purchasing Department, and approved in writing by the Superintendent or his authorized designee in the Purchasing Department. The Superintendent or designee will not execute any purchase orders or contracts unless funds to cover the expenditure are authorized by the budget, have not been encumbered, and the purchase and purchasing procedure comply with all applicable rules and regulations. Purchase orders shall not be executed for transactions requiring a School Board-approved contract under Paragraph I.A. above unless and until the School Board has approved the contract.

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2. Notwithstanding the above, principals and other District level administrators are authorized to issue purchase orders from internal accounts. Internal accounts purchase orders of three thousand dollars (\$3,000) or more must be approved by the Purchasing Department.

C. Contracts

1. Principals and District Level Administrators are authorized to enter into contracts to be paid from or into internal funds up to the amount requiring competitive solicitations, and contracts which do not involve the expenditure of funds, so long as those contracts comply with this rule and other rules of the School Board or the Superintendent. The principal or District level administrator is authorized to enter into contracts, which involve the expenditure of school or Department budget funds which are not internal funds so long as those contracts do not exceed three thousand dollars \$3,000 in monetary impact. If the contract involves the expenditure of funds which are not internal funds and the monetary impact is greater than three thousand dollars (\$3,000) and less than the amount requiring competitive solicitations according to State Board of Education rule then the Superintendent or a person designated by the Superintendent in writing is authorized to approve the contract. If the monetary impact is greater than or equal to the amount requiring competitive solicitations according to State Board of Education rule, then all contracts must be approved in advance by the School Board.
2. The Superintendent is authorized to approve non-monetary contract amendments and contract amendments in the amount of ten (10) percent or \$25,000, whichever is less, of the original contract's amount that was previously approved by the School Board.
3. Contracts will be consistent with the best interests of the School District and will provide adequate financial protection for the District. The terms of the contracts will not violate the code of ethics for public officers and employees, Chapter 112, Florida Statutes. The School Board may adopt standard contract provisions which will be circulated to principals and administrators. If a contract is not consistent with the standard contract provisions, it must be approved by the School Board.

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D. State Price List

As required by Florida Statutes, consideration shall be given to the lowest price available under regulations of the Department of Management Services, Division of Purchasing.

E. Responsibility in the Development of Specifications and Evaluation Criteria for Commodities and Services Procured Through Competitive Solicitations

The Purchasing Department of the School District shall coordinate the development of specifications and evaluation criteria for the purchase of commodities, services, and construction projects through the competitive solicitation process and shall promote competition in order to obtain the best value for the District. The Purchasing Department shall work in consultation with other employees of the District and its consultants where necessary to develop specifications and evaluation criteria, and it shall be the responsibility of the Purchasing Department to assure to the greatest extent possible the standardization of specifications on a District-wide basis so that the greatest efficiency in volume purchasing may be achieved.

F. Scope of Transactions Covered by this Policy

For the purpose of this policy, the term *contract* shall mean any contract agreement, lease, or other pledge or encumbrance, and the term *purchase order* shall mean a purchase order on a form approved and signed by the Superintendent. In the case of both a *contract* and a *purchase order* the School Board is obligated to pay a sum of money in consideration of its receipt of any goods or products whether tangible or intangible, or services, except services performed by employees in the course of their employment with the Board, and travel reimbursements which are excluded from the scope of this policy. In determining whether a purchase exceeds any applicable threshold dollar value stated in this policy, including the value requiring competitive solicitations, it shall be improper to breakout into separate purchase orders any goods or services or combination of goods or services, which should reasonably be viewed as a single acquisition at the time of the initial purchase order.

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- G. Vendors, contractors, consultants, or their representatives shall not meet with, speak individually with, or otherwise communicate with School Board members, the Superintendent, or School District staff, other than the designated purchasing agent, and School Board members, the Superintendent, or School District staff, other than the designated purchasing agent, shall not meet with, speak individually with, or otherwise communicate with vendors, contractors, consultants, or their representatives, about potential contracts with the School Board once a competitive solicitation has been issued. Such communication with any party other than the designated purchasing agent shall be prohibited until the School Board has awarded the competitive solicitation.

Any such communication shall disqualify the vendor, contractor, or consultant from responding to the subject competitive solicitation.

II. Price Quotations

Except for items specifically exempted or provided for by the State Board of Education rules and items already on bid, written quotes shall be received from at least three (3) responsive vendors for all purchases between three thousand dollars (\$3,000) and the amount requiring competitive solicitations pursuant to the rules of the State Board of Education. Such quotes may include facsimile and email quotes.

III. Competitive Solicitations

Before any major districtwide initiatives are sent to Purchasing and/ or Facilities in order to initiate the procurement process, the District department or school administrator requesting the solicitation must first set a Board Workshop on the topic to inform the School Board of the request and to allow the School Board an opportunity for discussion, input, and approval prior to proceeding with the elected procurement process.

- A. An Invitation to Bid shall be requested for all authorized purchases equal to or exceeding the amount requiring competitive solicitations according to State Board of Education rule, or such lesser amount as may be established by the Superintendent, except those specifically exempted by State Board of Education rules, Department of Education guidelines, or Florida Statutes, unless the Superintendent deems it to be in the best interest of the District to solicit bids for these exempted items/services. Bids shall be publicly opened by the Purchasing Department at a preannounced time and place. The Purchasing Department shall evaluate the bids, in some cases with District staff members, departments, schools, and the District's consultants where necessary, and make a written recommendation to the

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Superintendent as to the acceptance of the bid from the lowest responsive, responsible bidder.

- B. The School Board may award contracts to the lowest, responsible bidder as the primary awardee and to the next lowest and responsible bidder(s) as alternate awardees provided that the awarding of multiple contracts is clearly stated in the bid solicitation documents.
- C. A Request for Proposal may be utilized if the Purchasing Director determines in writing that the use of an Invitation to Bid is not practicable and that a Request for Proposal is in the best interest of the School District. The Purchasing Director shall publish procedures for the development and evaluation process of Request for Proposal documents as a part of the Purchasing Manual published by the Superintendent. The School Board may award contracts to one or more responsive, responsible proposers in accordance with the selection criteria published in the Request for Proposal solicitation document.
- D. An Invitation to Negotiate may be utilized if the Purchasing Director determines in writing that the use of an Invitation to Bid and a Request for Proposal are not practicable and will not result in the best value to the School District. The Purchasing Director shall publish procedures for the development and evaluation process of Invitation to Negotiate documents as a part of the Purchasing Manual published by the Superintendent.
- E. A Request for Qualifications shall be utilized for services as outlined in Sections 255.103, 287.055, and 1013.45, Florida Statutes, and State Requirements for Educational Facilities (SREF), Chapter 4, as the same shall be amended from time to time. The Purchasing Director shall publish procedures for the development and evaluation process of Request for Qualifications documents as a part of the Purchasing Manual published by the Superintendent.
- F. Design-build contracts for construction projects shall be awarded in accordance with procedures issued by the Superintendent that provide for both a qualifications-based selection process that complies with the applicable subsections of section 287.055 of the Florida Statutes and a competitive proposal selection process. The Chief Facilities Officer or his designee shall recommend which selection process shall be utilized for each proposed construction project, subject to Board approval.
- G. All solicitations for school construction projects shall be the immediate responsibility of the Chief Facilities Officer. The centralized Purchasing Department shall conduct all purchasing activities pursuant to the

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requirements of this Rule 7.70, Florida Statutes, and the State Requirements for Educational Facilities adopted by the State Board of Education, including without limitation the Advertising, Bidding, and Awarding Contracts requirements of Chapter 4 thereof. The Purchasing Department shall consult with the Facilities and Maintenance Department staff for the development of scope and evaluation criteria for construction project solicitation documents. Preference may be made to materials, contractors, builders, architects, and laborers who reside within the county and state, whenever such materials can be purchased at no greater expense, or whenever location of the bidder/proposer is a factor in the selection process and undue weight is not given to this factor. All educational facility contractors must be pre-qualified or qualified during the solicitation process to place construction bids.

- H. The Board shall have the authority to reject any or all bids or proposals and request new ones. In the acceptance of bids or proposals, the Board shall act in compliance with State Board of Education rules.
 - I. All awards equal to or exceeding the threshold requiring competitive solicitations that relate to an Invitation to Bid, Request for Proposal, Invitation to Negotiate, or Request for Qualifications must be awarded by the School Board.
 - J. Items for which a District bid or contract has been awarded shall be purchased from the vendor to whom the bid has been awarded except in the situations and under the conditions as provided in procedures and manuals approved and authorized by the Superintendent.
 - K. Sealed bids, proposals or replies in response to a competitive solicitation shall be exempt from public inspection or copying as provided in Section 119.071, F.S. When documents are no longer exempt and may be copied, the fee for photocopying shall be in accordance with School Board Policy 3.51, Copying of Public Records. Original bids and quotations and the transmittal envelopes shall not be removed from the purchasing office.
- IV. Electronic Competitive Solicitations
- A. Electronic competitive solicitations may be utilized when the School Board determines it to be in the best interest of the District. All requirements for advance notification of the competitive solicitation specifications and date and time of the opening of the responses shall be met. All awards shall be made pursuant to the procurement policies of the School Board.

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- B. Multiple awards may be made provided that the solicitation documents clearly state this option.
 - C. Documentation of the competitive solicitation process shall be maintained for audit purposes.
- V. Resolution of Competitive Solicitation or Contract Award Protests
- A. The School Board shall follow the procedure specified in Florida Statutes, Section 120.57(3) and as the same may be amended from time to time for the resolution of protests arising from the competitive solicitation or contract award process.
 - B. The Purchasing Department shall provide notice of a decision or intended decision concerning a solicitation, contract award, or exceptional purchase by electronic posting.

The notice shall contain the following statement:

Failure to file a protest within the time prescribed in Section 120.57(3), Florida Statutes, or failure to post the bond or other security required by law within the time allowed for filing a bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes.

- C. Any person who is adversely affected by the intended award of a solicitation or contract by the School Board or the recommendation of the Director of Purchasing or other responsible employee of the School Board shall file with the Director of Purchasing as agent for the School Board a notice of protest in writing within 72 hours after the electronic posting of the award or intended decision, and shall file a formal written protest within ten (10) days after the date he or she has filed the notice of protest. With respect to a protest of the specifications contained in a solicitation, the notice of protest shall be filed in writing within 72 hours after the electronic posting of the solicitation, and the formal written protest shall be filed within ten (10) days after the date the notice of protest is filed. All formal written protests must be filed with a bond payable to the School District equal to 1% of the estimated contract amount (Florida Statute 287.042(2)(c)). Failure to file a notice of protest or failure to file a formal written protest and bond shall constitute a waiver of proceedings under Chapter 120, Florida Statutes. The School Board may, in its discretion, waive any procedural irregularity or defect in procedures so long as any opposing party is not materially prejudiced by such waiver. Saturdays, Sundays, and state holidays shall be excluded in the computation of the 72-hour and ten (10) day time periods

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provided by this paragraph. The notice of protest and formal written protest shall be filed in the Purchasing Department between the hours of 8:00 a.m. and 4:30 p.m. upon any day the office is open for business.

The provisions specified herein constitute the exclusive remedy for any adversely affected party with respect to a protest. The formal written protest shall state with particularity the facts and law upon which the protest is based.

- D. Upon receipt of the formal written protest which has been timely filed, the Purchasing Director shall stop the competitive solicitation process or the contract award process until the subject of the protest is resolved by final agency action, unless the School Board, by duly enacted resolution sets forth in writing the particular facts and circumstances which require the continuance of the competitive solicitation process or the contract award process without delay in order to avoid an immediate and serious danger to the public health, safety or welfare.

The School Board finds that a substantial interest in the public welfare is the timely award of contracts when required as a condition of receiving grants or funds from outside sources which will be in addition to the regular school budget.

- E. The Purchasing Director shall schedule a meeting to provide an opportunity to resolve the protest by mutual agreement between the parties within seven (7) days, excluding Saturdays, Sundays, and state holidays, after receipt of a formal written protest and bond.
- F. If the Purchasing Director cannot resolve the protest by mutual agreement within the seven (7) day period referred to in Paragraph V.E above, the School Board shall conduct an informal administrative hearing, under Section 120.57(2), Florida Statutes, acting as the agency head, where there are no disputed issues of material fact. The informal hearing shall be held with notice of no less than 72 hours, excluding Saturdays, Sundays, and legal holidays within thirty (30) days of receipt of the formal written protest and bond, unless the parties, with the consent of the School Board, agree to extend the time for the hearing. The School Board shall have the right to schedule the hearing subject to these provisions.

VI. Competitive Solicitation Requirements Waivers

The Purchasing Director may waive the requirements for competitive solicitations pursuant to the exemptions included in the rules of the State Board of Education; however, proposals in writing shall be requested for all such services.

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Proposals shall also be requested for contract services to students, including those for school pictures, graduation supplies and such items as class rings. Procedures for the procurement of such services shall conform to the Purchasing Manual published by the Superintendent.

VII. Pool Purchases

Pool purchases with other districts, the State Department of Education, or other governmental agencies are authorized if such purchasing is an advantage to the District. Pool purchases shall require agreements as stated in State Board of Education rule.

VIII. State Online Procurement

Purchases, when appropriate, may be made through approved state online procurement.

IX. Multi-year Contracts

Term contracts are subject to the availability of lawfully appropriated funds. Term contracts may be written from fiscal year to year where the following statement is included in the contract: The School Board's performance and obligation to pay under this contract is contingent upon an annual appropriation by the School Board.

The term *contract* when used in this section shall not apply to intergovernmental or inter-local agreements.

X. Hazardous Purchases

The purchase of chemicals must be approved by the Health/Safety Department. The purchase of specific athletic and playground equipment must be authorized through the Facilities Division Plan review and permit process to ensure that proper safety standards are met. Procedures shall be included in the Purchasing Manual published by the Superintendent.

XI. Emergency Purchase

The requirements for competitive solicitations may be dispensed with 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,

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the School 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 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.

XII. Purchasing Cards

The Superintendent, or his designee, is authorized to issue procedures governing the use of purchasing cards and to delegate authority to individuals to make purchases using the cards.

XIII. Suspension of Vendors

When a vendor has been found to be non-compliant with a contract, the Director of Purchasing or designee shall issue a letter to the vendor that identifies the issues and gives reasonable notice to correct. If the identified issue warrants immediate suspension or if the vendor continues to fail to perform in accordance with the contract terms, the Director of Purchasing may suspend the vendor for a period of up to 180 days where the vendor may not participate in any new business with the School District. The vendor may appeal the suspension to the Superintendent or designee within ten (10) business days of the receipt of the notice of suspension. Upon continued non-compliance with a contract or multiple contracts, the Director of Purchasing may recommend to the School Board to find the vendor in default. Whenever the School Board finds a vendor to be in default of a contract which the vendor has been previously awarded, then the vendor will be removed, for a period of up to two years, from all bid lists and will not be considered for any new awards during this period. At the end of this period, the vendor may re-apply for inclusion on bid lists and may be considered for any new awards.

XIV. Definitions

- A. "Competitive solicitation" shall be defined for the purposes of this rule to include purchasing made through the issuance of an invitation to bid, request for proposals, invitation to negotiate and request for qualifications. Competitive solicitations are not required for purchases made through the pool purchase provisions of Section 1006.27, F.S.
- B. "Invitation to bid" shall be defined for the purposes of this rule as a written solicitation for competitive sealed bids. The invitation to bid is used when the School District is capable of specifically defining the scope of work for which a contractual service is required or when the School District is

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capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.

- C. "Invitation to negotiate" shall be defined for the purposes of this rule as a written solicitation for competitive sealed replies to select one or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Purchasing Director determines that negotiations may be necessary for the School District to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- D. "Proposer" shall be defined for the purposes of this rule to include those vendors submitting bids or responses to a competitive solicitation.
- E. "Request for proposals" shall be defined for the purposes of this rule as a written solicitation for competitive sealed proposals to select one or more vendors for the procurement of commodities or contractual services. . The request for proposals is used when the Purchasing Director determines that proposals may be necessary for the School District to receive the best value. A written solicitation includes a solicitation that is publicly posted.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

112.312, 119.071, 120.57, 212.0821, 255.04,
287.017, 287.055, 287.057, 1001.42(12)(j), 1001.43,
1010.01, 1010.04, 1013.47, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.012, 6A-1.013

STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S):

5P-1.003

HISTORY:

REVISED: 12/06/04, 12/06/05, 02/06/07, 02/05/08,
02/05/08, 04/15/08, 11/17/09, 07/13/10,
08/09/11, 01/29/13, 08/18/15

FORMERLY: 2.2.2.F, 2.9.3.3

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SMALL BUSINESS PARTICIPATION PROGRAM

7.701+

I. Policy Statement

The School Board of Osceola County, Florida (the "School District") recognizes that small businesses are an essential part of the economy. Small businesses and the owners of the small businesses provide essential support to the education system operated by the School District. The School District seeks to encourage participation by small businesses in the School District's construction projects, the School District's procurement of goods and services, and professional services activities.

II. Definitions

A. Affiliates: Any entity:

1. having the ability to exercise control over the firm under review,
2. under control by the firm being reviewed, or
3. under the common control with the firm under review.

The affiliation rules promulgated by the Small Business Administration under 13 C.F.R. 121.103 may be used as a basis for affiliation analysis under this Program.

B. Board: The Board of the School District.

C. Certification: The process by which an applicant is determined to be a bona fide Small Business.

D. Construction and Construction Administrative Services: Construction services in the form of hard bid contractors, negotiated contracts, construction managers, design-build, and similar construction project delivery methods.

E. Construction Professional Services: Construction Professional Services to include bid and proposal administration, Owner's Authorized Representative (OAR) or other Services as identified and defined herein.

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- F. Contract: Any agreement with the School District for construction projects or for the procurement, lease or disposal Goods, or maintenance, installation, or other Services, including Professional Services, but not including leases of real property, employee benefits, taxes, judgments, agreements for travel, dues, pensions, utilities, subscriptions, automobile allowances, debt service requirements, artistic works, or postage.
- G. Domicile: The primary place of business for the entity pursuing certification as a Small Business must be within the State of Florida.
- H. General Professional Services: Services rendered by an independent contracting individual or firm having experience in a particular industry or subject matter due to specialized education, training, licensure, or skill, of advice, reports, conclusions, recommendations, or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities or of services not requiring any specialized education, licensing, training, or skill.
- I. Goods: Any supply, material, equipment, product, article, or thing that is purchased by the School District in the accomplishment of its responsibilities.
- J. Gross Profit: Sales revenue minus sales costs.
- K. Gross Revenue: The total amount of sales recognized for a reporting period, prior to any deductions.
- L. Immediate Family Member: Father, mother, husband, wife, son, daughter, brother, sister, grandfather, grandmother, father-in-law, mother-in-law, sister-in-law, brother-in-law.
- M. Net Worth: The sum of the fair market value of the interest owned in all assets by the individual(s) relied upon in determining Small Business status (if an asset is owned jointly as husband and wife, then fifty percent (50%) of the fair market value for that asset shall be counted if only one spouse participates in the firm being reviewed) minus the debt of the individual(s) (if debt is attributable to an asset owned jointly as husband and wife then fifty percent (50%) of the debt shall be counted if only one spouse participates in the firm being reviewed). For purposes of establishing Net Worth, the following items shall be excluded:
 - 1. the equity in the individual's Primary Residence up to \$500,000; and
 - 2. the equity of the individual in the business seeking Small Business status.

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- N. Net Worth Limitation: Seven Hundred Fifty Thousand and No/ 100 Dollars (\$750,000.00), except if the construction delivery method for a construction project is Construction Management (“CM”) or Construction Management at Risk (“CM@R”) then the Net Worth Limitation shall be One Million Five Hundred Thousand and No/ 100 Dollars (\$1,500,000.00). The Net Worth Limitation may be reviewed from time to time as deemed appropriate by the Superintendent and adjusted accordingly.
- O. Ownership and Control: Individual owners meeting the Net Worth Limitation set out herein of firms applying for Certification as an SB must own and control at least fifty-one percent (51%) of the applicant firm.
- P. Revenue Limitations:
1. Construction and Construction Administrative Services - \$7,500,000 in annual Gross Revenues averaged over the preceding three (3) years. Construction and Construction Administrative Services in projects utilizing CM or CM@R delivery methods.
 2. Construction Professional Services and General Professional Services - \$2,000,000 annual Gross Revenues averaged over the preceding three (3) years.
 3. Procurement of Goods and Services not including Professional Services included in 1 and 2 above - \$2,000,000 annual Gross Profit averaged over the preceding three (3) years.
- The Revenue Limitations and Gross Profit limitation amounts may be reviewed from time to time as deemed appropriate by the Superintendent and adjusted accordingly.
- Q. Services: The furnishing of labor, time, expertise, or effort, but does not include the rendition of Professional Services, employment, or collective bargaining agreements, or the providing of a tangible end product.
- R. Small Business (SB): An active operating business that is Domiciled in the State of Florida; meets the Revenue Limitations or Gross Profit Limitation; and is owned and controlled by one or more individuals whose personal net worth does not exceed the Net Worth Limitation.
- S. SB Direct Contract: A request or invitation for bids or proposals which is limited exclusively to SBs.

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- T. Superintendent: The Superintendent of the School District or the person or persons designated by the Superintendent of the School District to act in the Superintendent's behalf with respect to the issues delegated to the Superintendent by the School Board under this Policy.

III. Determination of General Goals

The Board shall establish annual percentage goals for the dollar value of work to be awarded to SBs in the covered procurement, contracting and professional services business of the School District. The goal may be modified or waived in the event there is insufficient availability of SBs for a particular procurement of goods and services, construction project, or professional services activities upon the concurrence of the Superintendent and counsel assigned to assist the School District with SB matters.

IV. Procedures to Promote Small Business Participation in School District Business Opportunities

The Superintendent shall designate one (1) or more Small Business Officers. The Small Business Officer(s) may also serve as Veteran business Officer(s). In order to ensure that SBs have an equitable opportunity to compete for Contracts and subcontracts, the Small Business Officer shall take steps to facilitate their involvement. These steps include:

- A. Notifying small business assistance organizations that School District contracting and subcontracting opportunities are available;
- B. Providing, upon request, plans and specifications to small business assistance organizations and, if available, veteran assistance organizations at reduced cost;
- C. Scheduling seminars to acquaint SBs with information on School District bid specifications, procurement policies, and general bidding requirements. These seminars may be combined with seminars for veteran owned businesses;
- D. Maintaining a SB directory and ensuring that the SB directory accurately reflects SBs available to compete for Contracts;
- E. Assisting in monitoring contractors' and subcontractors' compliance with SB commitments throughout the performance period of Contracts;
- F. Participating in pre-bid, pre-proposal, and pre-construction conferences to explain SB requirements and respond to questions; and

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- G. Providing assistance in resolving major procurement and contracting issues affecting SBs.

V. Procedures to Ascertain the Eligibility of Small Businesses

- A. In order to ensure that only bona fide SBs, and, if applicable, joint ventures involving SBs, benefit from this Program, SBs must be certified prior to submittal of their bids or proposals, and their certification must be updated upon request during Contract performance. Bids and proposals should include certification approval documentation. This information shall be used to verify the eligibility of SB firms who are named by the apparent successful bidder/ proposer, and, if applicable, joint ventures involving SBs who are the apparent successful bidder/ proposer.
- B. Prior to the award of each Contract which is subject to the procedures set forth in this Program, the School District's Small Business Officer shall determine whether each firm claiming SB status for a bid, proposal, or quotation to the School District, is certified properly as an SB in accordance with this SB Policy, and therefore eligible for award.
- C. After the bids are opened and prior to an award of the Contract, the School District may request, receive, and consider omitted and supplemental information from the bidders as to the certification status of SB firms, if applicable, and of any subcontractor, supplier, or joint venture in order to determine SB status.
- D. Firms who enter into Contracts with the School District should note that the School District reserves the right to approve all substitutions of subcontractors before award and during Contract performance. The School District shall require a Prime contractor to make good faith efforts to replace a SB that is terminated or has otherwise failed to complete its work on a Contract with another certified SB. The School District shall require the contractor to notify the Small Business Officer immediately of the SB's inability or unwillingness to perform and provide documentation as to the replacement firm's SB status or as to the contractor's good faith efforts, when appropriate, to utilize a SB to replace the non-performing SB. Acceptance of the proposed replacement SB subcontractor shall require the prior written approval of the Superintendent.

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VI. Certification

- A. Firms certified under certification programs analogous to this Program shall be deemed certified for purposes of this Program upon provision of their certification certificate or comparable evidence to the Small Business Officer. The Small Business Officer shall maintain a list of such programs for which the School District shall extend reciprocity.
- B. Firms seeking certification of eligibility as a SB must submit a completed application to the School District. Certification of eligibility must be completed, and certification must be acquired prior to submission of a bid, proposal, or quotation that includes participation of the firm seeking to contribute towards the satisfaction of SB goals.
- C. A denial of SB certification by the School District shall be communicated in writing, via certified mail, to the firm being denied certification.
- D. Any firm which believes that it has been wrongfully denied certification as a SB or joint venture involving SB(s), may file an appeal in accordance with the Appeals section of this Policy.

VII. Certification Eligibility Standards

- A. The firm seeking certification has the burden of demonstrating to the School District, by a preponderance of the evidence, that it is an active operating business that meets the Domicile requirement, the Revenue Limitations, or Gross Profit Limitation, and that it is owned and controlled by one or more individuals whose personal net worth does not exceed the Net Worth Limitation.
- B. Ownership
 - 1. In determining ownership of the firm, the School District shall consider all the facts in the record viewed as a whole, including the origin of all assets and how and when they were used in obtaining the firm. All transactions for the establishment and ownership (or transfer of ownership) must be in the normal course of business, reflecting commercial, and arms-length practices.
 - 2. To be an eligible SB, a firm must be at least fifty-one percent (51%) owned by individual owner(s) who meet the Net Worth Limitation set out herein. In the case of a partnership, fifty-one percent (51%) of each class of partnership interest must be owned by qualifying individual(s). Such ownership must be reflected in the firm's

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partnership agreement. In the case of a limited liability company, at least fifty-one percent (51%) of each class of member interest must be owned by qualifying individual(s).

3. The firm's ownership by qualifying individual(s), including their contribution of capital or expertise to acquire their ownership interest, must be real, substantial, and continuing, going beyond pro forma ownership of the firm as reflected in the ownership documents. Insufficient contributions include a promise to contribute capital, an unsecured note payable to the firm or an owner who is not a qualifying individual mere participation in a firm's activities as an employee, or capitalization not commensurate with the value for the firm.
4. The qualifying owner(s) must enjoy the customary incidents of ownership, and share in the risks and be entitled to the profits and loss commensurate with their ownership interests, as demonstrated by the substance, not merely the form, of arrangements. Any terms or practices that give a non-qualifying individual or firm a priority or superior right a firm's profits, compared to the qualifying owner(s), are grounds for denial.

C. Control

1. In determining whether qualifying owner(s) control a firm, the School District shall consider all the facts in the record, viewed as a whole. A SB firm must not be subject to any formal or informal restrictions which limit the customary discretion of the qualifying owner(s). There can be no restrictions through corporate charter provisions, by-law provisions, contractors or any other formal or informal devices that prevent the qualifying owners, without the cooperation or vote of any non-qualifying individual, from making any business decision of the firm.
2. The qualifying owner(s) must possess the power to direct or cause the direction of management and policies of the firm and to make day-to-day as well as long-term decisions on matters of management, policy, and operations. The qualifying owner(s) must hold the highest officer position in the company. In a corporation, the qualifying owner(s) must control the board of directors and in a partnership, one or more qualifying owners must serve as general partners, with control over all partnership decisions. In order for a partnership to be controlled by a qualifying individual, any non-qualifying partner(s) must not have the power to contractually bind

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the partnership or subject the partnership to contract or tort liability without the specific written concurrence of the qualifying partner(s). Generally, expertise limited to office management, administration, or bookkeeping functions unrelated to the principal business activities of the firm is insufficient to demonstrate control.

3. A qualifying individual may control a firm even though one or more of the individual's Immediate Family Members, who themselves are not qualifying individuals, participate in the firm as a manager, employee, owner, or in another capacity. However, the School District shall analyze the control of the qualifying owner(s) vis-à-vis the other person(s) involved in the business without regard to whether those person(s) are immediate family members. However, where the School District cannot determine that the qualifying owner(s) have control of the firm, distinct from the family as a whole, the qualifying owner(s) failed to meet their burden of proof concerning control.
4. Where a firm was formerly owned and/ or controlled by a non-qualifying individual, ownership and/ or control were transferred to a qualifying individual and the non-qualifying individual remains involved with the firm in any capacity, there is a rebuttable presumption of control by the non-qualifying individual unless the qualifying individual now owning the firm demonstrates by clear and convincing evidence that (1) the transfer of ownership and/ or control to the qualifying individual was made for reasons other than obtaining certification; and (2) the qualifying individual actually controls the management, policy, and operations of the firm, notwithstanding the continuing participation of a non-qualifying individual who formerly owned and/ or controlled the firm.

VIII. Cooperation

- A. All participants in the School District's SB Program, including SB-certified firms, applicants for SB certification, complainants and appellants, and contractors using SB firms to meet Contract goals, are required to cooperate fully and promptly with the School District's compliance reviews, certification review, investigations, and other requests for information. Failure to do so shall be a ground for appropriate action against the party involved, including but not limited to, denial of certification or removal of eligibility and findings of non-responsibility on future Contracts.

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IX. Small Business Participation; Good Faith Efforts

- A. A bidder/ proposer must submit to the School District at bid/ proposal submission all SB information requested by the School District in the bid/ proposal documents. Continuing service contractors shall be required to submit a statement or plan to indicate how the continuing contractor plans to meet SB goals throughout the term of the Contract.
- B. Contractors meeting the SB participation Contract goal need not submit good faith documentation. If the bidder/ proposer fails to meet the SB goal, the School District shall require bidder/ proposer to submit evidence of good faith efforts to reach the goal, which evidence includes, but is not limited to, the following:
1. The name and title of the person responsible for the bidder/ proposer's good faith efforts to reach the goal;
 2. Providing evidence of attendance at pre-bid/ pre-proposal meeting, if any, scheduled by the School District to inform SBs of subcontracting opportunities under a given Contract;
 3. Providing a list of SB firms contacted;
 4. Providing copies of written correspondence to SBs that their bid is being solicited, as well as certified return receipts to prove receipt or the reason for non-delivery; proof of e-mails to whom the document was sent, the date when sent, and whether the transmission was successful;
 5. Providing evidence of information provided to the SB firms about the specific work the contractor intends to subcontract. Bidders/ proposers shall identify commercially useful portions of the work which are consistent with normal industry practice, which may be performed by SBs. Bidders/ proposers shall make reasonable efforts to divide the work elements into bid packages which are well-suited to SB participation;
 6. Providing evidence that bidder/ proposer provided interested SBs with assistance in reviewing the Contract plans, specifications, and the terms and conditions of the general Contract, subcontract, and addenda;
 7. Providing evidence that the bidder/ proposer provided SBs prompt notice of addenda affecting specific trade contractors;

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8. Provide evidence that bidder/ proposer made follow-up inquiries after initial solicitations of interest from SBs showing a genuine effort to engage their services. Bidder/ proposer shall maintain documentation of the date, time and name of individuals contacted. A telephone log containing the name of the companies called, the specific individuals called, the date and time called is acceptable documentation of this activity;
9. Providing a list of quotes submitted by SB firms contacted;
10. Providing documentation as to why SBs that submitted quotes were not utilized; and
11. For those instances where a non-SB subcontractor is selected for a scope of work for which SB bids were submitted, the bidder/ proposer shall submit records of all quotations received from SBs and from the selected non-SB subcontractor, documentation to evidence good faith negotiations with SBs, and provide an explanation of the reasons why the SBs were not selected.

X. Evaluation of Good Faith Efforts

- A. In order to ensure that bidders/ proposers comply with the School District's SB Program, successful contractors must either meet the SB participation goal for a specific Contract or demonstrate good faith efforts to meet SB the goal. Within two (2) business days after receipt of a request from the School District, bidders/ proposers failing to meet the SB Contract goal must submit documentation of the good faith effort they made before submission of their bid/ proposal. In evaluating good faith efforts, the School District determines whether the bidder/ proposer made reasonable efforts, prior to submission of the bid/ proposal, to achieve SB goal. The School District may evaluate not only the different kinds of efforts made by a bidder/ proposer, but also the quality and intensity of those efforts. Efforts made by the bidder/ proposer, after the deadline to submit the bid/ proposal to meet the SB goal, shall not be considered by the School District.
- B. In addition to the documentation listed in Section VII above, the School District may consider the following information in evaluation of the bidder's/ proposer's good faith efforts:
 1. Efforts made by bidder/ proposer to select portions of the work proposed to be performed by SBs in order to increase the likelihood of achieving the stated goal;

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2. Whether other bidders/ proposers met the Contract goal relating to the utilization of SB subcontractors; and/ or
3. Bids/ proposals submitted which do not meet the SB goal and for which the bidder/ proposer does not show that, prior to the submission of the bid/ proposal, bidder/ proposer made good faith efforts to achieve the stated goals shall be recommended for consideration as non-responsive and the bidder/ proposer shall not be eligible for award of the Contract.

XI. Appeals

- A. In the event the Small Business Officer recommends that a bid/ proposal be rejected for failing to meet the School District's participation goals and failing to demonstrate a good faith effort, the Small Business Officer shall promptly provide a written explanation of the basis for rejection. A bidder/ proposer may appeal the Small Business Officer's determination to the Superintendent within five (5) business days after receipt of notice of rejection. The appeal must be filed in writing to the Superintendent.
- B. In the event a firm is denied SB Certification, the Small Business Officer shall promptly provide a written explanation of the basis for denial. A firm denied Certification may appeal the determination to the Superintendent within five (5) business days after receipt of the written explanation of the basis for denial. The appeal must be filed in writing to the Superintendent.
- C. All appeal decisions made by the Superintendent are administratively final and are not subject to petitions for reconsideration.

XII. Procedures by Which the School District May Implement Small Business Direct Contacts

- A. The School District may implement direct Contracts exclusively for SB participation for Construction, Goods and Services procurement and Professional Services. The Small Business Officer may recommend which construction Contracts, Goods and Services procurement Contracts and Professional Services shall, or are likely to, attract meaningful competition from SB firms capable of meeting the Contract specifications. Consequently, the School District may use direct contracting techniques when necessary to meet SB goals and/ or stimulate the SB Program provided that the following conditions exist:

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1. At least three (3) SBs capable of performing the Contract are available;
 2. The School District has determined that the Contract should be a direct Contract in order to meet SB goals and/ or stimulate the SB Program, and;
 3. Consultation with the appropriate department (e.g. Purchasing, Engineering, Construction, Commercial Properties, Concessions, etc.) is conducted to determine if a direct Contract shall be appropriate.
- B. The School District shall state in its solicitation if a particular Contract shall be a direct Contract with SBs.
- C. SBs interested in bidding or proposing on School District direct Contracts must submit SB status verification in accordance with the instructions provided in the Contract documents.

XIII. Counting Small Business Participation Toward Meeting Small Business Goals

- A. In non-direct Construction, Professional Service, and Goods and Services bids/ proposals which carry an SB goal, the portion of the contract not subcontracted by an SB bidder/ proposer shall be counted as SB participation.
- B. When a SB subcontracts part of the work of its contract to another firm, the value of the subcontracted work may not be counted toward SB participation goals unless the SB subcontracts to another SB firm on a Contract which allows participation in the second tier to be counted.
- C. In projects utilizing a Construction Manager (“CM”) or Construction Manager at Risk (“CM@R”) method of delivery, the CM@R selection shall include an SB participation goal as established by the Board. For satisfying the goals established, the participation to be counted shall include participation at the first and second tier subcontract levels.
- D. Where SB subcontractors are certified material suppliers, the participation credited shall be the dollar amount equal to sixty percent (60%) of the dollar value of the Goods purchased from the SB supplier. However, where the SB is also certified as a manufacturer and is the manufacturer of the product supplied, bidders shall receive credit for one hundred percent (100%) of the dollar amount of the product supplied.

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If the SB provides Goods, SB participation shall be counted at one hundred percent (100%) if the supplier is certified as a manufacturer and is a manufacturer of the supplies or certified as a dealer and is a dealer that owns, operates, or maintains a store, warehouse, or other establishment which may include distribution systems for bulk items, in which the materials, supplies, articles, or equipment of the general character described in the specifications required under Contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business.

- E. For the purposes of counting SB participation, Veteran Business Enterprises (“VBEs”) certified in accordance with the School District’s VBE Policy shall count towards SB participation goals if authorized by the Board in accordance with the School District’s VBE Policy.
- F. The degree of goal attainment by joint ventures between SB firms between SB and majority firms shall be calculated as follows:
 - 1. A joint venture consisting of an SB and majority firm functioning as a prime contractor shall be credited with the SB participation on the basis of the percentage of the dollar value of the work to be performed by the SB;
 - 2. In joint venture bids/ proposals in which all joint venture participants are SBs, the joint venture shall be credited with SB participation for that portion of the dollar amount of the Contract which they perform, and that portion subcontracted to SB firms.

XIV. Small Business Joint Ventures

- A. An SB subcontractor/ subconsultant or provider of Goods may be a joint venture, however, the following shall apply:
 - 1. a SB must own at least fifty-one percent (51%) of the joint venture;
 - 2. the qualifying individual’s personal Net Worth must not exceed the Personal Net Worth Limitation; and
 - 3. the qualifying individual must exercise control and manage the operations of the business on a daily basis.

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XV. Monitoring and Enforcement Mechanisms

- A. The School District may require contractors to submit information certifying work performed by and payment made to SB subcontractors on each contract. The School District retains the right to audit a contractor's books and records to determine the accuracy of the information reported. In the event the School District determines a contractor has failed to comply with the SB participation submitted by contractor and accepted by the School District, the School District may, in its discretion, require contractor to comply, default the contractor pursuant to the School District's contract provisions, disqualify contractor from consideration for award of future District contracts or proceed in any manner which the School District deems reasonable.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 112.312, 119.071, 120.57, 212.0821, 255.04, 287.017, 287.055, 287.057, 1001.42(12)(j), 1001.43, 1010.01, 1010.04, 1013.47, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.012, 6A-1.013

STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S): 5P-1.003

UNITED STATES REGULATIONS: 13 C.F.R. 121.103

HISTORY: ADOPTED: 05/17/22

REVISION DATE(S): N/A

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VETERAN BUSINESS ENTERPRISE PROGRAM

7.702+

I. Policy Statement

The Veteran Business Enterprise (VBE) Program (Program) of the School District of Osceola County, Florida (the "School District") is designed to promote the development of businesses owned and operated by Veteran individuals as defined herein and to ensure opportunities for these firms to compete for work at its facilities. The Program shall seek to provide business opportunities to VBEs in the School District's construction contracting, procurement, and professional services activities.

II. Definitions

- A. Board: The Board of the School District.
- B. Certification: The process by which an applicant is determined to be a bona fide Veteran Owned Business.
- C. Certification Area: The State of Florida.
- D. Construction and Construction Administrative Services: Construction services in the form of hard bid contractors, negotiated contracts, construction managers, design-build, and similar construction project delivery methods.
- E. Construction Professional Services: Construction Professional Services to include bid and proposal administration, Owner's Authorized Representative (OAR) or other Services as identified and defined herein.
- F. Contract: Any agreement with the School District for construction projects, the purchase, lease or disposal of Goods, maintenance, installation, or other Services, including Professional Services. Real property, space use permits, employee benefits, taxes, judgments, agreements for travel, dues, pensions, utilities, subscriptions, auto allowances, debt service requirements, or postage are not included in this Program.

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- G. General Professional Services: Services rendered by an independent contracting individual or firm having experience in a particular industry or subject matter due to specialized education, training, licensure, or skill, of advice, reports, conclusions, recommendations, or other outputs resulting from the time and effort of the service provider, as opposed to the acquisition of specific commodities or of services not requiring any specialized education, licensing, training, or skill.
- H. Goods: Any supply, material, equipment, product, article, or thing that is purchased by the School District in the accomplishment of its responsibilities.
- I. Primary Residence: A place of abode which is recognized and intended to be maintained as the person's principal residence. Persons maintaining other places of abode in another state, or outside of the U.S., may manifest evidence of their Primary Residence to the School District by submitting a certified copy of a sworn statement, filed pursuant to §222.17, Florida Statutes, as to what residence constitutes their predominant and principal residence and that they intend to continue it permanently as such.
- J. Services: The furnishing of labor, time, expertise, or effort, not including the rendition of Professional Services, employment, or collective bargaining agreements, or the providing of a tangible end product.
- K. Superintendent: The Superintendent of the School District or the person or persons designated by the Superintendent to act on their behalf with respect to issues delegated to the Superintendent's authority in this Program.
- L. Veteran: An individual who has served in any branch of the United States Armed Forces as determined by the United States Department of Veteran Affairs or Florida Department of Management Services.
- M. Veteran Business Enterprise or VBE: A business that has been certified by the United States Department of Veteran Affairs or the State of Florida Department of Management Services- Florida Office of Supplier Diversity.
- N. VBE Direct Contract: A request for bids or proposals which is limited exclusively to VBES.

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III. Determination of General Goal and Project Participation

The Board shall establish annual percentage goals for the dollar value of work to be awarded to VBEs in the covered procurement, contracting and professional services business of the School District. The goal may be modified or waived in the event there is insufficient availability of VBEs for a particular procurement of goods and services, construction project, or professional services activities upon the concurrence of the Superintendent and counsel assigned to assist the School District with VBE matters.

IV. Procedures to Promote Veteran Business Enterprise Participation in School District Business Opportunities

The Superintendent shall designate one or more Veterans Business Officers which may be the same as Small Business Officer(s). In order to ensure that VBEs have an equitable opportunity to compete for Contracts and subcontracts, the Veterans Business Officer shall take steps to facilitate their involvement. These steps include:

- A. Notifying small business assistance organizations and if available veteran business assistance organizations that District contracting and subcontracting opportunities are available;
- B. Providing, upon request, plans and specifications to small business assistance organizations and if available veteran assistance organizations at reduced cost;
- C. Scheduling seminars to acquaint VBEs with information on District bid specifications, procurement policies, and general bidding requirements. These seminars may be combined with seminars for small businesses;
- D. Maintaining a VBE directory and ensuring that the VBE directory accurately reflects VBEs available to compete for Contracts;
- E. Assisting in monitoring contractors' and subcontractors' compliance with commitments throughout the performance period of Contracts;
- F. Participating in pre-bid/ pre-proposal conferences to provide firms with an opportunity to ask questions about VBE requirements; and
- G. Providing assistance in resolving major procurement and contracting issues affecting VBEs.

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V. Procedures to Ascertain the Eligibility of Veteran Business Enterprises

- A. In order to ensure that only bona fide VBEs benefit from this Program, VBEs must be certified prior to submittal of their bids or proposals, and their certification must be updated upon request during Contract performance. Bids and proposals should include certification evidence documentation. This information shall be used to verify the eligibility of firms claiming VBE status, and if applicable, joint ventures involving VBEs. Specifically, if a firm wishes to be considered a Veteran Business Enterprise under the School District's VBE Program, the VBE must provide evidence of current VBE certification from either United States Department of Veteran Affairs or the State of Florida Department of Management Services- Florida Office of Supplier Diversity. The School District's Small Business Officer and staff may independently verify the firm's VBE certification.
- B. Prior to the award of each Contract which is subject to the procedures set forth in this Program, the School District Small Business Officer shall determine whether each firm claiming VBE status and submitting its bid, proposal, or quotation to the School District is properly certified as a VBE.
- C. After the bids are opened and prior to an award of the Contract, the School District may request, receive, and consider omitted and supplemental information from the bidders as to the Certification status of VBE firms, if applicable, and of any subcontractor, supplier, or joint venture in order to determine VBE status.
- D. Firms who enter into Contracts with the School District should note that the School District reserves the right to approve all substitutions of subcontractors before award and during Contract performance. The School District shall require a Prime contractor to make good faith efforts to replace a VBE that is terminated or has otherwise failed to complete its work on a Contract with another certified VBE. The School District shall require the contractor to notify the Small Business Officer immediately of the VBE's inability or unwillingness to perform and provide documentation as to the replacement firm's VBE status or as to the contractor's good faith efforts, when appropriate, to utilize a VBE to replace the non-performing VBE. Acceptance of the proposed replacement VBE subcontractor shall require the prior written approval of the Superintendent.

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VI. Veteran Business Enterprise Participation and Good Faith Efforts

- A. A bidder/ proposer must submit to the School District at bid/ proposal submission all VBE information requested by the School District in the bid/ proposal documents. Continuing service contractors will be required to submit a statement or plan to indicate how the continuing contractor plans to meet VBE goals throughout the term of the Contract.
- B. Contractors meeting the VBE participation Contract goal need not submit good faith documentation. If the bidder/ proposer fails to meet the VBE goal, the School District will require bidder/ proposer to submit evidence of good faith efforts to reach the goal, which evidence includes, but is not limited to, the following:
1. The name and title of the person responsible for the bidder/ proposer's good faith efforts to reach the goal;
 2. Providing evidence of attendance at pre-bid/ pre-proposal meeting, if any, scheduled by the School District to inform VBEs of subcontracting opportunities under a given Contract;
 3. Providing a list of VBE firms contacted;
 4. Providing copies of written correspondence to VBEs that their bid is being solicited, as well as certified return receipts to prove receipt or the reason for non-delivery; proof of e-mails to whom the document was sent, the date when sent, and whether the transmission was successful;
 5. Providing evidence of information provided to the VBE firms about the specific work the contractor intends to subcontract. Bidders/ proposers shall identify commercially useful portions of the work which are consistent with normal industry practice, which may be performed by VBEs. Bidders/ proposers shall make reasonable efforts to divide the work elements into bid packages which are well-suited to VBE participation;
 6. Providing evidence that bidder/ proposer provided interested VBEs with assistance in reviewing the Contract plans, specifications, and the terms and conditions of the general Contract, subcontract, and addenda;
 7. Providing evidence that the bidder/ proposer provided VBEs prompt notice of addenda affecting specific trade contractors;

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8. Providing evidence that bidder/ proposer made follow-up inquiries after initial solicitations of interest from VBEs showing a genuine effort to engage their services. Bidder/ proposer shall maintain documentation of the date, time, and name of individuals contacted. A telephone log containing the name of the companies called, the specific individuals called, and the date and time called is acceptable documentation of this activity;
9. Providing a list of quotes submitted by VBE firms contacted;
10. Providing documentation as to why VBEs that submitted quotes were not utilized; and
11. For those instances where a non-VBE subcontractor is selected for a scope of work for which VBE bids were submitted, the bidder/ proposer shall submit records of all quotations received from VBEs and from the selected non-VBE subcontractor, documentation to evidence good faith negotiations with VBEs, and provide an explanation of the reasons why VBEs were not selected.

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VII. Evaluation of Good Faith Efforts

- A. In order to ensure that bidders/ proposers comply with the School District's VBE Program, successful contractors must either meet the VBE participation goal for a specific Contract or demonstrate good faith efforts to meet the VBE goal. Within two (2) business days after receipt of a request from the School District, bidders/ proposers failing to meet the VBE Contract goal must submit documentation of the good faith effort they made before submission of their bid/ proposal. In evaluating good faith efforts, the School District determines whether the bidder/ proposer made reasonable efforts, prior to submission of the bid/ proposal, to achieve the VBE goal. The School District may evaluate not only the different kinds of efforts made by a bidder/ proposer, but also the quality and intensity of those efforts. Efforts made by the bidder/ proposer, after the deadline to submit the bid/ proposal to meet the VBE goal, will not be considered by the School District.
- B. The School District may consider the following information in evaluation of the bidder's/ proposer's good faith efforts:
1. Efforts made by bidder/ proposer to select portions of the work proposed to be performed by VBEs in order to increase the likelihood of achieving the stated goal;
 2. Whether other bidders/ proposers met the Contract goal relating to the utilization of VBE subcontractors;
 3. Bids/ proposals submitted which do not meet the VBE goal and for which the bidder/ proposer does not show that, prior to the submission of the bid/ proposal, bidder/ proposer made good faith efforts to achieve the stated goals will be recommended for consideration as non-responsive and the bidder/ proposer will not be eligible for award of the Contract.

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VIII. Appeals

- A. In the event the Small Business Officer recommends that a bid/ proposal be rejected for failing to meet the School District's participation goals and failing to demonstrate a good faith effort, the Small Business Officer shall promptly provide a written explanation of the basis for rejection. A bidder/ proposer may appeal the Small Business Officer's determination to the Superintendent within five (5) business days after receipt of notice of rejection. The appeal must be filed in writing to the Superintendent.
- B. All appeal decisions made by the Superintendent are administratively final and are not subject to petitions for reconsideration.

IX. Counting Veteran Business Enterprise Participation

- A. In competitions for construction, professional service, and Goods and Services bids/ proposals which VBE contract goal participation, all bidders/ proposers but not including VBE bidders/ proposers, shall meet the VBE participation goal through first tier participation unless otherwise stated in the bid/ proposal documents. In construction management projects, the contract goal participation may be met through first or second tier Participation.
- B. If the VBE provides materials or supplies to the prime contractor in a construction contract, the participation credited shall be the dollar amount equal to sixty percent (60%) of the dollar value of the product unless the VBE is the manufacturer of the product supplied; in which case, bidders should receive credit for 100% of the dollar amount of the product supplied.
- C. If the VBE provides Goods, VBE participation shall be counted at 100% if the supplier is a manufacturer of the supplies or a dealer that owns, operates, or maintains a store, warehouse, or other establishment which may include distribution systems for bulk items, in which supplies, articles, or equipment of the general character described in the specifications required under Contract are bought, kept in stock and regularly sold or leased to the public in the usual course of business. There shall be no credit where the VBE simply acts as a broker of Goods.

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X. Veteran Business Enterprise Joint Ventures

- A. A VBE subcontractor/ subconsultant or provider of Goods may be a joint venture, however the following shall apply: a VBE must own at least 51% of the joint venture and they must exercise Control and manage the operations of the business on a daily basis.
- B. The Superintendent shall determine on a case-by-case basis if joint ventures shall be allowed to bid/ propose on VBE procurements. Such determination shall be clearly stated in bid/ proposal documents.

XI. Monitoring and Enforcement Mechanisms

- A. The School District may require contractors to submit information certifying work performed by and payment made to SB subcontractors on each contract. The School District retains the right to audit a contractor's books and records to determine the accuracy of the information reported. In the event the School District determines a contractor has failed to comply with the SB participation submitted by contractor and accepted by the School District, the School District may, in its discretion, require contractor to comply, default the contractor pursuant to the School District's contract provisions, disqualify contractor from consideration for award of future District contracts or proceed in any manner which the School District deems reasonable.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 112.312, 119.071, 120.57, 212.0821, 255.04, 287.017, 287.055, 287.057, 1001.42(12)(j), 1001.43, 1010.01, 1010.04, 1013.47, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.012, 6A-1.013

STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S): 5P-1.003

UNITED STATES REGULATIONS: 13 C.F.R. 121.103

HISTORY: ADOPTED: 05/17/22

REVISION DATE(S): N/A

CHAPTER 7.00 - BUSINESS SERVICES

SELECTING PROFESSIONAL SERVICES

7.71

In accordance with state law, architectural and engineering services shall be solicited through an application procedure. Except in emergency situations, the Board shall publish a legal advertisement in a local newspaper of wide circulation, describing the project or projects for which services are required and specifying the application procedure. A professional services contract shall be negotiated and recommended to the Board.

The Superintendent or designee may authorize outside consultants to provide professional reviews, assistance, or training to divisions, departments, or schools.

Full or part-time employees of the Board shall not contract for additional services to the Board as program consultants.

STATUTORY AUTHORITY: 1001.42, F.S.

LAW(S) IMPLEMENTED: 287.055, 1001.43, 1001.51, 1011.06, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.012, 6A-2.0010

HISTORY: REVISION(S): 12/06/05, 02/06/07, 10/21/08, 07/13/10
FORMERLY: 7.10

CHAPTER 7.00 - BUSINESS SERVICES

ACQUISITION, USE, AND EXCHANGE OF SCHOOL PROPERTY 7.72

- I. Acquisition
 - A. All property purchased through District funds, internal funds, or donations from outside sources shall be acquired using District purchasing procedures.
 - B. All property, including vehicular equipment, shall be under the full control and name of the School Board.
 - C. All property with a value consistent with the provisions of Florida Statute 274.02, acquired through internal accounts or donations, shall be reported immediately by the principal or work site supervisor to the designated property records office on the prescribed forms.
 - D. Principals and work site supervisor shall be responsible for determining that all property is identified and accounted.
- II. Exchange - Each principal and work site supervisor shall determine the property needs for his or her school or department. The principal or District department head shall declare any property which is not needed, upon approval of the designated property control office, and may requisition additional property through proper procedures.
 - A. Surplus property shall be reported on proper forms to the designated Property Records office which shall be responsible for acquiring and storing the surplus property.
 - B. Property items with a value as established in I.C. above may be exchanged between District departments when approval is granted by the designated property records office and subsequently by the appropriate District department head. Notification of each approval shall be filed in writing with the designated property records office to adjust property records of schools and District departments.
 - C. School Board equipment may be used by employees away from School Board property under certain conditions when prior approval is obtained from the principal or District department head. These conditions include familiarization with the equipment for instructional purposes or improvement of job performance. The Property Records office shall be notified if the property will be used away from School Board property for longer than five (5) days.

CHAPTER 7.00 - BUSINESS SERVICES

- D. School Board equipment shall not be used for gainful outside employment or private use of employees or by any outside group or organization.
- III. Acquisition of real property is not included under this policy.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 273.01, 274.02, 1001.43, 1011.06, F.S.

HISTORY: REVISED: 12/06/04
FORMERLY: 2.9.3.3.M

CHAPTER 7.00 - BUSINESS SERVICES

ACQUISITION OF REAL PROPERTY

7.73

The provisions of Florida Statute will be followed in the proposed purchase of real property by Board.

STATUTORY AUTHORITY: **1001.41, 1001.42, F.S.**

LAW(S) IMPLEMENTED: **1001.43, 1001.44, 1013.14, F.S.**

HISTORY: **FORMERLY: 2.2.2.F(6)**

CHAPTER 7.00 - BUSINESS SERVICES

LEASE AND LEASE-PURCHASE OF LAND, FACILITIES AND EQUIPMENT

7.74

The Superintendent shall make recommendations to the School Board regarding any offer received from a person or entity for the lease or lease-purchase of any land owned by the District.

- I. The lessee shall state in writing how the land will be used for educational purposes.
- II. The Superintendent's recommendation shall include
 - A. The location and description of the land and its present use;
 - B. The long-range plan for its use;
 - C. The stated use of the land by the prospective lessee;
 - D. The fair market value of the parcel, as determined pursuant to State Board of Education rules, when the land is to be released by a lease to purchase agreement;
 - E. The terms and value to be received from the prospective lessee.
- III. Prior to final action on the proposal for a lease or lease-purchase agreement, the School Board shall hold an open and public hearing on the issue after due notice is given as required by Florida Statutes. At this meeting the proposed agreement in its final form shall be made available for inspection and review by the public.

The Superintendent may recommend the acquisition of land, facilities, and equipment under lease or lease-purchase agreements under provision of Florida Statutes through competitive bids or proposals.

- IV. The Superintendent's recommendation shall include
 - A. Such acquisition is in the best interest of the District;
 - B. Length and terms of such agreements;
 - C. Procedures for developing and approval of agreements;
 - D. Estimated annual costs and sources of funding;

CHAPTER 7.00 - BUSINESS SERVICES

- E. Proposed schedule for any required public advertisements and hearings;
- F. All required written documents necessary for the execution and maintenance of agreements;
- G. Agreements do not constitute a debt, liability, or obligation of the State or Board, or pledge the faith and credit of the State or Board.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.44, 1013.15, 1013.19, F.S.

HISTORY:

FORMERLY: 2.2.2.F(6)

CHAPTER 7.00 - BUSINESS SERVICES

SALE, TRANSFER, OR DISPOSAL OF PROPERTY

7.75*+

Subject to law and regulations of the State Board, the School Board may sell, transfer, or dispose of any school real or tangible property, including instructional materials, which is declared by resolution of the Board to be unnecessary or unsuitable for school purposes because of location, condition, or other cause.

The Superintendent shall develop procedures for disposing of property declared surplus by the Board.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.41, 1013.28, F.S.

HISTORY:

**REVISION(S): 12/06/05
FORMERLY: 2.2.2.F (6)**

CHAPTER 7.00 - BUSINESS SERVICES

INVENTORIES AND PROPERTY RECORDS

7.77*+

The Superintendent shall develop the procedures for the accountability of property as defined in Florida Statutes.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

CHAPTER 274, 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.087

HISTORY:

FORMERLY: NEW

CHAPTER 7.00 - BUSINESS SERVICES

GIFTS

7.78

- I. Gifts or property in excess of one hundred dollars (\$100.00), which are donated to the District, the School Board, or any school, must be reported to the Superintendent and accepted by the School Board. Gifts may be received by the School Board or any public school within the District from any source, and such gifts may be tendered to any School Board member or employee for acceptance on behalf of the School Board. Such gifts shall be acknowledged within three (3) working days of receipt by filing with the Superintendent a statement upon a form approved by the School Board, indicating the name and address of the donor, a description of the gift, the value of the gift as agreed to by donor and recipient, the name of the recipient, and the date and place of receipt. The gift shall then be entered upon the inventory list of the District and shall become the property of the School Board, or, if cash, shall be deposited in the appropriate fund. The word *gift* as used herein, includes any bonus, rebate, refund, gratuity or personal property. The Superintendent shall transmit all gift reports received to the School Board at the next regular Board meeting.
- II. The willful violation of this rule by an employee shall be cause for suspension or dismissal.
- III. Gifts in the form of chemicals for science labs or art classrooms and playground equipment must be reported to the risk management department to ensure that proper safety standards are met.

STATUTORY AUTHORITY:

1001.41, 1001.42 F.S.

LAW(S) IMPLEMENTED:

1001.43, F. S.

HISTORY:

FORMERLY: 2.5.2

CHAPTER 7.00 - BUSINESS SERVICES

GIFTS OF COMPUTERS AND TECHNICAL EQUIPMENT

7.79

- I. The principal/ department administrator shall notify the Chief Information and Technology Officer that the computer(s) or equipment has been offered to the school. The Chief Information and Technology Officer shall assist school staff in determining the appropriateness of the equipment for use in the school. No computer(s) or equipment shall be accepted from any vendor with a current Service Provider Identification Number (SPIN) assigned by the Universal Service Administrative Company (USAC) under the E-Rate Program. The District shall not be responsible for the installation or maintenance of any equipment that is not compatible with District technology.
- II. Gifts or property, in excess of one hundred dollars (\$100.00), that are donated to any school, must be reported to the Superintendent and accepted by the School Board as required by Policy 7.78, Gifts.
- III. The computer or piece of equipment shall be entered in the District's inventory system if the item meets the appropriate criteria and shall become the property of the School Board.

STATUTORY AUTHORITY:

1001.41, 1001.42 F.S.

LAW(S) IMPLEMENTED:

274.02, 1001.43, F. S.

HISTORY:

ADOPTED: 09/17/13
REVISION DATE(S): N/A
FORMERLY: NEW

CHAPTER 7.00 - BUSINESS SERVICES

RISK MANAGEMENT INSURANCE

7.80+

- I. The Superintendent shall recommend annually to the School Board insurance programs, including property, liability, workers' compensation, and motor vehicle insurance, that provide for protection against loss to the District.
 - A. The recommendation for insurance programs shall include, but need not be limited to, recommendations for the following types of losses:
 1. Building and their contents;
 2. Boiler and machinery;
 3. Broad term money and securities;
 4. Special coverage for equipment not ordinarily covered under a standard policy;
 5. The expenses of defending any claim against School Board members, officers, or employees of this School District arising out of and in the course of performance of their duties;
 6. Loss or damage from liability for the general acts or errors and omissions of School District officers, employees or volunteers; and
 7. Open stock burglary.
 - B. The School Board may, after considering the recommendations of the Superintendent, choose to retain the cost of certain liabilities (self-insure) through a risk management program as found in Section 768.28, Florida Statutes. These items may include, but not be limited to, the following:
 1. Comprehensive bodily injury, property damage on automobiles, buses and trucks;
 2. Loss or damage from liability established by worker's compensation statutes;
 3. Legal liability for School Board members and employees;
 4. Loss or damage to District property, real or personal; and
 5. Loss or damage from liability resulting from the use of District property.
 - C. Any programs, such as summer camp programs, that are not run by the School District but are using School District facilities are required to carry comprehensive general liability insurance in an amount sufficient to protect the sponsor and the School Board, as determined by the Superintendent after considering the nature of the program and the extent of the exposure of liability. A certificate of insurance naming the School Board as an additional insured shall be furnished annually to the site administrator at the location where the program is being held. The cost of this insurance is the responsibility of the program.

CHAPTER 7.00 - BUSINESS SERVICES

II. Litigation Settlement

- A. The School Board reserves the sole authority to approve the settlement of all pending litigation claims regardless of the amount involved. For the purposes of this Section, the term "litigation claim" will include any claim related to an adversarial proceeding for which the School Board is a party, to include a claim related to an administrative proceeding, court litigation, arbitration before an independent arbitral forum such as the American Arbitration Association, mediation, or other alternate dispute resolution proceedings.
- B. The School Board authorizes the Superintendent to execute on the School Board's behalf appropriate settlement documents prepared or approved by the School Board attorney in connection with the settlement of any claims made under this provision.

III. The Superintendent is authorized to develop risk management procedures.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.57, F.S.

HISTORY:

REVISED: 04/05/16
FORMERLY: 1.17, 3.1.3.G, 3.1.4, 6.6.3, 9.4.10

CHAPTER 7.00 - BUSINESS SERVICES

EDUCATION FOUNDATION

7.90

The Osceola County School Board authorizes the District to establish a foundation fund in the name of The Foundation for Osceola Education, Inc. subject to the provisions of Florida Statutes.

- I. The Board of Directors of The Foundation for Osceola Education, Inc. shall be approved by the School Board.
- II. The Board of Directors is allowed to use the property, facilities, and personnel services of the District; however, such use must be in keeping with the District's policies regarding the use of facilities and grounds.
- III. The School Board shall oversee the activities of the organization and The Foundation for Osceola Education, Inc. shall provide for budget and audit review.
- IV. Such organization must be organized and operated exclusively to receive, hold, invest, and administer property and to make expenditures to, or for the benefit of, programs of the Osceola County School District.

STATUTORY AUTHORITY:

1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.453, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.0013

HISTORY:

FORMERLY: 1.3.5, 2.9.1.D

SCHOOL BOARD POLICY MANUAL
FOR SCHOOL DISTRICT OF
OSCEOLA COUNTY

CHAPTER 8.00: AUXILIARY SERVICES

CHAPTER 8.00 - AUXILIARY SERVICES

SAFETY

8.10*+

- I. The principal shall cooperate with the Police Departments, the Highway Patrol, and the County Sheriff's Department in providing safe conditions for students.
- II. The principal, bus drivers, teachers, school food service personnel, and custodians shall strive to protect the physical welfare of each student.
- III. Safety handbooks and manuals shall provide procedures.
- IV. School Environmental Safety Incident Reporting (SESIR)
 - A. The Superintendent shall develop and implement procedures for timely and accurate reporting of incidents related to school safety and discipline and shall provide training to appropriate personnel in accordance with law and State Board of education rules. The School District shall utilize Florida's School Environmental Safety Incident Reporting (SESIR) Statewide Report on School Safety and Discipline Data to report the twenty-six (26) incidents of crime, violence, and disruptive behaviors that occur on school grounds, on school transportation, and at off-campus, school sponsored events to the Florida Department of Education.
 - B. The Superintendent shall annually report to the Florida Department of Education the number of involuntary examinations, as defined in *Section 394.455, F.S.*, that were initiated at a school, on school transportation, or at a school-sponsored activity.
 - C. The Superintendent shall certify to the Florida Department of Education that the requirements for timely and accurate reporting of SESIR incidents has been met.
 - D. School principals shall ensure that all persons at the school level responsible for documenting SESIR information participate in the on-line training offered by the Florida Department of Education and ensure that SESIR data is accurately and timely reported.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

316.614, 1006.062(3), 1006.07, F.S.

HISTORY:

REVISED: 02/06/07, 08/18/20, 12/14/21
FORMERLY: 1.17, 3.19

CHAPTER 8.00 - AUXILIARY SERVICES

SAFETY PROGRAM

8.11+

The Board recognizes the necessity of a comprehensive Risk Management Safety Program designed to provide for the safety and health of its employees, students and the protection of its physical facilities and environment. This program shall ensure compliance with all applicable local, state and federal rules, regulations and procedures as they pertain to the safety and health of employees and students and to the security of District facilities. The Code of Federal Regulations (CFR) as adopted by the state of Florida, for enforcement in all public sector employment locations, shall be strictly adhered to, in addition to the provisions relating to safety and health as contained in Chapter 442.007, Florida Statutes.

This comprehensive safety program shall provide for the following:

- I. Safety requirement for employees, students and visitors
- II. Loss prevention/safety training
- III. Work site safety inspections
- IV. Reporting of hazards
- V. Work site safety committees
- VI. Accident/incident reports
- VII. Security
 - A. Planning
 - B. Security of personnel
 - C. Security of facilities
 - D. Monitoring
- VIII. Contractor safety requirements

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 316.614, 1001.43, 1006.062(3), 1006.07, F.S.

HISTORY: FORMERLY: 3.19

CHAPTER 8.00 - AUXILIARY SERVICES

TOXIC SUBSTANCES IN SCHOOL WORK AREAS

8.12+

The Superintendent shall develop and implement a program to ensure School Board employees are provided information concerning the nature of toxic substances used in the workplace. The program shall include but not be limited to,

- I. Notification of School Board employees of where to direct requests for information on such substances;
- II. An orientation session, within thirty (30) working days of employment, for all new School Board employees to advise them of any adverse health effects which may occur as a result of contact with toxic substances; and,
- III. Distribution of information regarding the use of any toxic substances in the District school system to the local fire department.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1013.49, F.S.
20 CFR 1910.1200

HISTORY:

REVISED: 08/25/09
FORMERLY: 1.17, 3.19

CHAPTER 8.00 - AUXILIARY SERVICES

INSPECTIONS

8.14*

All school buildings shall be inspected at least once during each school fiscal year by a person who is certified by the designated state agency. Such inspection shall be conducted to determine compliance with State Board of Education rules and shall include but not be limited to sanitation, wiring, plumbing, structural parts, safety hazards, and general repair needs. A copy of such inspection report(s) shall be submitted to the principal, Maintenance Department, Construction Services, Superintendent, and School Board.

STATUTORY AUTHORITY:

1001.41, 1001.43, F.S.

LAW(S) IMPLEMENTED:

404.056, 1001.43, 1013.12, F.S.

HISTORY:

REVISED: 12/06/04, 09/17/13, 08/19/14

FORMERLY: 1.17, 3.10

CHAPTER 8.00 - AUXILIARY SERVICES

FACILITY FIRE SAFETY INSPECTION

8.15*

When an authorized agent under the Florida Fire Prevention Code conducts a fire safety inspection as authorized in Florida Statutes, and it is determined that a serious fire safety hazard exists which poses an immediate danger to the public health, safety, or welfare, the authorized agent and Superintendent are permitted to issue a joint order to vacate the facility in question, which order shall be effective immediately. The Superintendent shall immediately notify the School Board members about such an order.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

125.56, CHAPTER 633, 1001.43, 1013.12, F.S.

HISTORY:

FORMERLY: 1.17

CHAPTER 8.00 - AUXILIARY SERVICES

EMERGENCY DRILLS AND EVACUATIONS

8.16*

- I. Each school principal shall hold at least two (2) emergency drills during each semester with the first drill being held within the first thirty (30) days of the school term. A written report of each emergency evacuation drill shall be sent to the School District Office. Accommodations for drills conducted at exceptional student education centers may be provided.
- II. Each school principal and instructional and non-instructional school staff members shall develop a base emergency exit and cover plan for such emergencies, including, but not limited to, fire, bomb threats, severe weather, active assailant/ hostage situation, other natural disaster, national emergencies, and school bus, designed to familiarize the occupants with all means of exit and appropriate cover areas for emergencies. Special emergency exits that are not generally used during the normal occupancy of the building shall be carefully detailed and outlined. Diagrams shall be posted in each student occupied area clearly indicating fire exits and alternate evacuation routes.
- III. Each school principal, site administrator, and transportation official shall:
 - A. Develop and post emergency evacuation routes (as applicable for the specific type of emergency drill) and procedures;
 - B. Assign and train all staff members in specific responsibilities to ensure prompt, safe, and orderly emergency drills and evacuations (as applicable for the specific type of emergency drill);
 - C. Identify and report to the Superintendent hazardous areas requiring corrective measures. The Superintendent shall be responsible for informing the School Board of the school principal's report; and
 - D. Complete and submit to the School District's Department of Safety, Security, and Emergency Management on a regular timely basis a written report of each emergency drill using the School District's approved form and procedures.
- IV. The Superintendent shall make available to each school principal a copy of State Board of Education rules and any amendments adopted by the State Board of Education relating to emergency evacuation drills.

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STATUTORY AUTHORITY: 1001.42, F.S.

LAW(S) IMPLEMENTED: 404.056, 1001.43, 1013.12, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-2.0010

HISTORY: **ADOPTED: 12/14/21**
REVISION(S): N/A

CHAPTER 8.00 - AUXILIARY SERVICES

DISASTER PREPAREDNESS

8.18+

- I. The School Board recognizes that the use of its facilities and transportation services can be invaluable to this community in a crisis or emergency. Therefore, in the event of a local or State emergency and upon the request of the local emergency management agency, the District shall participate in emergency management efforts by providing facilities and personnel necessary to staff such facilities during a state or local emergency. The Board authorizes the Superintendent to establish a crisis management team whose members shall be trained in various emergency procedures.
 - A. Prior to June 1 of each year, the Superintendent shall develop, with local emergency management agencies, a list of schools to be used as emergency shelters.
 - B. Unless otherwise designated, the principals of the designated facilities shall be the “shelter manager” and shall be responsible for all aspects of the operation of the emergency shelter.
 - C. The Superintendent may authorize the use of custodians, food service personnel, electricians, maintenance employees, and other School Board employees to assist in the safe operation of the emergency shelter or disaster operation.
- II. Transportation assistance provided by the School Board shall be coordinated with the department of emergency management. The Superintendent may authorize the use of bus drivers and assistants as needed to provide emergency transportation services.
- III. In the event the superintendent officially closes a school, district office, or a combination of work centers to employees, the affected employees shall be paid for their regularly scheduled hours. If the superintendent should reschedule that workday for a later date on which the employee was not scheduled to work, then the employee shall be deemed to have been compensated in advance and shall receive no additional compensation. The resulting rescheduling of days missed due to school closure shall not have any financial impact on twelve (12) month employees.
- IV. The Board recognizes that exempt and nonexempt employees who serve on the crisis management team and who staff the congregate shelters during a declared emergency shall be providing services that exceed their contractual obligations by working on days and at times when other District employees are not required to be on duty. Compensation shall be as follows:

CHAPTER 8.00 - AUXILIARY SERVICES

- A. Hourly personnel asked to perform emergency-related duties shall be paid according to current School Board pay schedules. Overtime shall be paid consistent with the federal Fair Labor Standards Act. All hours worked must be pre-approved by their supervisor, shelter manager or Superintendent and/or designee where applicable.
- B. Non-bargaining administrative personnel required to work at the shelter, or otherwise required to work by the Superintendent at another duty station shall be compensated \$200 per day of operation of the shelter or other designated work site if a minimum of eight (8) hours is worked by that employee on that day, or a minimum of four (4) hours worked on the day the shelter ceases operations. Compensation provided by this paragraph is an unbudgeted expenditure and additional compensation.
- V. Following the use of District facilities as congregate shelters, the Superintendent shall calculate the amount spent during the period the facilities were used for congregate shelters that is above and beyond the usual and customary expenses to operate the facilities during that time period for the following:
 - A. Utilities (e.g., power, water, and telephone),
 - B. Generator usage (rental costs and/or fuel required),
 - C. Shelter safety and security, and
 - D. Costs related to use of buses and other vehicles, excluding operator costs.
- VI. The Superintendent is authorized to submit the itemized total expended by the District for extra compensation for exempt and nonexempt staff, as well as the additional amount expended for the operation of the District facilities used as congregate shelters, to the Federal Emergency Management Agency (FEMA) and/or appropriate agency for reimbursement. The Board shall be informed of the amount of reimbursement requested from FEMA once completed at a regularly scheduled Board meeting.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1012.23, 1013.372, F.S.

HISTORY:

ADOPTED: 05/17/22

REVISION DATE(S): N/A

CHAPTER 8.00 - AUXILIARY SERVICES

PREVENTIVE MAINTENANCE

8.20

It is the policy of the School Board to strive to provide well-maintained schools and facilities which are safe from hazards, sanitary, properly equipped, adequately lighted and ventilated.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.42, 1001.43, F.S.

HISTORY: FORMERLY: 1.17, 3.9.A

CHAPTER 8.00 - AUXILIARY SERVICES

SANITATION

8.21

The custodial services, working with the school principal and maintenance, shall be responsible for maintaining satisfactory standards of sanitation and housekeeping. At least once each month, a formal inspection of all buildings, including all toilet areas, food service areas, storage rooms, and other student or staff occupied areas shall be made.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.42, 1001.43, F.S.

HISTORY: FORMERLY: 1.17, 8.9

CHAPTER 8.00 - AUXILIARY SERVICES

VANDALISM AND MALICIOUS MISCHIEF

8.22+

The principal or designee shall report any vandalism immediately to the Superintendent, Maintenance, Risk Management, and to the proper law enforcement agency giving all available information.

- I. A student who willfully damages school property shall be properly disciplined and his or her parent(s), as defined by Florida Statutes, if the student is a minor, shall be requested in writing to restore or to replace any damaged property in accordance with the true value as determined by the principal, the responsible District department head, or in extreme cases, the Superintendent and/or School Board. In extreme cases of vandalism, a student shall be subject to suspension or expulsion from school under the charge of serious misconduct. The *Code of Student Conduct* shall identify disciplinary procedures for students who abuse school property. An adult student involved in the destruction of school property shall be held solely responsible for the damages.
- II. A civil action against the student's parent(s) may be instituted by the School Board in an appropriate action to recover damages in an amount not to exceed the limit prescribed by Florida Statutes if vandalism or theft of school property is known to have been committed by a minor, and the parent(s) refuses to restore or replace the property.
- III. In any case of willful or negligent damage to school property by a person other than a student, the user or the person responsible for the damage shall replace the property or pay the damages in accordance with the true value as determined by the Superintendent.
- IV. Each organization which is granted a permit for the use of public property shall be responsible for any damage to the buildings, equipment, or grounds beyond that which would be considered normal wear and tear and shall pay for any such damage in accordance with the true value as determined by the Superintendent. Failure to comply with a request for payment of such assessed damages shall result in the individual, group, or organization being ineligible for further use of school property and such legal action as the School Board deems proper to recover the amount of damages.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 741.24, 806.13, 1000.21, 1001.43, 1013.10, F.S.

HISTORY: **REVISED: 02/06/07**
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

PURPOSE AND FUNCTIONS OF THE TRANSPORTATION PROGRAM

8.30*+

- I. The transportation program shall be administered to provide safe and efficient services at the lowest possible cost. Transportation funds shall be used primarily to provide transportation of students to and from the nearest appropriate school as determined by the School Board and in accordance with Florida Statutes.
- II. The Superintendent or designee shall be responsible for supervising, administering, investigating, and resolving problems of the District's transportation system. This shall include determination that all School Board and contracted employees involved with the transportation system are knowledgeable of applicable Florida Statutes and State Board of Education rules.
- III. The District may implement a safe driver toll-free hotline that motorists or other persons may use to report improper driving or operation by a school bus driver. Reports of observed driving violations shall be investigated.
- IV. The District shall provide for reciprocal policies and agreements related to transportation services with adjacent districts.
- V. The Superintendent or designee shall develop a handbook which sets forth guidelines, responsibilities, directions, and procedures for the District's transportation system. The handbooks and modifications to it shall be subject to School Board approval.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1001.43, 1006.21, 1006.22,
1006.23, 1011.68, 1012.45, F.S.**

STATE BOARD OF EDUCATION RULE(S):

6A-3.0171

HISTORY:

**REVISED: 11/17/09, 08/16/16
FORMERLY: 3.1.1**

CHAPTER 8.00 - AUXILIARY SERVICES

STUDENT TRANSPORTATION

8.31*

The School Board shall provide transportation for every student who should attend school and who lives more than a reasonable walking distance from the school to which he/she is assigned. A reasonable walking distance shall be defined as two (2) miles from the school by the nearest traveled route.

- I. Exceptions may be made in the case where a child is handicapped or when it has been determined that the nearest route taken meets the hazardous walking criteria as outlined in statutes.
- II. When it is impractical to provide bus transportation for reasons of isolation from regular school bus routes to the school of assignment, parents, as defined by Florida Statutes, transporting the student may be authorized by the School Board to be reimbursed at the rate provided by law.
- III. Only a student who is regularly enrolled as a transported student and whose name appears on the bus operator's roster for that bus shall be permitted to ride such bus while it is being operated on a regular school bus route except upon the written approval of the principal or designee.
- IV. A student who arrives early or remains late because of transportation service shall be under school supervision at all times and shall, if practicable, have a planned schedule of activities. The principal shall be responsible for providing such supervision.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.21, 1006.23, 1011.68, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-3.001, 6A-3.0171

HISTORY:

REVISED: 02/06/07, 02/05/08

FORMERLY: 3.1.1, 3.13

CHAPTER 8.00 - AUXILIARY SERVICES

**USE OF SCHOOL BUSES FOR FIELD AND
EXTRACURRICULAR TRIPS**

8.311+

- I. Buses may be used for field, educational, and extracurricular trips.
- II. The Superintendent or designee is authorized to develop procedures.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.41, 1001.43, 1006.21, F.S.

HISTORY:

FORMERLY: 3.1.1.E, 3.1.2

CHAPTER 8.00 - AUXILIARY SERVICES

BUS ROUTES

8.32

- I. Designation of Bus Routes - The School Board, after considering the Superintendent's recommendation, shall approve the routes to be traveled regularly by each school bus. Each such route shall meet the following requirements:
 - A. The route shall be planned, scheduled, and adjusted to the capacity of the bus to serve students whose homes are beyond a reasonable walking distance from the school center to which they are assigned, except as otherwise provided by Florida Statutes and State Board of Education rules. The routing and scheduling of buses shall be planned to eliminate the necessity for students to stand while the bus is in motion.
 - B. Designated school bus routes shall be restricted to those areas where road conditions, bridge capacities, and the number of transported students allow such service to be economically feasible and practicable.
 - C. School bus routes shall, insofar as possible, be restricted to main routes and county-maintained roads.
 - D. A suitable turning area shall be available for any route requiring a bus to be turned around.
 - E. Only one (1) bus shall be assigned students on any given route unless the school schedules necessitate a dual assignment of buses.
 - F. The location of each bus stop will conform to the requirements of Florida Statutes.
- II. Change in Routes - School bus operators shall not discontinue stops, begin new stops, or otherwise change a route without prior approval of the Superintendent or designee.
- III. Other Provisions - Students who are approved to attend a District school which is not located in their assigned attendance area shall be ineligible for transportation provided by the School Board except as otherwise permitted by the School Board rule.

CHAPTER 8.00 - AUXILIARY SERVICES

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 947.1405, 1001.43, 1006.21, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171

HISTORY: REVISION(S): 12/06/05, 02/05/08
FORMERLY: 3.1.1.G

CHAPTER 8.00 - AUXILIARY SERVICES

BUS EMERGENCY EVACUATION DRILLS AND INSTRUCTION IN SAFETY PRACTICES

8.33*

- I. The Superintendent or designee shall instruct bus operators in the procedures to be followed while conducting a bus emergency evacuation drill. Initial instruction for bus operators shall be provided during the first six (6) weeks of school for students.
- II. The Superintendent or designee shall direct that each bus serving a school conduct an emergency evacuation drill during the first six (6) weeks of each semester.
 - A. The member of the transportation department or principal shall inform the bus operators as to the day on which any practice emergency evacuation drill is to be conducted. The bus operators shall hold the drill as directed, and the transportation member or principal shall record the process.
 - B. A practice emergency evacuation drill shall be held at a point in which the least possible danger exists from traffic.
 - C. The record of the drill shall be filed in the transportation office.
- III. All transported students shall be provided instruction on safe practices on and off the bus during the first six (6) weeks of the first semester of the school year. The principal and transportation staff members shall determine the most effective and practical manner in which to provide such instruction.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.21, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-3.0171

HISTORY:

**REVISION(S): 02/05/08
FORMERLY: NEW**

CHAPTER 8.00 - AUXILIARY SERVICES

TRANSPORTATION LIABILITY

8.34*

The Superintendent is directed to ensure that School Board liability is protected when transporting students and persons other than students to events or activities in which the School Board or school has agreed to participate or co-sponsor.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.21, 1006.24, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

EXITING THE SCHOOL BUS

8.35

No student shall leave the school bus on his or her way to or from school without the student's parent(s), as defined by Florida Statutes, and the principal or designee's written authorization except at the customary destination of the bus which shall be either the school or the assigned stop.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, 1006.21, 1006.22, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-3.0171

HISTORY:

**REVISED: 02/06/07
FORMERLY: NEW**

CHAPTER 8.00 - AUXILIARY SERVICES

TRANSPORTING STUDENTS IN PRIVATE VEHICLES

8.36*+

- I. The School District will normally use school buses, as defined in Florida Statutes, for all regular transportation of students, Pre-Kindergarten through Grade 12.
- II. The transportation of students in privately-owned vehicles for educational field trips or school-sponsored or school-related events shall be approved by the Superintendent or designee on a case-by-case basis pursuant to Florida Statutes, except in an emergency situation.
- III. The vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined by federal law, designed to transport fewer than ten (10) persons (including the driver).
- IV. Drivers of such vehicles shall:
 - A. show proof of insurance coverage at the minimum limits required by Florida Statutes and at other limits that may be required by the School Board;
 - B. adhere to all Florida laws and regulations related to driving including the Florida Ban on Texting While Driving Law;
 - C. adhere to all School Board policies and School District procedures related to transporting students;
 - D. provide proof of a valid driver's license; and
 - E. comply with the requirements of the District's Safe Driver Plan.
- V. Vehicles shall not transport numbers beyond their rated capacity. Students must be transported in designated seating positions.
- VI. Appropriate safety measures such as use of seat belts shall be observed.
- VII. The parent, as defined by Florida Statutes, of each student shall be notified in writing about the transportation arrangement and shall give written consent before a student is transported in a private vehicle except in an emergency situation.
- VIII. Violation of this policy shall result in disciplinary action up to and including termination.

CHAPTER 8.00 - AUXILIARY SERVICES

- IX. The Superintendent shall develop procedures for implementing this policy.
- X. School employees are authorized to transport students under unusual circumstances if approved by the principal.

STATUTORY AUTHORITY: 1001.42, 1001.43, F.S.

LAW(S) IMPLEMENTED: 316.305, 1000.21, 1001.21, 1006.22, 1006.24, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171

HISTORY: REVISED: 02/06/07, 03/04/14, 01/07/20
FORMERLY: 3.1.3

CHAPTER 8.00 - AUXILIARY SERVICES

TRANSPORTING STUDENTS IN SCHOOL DISTRICT-OWNED/ LEASED/ RENTED NON-SCHOOL BUS SMALL VEHICLES	8.361*+
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- I. The School District shall normally use school buses, as defined in Florida Statutes, for all regular transportation of students, Pre-Kindergarten through Grade 12.
- II. The transportation of students in School District-owned/ leased/ rented non-school bus small vehicles for educational field trips or school-sponsored or school-related events shall be approved by the Superintendent or designee on a case-by-case basis pursuant to Florida Statutes, except in an emergency situation.
- III. The School District-owned/ leased/ rented non-school bus small vehicle must be a passenger car or multipurpose passenger vehicle or truck, as defined by federal law, designed to transport fewer than ten (10) persons (including the driver).
- IV. Drivers of School District-owned/ leased/ rented non-school bus small vehicles shall:
 - A. be authorized employees of the School District;
 - B. adhere to all Florida laws and regulations related to driving, including the Florida Ban on Texting While Driving Law;
 - C. adhere to all School Board policies and School District procedures related to transporting students;
 - D. provide proof of a valid driver's license; and
 - E. comply with the requirements of the School District's Safe Driver Plan.
- V. Vehicles shall not transport numbers beyond their rated capacity. Students must be transported in designated seating positions.
- VI. Appropriate safety measures such as use of seat belts shall be observed.
- VII. The parent, as defined by Florida Statutes, of each student shall be notified in writing about the transportation arrangement and shall give written consent before a student is transported in a School District-owned/ leased/ rented non-school bus small vehicle, except in an emergency situation.
- VIII. Violation of this policy shall result in disciplinary action up to and including termination.

CHAPTER 8.00 - AUXILIARY SERVICES

IX. The Superintendent shall develop procedures for implementing this policy.

STATUTORY AUTHORITY: 1001.42, 1001.43, F.S.

LAW(S) IMPLEMENTED: 316.305, 1000.21, 1001.21, 1006.22, 1006.24, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171

HISTORY: ADOPTED: 01/07/20
REVISED: N/A
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

SEAT BELTS

8.37

- I. The operator and each passenger of a motor vehicle who are conducting School Board business or a school-related activity shall be restrained by a seat belt when the vehicle is in operation. This provision is applicable to all vehicles as defined in Florida Statutes, except for the following:
 - A. A school bus purchased prior to January 1, 2001;
 - B. A bus used for transportation of persons for compensation;
 - C. A farm tractor or implement of husbandry;
 - D. A truck of net weight of more than five thousand (5,000) pounds; and,
 - E. A motorcycle, moped, or bicycle.
- II. A school bus purchased new after December 31, 2000, must be equipped with safety belts or other federally approved restraint system if used for pre-K to grade 12 students. Each passenger shall wear a seatbelt when the bus is in operation.
- III. The number of passengers of a vehicle shall not exceed the number of seat belts which were installed by the manufacturer.
- IV. School bus operators shall wear a seat belt when operating a school bus.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**316.003, 316.614, 316.6145, 316.6146,
1001.43, 1006.21, 1006.22, F.S.**

STATE BOARD OF EDUCATION RULE(S):

6A-3.0171

HISTORY:

**REVISION(S): 06/05/12
FORMERLY: 3.1.3.E**

CHAPTER 8.00 - AUXILIARY SERVICES

AUTOMOTIVE EQUIPMENT

8.38+

All automotive equipment owned by the School Board shall be assigned to the Superintendent or designee for proper care and maintenance.

- I. Automotive equipment shall be used exclusively for school business. It shall not be used for unauthorized purposes.
 - A. The Superintendent shall report any unauthorized equipment usage to the School Board.
 - B. Violation of this rule shall be cause for disciplinary action.
 - C. A vehicle driven home by a School Board Employee must comply with rules of Internal Revenue Service and have the approval of the Superintendent or designee.
- II. School District vehicles shall be operated by appropriately licensed drivers who shall adhere to Florida laws and regulations related to driving including the Florida Ban on Texting While Driving Law.
- III. Failure of the operator to notify the Director of Transportation as to any mechanical defect of any piece of automotive equipment may be cause for disciplinary action by the School Board.
- IV. All mechanical defects of equipment, where repairs are needed, shall be the Superintendent's or designee's responsibility, and repairs shall be made immediately, provided that the vehicle may be withdrawn from use by the Superintendent until the repairs are made. The School Board shall not assume any financial responsibility for purchases or contract for repairs unless prior approval is obtained from the Superintendent or designee.
- V. The Director of Transportation shall determine that all equipment is inspected at regular intervals. The equipment shall be placed in the District's garages for repairs or service if needed.
- VI. Under no conditions shall equipment be repaired by a private shop or private individual without approval of the Superintendent or designee.
- VII. The person who is assigned a vehicle on a full time basis shall be responsible for delivering the vehicle to the District's garage for inspection as prescribed by the Director of Transportation.

CHAPTER 8.00 - AUXILIARY SERVICES

VIII. The operator of any vehicle with a gross vehicle weight rating of 8,500 pounds and with a heavy-duty diesel engine shall adhere to the requirements for the reduction of heavy-duty idling.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 316.305, 1001.43, 1006.21, 1006.22, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-3.0171

DEPARTMENT OF ENVIRONMENTAL PROTECTION RULE(S): 62-285.420

HISTORY: REVISED: 08/25/09, 03/04/14
FORMERLY: 2.7

CHAPTER 8.00 - AUXILIARY SERVICES

VEHICLE MAINTENANCE PROGRAM

8.39

- I. All transportation equipment shall be maintained in safe operating condition. The transportation department shall be responsible for a planned program of maintenance to keep all vehicles running safely and efficiently.
- II. The mechanical condition of each school bus shall be determined at least once each thirty (30) working days that the bus is in operation. 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 it meets such requirements.
- III. Only School Board or government-owned/leased vehicles or vehicles used for instructional purposes may be repaired or serviced in the school bus garage.
- IV. The School Board shall maintain appropriate school bus replacement programs to assure appropriate maintenance of the bus fleet.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1006.21, 1006.22, 1006.25, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-3.0171

HISTORY:

FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

GENERAL FOOD SERVICE REQUIREMENTS

8.40*+

- I. The school food service program shall operate according to requirements set forth in Florida Statutes and State Department of Agriculture and Consumer Services rules. The school food service program shall include the federally reimbursed lunch program, a *la carte* food, beverage offerings, and sale of food and beverage items offered through vending machines or other methods to students (subject to the provisions of policy 2.95. 7.40 and 8.43) at all school facilities during the school day and shall include the federally reimbursed breakfast and after school snack programs.
- II. The school food service program shall be an integral part of the District's educational program, offering nutritional and educational opportunities to students.
- III. Food and beverages available in schools shall be only those which meet the nutritional needs of students and contribute to the development of desirable health habits unless permitted otherwise by State Department of Agriculture and Consumer Services rules and approved by the Superintendent.
- IV. The school food service program shall meet the standards for food service and sanitation and safety as provided by the Florida State Board of Health and Florida State Department of Agriculture and Consumer Services.
- V. School Nutrition Services funds shall not be considered or treated as internal funds of the local school, but shall be a part of the district school funds. School Nutrition Services funds shall be subject to all the requirements applicable to district funds, such as budgeting, accounting, reporting, purchasing, and such additional requirements as set forth in the written procedures manual authorized in this policy.
- VI. USDA commodities shall be acquired, stored, and utilized in accordance with United States Department of Agriculture and related State Department of Agriculture and Consumer Services rules.
- VII. The Superintendent or designee shall develop a written procedures manual to govern school food and nutritional services programs.
- VIII. The principal and manager shall cooperate with all county and/or state and national efforts during emergencies and/or disaster as directed by the Superintendent.
- IX. When the kitchen is used after school hours, the manager or designated representative must be present. Employees who are on duty shall be paid.

CHAPTER 8.00 - AUXILIARY SERVICES

Labor costs incurred for school-related functions shall be reimbursed to the district by the sponsoring group.

- X. No program operated by the School Nutrition Services Department will be used as a disciplinary tool for students.

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 570.98, 570.981, 1001.43, 1006.06, 1006.0605, F.S.

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):** 5P-1.001, 5P-1.002, 5P-1.003, 5P-1.005

HISTORY: REVISED: 02/06/07, 01/29/13, 08/18/15
FORMERLY: 8.1

CHAPTER 8.00 - AUXILIARY SERVICES

MEAL PATTERNS

8.41*

- I. All schools with grades Prekindergarten - 12 shall participate in the National School Lunch Program and shall serve student lunches according to meal patterns established by the United States Department of Agriculture. All schools shall participate in the National School Breakfast Program; breakfast shall be served to students according to meal patterns established by the United States Department of Agriculture.
- II. Offer vs. Serve shall be implemented for all middle and high school students and optional at elementary and shall be in accordance with federal regulations. (Public Law 94-105, enacted October 1975.)
- III. The principal is responsible for scheduling lunch periods for students to provide appropriate time for eating between the hours of 10:00 a.m. and 2:00 p.m.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

570.981, 1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):**

5P-1.001

HISTORY:

**FORMERLY: 8.7.3, 8.7.5
REVISED: 01/29/13**

CHAPTER 8.00 - AUXILIARY SERVICES

FREE AND REDUCED PRICE MEALS AND MEAL PRICES

8.42*

Free or reduced price meals shall be served to all students who qualify based on eligibility criteria approved by the USDA. Principals shall distribute the free and reduced price application procedure notification flyer to the entire student body at the beginning of each school year and to each student enrolling during the year at schools that are not qualified as Provision 2 or Community Eligibility Provision. All applications shall be available on-line. All current free and reduced price applications approved and denied shall be on file in the School Nutrition Services Department office. A current application or direct certification documentation must be on file for each student approved for free or reduced price meals before the meal benefits may be received at the school site. All applications shall be retained on file for a period of five (5) years. No records may be destroyed without written approval of the office of the Superintendent.

- I. The income eligibility guidelines for free or reduced price meals shall be in accordance with the scales provided by the Florida Department of Agriculture and Consumer Services based upon income guidelines prescribed by the United States Department of Agriculture.
- II. Eligibility criteria shall be applicable to all District schools and shall provide that all students from a family meeting the eligibility criteria and attending any District school are offered the same benefits.
- III. Procedures for implementing the free and reduced price meal services shall be reviewed annually and shall be in accordance with procedures and guidelines published by the Florida Department of Agriculture and Consumer Services and the United States Department of Agriculture.
- IV. All adult meals will be paid for with the exception of School Nutrition Services employees. Parents or other visitors may eat in the cafeterias upon invitation from the school administrators.

CHAPTER 8.00 - AUXILIARY SERVICES

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 570.98, 570.981, 1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):** 5P-1.004

HISTORY: REVISED: 01/29/13, 08/18/15
FORMERLY: 8.7.3, 8.7.5.F

CHAPTER 8.00 - AUXILIARY SERVICES

COMPETITIVE SALES AND FUND-RAISING REGULATIONS

8.43+

- I. All student-accessible vending machines installed on school premises, not operated by School Nutrition Services, must have School Board approval and shall not be operated in competition with the school breakfast or lunch programs. Concession sales operated by the student body association or by other such school agency or faculty groups shall not be allowed during the period from the midnight before until thirty (30) minutes after the end of the official school day. No food or beverage sales or food fund-raisers shall be allowed in competition with the school breakfast or lunch programs during the period from the midnight before until thirty (30) minutes after the end of the official school day. All foods sold on school grounds to students, during the entire school day, must meet the regulations of the congressional Healthy, Hunger Free Kids Act.

- II. Class activities (field trips, incentives, parties) shall be coordinated with the School Nutrition Services manager of the school site at least two (2) weeks prior to the activity to ensure there is no competition with the food service program. The district's Wellness Plan shall include further information on class activities.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):**

5P-1.003

HISTORY:

**REVISED: 02/07/12, 09/17/13, 08/18/15,
08/15/17, 12/12/17, 08/20/19, 01/07/20**

FORMERLY: 2.9.3.4.K and M, 8.7.5.E

CHAPTER 8.00 - AUXILIARY SERVICES

SCHOOL FOOD SERVICE FUNDS

8.44+

School Nutrition Services funds shall be considered part of the District School Fund and shall be subject to all requirements applicable to the District School Fund such as budgeting, accounting, reporting, and purchasing.

- I. Daily deposits of School Nutrition Services funds shall be made by authorized personnel in a bank(s) designated by the School Board.
- II. Revenue from the sale of all items handled by the School Nutrition Services Department shall be considered School Nutrition Services income. This includes income from sale of cans, bottles, jars, rice bags, swill, and similar items. Such funds shall not be expended as cash.
- III. All payments from School Nutrition Services funds shall be made by check or electronic means.
- IV. School Nutrition Services funds shall be used only to pay regular operating costs.
- V. Any loss of records, cash, or supplies through theft or otherwise shall be reported immediately to the Superintendent's office. Such losses shall be itemized and a copy of the report submitted with the regular reports.
- VI. Funds shall be collected and expended in compliance with United States Department of Agriculture and State Department of Agriculture and Consumer Services rules.
- VII. The Board shall annually adopt prices charged to students and adults who participate in the food services program.
- VIII. The Superintendent shall develop written procedures for conducting the District's food service program.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 570.981, 1001.43, 1010.05, 1010.20, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-1.001, 6A-1.012, 6A-1.085,
6A-1.087, 6A-1.091

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):** 5P-1.003

HISTORY: REVISED: 08/25/09, 01/29/13, 08/18/15
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

SUMMER NUTRITION PROGRAM

8.45+

- I. The School Nutrition Services Department will participate in the Summer Food Service Program sponsored by the United States Department of Agriculture, annually.

- II. The School Nutrition Services Department will coordinate the Summer Food Service Program with school center administrators, local government departments, churches, and non-profit organizations to maximize the number of children served by the program.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

570.981, 570.982, 1001.43, F.S.

**STATE DEPARTMENT OF AGRICULTURE
AND CONSUMER SERVICES RULE(S):**

5P-1.001, 5P-1.003

HISTORY:

**ADOPTED: 12/06/05
REVISED: 01/29/13, 08/18/15
FORMERLY: NEW**

CHAPTER 8.00: AUXILIARY SERVICES

SCHOOL BREAKFAST PROGRAM

8.46

- I. Breakfast shall be available to all students enrolled in all Osceola non-charter public elementary, middle, and high schools.
- II. Breakfast programs shall be implemented at alternative educational sites when feasible. Alternative breakfast options may be served at such sites.
- III. Students who arrive at school on a school bus less than fifteen (15) minutes prior to the start of school shall be allowed a minimum of fifteen (15) minutes to eat breakfast.
- IV. The School Board shall adopt prices for breakfast meals so that the amount paid, state allocations, and federal reimbursements defray the cost of the school breakfast program.
- V. A breakfast meal will be provided for each student, at no cost to the student or parent, at any school in which seventy-five percent (75%) of the students are eligible for free or reduced price meals.
- VI. Annually, all students and parents shall be notified about the school breakfast program. Parental notification shall be in writing.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: STATE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES RULE(S):

570.981, 1001.43, F.S.

5P-1.001, 5P-1.002, 5P-1.003, 5P-1.005

HISTORY:

ADOPTED: 08/25/09
REVISION DATE(S): 11/17/09, 01/29/13
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

RENOVATIONS OR REMODELING OF FACILITIES

8.51

- I. When recommending the preliminary school budget or any amendments thereto relating to capital outlay projects, the Superintendent may, after evaluation, recommend to the School Board that suitable projects costing two hundred thousand dollars (\$200,000.00) or less be provided on a day labor basis.
- II. Parent groups, school staff, and civic associations often raise funds to make improvements to various School Board facilities. Such changes are regulated by building codes, Florida State Department of Education rules, School Board rules, and Florida Statutes. In addition, these changes often have cost implications on maintenance, energy usage, and inhibitions to future site construction. Written permission from the School District building code official must be obtained by the school principal for any school improvements by parent groups, school staff, and civic associations. Further, all remodeling and additions must be submitted to the School Board for approval.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

235.30, 1001.43, 1013.01, 1013.35, 1013.45, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-2.0010

HISTORY:

REVISION(S): 12/06/05, 02/06/07
FORMERLY: 3.9.E, 3.23.E.5

CHAPTER 8.00 - AUXILIARY SERVICES

CHANGE ORDERS

8.52

The Superintendent or designee is authorized to approve and execute any construction contract Change Order which will decrease the construction contract amount or which will increase the construction contract amount by twenty-five thousand dollars (\$25,000.00) or less, provided the approval is in the best interest of the School Board. Each approval shall be reported by the Superintendent to the School Board and entered in the official minutes at the next regular School Board meeting.

- I. Any Change Order which will increase the construction contract amount by more than twenty-five thousand dollars (\$25,000.00) shall be submitted by the Superintendent to the School Board for review and action thereon. No such Change Order shall be binding until it is approved and executed by the School Board.
- II. Requested Change Orders concerning the same subject shall not be split in the event that the sum total of the initial requested change increases the contract amount by more than twenty-five thousand dollars (\$25,000.00).
- III. With all requested Change Orders the Contractor shall provide, prior to commencing the work involved, accurate cost data in sufficient detail to enable any architect or engineer to evaluate and confirm its accuracy and the fair market value of all labor, materials, equipment, and incidentals required to accomplish the change.
- IV. With all requested Change Orders the Architect of Record for the Project shall certify in writing to the Superintendent and the School Board that the cost of the requested change is fair, reasonable, and in proper proportion to the cost of the original work of the contract and shall recommend action thereon.
- V. The cumulative total of all approved Change Orders on any project shall not increase the original construction contract amount by more than eight percent (8%) or \$100,000, whichever is less, without prior School Board approval.
- VI. Emergency Change Orders in construction contracts. The Superintendent shall have the authority to approve emergency Change Orders in contract for construction or alteration of school facilities. Any such Change Orders shall be submitted to the School Board for information and entered in its official minutes.
- VII. All Change Orders shall be in compliance with Florida Statutes, Florida Department of Education publication titled "State Requirements for Educational Facilities, 1999," or any successor statute or rule.

CHAPTER 8.00 - AUXILIARY SERVICES

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, 1013.48, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-2.0010

HISTORY: REVISION(S): 12/06/05, 02/06/07
FORMERLY: 2.2.2.G. (4)

CHAPTER 8.00 - AUXILIARY SERVICES

IMPROVEMENTS TO SCHOOL PLANTS AND GROUNDS

8.53

Any group, including the parent-teacher organization, which desires to improve the school site, to add facilities, or to install equipment, shall submit a written proposal to the principal and Superintendent for approval. Any such improvement or addition shall become the property of the School Board. Permanent structures shall have utilitarian value in the operation of the school or may be erected in memory of some individual or group that has been associated with the school either as a student or School Board employee or an organization which has made some outstanding contribution to the school or District school system. All improvements or additions must meet current building codes, including Americans With Disabilities Act and wind uplift requirements and meet the requirements of Board Policy 8.51(2).

- I. Articles of equipment donated to 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 be in the name of the School Board.
- II. All property, acquired, moved, or transferred, which requires alterations to the buildings or grounds for utilization of the facilities, is subject to the Superintendent or designee's approval or disapproval. Further, all remodeling and additions must be submitted to the School Board for approval.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1013.37, 1013.371, 1013.372, F.S.

HISTORY:

FORMERLY: 3.23.C.5

CHAPTER 8.00 - AUXILIARY SERVICES

NAMING OF FACILITIES OR SITES

8.54

- I. The School Board will name or rename school plants, sites, or facilities by a vote of the School Board. Names for new schools shall be selected by the Board members, which shall have complete discretion and flexibility to make those choices on behalf of the people of Osceola County.
- II. Prior to recommending a name for a school, the members of the School Board should be consulted for their recommendations. The School Board shall ask a committee representing the community to be served by the school to suggest names for consideration. Community input is desired and shall be highly valued. School Board members may also offer alternative recommendations. However, in general, the Board will use the following guidelines to make a decision:
 - A. Person
 1. Schools shall not be named after a living person
 2. The name shall be limited to one outstanding educator, community leader, or citizen of local, state, or national repute with good moral character.
 - B. Geography
 1. Schools shall not be named after individual subdivisions.
 2. Schools may be named after geographic features that represent a particular location.
- III. Individual buildings, additions, or other campus facilities (e.g., a stadium, theatre, or media center) may be named, at the discretion of a school's principal, subject to approval by the Superintendent.
- IV. Plaques, which are in memory of or in recognition of students or citizens, may be placed on school facilities at the discretion of a school's principal, subject to approval by the Superintendent.

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STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S): 6A-2.0010

HISTORY: REVISION(S): 12/06/05, 02/06/07, 02/05/08
FORMERLY: 3.24

CHAPTER 8.00 - AUXILIARY SERVICES

NETWORK ACCEPTABLE USE

8.60+

- I. The network system of the School District is available for all employees and students of the School District in order to provide them with equal access to the computing resources which serve public education. The network system is an electronic highway which connects thousands of computers all over the world and millions of individual subscribers. The term *network* may include electronic mail, worldwide Web browsing, or any method of connecting with other computer equipment. All personnel having authorization to use the network will have access to a variety of information.
- II. Some material on the network might not be considered to be of educational value in the context of the school setting. In addition, some material, individual contacts, or communications may not be suitable for school-aged children. The School District views information retrieval from the network in the same capacity as information retrieval from reference materials identified by schools. Specifically, the School District supports information retrieval from the network which enhances the research and inquiry of the learner and which faculty and staff direct. The School District network will filter inappropriate material. At each school, each student's access to use of the network will be under the teacher's direction and monitored as a regular instructional activity.
- III. The School District cannot prevent the possibility that some users may access material that is not consistent with the educational mission, goals and policies of the School District. This is particularly possible since access to the network may be obtained at sites other than school.
- IV. The School District recognizes the use of social media for communication and e-learning; however, only those networks/ services sanctioned by the School District may be used for classroom instruction or school sponsored activities without prior written approval of the Superintendent.
- V. At each school and facility owned or operated by the School District, in each room where computers are present, notices shall be conspicuously posted that state the following:

Users of the network system of the School District of Osceola County are responsible for their activity on the network. The School District has developed a network acceptable use policy. All users of the network are bound by that policy. Any violation of the policy will result in the suspension of access privileges or other disciplinary action, including student expulsion and employee dismissal. This notice shall also become part of the login process.

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- VI. The use of the network shall be consistent with the mission, goals, policies, and priorities of the School District. Successful participation in the network requires that its users regard it as a shared resource and that members conduct themselves in a responsible, ethical, and legal manner while using the network.

Any use of the network for illegal, inappropriate, or obscene purposes, or in support of such activities, will not be tolerated. For compliance with the requirements of the Elementary and Secondary Education Act (ESEA) and the Children's Internet Protection Act (CIPA), please see procedures entitled "Student Internet and Network Use Procedures."

Examples of unacceptable uses of the network include, but are not limited to:

1. Violating the conditions of The Code of Ethics and Principles of Professional Conduct of the Education Profession of Florida dealing with student's rights to privacy, employee rights to privacy, or violating any other section of the Code;
2. Using, accessing, visiting, downloading, or transmitting inappropriate material, messages or images such as pornography, profanity or obscenity;
3. Reposting personal communications without the author's consent;
4. Copying, sending (uploading) or receiving (downloading) commercial software in violation of copyright law or other copyright protection of trademarked material;
5. Using the network for financial gain or for any commercial or illegal activity;
6. Using the network for political advertisement or political activity;
7. Taking any actions that affect the ability of the School District to retrieve or retain any information contained on the computer equipment, in the data network system or acting to modify any software or any data without specific written permission;
8. Sending any student identifying information, via e-mail, over the network system, may be done only when the sender and receiver are members of the School District's adopted e-mail system;

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9. Creating and/or forwarding advertisements chain letters, mass mailings, get rich quick schemes, and pyramid schemes to individual mailboxes and/or mailing lists;
 10. Gambling or conducting any illegal activity;
 11. Posting personal views on social, political, religious or other nonbusiness related matters;
 12. Creating and/or forwarding messages, jokes, etc., which violate School Board harassment policies and/or create an intimidating or hostile environment.
- VII. Sexting shall be prohibited. All acts of alleged sexting shall be reported to the appropriate legal authority.
- VIII. The e-mail system and the hardware are owned by the School District and are intended for School District business use. Minor personal use of e-mail and the Internet by School District employees is acceptable but should not interfere or conflict with School District business.
- IX. School District business conducted by e-mail must be done using the e-mail account that the School District supplies. When an employee conducts official business of the School District via e-mail, any records requiring retention longer than the automatic three (3) year time period shall be maintained and accessible in compliance with the Florida Public Records law and the School District Records Management Manual. E-mail shall not be used as the retention site for School District business records.
- A. Employees shall use the following format for e-mail signatures:
1. Employee's Legal Name
 2. Job Title(s)
 3. Award or Honor Designation (e.g., Teacher of the Year, etc.)
 4. School or Department
 - a. The official school or department logo may also be included if its memory size does not interfere with the inclusion of all other required elements of the School District format in Paragraph IX.A. of this policy.
 5. Work Address

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6. Work Phone Number(s)
 7. Work Fax Number
 8. Work E-Mail Address
 9. School District Mission Statement
 - a. "Inspiring all learners to reach their highest potential as responsible, productive citizens"
 10. School District Vision Statement
 - a. "The School District of Osceola County will work in partnership with families and the community to ensure all learners develop the essential knowledge and skills of successful, future-ready graduates."
 11. Legal Statement regarding Florida Public Records Law
 - a. "The information contained in this e-mail message is intended solely for the recipient(s) and may contain privileged information. Altering the contents of this message is prohibited. This information is the same as any written document, may be subject to all rules governing public information according to Florida law, and shall not be altered in any manner that misrepresents the activities of the School District of Osceola County, Florida [FSC 1.24; FS Chapter 119]. If you received this message in error or are not the named recipient, please notify the sender, and delete this message."
- B. No other information is permitted in e-mail signatures (e.g., personal quotations).
- C. The employee's e-mail signature must use a sans-serif font that is compliant with federal guidelines for the Americans with Disabilities Act. Fonts include, but are not limited to, Arial, Calibri, etc., a minimum point size of 12, and high contrast colors such as black on a white background.
- X. Failure to adhere to this policy may result in suspending or revoking the offender's privilege of access to the network and other disciplinary action up to and including termination of the employee or expulsion in the case of a student.

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- XI. Any student shall be exempt from accessing the Internet upon request in writing from the parents to the principal, as defined by Florida Statutes and case law. The request for exemption shall expire at the end of each school year. It shall be the responsibility of the parent to renew the request annually.
- XII. The School District reserves the right to monitor and/or retrieve the contents of e-mail messages for legitimate reasons such as, but not limited to, ensuring the integrity of the system, complying with investigations of wrongful acts, or recovering from a system failure.
- XIII. School District employees' and students' passwords are confidential, and shall meet the following requirements in order to maintain network security:
 - A. Employees/ students shall change passwords when prompted by the School District's network or by School District-approved software program applications, or whenever the employee/ student feels his or her password may have been compromised;
 - B. Employee/ student passwords shall follow the standards established and approved by the Chief Information Officer, or designee;
 - C. Employees/ students shall type in passwords at each log in.
 - D. Employees/ students shall not share passwords and shall not set passwords to an automatic log in mode.
 - E. It may become necessary to know employee or student passwords for maintenance purposes. Only authorized computer maintenance personnel will be allowed to know passwords. Upon completion of the maintenance activity, the user will need to change his or her password.
- XIV. All Web sites representing any School District employee, school, or department, pursuant to their official School District role and duties must have their Web site hosted on a School District file server or School District approved hosting service. File server space, Web site design software, and technical assistance are provided to School District employees to facilitate posting of School District business-related Web pages. Using free or paid outside hosting services for public dissemination of School District business is not permitted.
- XV. Employees may choose to connect, pursuant to their duties, personal cellular telephones or other personal communication devices to the School District's guest network. Employees' personal devices connected to the School District's guest network may be subject to a public records request or official School District or law enforcement investigation.

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- XVI. Students may choose to connect personal cellular telephones to the School District's guest network as outlined in the Student Internet and Network Use Procedures form (FC-820-2259).
- XVII. Employees and students shall not use personal data plans to establish connectivity to the Internet to circumvent the School District's filtered network for either instructional use or student access.
- XVIII. The School District reserves the right to log, monitor, examine, and evaluate all usage of its technology resources.
- XIX. Users of the School District's network shall not use any equipment or software on any device connected to the School District's network to:
- bypass, destruct, modify, "hack," or abuse the School District's network, network filtering system(s), or network security system(s); or to
 - disrupt the School District's network in any way.

The Superintendent, or his/ her designee, may authorize select School District technology employees on occasion to use software or equipment to bypass the School District's filtering system(s) or network security system(s) to perform specific job duties as approved and assigned.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.43, F.S.

HISTORY:

REVISED: 12/06/05, 05/01/07, 02/05/08, 10/21/08,
08/25/09, 07/13/10, 08/09/11, 02/07/12,
06/05/12, 09/17/13, 03/04/14, 12/16/14,
08/18/15, 12/13/16, 08/15/17, 08/21/18,
05/04/21, 08/16/22, 12/13/22

FORMERLY: 3.21

CHAPTER 8.00 - AUXILIARY SERVICES

SOCIAL MEDIA

8.601+

- I. Definition
 - A. Social media are various forms of electronic communication that enable users to express creativity, share knowledge with those who have common interests, and connect with others.
 - B. Examples of social media include, but are not limited to, Facebook, LinkedIn, Second Life, Twitter, YouTube, Instagram, Google+, Pinterest, Flickr, MySpace, Internet dating, and other emerging sites or applications.
- II. District Social Media Sites
 - A. Upon adoption of this rule, only the Public Information Officer, who acts as the spokesperson for the District through the Community Relations Office, the Coordinator of District Athletics, and the Chief Human Resources Officer or his or her designee are authorized to have District social media sites. No other District employee or individual department or school shall have a social media site for conducting District business or communicating with students, parents, or the public. After the adoption of this rule, other District departments or schools may request in writing for District social media sites. Only the Superintendent or his or her designee may grant approval for additional District social media sites.
 - B. District social media sites shall be reserved for District business only to provide information to the public regarding announcements, events, etc.
 - C. All content posted to approved District social media sites shall be subject to District rules and guidelines, including but not limited to:
 - 1. Approved District social media site moderators shall not post personal information, opinions, statements, photographs, etc.
 - 2. All information on approved District social media sites shall be as current and accurate as feasible.
 - 3. All information shall be communicated on approved District social media sites from the District only. Two-way communication may occur on a minimal basis but shall be monitored for appropriateness by the spokespersons designated per Paragraph II.A. of this rule.
 - 4. Student names or photographs shall not be published without written permission from each student's parent.

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5. Confidential or proprietary information shall not be posted. All posts shall be in compliance with appropriate copyright, trademark, and privacy laws.
 - D. Pursuant to Florida law, all communication created as part of District business is public record and must be maintained and retained according to state retention guidelines. District social media site account authorization records including access rights and account information shall be maintained according to the appropriate state requirements.
 - E. Nothing on a District social media account, site, or page shall constitute a binding agreement, representation, or endorsement by Osceola County School Board.
- III. Employees' Use of Social Media Sites
- A. The District cannot prohibit the use of personal social media sites. However, employees are encouraged to block personal sites from students. Employees shall not use the District's seal, school logos, or any other District representation or images on any personal sites. Employees may identify themselves as a District employee, but must include a disclaimer stating that the views expressed or information posted do not reflect the views of the Osceola County School Board or School District staff. Employees are informed in this rule that conduct on personal social media sites may affect his or her professional reputation and employment with the District and that all employees are bound by the Code of Ethics and Principles of Professional Conduct for the State of Florida.
 - B. Employee communication with individual students shall be with parental consent and only through use of District supplied e-mail or other District approved software applications or web tools, including, but not limited to, Remind 101. Employees are encouraged to copy parents on all communication with students.
 - C. Employees must maintain appropriate relationships with students and parents at all times. Employees are responsible for the content of their communication. Employees must be fair and respectful and maintain professionalism consistent with District policies and state law. Employees shall not engage in any activity that could reasonably be viewed as inappropriate or that seriously reduces his or her effectiveness as an employee of the District.
 - D. Employees are informed in this rule that there is no expectation of privacy when using social media sites and that once the employee posts content, it is under the control of the service provider.

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- E. School Board Rule 5.321 – Prohibiting Bullying and Harassment shall also apply in regard to employees’ use of social media.
- F. The employee shall report any inappropriate use of social media to his or her supervisor, the student’s principal, or to the District’s Chief Human Resources Officer, and no retaliation shall result from such a report. Good faith reporters shall be protected from retaliation in accordance with School Board Rule 6.75 – Whistleblower Protection and applicable Florida law.
- G. The employee’s failure to adhere to this policy, any conduct that negatively affects the job performance of the employee or others, or any conduct that has a negative impact on the District may result in discipline, up to and including termination, and legal action may apply.
- H. The Superintendent or his or her designee may establish the calendar of training and/ or procedures that direct employees in regard to this rule and in the appropriate communication for school-sponsored events or activities, including, but not limited to, field trips.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

**1000.21, 1001.43, 1012.795, F.S.;
119, F.S., 20 U.S.C. §; 34 CFR Part 99 (FERPA);
Public Law 104-191 (HIPPA)**

STATE BOARD OF EDUCATION RULE(S):

6B-1.001

HISTORY:

**ADOPTED: 06/03/14
REVISED: 08/18/15, 08/15/17
FORMERLY: NEW**

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TELEPHONE SERVICE

8.61+

In order to promote efficiency and economy, the Superintendent or designee shall develop a uniform system for implementing effective telephone service systems, including use of telephone lines to support technology. School personnel shall be informed of this system.

The system shall encourage use of SUNCOM networks or equivalent services.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

REVISION(S): 12/06/05
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

STUDENT USE OF PERSONAL TECHNOLOGY

8.63+

- I. A student may possess a wireless communication or electronic device such as a personal digital assistant (PDA), laptop computer, notebook, tablet, or smart phone, in school, on school property, at after school activities, and at school related functions under specified conditions.
 - A. The device may be used for academic or extracurricular purposes when permitted by a teacher, instructional aide, coach, or activity sponsor.
 - B. The student may use the device for class assignments and to access the District network.
 - C. The wireless communication or other electronic device must remain powered down, silenced, and stored out of sight during school hours unless permitted for academic purposes and on school vehicles.
- II. A student using personal technology in school or on school property shall adhere to the provisions of Policy 8.60+, Network Acceptable Use; *Student Internet and Network Use Procedures*; and the *Code of Student Conduct*. Failure to adhere to these policies may result in disciplinary action and suspension or revocation of the privilege of using personal electronic devices at school.
- III. A student who possesses a wireless communication or electronic device on school property, at after school activities, or at school related functions shall be responsible for its care.
- IV. The District shall not be responsible for maintenance of a student-owned device or for preventing loss, damage, or theft of a student's personal electronic device.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1003.31, 1006.07, 1006.15, F.S.

HISTORY:

**ADOPTED: 09/17/13
REVISION DATE(S): N/A
FORMERLY: NEW**

CHAPTER 8.00 - AUXILIARY SERVICES

MANAGEMENT INFORMATION SYSTEM

8.70+

The District shall develop and maintain an integrated information system for educational management. The Superintendent or designee shall ensure that compatibility exists with the state comprehensive management information system. Procedures and guidelines shall be developed to ensure that adequate management information support needs are met.

- I. The School District shall establish and maintain a Forms Management system. This shall include a Forms Management Committee which shall periodically recommend procedures for the creation, revision, consolidation, reduction, and elimination of data collection instruments in accordance with guidelines established by the School District.
- II. The Records Management Department shall maintain a system which includes current copies of all forms that have been adopted for use by the Forms Management Committee.
- III. Procedures regarding the management of School District forms shall be approved by the School Board and contained in the Forms Management Manual.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.11, 1001.43, 1008.385, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.0014

HISTORY:

REVISION(S): 12/06/04, 12/06/05, 02/05/08, 08/25/09
FORMERLY: 1.7

CHAPTER 8.00 - AUXILIARY SERVICES

RECORDS MANAGEMENT

8.80+

- I. The School District shall establish and maintain a system for the identification, inventory, retention, storage and disposal or preservation of School District records pursuant to the Public Records Law and in accordance with the guidelines, including records retention schedules, set forth by the Florida Department of State, Division of Library and Information Services, and per recommendations as set forth by the School Board, Superintendent and staff.
- II. The Superintendent shall designate a Records Management Liaison Officer (RMLO) who shall function as the primary contact between the District and the Division of Library and Information Services.
- III. Procedures regarding the management of School District records shall be approved by the School Board and contained in the Records Management Manual.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

119.01, 257.37, 1001.43, 1001.52, F.S.

HISTORY:

REVISED: 12/06/04, 02/06/07, 10/21/08, 08/25/09
FORMERLY: NEW

CHAPTER 8.00 - AUXILIARY SERVICES

ENERGY CONSERVATION PROGRAM

8.90+

- I. The policy of the School District of Osceola County is to conserve energy and natural resources and to develop a districtwide awareness of energy needs and the related costs to meet these needs.
- II. The fulfillment of this policy is the joint responsibility of the Board Members, administrators, teachers, students, and the support personnel. Cooperation shall be experienced on all levels for the success of this policy.
- III. The District will maintain accurate records of energy consumption and cost of energy on a monthly basis. Energy conservation guidelines will be developed and implemented upon approval by the Board annually.

STATUTORY AUTHORITY:

1001.41; 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.42; 1001.43, F.S.

STATE BOARD OF EDUCATION RULE(S):

N/A

HISTORY:

**REVISED: N/A
FORMERLY: NEW**

SCHOOL BOARD POLICY MANUAL

FOR SCHOOL DISTRICT OF

OSCEOLA COUNTY

**CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

PARENT ORGANIZATIONS AND SCHOOL SUPPORT GROUPS 9.10

- I. Each school principal is encouraged to cooperate with parent and school support groups in the District. The school principal shall be responsible for forming and assisting organizations which are desired and necessary for the school program; such organizations shall be kept active by the school principal for the duration of their need and encouraged to maintain accurate financial and activity records.
- II. School Related Organizations (or organizations operating in the name of the school) are those holding themselves out to be associated with or supporting a school or school organization but not meeting the definition of school organization. Included are PTO's, Band Booster organizations, and Athletic Booster organizations.
 - A. All such organizations will maintain their financial records on the same fiscal year as the School District. Annual Reports will be filed with the School Board in the format prescribed by the Accounting Department by the due date for the District's Annual Financial Report established in State Board Rules.
 - B. School related organizations may not make payments directly to School Board employees for services covered by School Board-approved salary schedules. Any such payments must be processed through the District's payroll system and be in accordance with rules of the School Board. No payments may be made in excess of the School Board-approved salary schedule.
 - C. No school related organization may solicit funds in a manner implying that such funds will become property of the school unless such funds are deposited directly in internal accounts.
 - D. No school related organization may utilize students in door-to-door sales or solicitations. School related organizations may not solicit contributions from the general public through the mail.
 - E. With the principal's permission, school related organizations may collect funds on campus for their own accounts before or after the students day or during lunch.
 - F. A maximum of one fund raising activity per semester by school related organizations may be permitted on campus during the student day. Use of school facilities requires the recommendation of the Superintendent and Principal.

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- G. The Principal may veto activities of school-related organizations that are in conflict with the school program or detrimental to the reputation of the school.
- H. Failure to comply with these rules will disqualify the organization from using the school name, from using any school facility, and from making any contribution, in kind or monetary, to the District or any school or school organization.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

FORMERLY: NEW

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

PUBLIC INFORMATION

9.20

Because the schools belong to the people who created them by consent and who support them by taxation, it is the declared intent of the School Board:

- I. To keep the citizens adequately informed through appropriate channels of communication on policies, programs, problems, needs, and the planning of the school system and to carry out this policy through its own efforts and the Office of the Superintendent.
- II. To seek advice and opinion of the people of the School District.
- III. To require each school and the District staff members to cooperate in keeping the public informed of all newsworthy events which would be of interest or concern to the citizens of the District and which would promote the welfare of the school system, provided that any news release by a particular school be approved by the principal and that any release relating to the District as a whole shall be approved by the Superintendent.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.51, F.S.

HISTORY:

FORMERLY: NEW

**CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

SCHOOL REPORTS

9.21+

Each school shall make available annually, to parents and the community, school reports required by federal and state laws and State Board of Education rules including, but not limited to, the following criteria:

- A. The District's policies and procedures on student retention and promotion;
 - B. By grade, the number and percentage of all students in grades 3 through 10 performing at Levels 1 and 2 on the reading portion of the FCAT or equivalent state assessment;
 - C. By grade, the number and percentage of all students retained in grades 3 through 10.
 - D. The total number of students who were promoted for good cause, by each category of good cause as specified in state law; and
 - E. Any revisions to the district school board's policy on student retention and promotion from the prior year.
- II. Reports shall follow a uniform District-wide format that is easy to read and understand.
- III. Schools may include other information in the report about the school's progress and other related school information.
- IV. School reports shall be published on the District website and in the local newspaper.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1000.21, 1001.11, 1001.43, 1008.25, 1008.345, F.S.

STATE BOARD OF EDUCATION RULE(S):

6A-1.0998

HISTORY:

**REVISED: 02/06/07, 03/04/14
FORMERLY: NEW**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

COMMUNITY USE OF FACILITIES

9.30*+

- I. Use of Building and Grounds
 - A. Facilities are only for use in the educational program except as otherwise specifically permitted in this rule, including the non-school uses allowed in subparagraphs E and F, below, and pursuant to the Standard Facilities Use Agreement.
 - B. Organizations or persons may lease facilities as allowed in subparagraph E(2), for political purposes. Subparagraph E(2) allows theaters, auditoriums, and other facilities approved by the Superintendent to be rented, pursuant to the Standard Facilities Use Agreement, to for-profit organizations and persons acting for profit or private gain, and to nonprofit organizations that are not recognized as 501(c)(3) exempt by the Internal Revenue Service. However, whenever an organization rents for private or personal gain or for political activity, the organization or persons renting the facility must make it clear that the School Board is not endorsing, sponsoring, or participating in any manner in the event, nor is the School Board endorsing any product, service, viewpoint, or political position that may be expressed or promoted during the period of such rental of a District facility.
 - C. It is the policy of the District that the right of free speech and access shall be granted in accordance with law. However, the paramount purpose of the District is the provision of its program of education. Accordingly, all District property, equipment and facilities, including all methods of communication though the use of School Board facilities and equipment such as, but not limited to, duplication machines, photocopying machines, telecommunication facilities and wires, computer transmission facilities, including modems, desktop publishing and facsimile transmission or telecopy facilities, are deemed facilities dedicated for use in the educational program and not for use by any person or group except as expressly permitted in this policy.
 - D. Nothing in this policy prohibits the use of any District facility by an employee of the District in the performance of the employee's job, including the use of the District facilities for communications between employees of the District which are related to the performance of their work, communications with School Board members which are related to any business of the District, or to communicate with students and their families in connection with the work of the employee for the District (but not including the use of District facilities for communicating to students or their families the personal opinion,

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unrelated to the educational program of the District, of the employee concerning any issue pending before the School Board or the voters of Osceola County at any general or special election, including any referendum).

- E. Exceptions to the general prohibition against the use of School District facilities for private or personal gain or profit: No individual, including an employee of the School Board, group, or organization may use buildings for private profit or personal gain. However, there are two general exceptions:
1. Nonprofit and youth organizations, as defined hereinafter, shall be permitted to use buildings for fundraising purposes, when prior approval is obtained from the school principal and the Superintendent. The term nonprofit shall mean those nonprofit companies and organizations, whether or not the nonprofits are 501(c)(3) exempt and recognized as such by the Internal Revenue Service. The term youth organizations shall refer to charitable nonprofit organizations that are deemed by the school principal and the Superintendent to operate for the benefit of the children of Osceola County; and.
 2. Theaters, auditoriums, and other facilities approved by the Superintendent may be rented to any person or organization, regardless of whether or not the person or organization is renting the facility to use for private or personal gain, the conduct of profit making business activity, political activity or any other type of lawful activity that the Superintendent determines is not inconsistent with the standards of K-12 public education in Osceola County. Without limitation, tobacco products, sexually provocative activity or products, and alcoholic beverage products are inconsistent with the appropriate standards for activity on school premises and will not be permitted. Subject to the requirements of this rule and those set out in the Standard Facilities Use Agreement, the theaters, auditoriums and other facilities approved by the Superintendent may be rented by for-profit organizations, persons who are renting for use intended to result in private, personal or financial gain, to nonprofits and youth organizations, whether or not the nonprofits are 501(c)(3) exempt and recognized as such by the Internal Revenue Service, desiring to use facilities for some purpose other than fundraising purposes (subject to the possibility of a reduction or waiver by direction of the Superintendent or designee of rental fees, with respect to groups that are determined by the Superintendent to directly benefit the

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students and/or programs of the School District, as provided in subparagraph G of this Rule).

- F. All such use shall be under the supervision of the building administrator. Specific fees for use of school facilities shall be based on annual fee schedule as recommended by the Superintendent, and shall be payable to the School Board. Payment must be made in advance. Fees may be reduced or waived by direction of the Superintendent or designee, but only for those groups that directly benefit the students and/or programs of the school district. Fifteen percent (15%) of any fees or donations for facilities use shall be remitted to the district office to offset the cost of utilities or maintenance.
- G. Persons using the buildings and grounds must take proper and ordinary care of them and shall be held responsible for any damage or vandalism incurred as a direct result of their use.
- H. Alcoholic beverages and gambling are forbidden on premises; use of tobacco products and possession of weapons is prohibited.
- I. Students are not to be in the school buildings without faculty supervision, except for the attendance at public gatherings or by special permission of the school principal.
- J. Firearms and other weapons
 - 1. Firearms - no person shall, while on the grounds or in any building owned or operated by the School Board of Osceola County, Florida, possess, carry and/ or transport on or about his/ her person or discharge any firearm, as defined in Section 790.001(6), Florida Statutes, excluding duly authorized law enforcement officers in the lawful performance of their duties.

Pursuant to the authority as granted in Section 790.115(2)(a)3, Florida Statutes, the School Board by this rule is eliminating or waiving the statutory exception, and further providing that no weapon or firearm as defined in Florida law may be brought on School District property or at any School District event at any time, including a prohibition against keeping the weapon locked in a vehicle.

This prohibition is a condition of the privilege of parking on campus, both for students and non-student visitors, excluding law

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enforcement officers as defined in Section 943.10(1)-(4) and (6)-(9) or (14), Florida Statutes. Law enforcement officers may leave their weapons locked in their vehicles. In addition, School Resource Officers and other sworn law enforcement officers on campus for official police business may carry their weapons in the usual course of their business.

2. Other Weapons - No person shall, while on the grounds or in any building, owned or operated by the School Board, possess, carry and/or transport on or about his/her person any weapon as defined under Florida Statutes. This shall not apply to items necessary for job performance.
3. The authority to approve exceptions to this rule is granted exclusively to the Superintendent or his or her designee.
 - Non-operational replicas, models, or simulations of firearms or weapons must be pre-approved in writing by the Superintendent, which approval may be withheld in the Superintendent's sole discretion.

II. Use of School Equipment

- A. It should be understood by each employee of this district that all school equipment if purchased by tax, or donated dollars is intended for use in the educational process of the students attending District Schools.

These materials may be checked out by parents of students attending District Schools after execution of Form #FC-820-894. This form indicates:

- Acceptance of financial responsibility
 - Educational purpose
 - Agreement to return said materials immediately upon request
 - Date checked out and date to be returned
 - Complete parent/ guardian information, *i.e.*, name, social security number, address, phone number, etc.
- B. Personal use of school equipment is prohibited and employees should refrain from submitting such requests to the principal.

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Employees requesting the use of equipment which directly relates to their job responsibilities may be granted permission by the appropriate administrator upon execution of form #FC-820-894.

- C. Non-profit organizations with good cause may be exempt from the above rule provided advanced approval is secured from the Principal. The term *non-profit* shall mean those organizations which are 501(c)(3) exempt and recognized as such by the Internal Revenue Service. The Principal may not approve of any practice or use in violation of this policy.

III. Regulation of Employee Use of Facilities, and Statement of Equal Access

- A. To the extent any School Board facility or property is permitted by this policy to be used by any person or group for any purpose other than the delivery of the educational program, then such use will be made available on similar terms and conditions to any person or group without regard to the content of the particular message being communicated and without discrimination on the basis of whether the person using the facility is or is not a School Board employee and without discrimination based on any other classification prohibited by general or special federal or state law or applicable regulation.
- B. All employees of the School Board reserve their right to freedom of expression. However, no employee shall have the right to utilize any facility of the District for personal gain or advantage under terms and conditions which are not generally available to other residents of the County under the same general terms and conditions unless the School Board has, previous to such use, expressly permitted such a privilege. Additionally, the facilities of the District shall not be used by any School Board employee for the purposes of advocating a position concerning an issue pending before the School Board or the voters of Osceola County at any general or special election, including any referendum.
- C. Nothing herein shall limit the right of the School Board to determine in a particular campaign that the District should actively participate in a campaign, the outcome of which will have a substantial bearing on the general ability of the School Board and the District to furnish a public education program consistent with School Board policy. No School Board employee shall have the right to decide when the use of a District item or property or a District facility is for the betterment of the District, only the School Board has the authority to dedicate the use of its facilities and property for such purposes. Nothing herein limits the right of any employee of the Board to speak or appear before the Board.

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IV. Regulation of School Board Member Use of Facilities and/ or Equipment

- A. Individual School Board members may use School District facilities and/ or equipment for personal initiatives or non-School Board sponsored events under the same terms and conditions as organizations and community members. Such use shall comply with this policy and the Standard Facilities Use Agreement. The School Board meeting room shall not be subject to lease/ use at any time by School Board members unless an event that has been approved by the majority of the School Board.

V. Exceptions

Exceptions to this rule include, but are not limited to, the following:

- A. District personnel may use Electronic Mail for sending announcements such as blood drives, funerals, united fund drives, meetings, etc., in accordance with guidelines determined by the Superintendent or School Board.
- B. Personal use of telephones on an occasional basis is reasonable as long as the privilege is not abused. Long distance personal calls shall be paid by the caller.
- C. Professional Organizations, to which some district personnel belong, may promote the School District as a community participant (FASPA, FASA, FASBA, Rotary, Kiwanis, Red Cross, Salvation Army, Chamber of Commerce, FASCD, Educational Organizations, etc.) through use of the courier, Electronic Mail, and other means of communication. Organizations must gain the approval of the Superintendent prior to using the facilities of the District. The Superintendent shall notify the School Board of the organizations receiving approval.
- D. The Osceola County Administrative Association and other bona fide nonprofit employee organizations may use computers, equipment, and the courier for business purposes of communicating notices, minutes, and agendas.

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- E. District personnel may use computers and equipment for schoolwork or professional development or to improve their personal skills, subject to guidelines issued by the Superintendent.

An employee may use District computer equipment for personal reasons under the following circumstances:

1. The use is consistent with the employee's obligations to students, the public, and the School Board and not illegal under any policy, law, or applicable administrative regulation;
 2. The personal use of the computer equipment is not done during the regular working hours of that employee; and
 3. The personal use of the computer equipment does not interfere in any manner whatsoever with the operation of the District.
- F. District personnel may use copy machines at employee rates.
- G. District personnel may use phone calls to notify parents of upcoming events (meetings). Such calls shall be limited to date, place, time and agenda.

STATUTORY AUTHORITY:

790.115, 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 106.15, 790.001, 1001.33, 1001.43, 1001.51, 1013.10, F.S.

HISTORY:

**REVISION(S): 02/05/08, 08/25/09, 01/29/13,
03/04/14, 12/16/14, 08/17/21
FORMERLY: 1.17, 3.12**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

ADVERTISING AND COMMERCIAL ACTIVITIES

9.40+

- I. The purpose of this policy is to provide guidelines for the appropriate and inappropriate use of advertising or promotion of commercial products or services to students and parents in the schools. The intent of this policy is to create a limited public forum for the express purpose of raising revenue for the school district and its constituent schools through business advertisements that are consistent with the mission of providing a free and appropriate public education to residents of Osceola County, Florida. The restrictions upon advertising contained in this policy are deemed to be viewpoint neutral and reasonable in light of the purpose served by the forum.
- II. "Advertising" comes in many different categories and is communicated through many forums and is defined as an oral, written or graphic statement made by the producer, manufacturer, or seller of products, equipment, or services which calls for the public's attention to generate a desire to buy, obtain, or use the product, equipment, or service. Advertising also includes the visible promotion of product logos for other than identification purposes. Use of brand names, trademarks, logos, or tags for product or service identification purposes are not considered advertising.
- III. The Board may authorize and/ or contract for advertising in District facilities, including schools, or on District property and delegate that authority to school principals in the following categories or forums in accordance with the guidelines set forth herein. All advertising shall comply with the general advertising guidelines set forth below.
 - A. Permitted Product Sales
 1. Advertising of product sales that benefit the School District, a district school or school student activity;
 2. Advertising pursuant to an agreement with the School Board that provides for the exclusive right to sell or promote products or services in the district or district schools; or
 3. Promotion of fundraising activities (e.g., short term sales of gift wrap, cookies, candy, etc.) for the benefit of a specific school, student population, club or activity, commonly referred to as school, club, or school support organization, (PTA or booster club) and other fund raisers.

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B. Permitted Direct Advertising/ Appropriation of Space

1. Corporate logos or brand names on school equipment (e.g., marquees, message boards or score boards) provided by a vendor at no cost to a school or the school district;
2. Ads, corporate logos, or brand names on book covers or student assignment books/planners provided by or paid for by a school's business partner; or
3. Ads in school publications (newspapers and yearbooks and event programs).

C. Indirect Advertising

1. Corporate-sponsored instructional or educational materials, teacher training, contests, incentives, grants or gifts; or
2. Instructional materials developed by commercial organizations such as films and videos only if the education value of the materials outweighs their commercial nature (The films or material shall be carefully evaluated by the school principal or designated school administrator for classroom use to determine whether the films or materials contain undesirable promotional material and otherwise are in compliance with the guidelines as set forth above.).

D. General Advertising Guidelines

1. Advertisements shall be reviewed by the superintendent, appropriate deputy superintendent or school area executive director and may be rejected if determined to be inappropriate or to be inconsistent with the educational objectives of the District or with the guidelines set forth in this policy. Samples of products to be advertised shall be made available for inspection.
2. The Board's name, students, staff members, or facilities shall not be used for any commercial advertising or for promotion of the interests of any commercial, political, nonprofit, or other non-school agency or organization, public or private, without the approval of the Board or its designee and as permitted by this policy.
3. All commercial or corporate involvement should be consistent with the District's educational standards and goals.
4. The Board reserves the right to consider requests for advertising in the schools on a case-by-case basis.

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

5. An advertisement shall not promote or contain references to alcohol, tobacco, drugs, drug paraphernalia, weapons, or lewd, vulgar, obscene, pornographic, illegal, or otherwise inappropriate materials.
6. An advertisement shall not promote any political candidate or ballot issue.
7. An advertisement may not contain libelous material.
8. An advertisement which would tend to create a substantial disruption in the school environment or inhibit the functioning of any school shall not be permitted.
9. An advertisement shall not contain false, misleading, or deceptive information or content.
10. Each advertisement must be reviewed by the Superintendent or designee in advance for age appropriateness.
11. All corporate support or activity must be consistent with the Board's policies prohibiting discrimination and must be age-appropriate.
12. Students shall not be required to advertise a product, service, company, or industry.
13. The inclusion of advertisements in District publications, in facilities, or on its property does not constitute or imply approval and/or endorsement of any product, service, organization, or activity.
14. The School Board reserves the authority to approve or disapprove any advertising.
15. Facilities owned or leased by the School Board and school district or school publications shall not be used for advertising or otherwise promoting the interests of religious, political, or other non-district agency or organization.
16. Nothing in this policy shall be construed to prohibit the recognition of contributions to the school or related educational programs, such as instructional materials or student awards by businesses/ corporations or to prohibit the use of such contributions bearing the identification of the business partner sponsoring the contribution.

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

E. Business Partner Sponsorship/ Advertising

1. Schools and departments may recognize businesses and other community groups providing assistance or financial support for academic/ enrichment programs.
2. This recognition may include, but is not limited to, temporary signage at school events and on school facilities, such as, gymnasiums, stadiums, and other athletic facilities, cafeterias, and perimeter fencing, in accordance with applicable municipal/ county government codes and zoning.
3. Such signage must be designed in such a way as to represent and be consistent with the philosophy of the Board and the standards of the community, and must be nonpolitical or nonsectarian in nature.
4. Schools may work with local sponsors or advertisers directly or with the assistance of support organizations established for the purpose of raising funds to support the school's programs. Supporting organizations are defined as school allied groups such as parent organizations, boosters, the Education Foundation of Osceola County, and similar school/ educational program support organizations.
5. A principal may pursue sponsorship opportunities directly; however, the following guidelines shall apply:
 - a. Temporary signage must adhere to all municipal/ county government zoning ordinances and School Board policies.
 - b. Temporary signage must not obstruct sight of school facilities or interfere with school activities.
 - c. All appropriate School Board bookkeeping procedures will be followed; School Board Policy requires that all moneys collected or disbursed by school personnel or by students within a school, in connection with the school program, for the benefit of that school, a class, club, department, employee, or student, shall be recorded in school's Internal funds. All funds generated from a profit-making business operating on a continuous basis on school grounds, must be deposited in the school's Internal funds. All of the said funds shall be administered and accounted for in accordance with existing laws, Florida State Board of Education Administration Rules, and School Board Policies.

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F. Other Advertising

1. Advertising on school buses shall be prohibited per state law.
2. 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 noncontroversial.
3. The Superintendent may announce or authorize to be announced any lecture or community activity of particular educational merit.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, F.S.

HISTORY:

**REVISED: 03/04/14
FORMERLY: NEW**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

DISTRIBUTION OF LITERATURE AND MATERIALS TO STUDENTS

9.50

Literature or materials which originate from out-of-school sources shall be approved by the Superintendent or designee prior to distribution to students.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

847.012, 1001.43, 1006.08, F.S.

HISTORY:

**REVISED: 03/04/14
FORMERLY: 6.6.3.B**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

VISITORS

9.60

- I. Any person entering the premises of a school shall report to the principal or designee and make known the purpose of the visit.
- II. This policy does not apply to routine deliveries or scheduled maintenance visits.
- III. A student not enrolled in the school or a student not accompanied by a parent, as defined by Florida Statutes, is prohibited from visiting a school unless otherwise approved by the principal.
- IV. Parents are invited to visit the schools pursuant to this policy. To avoid interrupting the daily program, the parent should request a conference for after school hours or during a teacher's conference period. Parents are encouraged to plan such conferences with teachers and shall sign in at the principal's office and be issued a visitor's badge at the time they arrive on the campus.
- V. The school principal or designee shall approve all visitors and parents who wish to enter a classroom during instructional time. Observation of a teacher's class by a visitor or parent shall be allowed only after receiving the school principal's consent and providing at least two (2) workdays notice to the school principal, unless the teacher whose classroom may be observed consents to less than two (2) workdays notice. Visitors and parents who are approved to observe a classroom shall not collect audio-visual recordings without a written release from parents of each student present in the classroom observed.
- VI. The Superintendent or his or her designee may establish administrative procedures that are necessary for the protection of students and employees of the District from disruption to the educational program or the efficient completion of their assigned tasks.
- VII. The Superintendent or designee shall allow persons convicted of certain crimes as defined in Section 856.022, F.S., to visit a school campus or event under specific circumstances. The individual must request approval prior to the activity. If approved to be on campus or at a school event, the individual shall be under the supervision of a designated staff member at all times.
- VIII. Any person who enters or remains upon District property without legitimate purpose may be found to be trespassing and, therefore, in violation of Florida Statutes and subject to arrest and penalties as defined by statutes.

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

STATUTORY AUTHORITY: 1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED: 856.022, 1000.21, 1001.43, 1006.145, 1006.07, F.S.

HISTORY: **REVISED:** 02/06/07, 02/07/12, 08/18/15
FORMERLY: 6.6.3.B, 6.6.4

**CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

**CIVILITY AND ORDERLY CONDUCT AMONG SCHOOL DISTRICT
EMPLOYEES, PARENTS, AND THE PUBLIC**

9.63*

The School Board recognizes that education of children is a process that involves a partnership between a child's parents, teacher, school administrators, and other school and School Board personnel. The School Board recognizes that parental participation in their child's educational process through parent/teacher conferences, classroom visitation, serving as a school volunteer, serving as a field trip chaperone, PTA participation, and other such service is critical to a child's educational success. For that reason, the School Board welcomes and encourages parental participation in the life of their child's school.

However, from time to time parents and other visitors to schools, any other District facilities, or school or district sponsored events sometimes act in a manner that is disruptive and which is threatening and/or intimidating to school and District employees.

The purpose of this policy is to provide rules of conduct for parents, other visitors to schools, and District employees which permit and encourage communication between parents, other persons, and school and District personnel concerning students or other matters and to encourage participation in school or District activities, while at the same time enabling the School Board to identify and deal with those behaviors which are inappropriate and disruptive to the operation of a school, any other District facility, or a school or district sponsored event.

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among district employees, parents, and the public. It is not the intent of the School Board to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents, and other members of the community. In the interest of presenting teachers and other employees as positive role models, the School Board encourages positive communication and discourages disruptive, volatile, hostile, or aggressive communications or actions.

- I. Expected Level of Behavior
 - A. School and School District personnel will treat parents and other members of the public with courtesy and respect.
 - B. Parents and other visitors to schools and District facilities will treat teachers, school administrators, other school staff, and District employees with courtesy and respect.

CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

II. Unacceptable/ Disruptive Behavior

Disruptive behavior includes, but is not necessarily limited to:

- A. Behavior which interferes with or threatens to interfere with the operation of a school, a school classroom, an employee's office or office area, areas of a school or facility open to parents/guardians and the general public, areas of a school or facility which are not open to parents/guardians and the general public, or a school or district sponsored event;
- B. Using loud and/or offensive language, swearing, cursing, using profane language, or display of temper;
- C. Threatening to do bodily or physical harm to a teacher, school administrator, school employee, or student regardless of whether or not the behavior constitutes or may constitute a criminal violation;
- D. Damaging or destroying school or School Board property;
- E. Any other behavior which disrupts the orderly operation of a school, a school classroom, any other School Board facility, or a school or district sponsored event; or
- F. Abusive, threatening, or obscene e-mail or voice mail messages.

III. Parent Recourse

Any parent who believes he/she was subject to unacceptable/disruptive behavior on the part of a staff member should notify the staff member's immediate supervisor.

IV. Authority of School Personnel:

A. Authority to Direct Persons to Leave School or School Board Premises

Any individual who displays the following behavior may be directed to leave the school, school board premises, or the site of a school or district sponsored event by a school's principal or assistant principal, or in their absence a person who is lawfully in charge of the school or any district-level administrator:

- 1. Disrupts or threatens to disrupt school or District operations or the operations of a school or district sponsored event;
- 2. Threatens to or attempts to do or does physical harm to School Board personnel, students, or others lawfully on a school, School Board premises, or the site of a school/ district sponsored event;

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3. Threatens the health or safety of students, School Board personnel, or others lawfully on a school, School Board premises, the site of a school or district sponsored event;
4. Intentionally causes damage to school, School Board property, or property of others lawfully on a school campus, School Board premises, or the site of a school or district sponsored event;
5. Uses loud or offensive language; or
6. Enters a school district facility or the site of a school or district sponsored event without authorization.

If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the offender threatens personal harm, the employee may contact law enforcement.

B. Authority to Deal with Persons Who Are Verbally Abusive

If any member of the public uses obscenities or speaks in a demanding, loud, insulting, and/ or demeaning manner, the employee to whom the remarks are directed shall calmly and politely warn the speaker to communicate civilly. If the verbal abuse continues, the employee to whom the remarks are directed may, after giving appropriate notice to the speaker, terminate the meeting, conference, or telephone conversation.

If the meeting or conference is at a school, on School Board premises, or the site of a school or district sponsored event, any employee may request that an administrator or other authorized personnel direct the speaker to promptly leave the premises. If the person refuses to leave the premises as directed, the administrator or other authorized personnel shall seek the assistance of law enforcement and request that law enforcement take such action as is deemed necessary. If the employee is threatened with personal harm, the employee may contact law enforcement.

C. Abusive, Threatening, or Obscene E-mail or Voice Mail Messages

If any District employee receives an email or voice mail message which is abusive, threatening, or obscene, the employee is not obligated to respond to the e-mail or return the telephone call. The employee may save the message and contact his or her immediate supervisor. If the message threatens personal harm, the employee may contact law enforcement.

**CHAPTER 9.00 – SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

V. Intent

It is the intent of the School Board to promote mutual respect, civility, and orderly conduct among District employees, parents, and the public. It is not the intent of the School Board, however, to deprive any person of his or her right to freedom of expression. The intent of this policy is to maintain, to the greatest extent reasonably possible, a safe, harassment-free workplace for teachers, students, administrators, other staff, parents, and other members of the community. In the interest of presenting teachers and other employees as positive role models, the School Board encourages positive communication and discourages disruptive, volatile, hostile, or aggressive communications or actions.

STATUTORY AUTHORITY:

**1001.41, 1001.43, F.S.;
ARTICLE IX, SECTION 4, FLORIDA CONSTITUTION**

LAW(S) IMPLEMENTED:

1001.42, F.S.

HISTORY:

**ADOPTED: 04/15/08
REVISION DATE(S): N/A
FORMERLY: NEW**

CHAPTER 9.00 - SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

RELATIONS WITH GOVERNMENTAL AUTHORITIES

9.70

- I. When possible, the Board will cooperate with local, state, and federal organizations or agencies; however, such cooperation shall not be at the expense of district-level or local school programs.
- II. The Superintendent may initiate or accept proposals and requests for cooperative endeavors; major final action shall be subject to Board review and approval.
- III. Community relations of a continuing nature may be temporarily approved by the Superintendent if they involve no cost to the system and will neither disrupt the school system nor involve substantial use of facilities or personnel.
- IV. Formal agreements shall require advance Board approval. The Board shall also review and approve major cooperative agreements or arrangements between other school districts, colleges, universities, correctional schools, or other educational organizations.
- V. Guidelines related to joint activities and requests for cooperation shall address costs which may be incurred, the extent of school personnel involvement, and prior agreements or arrangements with the same or similar organizations.

STATUTORY AUTHORITY:

1001.41, 1001.42, F.S.

LAW(S) IMPLEMENTED:

1001.43, 1001.51, 1013.33, 1013.36, F.S.

HISTORY:

FORMERLY: 2.2.2.G. (2)

**CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

**PLANNING AND COORDINATION OF PUBLIC SCHOOL
FACILITIES**

9.80+

- I. The School Board hereby adopts and incorporates by reference the Interlocal Agreement Between the Board of County Commissioners Of Osceola County, Florida, the City of Kissimmee, the City of St. Cloud, and the School Board of Osceola County, Florida, for the Planning and Coordination of Public School Facilities Throughout Osceola County (“Interlocal Agreement”) as required and authorized in Sections 1013.33(1) and 163.3177(6)(h), Florida Statutes, as amended.

- II. The Superintendent is hereby directed to implement planning and coordination of public school facilities throughout Osceola County consistent with requirements of the Interlocal Agreement, and to put in place such procedures as are necessary for such implementation. The procedures shall at a minimum include the following:
 - A. In accordance with the Interlocal Agreement, the School Board designates the Superintendent who shall assign a designee to be responsible for review of all land development applications, including but not limited to future land use map amendments to the comprehensive plan, re-zonings, developments of regional impact, mixed-use developments, subdivisions, planned unit developments and other residential land developments especially when such development or redevelopment proposals could have an impact on student enrollment or school facilities.

 - B. Intake and Processing of Application
 1. The relevant Local Government/applicant will submit the application for the future land use map amendment to the comprehensive plan, re-zoning, development of regional impact, mixed-use development, subdivision, planned unit development and other residential land development to the School District for review to determine whether school capacity is available or planned within three (3) years to serve the proposed residential development at the time of impact.

 2. The School District shall process each land development application within two (2) weeks of the date received or the due date, whichever is later. If the School District is unable to respond within the timeframe, the School District will respond indicating when its comments will be available.

CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND INTERLOCAL AGREEMENTS

C. School Capacity Report (“Report”)

1. The School District shall issue a Report reflecting the impact of the applicant’s development. If the impact of the development does not exceed available or projected three (3) year student capacity of the zoned schools, the School District will approve the development without further comment and will collect all applicable impact fees at the issuance of the Certificate of Occupancy.
2. If the impact of the applicant’s development exceeds the available or projected three (3) year student capacity of the zoned schools, the Report shall detail why the development exceeds the available or projected student capacity and shall offer the applicant an opportunity to enter into a mitigation agreement to ensure proper student capacity will be available to accommodate the impact of the proposed development.

D. Mitigation Procedure

1. Student Capacity Resolution
 - a. If sufficient capacity is not available or planned within three (3) years to serve the development at the time of impact, the applicant, the School District and the affected Local Government will collaborate to identify available means that might be used to achieve sufficient capacity, which may include but not be limited to, developer contributions, project phasing, or developer facility improvements.
2. Second Report
 - a. Upon conclusion of the negotiation, the School District shall issue a second Report.
 - b. If mitigation is agreed to, the second Report shall reflect that the applicant has entered into a mitigation agreement that ensures the impact on school capacity has been met and that the agreement has been agreed to by the applicant, the School Board, and the affected Local Government.
 - c. The mitigation measures shall be memorialized in a Development Agreement between the School Board, the affected Local Government, and the applicant that specifically details the mitigation provisions to be paid for by the applicant and the relevant terms and conditions.

**CHAPTER 9.00: SCHOOL-COMMUNITY RELATIONS AND
INTERLOCAL AGREEMENTS**

- d. If mitigation is not agreed to by the School Board and the affected Local Government, the second Report shall detail: (1) why any mitigation proposals were rejected; (2) why the impact of the proposed development application will negatively impact the student capacity; (3) and how the School Board proposes to meet the anticipated student enrollment demand.

STATUTORY AUTHORITY: 120.536, 120.54, 120.81, 1001.41, 1001.43, F.S.

LAW(S) IMPLEMENTED: 163.3177, 163.3180, 1013.33, 1013.36, F.S.

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**OSCEOLA COUNTY SCHOOL BOARD
POLICY MANUAL**

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