



Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	TRAVEL AND PER DIEM
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#### 0147.1 - **TRAVEL AND ~~PER DIEM~~ EXPENSES**

Members of the School Board have a duty to promote the best interests of the District and are expected to engage in meaningful professional development to enhance their leadership abilities and fulfill their responsibilities. In doing so, members of the Board may need to travel from time-to-time in the county, out of the county, and/or out of the State.

Members of the Board seeking reimbursement for travel must utilize District-approved forms.

#### **Out-of-County Travel (Within the State of Florida)**

Travel outside the county that exceeds \$500.00 requires prior approval by the Board to confirm that such travel is for official business of the District and complies with rules of the State Board of Education.

#### **Out-of-State Travel**

Any request by a member of the Board member to travel outside of Florida must include an itemized list detailing all anticipated travel expenses including, but not limited to, the anticipated costs of all means of travel, lodging, and subsistence. The public shall have an opportunity to speak on any member of the Board specific travel agenda item prior to the Board taking action on whether to approve or deny the travel request.

#### **Travel Costs Paid or Reimbursed from Federal Funds**

Travel payment and reimbursement provided from Federal funds must be authorized in advance and must be reasonable and consistent with the District's travel policy and administrative guidelines. For travel paid for with Federal funds, the travel authorization must include documentation that demonstrates that (1) the participation in the event by the individual traveling is necessary to the Federal award; and (2) the costs are reasonable and consistent with the District's travel policy.

To the extent that the District's policy does not establish the allowability of a particular type of travel cost, the rates, and amounts established under 5 U.S.C. 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances") must apply to travel under Federal awards.

### **Participation in Virtual Trainings and Conferences**

Similar to in-person trainings and conferences, participation by a Board member in a virtual training or conference is defined as official business performed as part of a Board member's duties when all of the following apply:

- A. The main purpose of the virtual training or conference is in connection with the official business of the District and directly related to the performance of the statutory duties and responsibilities of the Board member participating.
- B. The virtual training or conference provides a direct educational or other benefit supporting the work and public purpose of the participating Board member.
- C. The duties and responsibilities of the participating Board member are compatible with the objectives of the virtual training or conference.

Any request by a member of the Board to participate in a virtual training or conference must include an itemized list detailing all anticipated expenses including, but not limited to, the anticipated costs of registration and meeting materials.

Expenses for participation in virtual trainings and conferences that exceeds \$500 requires prior approval by the Board to confirm that such participation is for official business of the District and complies with rules of the State Board of Education.

If a financial condition pursuant to F.S. 1011.051 does not exist, when approved in advance, expenses for participation in a virtual training or conference for members of the Board shall be reimbursed at the rate allowed by State law.

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Legal	F.S. 112.061
	F.S. 1001.39
	F.S. 1011.051
	F.A.C. 6A-1.056
	2 C.F.R. 200.474

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Book	Policy Manual
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Title	ORGANIZATIONAL MEETING
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#### 0151 - **ORGANIZATIONAL MEETING**

In November of each year, the School Board shall organize by electing a Chair and Vice-Chair. In an election year, the organizational meeting shall be on the third Tuesday after the first Monday in November. In non-election years, the date of the organizational meeting shall be set so that the public notice required by law can be provided.

The Chair and Superintendent shall sign a copy of the proceedings of organization as provided in State law and this bylaw, including the schedule for regular meetings and the names and addresses of all District officers, and the Superintendent shall file the document within two (2) weeks with the Department of Education.

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

#### **Appointments**

Appointments to be made at the organizational meeting shall be addressed as follows:

the Board will reach a consensus in the selection of members as may be necessary to the various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board.

the Board members shall discuss the need or necessity for Board members to participate in various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board and determine appropriate representation.

#### **Value Adjustment Board**

The Board shall elect one (1) member to serve on the county value adjustment board. Additionally, it is the responsibility of the Board to appoint one (1) citizen member who owns a business occupying commercial space located within the School District to the value adjustment board.

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Legal                      F.S. 100.041  
                                 F.S. 1001.371

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~~0153~~ **APPOINTEES**

~~At the organizational meeting, the School Board will reach a consensus in the selection of members as may be necessary to the various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board.~~

~~Board members shall discuss the need or necessity for Board members to participate in various organizations, committees, and/or councils as may be required by law, Board policy, or as desired by the Board and determine appropriate representation.~~

~~Further, at the organizational meeting, the Board shall elect one (1) member to serve on the county value adjustment board. Additionally, it is the responsibility of the Board to appoint one (1) citizen member who owns a business occupying commercial space located within the School District to the value adjustment board.~~

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HB 909

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#### ~~0154~~ **MOTIONS**

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

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Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	BACKGROUND AND EMPLOYMENT HISTORY CHECKS
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#### 1121.01 - ~~CRIMINAL~~ BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment, or re-employment if there has been a break in service, all candidates for all administrative positions shall be subject to a criminal background check to determine eligibility for employment. No individual, prior to receiving clearance to work from the Human Resources Department, shall receive any salary or other compensation or be allowed on School District property to provide services. **Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.**

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

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

**Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.**

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. Also a review of the Department of Education's (DOE) Certification and Professional Practices Disciplinary databases will be conducted. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, any crime related to fraud or theft, felony possession of a concealed weapon, misdemeanor drug and/or paraphernalia offenses, misdemeanor battery/assault or cruelty to or neglect of animals, shall not be employed in any position. All other offenses and those outside of the timelines will also be considered. A pattern of behavior or an extensive criminal record may also render the applicant ineligible. 3 DUIs in the last

ten years or 4 DUIs in a lifetime will make the applicant ineligible. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

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

Furthermore, before employing an administrator in any position that requires direct contact with students, the hiring administrator shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the hiring administrator shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all administrators employed by the District must self-report arrests for any and all offenses regardless of the level of the charges within forty-eight (48) hours. Failure to report arrests and/or convictions as required by this policy shall be grounds for termination of employment. (see AP 1121.01).

Applicants for employment are required to self-report any criminal history as required by the security portion of the School District's employment application. Failure to self-report criminal history as required is considered falsification of the application which may result in the termination of employment or the application to be denied. The application will be reviewed by the Superintendent. If termination occurs or the application is denied then applicants may re-apply under this section in one (1) year.

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

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

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal background check with other school districts.

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

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Revised 8/24/21

Revised 3/8/22

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Legal  
F.S. 435.09  
F.S. 943.0435  
F.S. 943.0585(4)(a)  
F.S. 943.059(4)(a)



F.S. 1001.41

F.S. 1001.42

F.S. 1012.23

F.S. 1012.27

F.S. 1012.315

F.S. 1012.32

F.S. 1012.56

F.A.C. 6A-10.083

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Title	STUDENT SUPERVISION AND WELFARE
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#### 1213 - **STUDENT SUPERVISION AND WELFARE**

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

- A. An administrator shall report immediately any accidents or safety hazards, about which they are informed or detects to their supervisor as well as to other authorities or District staff members as may be required by established policies and procedures.
- B. An administrator shall report unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities, in accordance with Policy 8406 - *Reports of Suspicious Activity and Potential Threats to Schools*.
- C. An administrator shall require staff under their supervision to provide proper instruction in safety matters as presented in assigned course guides.
- D. An administrator shall not send students on any non-school related errands.
- E. An administrator shall encourage a student to discuss issues relating to the student's well-being with the student's parent, or shall facilitate the student's discussion of the issue with the parent.
- F. An administrator shall notify the parent of a student 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 in the school's ability to provide a safe and supportive learning environment for the student. Notice shall be made as soon as reasonably possible. The administrator shall make a good faith effort to speak with the parent either in person or by telephone, with follow-up written notice by e-mail or U.S. mail.

#### **Exception - Withholding of Information**

An administrator is permitted to withhold information about a student's mental, emotional, or physical health or well-being from the parent if a reasonably prudent person would believe that the disclosure would result in abuse,

abandonment, or neglect, as those are defined in F.S. 39.01. When information is withheld from a parent on this basis, the specific circumstances should be documented in the student's record (F.S. 1001.42(8)(c)2.)

Regardless of whether an administrator withholds information set forth herein, pursuant to State law and Policy 8462 (*Student Abuse, Abandonment, and Neglect*), any administrator who knows or has reasonable cause to suspect that a child or student has been abused, abandoned, or neglected by a parent, legal custodian, caregiver, adult, or other person responsible for the child's welfare, is required to report such knowledge or suspicion to the Florida Department of Children and Families via the central abuse hotline at 1-800-96-ABUSE (1-800-962-2873) or via face, web-based chat, or web-based report.

- G. An administrator 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.
- H. An administrator shall not inappropriately associate with students at any time in a manner which may give the appearance of impropriety, including, but not limited to, the creation or participation in any situation or activity which could be considered abusive or sexually suggestive or involve illegal substances such as drugs, alcohol, or tobacco. Any sexual or other inappropriate conduct with a student by any staff member will subject the offender to potential criminal liability and discipline up to and including termination of employment.
- I. An administrator shall not knowingly distribute to a minor any material that is obscene and harmful to minors, as defined in F.S. 847.012, in any format and/or by any manner. An administrator who knowingly distributes any such material to a minor also commits a felony under State law and is subject to disciplinary action up to and including termination.
- J. An administrator shall not disclose personally identifiable information about a student to third persons unless specifically authorized by law or the student's parent(s) to do so.
- K. An administrator who is transporting a student should not do so unless accompanied by another adult.
- L. A student shall not be required to perform work or services that may be detrimental to their health.
- M. Administrators shall not engage students in social media and online networking media, such as Facebook, Twitter, Instagram, etc.

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

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

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Revised 10/25/22

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Legal                      F.S. 119.011  
                                  F.S. 847.012  
                                  F.S. 1001.42

F.S. 1001.51

F.S. 1002.22

F.S. 1003.32

F.S. 1006.07

20 U.S.C. 1232

34 C.F.R. Part 99

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Book	Policy Manual
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Title	PARENT AND FAMILY INVOLVEMENT IN THE SCHOOL PROGRAM
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## 2111 - **PARENT AND FAMILY INVOLVEMENT IN THE SCHOOL PROGRAM**

The School Board recognizes and values parents and families as children's first teachers and decision-makers in education. The Board believes that student learning is more likely to occur when there is an effective partnership between the school and the student's parents and family. Such a partnership between the home and school and greater involvement of parents in the education of their children generally result in higher academic achievement, improved student behavior, and reduced absenteeism.

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), defines the term "parent" to include a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare). This definition is consistent with F.S. 1000.21, which defines the term "parent" as "either or both parents of a 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".

For purposes of this policy, the term "family" is used in order to include a child's primary caregivers, who are not their biological parents, such as foster caregivers, grandparents, and other family members and responsible adults who play a significant role in providing for the well-being of the child.

In cultivating partnerships with families and communities, the Board is committed to the following:

### **A. Relationships with Families**

1. cultivating school environments that are welcoming, supportive, and student-centered;
2. providing professional development for school staff that helps build partnerships between families and schools; <sup>2,3</sup>

3. providing family activities that relate to various cultures, languages, practices, and customs, and bridge economic and cultural barriers; <sup>2,3</sup>
4. providing coordination, technical support, and other support to assist schools in planning and implementing family involvement activities. <sup>3</sup>

#### **B. Effective Communication**

1. providing information to families to support the proper health, safety, and well-being of their children;
2. providing information to families about school policies, procedures, programs, and activities; <sup>2,3</sup>
3. promoting regular and open communication between school personnel and students' family members;
4. communicating with families in a format and language that is understandable, to the extent practicable; <sup>2,3</sup>
5. providing information that will enable families to encourage and support their child(ren)'s academic progress, especially in the area of reading; <sup>1</sup>
6. providing information that will enable families to encourage and support their child(ren)'s citizenship, especially social skills and respect for others; <sup>1</sup>
7. providing information that will enable families to encourage and support their child(ren)'s realization of high expectations and setting life-long learning goals; <sup>1</sup>
8. providing information and involving families in monitoring student progress; <sup>3</sup>
9. providing families with timely and meaningful information regarding Florida's academic standards, State and local assessments, and pertinent legal provisions; <sup>2,3</sup>
10. preparing families to be involved in meaningful discussions and meetings with school staff. <sup>2,3</sup>

#### **C. Volunteer Opportunities**

1. providing volunteer opportunities for families to support their children's school activities; <sup>1,3</sup>
2. supporting other needs, such as transportation and child care, to enable families to participate in school-sponsored family involvement events. <sup>3</sup>

#### **D. Learning at Home**

1. offering training and resources to help families learn strategies and skills to support at-home learning and success in school; <sup>1,2,3</sup>
2. working with families to establish learning goals and help their children accomplish these goals; <sup>1</sup>
3. helping families to provide a school and home environment that encourages learning and extends learning at home. <sup>1,2</sup>

#### **E. Involving Families in Decision Making and Advocacy**

1. involving families as partners in the process of school review and continuous improvement planning; <sup>1,3</sup>
2. involving families in the development of its District-wide parent involvement policy and plan, and distributing a plan summary to families. <sup>2,3</sup>

**F. Collaborating with the Community**

1. building constructive partnerships and connecting families with community-based programs and other community resources; <sup>2,3</sup>
2. coordinating and integrating family involvement programs and activities with District initiatives and community-based programs that encourage and support families' participation in their children's education, growth, and development. <sup>2,3</sup>

<sup>1</sup>Indicates Florida Statutory Requirements

<sup>2</sup>Indicates IDEA 2004 Section 650 & 644 parent involvement requirements

<sup>3</sup>Indicates Title I ~~Section 1118~~ parent involvement requirements in Subpart 1 - Basic Program Requirements

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Legal F.S. 1000.03

F.S. 1002.23

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## 2215 - **PROGRAM OF INSTRUCTION**

The School Board's program of instruction shall provide all courses required for middle grades promotion, high school graduation, and appropriate instruction designed to ensure that students meet State Board of Education adopted standards in the following subject areas: reading and other language arts, mathematics, science, computer science and technology, social studies, foreign languages, health and physical education, and the arts.

### **Development of Program of Instruction**

A program of instruction shall be developed and implemented by the Superintendent as follows:

#### **A. Elementary School**

The primary purpose of the elementary school shall be to serve each individual student by promoting opportunities for optimum learning development. The program of instruction in the elementary school shall promote the language arts, mathematics, social studies, science, health and physical education, music, art, and other disciplines as shall be considered necessary to a well-rounded elementary school program. A procedure shall be established by which schools may recommend for approval courses or programs to meet the unique needs of students. Each subject field shall, insofar as practicable, embrace in the materials used and in the teaching procedures employed, instruction in study and work habits, career awareness, library usage, safety, thrift, conservation, health and hygiene, citizenship, the establishment of purpose, and the development of character and morality. Provision shall be made for the inculcation of ideals of group and individual behavior; to this end, organized play, intramural sports and games, hobby groups, and other organized student activities shall be fostered.

#### **B. Middle School**

The primary purpose of the middle school shall be to promote an expanded educational experience to meet the needs of the students in the seventh and eighth grades of school. The District-wide program of studies and services adopted by the School Board shall determine the specific offerings. An approval process shall be established by which



schools may recommend courses or programs to meet the unique needs of students. Activities which offer desirable experience, such as band (or music), dance, visual arts, drama, creative writing, athletics, and student government, etc., shall be promoted.

### C. Senior High School

The primary purpose of the senior high school shall be to promote education which fits the needs of all students. Courses shall be offered at a level which will challenge students to perform to their capacity. The District-wide studies adopted by the Board shall determine the specific offerings. Library and counseling services shall be provided to enable educational objectives to be met. Student government, publications, drama, music, visual arts, a broad program of athletics, and social activities, etc., shall be promoted for the development of well-rounded citizens.

### D. Instruction in Sexual Orientation/Gender Identity

Classroom instruction by school personnel or third parties on sexual orientation or gender identity may not occur in kindergarten through grade 3 or in other grades in a manner that is not age-appropriate or developmentally appropriate for students, in accordance with State standards.

## **Required Instruction**

Instructional staff members, subject to Board policy and State Board of Education rules, shall teach efficiently and faithfully, using the books and materials required that meet the highest standards of professionalism and historic accuracy, following the prescribed courses of study, and employment approved methods of instruction, the following:

- A. The history and content of the Declaration of Independence, including national sovereignty, natural law, self-evident truth, equality of all persons, limited government, popular sovereignty, and inalienable rights of life, liberty, and property, and how they form the philosophical foundation of our government.
- B. The history, meaning, significance, and effect of the provisions of the Constitution of the United States and amendments thereto, with emphasis on each of the ten (10) amendments that make up the Bill of Rights and how the constitution provides the structure of our government.
- C. The arguments in support of adopting our republican form of government as they are embodied in the most important of the Federalist Papers.
- D. Flag education including proper flag display and flag salute.
- E. The elements of civil government, including the primary functions of and interrelationships between the Federal government, the State, and its counties, municipalities, school districts, and special districts.
- F. The history of the United States, including the period of discovery, early colonies, the war for independence, the Civil War, the expansion of the United States to its present boundaries, the world wars, and the civil rights movement to the present. American history shall be viewed as factual, not as constructed, shall be viewed as knowable, teachable, and testable, and shall be defined as the creation of a new nation based largely on the universal principles stated in the Declaration of Independence.
- G. The history of the Holocaust (1933-1945), the systematic, planned annihilation of European Jews and other groups by Nazi Germany, a watershed event in the history of humanity, to be taught in a manner that leads to an investigation of human behavior, an understanding of the ramifications of prejudice, racism, and stereotyping, and an examination of what it means to be a responsible and respectful person, for the purposes of encouraging tolerance of

diversity in a pluralistic society and for nurturing and protecting democratic values and institutions, including the policy, definition, and historical and current examples of anti-Semitism, as described in F.S. 1000.05(7), and the prevention of anti-Semitism.

The Superintendent will annually certify and provide evidence to the Florida Department of Education, in a manner prescribed by the Department, that the requirements of this paragraph have been met.

- H. The history of African Americans, including the history of African peoples before the political conflicts that led to the development of slavery, the passage to America, the enslavement experience, abolition, and the history and contributions of Americans of the African diaspora to society. Instructional materials shall include the contributions of African Americans to American society. Students shall develop an understanding of the ramifications of prejudice, racism, and stereotyping on individual freedoms, and examine what it means to be a responsible and respectful person, for the purpose of encouraging tolerance of diversity in a pluralistic society and for nurturing and protecting democratic values and institutions. Instruction shall include the roles and contributions of individuals from all walks of life and their endeavors to learn and thrive throughout history as artists, scientists, educators, businesspeople, influential thinkers, members of the faith community, and political and governmental leaders and the courageous steps they took to fulfill the promise of democracy and unite the nation. Instructional materials shall include the vital contributions of African Americans to build and strengthen American society and celebrate the inspirational stories of African Americans who prospered, even in the most difficult circumstances. Instructional personnel may facilitate discussions and use curricula to address, in an age-appropriate manner, how the individual freedoms of persons have been infringed by slavery, racial oppression, racial segregation, and racial discrimination, as well as topics relating to the enactment and enforcement of laws resulting in racial oppression, racial segregation, and racial discrimination and how recognition of these freedoms has overturned these unjust laws. However, classroom instruction and curriculum may not be used to indoctrinate or persuade students to a particular point of view inconsistent with the principles enumerated in F.S. 1003.42 or the State academic standards.
- I. The elementary principles of agriculture.
- J. The true effects of all alcoholic and intoxicating liquors and beverages and narcotics upon the human body and mind.
- K. Kindness to animals.
- L. The history of the State.
- M. The conservation of natural resources.
- N. Comprehensive age-appropriate and developmentally appropriate K-12 instruction on:
1. health education that addresses concepts of community health; consumer health; environmental health; and family life, including:
    - a. injury prevention and safety;
    - b. Internet safety;
    - c. nutrition;
    - d. personal health;
    - e. prevention and control of disease;

- f. substance use and abuse; and,
  - g. prevention of child sexual abuse, exploitation, and human trafficking.
2. For students in grades 7 through 12 teen dating violence and abuse. This component must include, but not be 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.
  3. For students in grades 6 through 12, awareness of the benefits of sexual abstinence as the expected standard and the consequences of teenage pregnancy.
  4. Life skills that build confidence, support mental and emotional health, and enable students to overcome challenges, including:
    - a. self-awareness and self-management;
    - b. responsible decision-making;
    - c. resiliency;
    - d. relationship skills and conflict resolution;
    - e. understanding and respecting other viewpoints and backgrounds; and,
    - f. for grades 9 through 12, developing leadership skills, interpersonal skills, organizational skills, and research skills; creating a resume, including a digital resume; exploring career pathways; using State career planning resources; developing and practicing the skills necessary for employment interviews; workplace ethics and workplace law; managing stress and expectations; and self-motivation.

Health education and life skills instruction and materials will not contradict the principles enumerated in F.S. 1003.42.

The health education curriculum will include basic training in first aid, including at least one (1) hour of cardiopulmonary resuscitation (CPR) instruction for students in grades 9 and 11.

See also Board Policy 2280 and Policy 2417.

- O. Personal financial literacy and money management. [Beginning with students entering grade 9 in the 2023-2024 school year]

Each student must earn one-half (1/2) credit. Instruction must include discussion or instruction in all of the following: types of bank accounts offered, opening and managing a bank account, and assessing the quality of a depository institution's services; balancing a checkbook; basic principles of money management, such as spending, credit, credit scores, and managing debt, including retail and credit card debt; completing a loan application; receiving an inheritance and related implications; basic principles of personal insurance policies; computing Federal income taxes; local tax assessments; computing interest rates by various mechanisms; simple contracts; contesting an incorrect billing statement; types of savings and investments; State and Federal laws concerning finance.

- P. Such additional materials, subjects, courses, or fields in such grades as are prescribed by law or by rules of the State Board of Education and the Board in fulfilling the requirements of law.
- Q. The study of Hispanic contributions to the United States.
- R. The study of women contributions to the United States.
- S. The nature and importance of free enterprise to the United States economy.
- T. Civic and character education on the qualities and responsibilities of patriotism and citizenship including, kindness, respect for authority, life, liberty, personal property, honesty, charity, racial, ethnic, and religious tolerance and cooperation. Additionally, for grades 11 and 12, the education shall include the topic of voting using the uniform primary and general election ballot described in F.S. 101.151. An integrated civic education curricula shall meet the requirements of F.S. 1003.44(6)(a).
- U. In order to encourage patriotism, the sacrifices that veterans and Medal of Honor Recipients have made in serving our country and protecting democratic values worldwide. Such instruction must occur on or before Medal of Honor Day, Veterans' Day, and Memorial Day. Members of the instructional staff are encouraged to use the assistance of local veterans and Medal of Honor Recipients when practicable.

Efficient and faithful teaching of the required topics must be consistent with the State academic standards, the Benchmarks for Excellent Student Thinking (B.E.S.T.) Standards, and the principles stated in F.S. 1003.42. Efficient and faithful teaching further means that any discussion is appropriate for the age and maturity level of the students, and teachers serve as facilitators for student discussion and do not share their personal views or attempt to indoctrinate or persuade students to a particular point of view that is inconsistent with the State academic standards and the B.E.S.T. Standards.

Instruction on the required topics must be factual and objective, and may not suppress or distort significant historical events, such as the Holocaust, and may not define American history as something other than the creation of a new nation based largely on universal principles stated in the Declaration of Independence.

### **Resiliency Education Required Instruction**

Civic and character education (see F.A.C. Rule 6A-1.094124), and life skills education that builds confidence and supports mental health, are combined to develop and prepare more resilient students. The District will provide annually a minimum of five (5) hours of data-driven instruction to students in grades 6-12 related to civic and character education and life skills education through resiliency education. Using the health education standards adopted in F.A.C. Rule 6A-1.09401, the instruction will advance each year through developmentally appropriate instruction and skill building and will address, at a minimum the following topics:

- A Strategies specific to demonstrating resiliency through adversity, including the benefits of service to the community through volunteerism.
- B Strategies to develop health characteristics that reinforce positive core values and foster resiliency, such as:
  - 1 empathy, perseverance, grit, gratitude, and responsibility;
  - 2 critical thinking, problem solving, and responsible decision-making;
  - 3 self-awareness and self-management;
  - 4 mentorship and citizenship; and
  - 5 honesty.
- C Recognition of signs and symptoms of mental health concerns.

- D Promotion of resiliency to empower youth to persevere and reverse the harmful stigma of mental health by reframing the approach from mental health education to resiliency education.
- E Strategies to support a peer, friends, or family member through adversity.
- F Prevention of suicide.
- G Prevention of the abuse of and addiction to alcohol, nicotine, and drugs.
- H Awareness of local school and community resources and the process for accessing assistance.

## Instruction in Operation of Motor Vehicles

See Board Policy 2432.

## Computer Science and Technology Instruction

"Computer science" is the study of computers and algorithmic process, including their principles, hardware, and software designs, applications, and their impact on society, and includes computer coding and computer programming.

The Board shall provide students in grades K-12 opportunities for learning computer science including, but not limited to, computer coding and computer programming. Computer science courses offered in middle and high schools shall include the opportunity to earn industry certifications, when possible. Coding instruction may be provided in elementary and middle schools. Instruction to develop students' computer usage and digital literacy skills may be provided in middle school.

## Exemptions from Certain Instruction

Any student whose parent makes a written request to the Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS, its symptoms, development, and treatment. A student so exempted will not be penalized by reason of that exemption.

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Legal

- [F.S. 1001.51](#)
- [F.S. 1003.42](#)
- [F.S. 1003.4205](#)
- [F.S. 1003.44](#)
- [F.S. 1003.48](#)
- [F.S. 1007.2616](#)
- [F.A.C. 6A-1.094124](#)

**Last Modified by Maria Cain on March 29, 2023**



Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS
Code	po2271 bl 3/28
Status	
Adopted	June 13, 2017
Last Revised	February 11, 2020

## 2271 - ARTICULATION AND ACCESS TO FLORIDA COLLEGE SYSTEM INSTITUTIONS

### Postsecondary Enrollment Programs

The School Board recognizes the value to students and to the District for students to participate in programs offered by accredited colleges and universities. The Superintendent will annually develop/revise articulation agreements jointly with postsecondary institutions to provide a comprehensive articulated acceleration program including, but not limited to, dual enrollment and early admission programs.

~~The Board will approve participation by students~~ Students in grades ~~10, 11, and 12~~ 10, 11, and 12 ~~who meet the State Board of Education's criteria, to who meet eligibility criteria established under Florida law and by the State Board of Education may~~ enroll in approved postsecondary programs while in attendance in the District. Secondary students may also participate in career ~~and career certificate~~ dual enrollment that will enable them to earn industry certification. Students will be eligible to receive secondary credit for completing courses contained in any of these programs. Such credit will count toward graduation requirements.

No ~~minor~~ student may participate without the written consent of ~~parents and the high school principal~~ their parent(s) and/or legal guardian(s).

~~Annually~~ Annually, all secondary school students and their parents shall be informed of the options available to ~~the students for all dual enrollment programs (as an educational option and mechanism for acceleration) and eligibility requirements.~~

~~The postsecondary education institution will assign~~ Postsecondary institutions are responsible for assigning a letter grade for ~~the each~~ student's work in ~~the their~~ enrolled course, ~~and the~~ The District ~~will be~~ is responsible for posting dual enrollment course grades as assigned by the postsecondary institution to ~~the high school transcript~~ transcripts. The Superintendent shall also establish procedures for the proper entry on a student's transcript and other records of his/her participation in a postsecondary program.

The District ~~shall may~~ deny high school credit for any portion of postsecondary courses which are taken during the period of a student's expulsion. Any ~~Hernando County~~ Public School 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. ~~A student may lose the opportunity to participate in a dual enrollment course if the student is disruptive to the learning process such that the progress of other students or the efficient administration of the course is hindered.~~

### ~~Collegiate High School~~ Early College Program

The Board, in conjunction with Florida College System institutions, shall establish one (1) or more ~~collegiate~~ early college structured high school accelerated programs. When creating ~~a collegiate high school~~ an early college program, the Board shall execute a contract with a local Florida College System institution that contains all the requirements set forth in F.S. 1007.273. The program shall be established a mutually agreeable location. Each contract must be executed by January 1st of each school year for implementation during the next school year.

The Board may execute a contract to establish ~~a collegiate high school~~ an early college program with a State university or an institution that is eligible to participate in the William L. Boyd, IV, Florida Resident Access Grant Program, that is a nonprofit independent college or university located and chartered in this State, and that is accredited by ~~the Commission on Colleges of the Southern Association of Colleges and Schools~~ an accrediting agency approved by the State Board of Education to grant baccalaureate degrees. Such university or institution must meet the requirements specified under F.S. 1007.273.

~~Collegiate high school programs in the District shall provide an option for participating public school students in grades 11 or 12 for at least one (1) full year to earn Career and Professional Education (CAPE) industry certifications pursuant to F.S. 1008.44 and to successfully complete thirty (30) credit hours through the dual enrollment program under F.S. 1007.271 toward the first year of college for an associate degree or baccalaureate degree while enrolled in the program.~~

Students participating in ~~a collegiate high school~~ an early college program must enter into a student performance contract which must be signed by the student, the parent, and a representative of the District and the applicable Florida College System institution, State university, or other institution participating pursuant to State law. The performance contract shall include the schedule of courses, by semester, and industry certifications to be taken by the student, student attendance requirements, and

course grade requirements.

### Potential Benefits, Risks, and Consequences of Participation in Postsecondary Programs

The potential benefits of participating in postsecondary programs include the following:

- A. expanded curriculum offerings;
- B. opportunities to study in more depth those areas of special interest or need;
- C. opportunities to earn college credits while still in high school;
- D. opportunities for financial support for taking college courses while still in high school; and,
- E. opportunities to experience college-level work and life prior to making final decisions about whether and/or where to attend college.

The potential risks of participation in postsecondary programs include the following:

- A. increased student responsibility for learning because of less instructional guidance;
- B. reduced opportunities to participate in high school co-curricular and extra-curricular activities;
- C. increased financial obligations for tuition, books, materials, and fees, if college credit only is sought;
- D. potential loss of after-school employment opportunities;
- E. possible effect on grade point average and class standing;
- F. possible delay of graduation;
- G. increased time for travel, study, etc.; and,
- H. exposure to mature subject matter and materials, including those of a graphic, explicit, violent, or sexual nature that will not be modified because of the student's participation.

### Career Pathways Agreements Between Career Centers and Florida College System Institutions

Any career center operated by the Board with a service area that overlaps with another career center operated by a Florida college system institution will enter into a career pathways agreement. The career pathways agreement will:

- A. outline certificate program completion requirements and any licenses or industry certifications that must be earned before enrolling in an associate degree program;
- B. specify that articulated college credit will be awarded in accordance with the agreement upon initial enrollment in the associate degree program;
- C. guarantee college credit toward an aligned associate degree program for students who graduate from a career center with a career or technical certificate and meet specified requirements in accordance with the terms of the agreement;
- D. specify that regional agreements may not award less credit than the amount guaranteed through existing statewide articulation agreements.

On or before May 1st of each year, the Board will submit its career pathways agreements to the FLDOE.

Revised 2/11/20

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### Legal References

F.S. 1007.233

F.S. 1007.27

F.S. 1007.271

F.S. 1007.273

F.S. 1008.44

Legal	F.S. 1007.233
	F.S. 1007.27
	F.S. 1007.271
	F.S. 1007.273
	F.S. 1008.44

Last Modified by Maria Cain on March 31, 2023





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Section	Revised Volume 23 No. 2
Title	CAREER AND TECHNICAL EDUCATION
Code	po2421sw32323
Status	
Adopted	June 13, 2017
Last Revised	March 8, 2022

#### 2421 - **CAREER AND TECHNICAL EDUCATION**

The School Board recognizes that education is a function of both knowledge and the application of knowledge. Education that ties abstract ideas to practical applications also prepares students to use their minds, as well as preparing them to be citizens, parents, and members of a civilized culture. Career and technical education and academic education are complementary, rather than exclusive.

Career and technical education will provide experiences that complement and reinforce academic concepts that are particularly amenable to contextualized learning in a distinct career area and provide occupationally specific skills.

The Board shall provide career and technical education program offerings that include, but are not limited to:

- A. job preparatory courses designed to provide students with the competencies necessary for effective entry into an occupation;
- B. exploratory courses designed to give students initial exposure to skills and attitudes associated with a broad range of occupations in order to assist them in making informed decisions regarding their future academic and occupational goals;
- C. practical arts courses designed to teach students practical generic skills which, although applicable in some occupations, are not designed to prepare students for entry into an occupation;
- D. career education instruction which is designed to strengthen and integrate basic academic skills and career/technical skills and occupational awareness;
- E. accelerated career and technical programs such as vocational dual enrollment designed to enable high school students to earn elective credit toward graduation and postsecondary credit toward an A.S. degree or a technical certificate.

Any effort to recruit students to participate in a particular career and technical program shall follow applicable State and Federal laws regarding provision of information.

Once developed, the Superintendent shall submit the career and technical education curriculum to the Board for approval, and then submit it to the Department of Education. This curriculum shall be updated annually, submitted to the Board for approval, and then re-submitted to the Department of Education.

Career and technical education program offerings are available to middle and high school and adult students without regard to race (including anti-Semitism), color, national origin, sex (including sexual orientation, transgender status, or gender identity), age, disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information which are classes protected by State and/or Federal law. The Superintendent is to ensure that application forms for cooperative education programs contain a notice of nondiscrimination. The notice of nondiscrimination shall be part of the application forms provided to employers.

Procedures for program operation in accordance with applicable labor laws are incorporated in the Florida Department of Education, Curriculum Frameworks, and Student Performance Standards. Those documents are kept on file in the Superintendent's office.

### **Career and Professional Academies; Career-Themed Courses**

The District shall offer career and professional academies at the middle and high school levels, and at least two (2) career-themed courses. A "career and professional academy" is a research-based program that integrates a rigorous academic curriculum with an industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Development. Students completing career and professional academy programs must receive a standard high school diploma, the highest available industry certification, and opportunities to earn postsecondary credit if the academy partners with a postsecondary institution approved to operate in the State.

A "career-themed course" is a course, or a course in a series of courses, that leads to an industry certification identified in the CAPE Industry Certified Funding List pursuant to rules adopted by the State Board of Education. Career-themed courses have industry-specific curriculum aligned directly to priority workforce needs established by the regional workforce board or the Department of Economic Development. Students completing a career-themed course will be provided opportunities to earn postsecondary credit if the credit for the career-themed course can be articulated to a postsecondary institution approved to operate in the State.

The Board expects career and professional academies offered in the District's high schools to provide rigorous and relevant career-themed courses that articulate to postsecondary-level coursework and provide students with the opportunity to receive a standard high school diploma, the opportunity to earn industry certification, the opportunity to attain the Florida Gold Seal Vocational Scholars award, and the opportunity to earn postsecondary credit.

The Board further expects that students who successfully complete the curriculum of the Career and Professional Academies that are established at the middle school level may have the opportunity to earn an industry certificate, high school credit, and participate in career planning, job shadowing, and business leadership development activities.

The Board encourages the Superintendent to forge partnerships with local businesses in the development of career and professional academies. These partnerships will help prepare students for the State's workforce needs, as well as help attract, expand, and retain targeted, high-value industry and jobs in the community.

The District's career and professional academies should increase student academic achievement and graduation rates through integrated academic and career curriculum. Each middle school career exploration program, middle and high school career, and professional academies leading to industry certification, and high school graduation requirements shall be

aligned.

Each career and professional academy and career-themed course at the high school level must:

- A. provide a rigorous standards-based academic curriculum integrated with a career curriculum; consider multiple styles of student learning; promote learning by doing through application and adaptation; maximize relevance of the subject matter; enhance each student's capacity to excel; and include an emphasis on work habits and work ethics.
- B. include one or more partnerships with postsecondary institutions, businesses, industry, employers, economic development organizations, or other appropriate partners from the local community. Such partnerships with postsecondary institutions shall be delineated in articulation agreements and include any career and professional academy courses or career-themed courses that earn postsecondary credit. Such agreements may include articulation between the secondary school and public or private two (2) year and four (4) year postsecondary institutions and technical centers. Such partnerships must provide opportunities for:
  - 1. instruction from highly skilled professionals who possess industry-certification credentials for courses they are teaching;
  - 2. internships, externships, and on-the-job training;
  - 3. a postsecondary degree, diploma, or certificate;
  - 4. the highest available level of industry certification;
  - 5. maximum articulation of credits pursuant to F.S. 1007.23 upon program completion.
- C. promote and provide opportunities for students enrolled in a career and professional academy or a career-themed course to attain, at minimum, the Florida Gold Seal Vocational Scholars award pursuant to F.S. 1009.536.
- D. provide instruction in careers designated as high-skill, high-wage, and high-demand by the regional workforce development board, the chamber of commerce, economic development agencies, or the Department of Economic Opportunity.
- E. deliver academic content through instruction relevant to the career, including intensive reading and mathematics intervention required by F.S. 1003.428, with an emphasis on strengthening reading for information skills.
- F. offer applied courses that combine academic content with technical skills.
- G. provide instruction resulting in competency, certification, or credentials in workplace skills, including, but not limited to, communication skills, interpersonal skills, decision-making skills, the importance of attendance and timeliness in the work environment, and work ethics.

Each career and professional academy at the middle school level must:

- A. lead to careers in occupations designated as high-skill, high-wage, and high-demand in the CAPE Industry Certified Funding List approved under rules adopted by the State Board of Education.
- B. integrate content from core subject areas.

- C. integrate career and professional academy or career-themed course content with intensive reading and mathematics pursuant to F.S. 1003.428.
- D. coordinate with high schools to maximize opportunities for middle school students to earn high school credit.
- E. provide access to virtual instruction courses provided by virtual education providers legislatively authorized to provide part-time instruction to middle school students. The virtual instruction courses must be aligned to State curriculum standards for middle school career and professional academy courses or career-themed courses, with priority given to students who have required course deficits.
- F. provide instruction from highly skilled professionals who hold industry certificates in the career area in which they teach.
- G. provide personalized student advisement that includes a parent-participation component.

An adult student who is enrolled in an apprenticeship program that is registered with the Department of Education in accordance with F.S. Chapter 446, Job Training, is exempt from the provisions of F.S. 1004.91 relating to career preparatory instruction.

### **Industry Certification in Industry-Certified Career Education Programs**

Post-secondary and secondary schools offering career-themed courses, career and professional academies and post-secondary adult vocational courses shall enable students in such programs to earn industry certification in an industry that is:

- A. within an industry that addresses a critical local or Statewide economic need;
- B. linked to an occupation that is included in the workforce system's targeted occupation list; or
- C. linked to an occupation that is identified as emerging.

To earn industry certification, the student must demonstrate the required proficiency on an assessment evaluated by an independent, third-party certifying entity using predetermined standards for knowledge, skills, and competencies.

### **Collection of and Accounting for Expenditure of Block Tuition and Other Fees for Career Centers**

#### **Secondary Career and Technical Education Course Fee**

Career and technical course fee, as listed in the Board-approved fee schedule, is \$30 per year for middle school and \$50 per year for high school per program. This is the maximum allowable fee. The student, upon registering, is expected to agree to pay the fee. These fees may be used to cover the cost of materials, supplies, and dues. Students who are unable to pay the fees may submit a request to the school asking for a fee waiver.

The annual per student activity fee may not cover all expenses associated with student participation in individual activities; therefore, additional fees to cover expenses, including (but not limited to) materials, supplies, equipment, travel, membership dues, and other purchased services may be assessed by school principals.

#### **Post-Secondary**

The standard tuition of \$2.44 per contact hour for residents and nonresidents and the out-of-state fee shall be \$9.78 per contact hour. For adult general education programs, block tuition of \$45.00 per half year or \$30.00 per term shall be assessed.

All funds received from block tuition shall be used only for adult general education programs as per the Suncoast Technical Education Center Handbook.

The determination of resident status for tuition purposes in career centers shall be made in accordance with State law.

### **Waiver of Tuition and Fees for Certain Individuals**

Certain individuals may qualify for a waiver of tuition and/or other fees. The following consist of the Board's tuition and other fee waivers.

- A. Tuition shall be waived for undergraduate college credit programs and career certificate programs for each recipient of a Purple Heart or another combat decoration superior in precedent who meets the requirements of State law.

Similarly, tuition and fees shall be waived for eligible disabled veterans pursuant to F.S. 1009.21.

- B. Out-of-state fees for career centers for the following:

1. Students who are undocumented for Federal immigration purposes and:
  - a. attended a secondary school in Florida for three (3) consecutive years immediately before graduating from a high school in Florida;
  - b. apply for enrollment in an institution of higher education within twenty-four (24) months after high school graduation; and
  - c. submit an official Florida high school transcript as evidence of attendance and graduation.
2. An honorably discharged veteran of the United States Armed Forces, the United States Reserve Forces, or the National Guard who physically resides in Florida while enrolled in the career center; or entitled to and uses educational assistance provided by the United States Department of Veterans Affairs for a quarter, semester, or term beginning after July 1, 2015, who physically resides in Florida while enrolled in the career center.
3. A person who is an active duty member of the Armed Forces of the United States residing or stationed outside of Florida. Tuition and fees charged to a student who qualifies for this out-of-state waiver may not exceed tuition and fees charged to a resident student.

- C. Transcript fees shall be waived for any individual who is an active duty member or an honorable discharged veteran of the United States Armed Forces. Transcript fees shall also be waived for such individual's spouse and dependents.

Career centers shall report to the State Board of Education the number and value of fee waivers granted annually.

Any career center operated by the Board shall, within the nonresident student enrollment systemwide, prioritize the enrollment of a veteran who is granted an out-of-state fee waiver pursuant hereinabove over any other student who is granted an out-of-state fee waiver under this policy.

### **Dual Enrollment Agreements Between District Career Centers and District High Schools**

Any career center operated by the Board shall enter into a dual enrollment agreement with each high school in any District it serves. The agreement will:

- A. identify the courses and programs that are available to students through career dual enrollment and the clock hour credits that students will earn upon completion of each course and program;
- B. delineate the high school credit earned for the completion of each career dual enrollment course;
- C. identify any college credit articulation agreements associated with each clock hour program;
- D. describe how students and parents will be informed of career dual enrollment opportunities and related workforce demand, how students can apply to participate in a career dual enrollment program and register for courses through his/her high school, and the postsecondary career education expectations for participating students;
- E. establish any additional eligibility requirements for participation and a process for determining eligibility and monitoring the progress of participating students;
- F. delineate costs incurred by each entity and determine how transportation will be provided for students who are unable to provide their own transportation.

On or before August 1st of each year, the Board will submit its agreements to FLDOE.

### **Strategic Plan to Address Local and Regional Workforce Demands**

Florida statutes require each Board to develop, in collaboration with regional workforce boards, economic development agencies, and postsecondary institutions approved to operate in the state, a strategic three (3) year plan to address and meet local and regional workforce demands. If involvement of a regional workforce board or an economic development agency in the strategic plan development is not feasible, the Board, with the approval of the Department of Economic Development, shall collaborate with the most appropriate regional business leadership board.

The Board authorizes the Superintendent to collaborate with one (1) or more neighboring counties in the development of the strategic plan, and, upon approval of the plan, to offer career-themed courses, as defined in F.S. 1003.493(1)(b), or a career and professional academy as a joint venture.

The strategic plan must describe in detail provisions for the efficient transportation of students, the maximum use of shared resources, access to courses aligned to State curriculum standards through virtual education providers legislatively authorized to provide part-time instruction to middle school students, and an objective review of proposed career and professional academy courses and other career-themed courses to determine if the courses will lead to the attainment of industry certifications included on the CAPE Industry Certified Funding List pursuant to rules adopted by the State Board of Education.

The strategic three (3) year plan shall be constructed and based upon the elements set forth in F.S. 1003.491. Each strategic plan shall be reviewed, updated, and jointly approved every three (3) years by the School District, regional workforce boards, economic development agencies, and State-approved postsecondary institutions.

### **Maintenance of Records for Workforce Education Programs Funded with State Appropriations**

If the District receives state appropriations for workforce education, it will maintain adequate and accurate records including a system to record District workforce education funding and expenditures, to maintain the separation of postsecondary workforce education expenditures and secondary workforce education expenditures. These records will be submitted to the

FLDOE in accordance with rules of the State Board of Education.

### Florida Law Enforcement Academy Scholarship Program

The District offers a law enforcement officer basic recruit training program that is approved by the Criminal Justice Standards Commission within the Florida Department of Law Enforcement ("Commission"). Trainees participating in the program may be eligible for a Law Enforcement Academy Scholarship ("LEA Scholarship") if they meet the following requirements:

- A the trainee must enroll at Wilton Simpson Technical College;
- B the trainee must be enrolled in the District's law enforcement officer basic recruit training program; and,
- C the trainee must not be sponsored by an employing agency to pay the cost of tuition and other fees and expenses authorized under F.S. 1009.896(6).

The amount of the LEA Scholarship will not exceed the cost of tuition, fees, and eligible expenses described in F.S. 1009.896(6), less all other Florida and Federal financial assistance and any financial assistance provided by a trainee's employing agency for the cost of tuition and other expenses covered under F.S. 1009.896(6).

Trainees selected for an LEA Scholarship will receive the award for the fiscal year (July 1 through June 30). A trainee's award will automatically be renewed for the new fiscal year to cover remaining eligible expenses incurred for the same program in which the trainee was enrolled in the prior fiscal year.

To apply for an LEA Scholarship, trainees must contact the Administrative Office to obtain an LEA Scholarship application form. The LEA Scholarship application period will open on July 1st. Applications will not be accepted prior to the opening of the application period. Applications must be submitted to Tanesha Brown via email. Scholarships are on a first come, first served basis.

Applications will be reviewed by Wilton Simpson Technical College to determine whether, preliminarily, the applicant meets the eligibility requirements set forth herein. Incomplete applications or applicants who do not meet the eligibility requirements herein will be contacted and afforded an opportunity to resubmit an application if the initial application is received by May 15th.

Applications will be prioritized on a first-come, first-served basis based on the date a trainee's application is determined to be complete.

LEA Scholarship award notices will be provided to selected trainees no later than 15 days prior to the start of the term. The award notice will list the fund amounts awarded to the trainee, including the amounts for tuition, fees, and expenses as described in F.S. 1009.896(6). Trainees not selected for a scholarship may appeal to the Florida Department of Education (FLDOE) pursuant to the provisions of F.A.C. 6A-20.0284(7)(d).

Within thirty (30) days of the end of the regular drop/add period for each term, the District will report to the FLDOE the following information:

- A the social security number and amount awarded to each trainee; and,
- B the social security number of each trainee who is eligible for the scholarship but who was not awarded funds.

The District will remit refunds with accompanying documentation to the FLDOE within thirty (30) days of the drop/add period for trainees who are not enrolled after the drop/add deadline or who no longer meet the eligibility requirements for the LEA Scholarship and by July 15 for all other funds not disbursed within the award period in order that funds be utilized to provide the most scholarship awards.

The District's LEA Scholarship Program will adhere to the duties relating to State financial aid established for postsecondary institutions enumerated in F.S. 1009.46.

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Revised 3/8/22

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## Legal

F.S. 445.004  
F.S. 445.006  
F.S. 446 et seq.  
F.S. 450.081  
F.S. 1000.05  
F.S. 1001.42  
F.S. 1003.01  
F.S. 1003.4156  
F.S. 1003.4282  
F.S. 1003.491  
F.S. 1003.492  
F.S. 1003.4935  
F.S. 1004.096  
F.S. 1004.91  
F.S. 1004.92  
F.S. 1007.271  
F.S. 1009.21  
F.S. 1009.22  
F.S. 1009.26  
F.S. 1009.536  
F.S. 1011.62  
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29 U.S.C. 201  
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29 U.S.C. 217

29 U.S.C. 218

29 U.S.C. 218b

29 U.S.C. 218c

29 U.S.C. 219

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Book	Policy Manual
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Title	EMPLOYMENT OF INSTRUCTIONAL STAFF
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Last Revised	December 13, 2022

### 3120 - **EMPLOYMENT OF INSTRUCTIONAL STAFF**

The School Board recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel. Any person employed in an instructional position requiring certification shall possess a valid certificate issued pursuant to Florida law and shall file the certificate with the District.

For purposes of this policy, instructional staff includes: any staff member whose function includes the provision of direct instructional services to students including those whose function provides direct support in the learning of students, not including education paraprofessionals.

The Superintendent shall also conduct employment history checks of all candidates offered an instructional staff position. The employment history check shall include, but not be limited to, contacting any previous employer, reviewing each affidavit of separation from previous employers pursuant to FS 1012.31, and screening the candidate through the use of the screening tools described in State law. If contact with (a) previous employer(s) cannot be made, the Superintendent shall document the efforts made to do so.

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

A candidate shall be disqualified from employment in any position that requires direct contact with students if the candidate is ineligible for such employment under F.S. 1012.315, or if the candidate has been terminated or resigned in lieu of termination for sexual misconduct with a student.

A person is ineligible for educator certification or employment in any position that requires direct contact with students if the person is on the disqualification list maintained by the department pursuant to F.S. 1001.10(4)(b), is registered as a sex offender as described in 42 U.S.C. 9858f(c)(1)(C), would be ineligible for an exemption under F.S. 435.07(4)(c) or has been convicted or found guilty of, has had adjudication withheld for, or has pled guilty or nolo contendere to any of the felony offenses listed in F.S. 1012.315.

The Board shall act upon written recommendations submitted by the Superintendent for positions to be filled. The Board may reject for good cause any candidate nominated. (F.S. 1012.22[1, a, 1])

Upon Board approval of employment, each instructional staff member shall execute a written contract as required by State law and Policy 3128 - Contracts: Instructional Personnel

## **INSTRUCTIONAL PERSONNEL**

Qualifications of instructional personnel shall be as required by the law and the Florida Administrative Code. To be eligible for appointment in any position in the District, a person must be of good moral character; must have attained the age of eighteen (18) years; and must, when required by law, hold a certificate or license issued under rules of the state Board of Education, except when employed pursuant to F.S. 1012.55 or under the emergency provisions of F.S. 1012.24.

All core area teachers employed by the District shall be "highly qualified". Core area teachers are defined in State and Federal law to include English, reading or language arts, mathematics, science, foreign languages, civic and government, economics, arts, history, and geography. This also includes exception student education teachers who teach core area subjects.

Pursuant to Federal law, the specific requirements to attain "highly qualified" status are established by the Florida Department of Education and are set forth in State Board Rules.

Any employee who does not achieve a passing score on any subtest of the general knowledge examination will be provided information regarding the availability of State-level and District-level supports and instruction to assist him/her in achieving a passing score. Such information will include, but is not limited to, State-level test information guides, School District preparation resources, and preparation courses offered by State universities and Florida college system institutions.

## **CERTIFICATION**

### **A. State Certification**

For purposes of this policy, "primary instructor" refers to any instructional employee of a Florida public school district who provides direct support in the learning process by planning, delivering, and evaluating instruction, including through virtual or blended environments, for all students during the entire class period.

Teachers who teach in classes for which FEFP funds are earned shall be certified teachers as defined in F.S. 1012.56 and the Florida State Board of Education Administrative Rule, F.A.C. 6A-1.0503 and 6A-1.0502.

### **B. In-Field**

To be considered "in-field", a primary instructor must meet one of the following qualifications:

1. the teacher is assigned to a course covering subject matter for which the teacher holds a certificate per F.S. 1012.55; or
2. demonstrates sufficient subject matter expertise as determined by F.A.C. 6A-1.0503, (2, a-h).

F.S. 1012.42

### **C. District Certification**

It is the intent of the Board that vocational instructional personnel possess the credentials, knowledge, and/or expertise necessary to provide quality education in the School District. The purpose of District certification is to provide evidence of instructional qualifications in order to protect the interest of students, parents, and the public. The requirements for District certification may be found in the Standard Operating Procedures for the District Human Resources Department.

The Board may revoke a District certificate for cause. The application fee for the District Vocational Certificate shall be the same as a State issued Educator's Certificate.

#### D. District Adjunct Teaching Certification

The District ~~may~~ **shall** issue an adjunct teaching certificate **to any applicant who fulfills the requirements of State law and who has subject-area expertise in the subject to be taught. An applicant will be considered to have expertise in the subject matter to be taught if the applicant demonstrates sufficient subset-area mastery through passage of a subject-area test. An adjunct teaching certificate may be** for a part-time or full-time teaching position; however, an adjunct teaching certificate issued for a full-time teaching position is valid for no more than three (3) years and is nonrenewable. The District will post requirements on its website for the issuance of an adjunct teaching certificate, including the subject area test through which an applicant demonstrates subject area mastery.

Annually, the District will report to the FLDOE the number of adjunct teaching certificates issued for part-time and full-time teaching positions pursuant to this provision.

### **CERTIFICATED PERSONNEL**

Any person employed in a position requiring certification shall possess a valid certificate issued pursuant to Florida law or issued by the Board and shall file said certificate with the Human Resources Department.

### **LICENSED PERSONNEL**

Speech pathologists, occupational therapists, physical therapists, and audiologists will receive contracts, salary, and benefits. To be eligible for employment these individuals must hold a license to practice in the State of Florida.

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 Revised 8/27/19  
 Revised 2/11/20  
 Revised 3/8/22  
 Revised 12/13/22

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Legal	F.S. 1012.01
	F.S. 1012.22
	F.S. 1012.24
	F.S. 1012.27
	F.S. 1012.315
	F.S. 1012.32
	F.S. 1012.33

F.S. 1021.42

F.S. 1012.55

F.S. 1012.56

F.S. 1012.57

F.A.C. 6A-1.0502

F.A.C. 6A-1.0503

20 U.S.C. 6301

20 U.S.C. 7801

**Last Modified by Maria Cain on March 24, 2023**



Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	BACKGROUND AND EMPLOYMENT HISTORY CHECKS
Code	po3121.01 MG 3-22-2023
Status	
Adopted	June 13, 2017
Last Revised	March 8, 2022

#### 3121.01 - **CRIMINAL BACKGROUND AND EMPLOYMENT HISTORY CHECKS**

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment. No individuals, prior to receiving clearance to work from the Human Resources Department, shall receive any salary or other compensation or be allowed on School District property to provide services. **Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.**

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

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

**Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.**

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks. Also a review of the Department of Education's (DOE) Certification and Professional Practices Disciplinary databases will be conducted. A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, any crime related to fraud or theft, felony possession of a concealed weapon, misdemeanor drug and/or paraphernalia offenses, misdemeanor battery/assault or cruelty to or neglect of animals, shall not be employed in any position. All other offenses and those outside of the timelines will also be considered. A pattern of behavior or an extensive criminal record may also render the applicant ineligible. 3 DUIs in the last

ten years or 4 DUIs in a lifetime will make the applicant ineligible. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

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

Furthermore, before employing instructional personnel in any position that requires direct contact with students, the hiring administrator shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, screen the candidate through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the hiring administrator shall document efforts to contact the employer (F.S. 1012.27(6)).

Pursuant to State law, all instructional staff members employed by the District must self-report arrests for any and all offenses regardless of the level of the charges within forty-eight (48) hours. Failure to report arrests and/or convictions as required by this policy shall be grounds for termination of employment (see AP 3121.01).

Applicants for employment are required to self-report any criminal history as required by the security portion of the School District's employment application. Failure to self-report criminal history as required is considered falsification of the application which will result in the termination of employment or otherwise cause the application to be denied. Applicants may re-apply under this section in one year.

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

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

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

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

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Revised 3/8/22

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Legal  
F.S. 435.09  
F.S. 943.0435  
F.S. 943.0585(4)(a)  
F.S. 943.059(4)(a)

F.S. 1001.10(5)

F.S. 1001.41

F.S. 1001.42

F.S. 1012.23

F.S. 1012.27(6)

F.S. 1012.315

F.S. 1012.32

F.S. 1012.56

F.A.C. 6A-10.083

**Last Modified by Lisa Becker on April 3, 2023**





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Title	BACKGROUND AND EMPLOYMENT HISTORY CHECKS
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#### 4121.01 - ~~CRIMINAL~~ BACKGROUND AND EMPLOYMENT HISTORY CHECKS

The safety of its students is of paramount importance to the District. Consistent with this concern for student safety, and in compliance with Florida law, the District requires that, prior to initial employment or re-employment if there has been a break in service, all candidates for all positions shall be subject to a criminal background check to determine eligibility for employment. No individual, prior to receiving clearance to work from the Human Resources Department shall receive any salary or other compensation or be allowed on School District property to provide services. **Additionally, the Superintendent shall verify all new full-time and part-time employees' right to work in the United States according to Federal and State law.**

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

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

**Background screenings, including all fingerprint requirements, shall be conducted in accordance with F.S. 435.12 and F.S. 1012.32.**

Fingerprints of candidates for employment or re-employment if there has been a break in service shall be submitted to the Florida Department of Law Enforcement (FDLE) for Statewide criminal and juvenile records checks and to the Federal Bureau of Investigation (FBI) for Federal criminal records checks.

A person who is found ineligible for employment under F.S. 1012.315, or otherwise found through background screening to have been convicted of any crime involving moral turpitude as defined by rule of the State Board of Education, any crime related to fraud or theft, felony possession of a concealed weapon, misdemeanor drug and/or paraphernalia offenses, misdemeanor battery/assault or cruelty to or neglect of animals, or otherwise found ineligible for employment under F.S. 1012.315, shall not be employed in any position. All other offenses and those outside of the timelines will also be considered. A pattern of behavior or an extensive criminal record may also render the applicant ineligible. 3 DUIs in the last

ten years or 4 DUIs in a lifetime will make the applicant ineligible. For purposes of this policy, "convicted" means that there has been a determination of guilt as a result of a trial or the entry of a plea of guilty or nolo contendere, regardless of whether adjudication is withheld, and includes an adjudication of delinquency of a juvenile as specified in F.S. 943.0435.

Individuals whose fingerprints have not been retained by the FDLE must be re-fingerprinted and re-screened upon re-employment or re-engagement to provide service as a support staff member.

Furthermore, before employment of support staff in any position, the hiring administrator shall conduct employment history checks of each of the candidate's previous employer(s), review each affidavit of separation from previous employers pursuant to F.S. 1012.31, and document the findings.

All support staff members employed by the District must self-report arrests for any and all offenses regardless of the level of the charges within forty-eight (48) hours (see AP 4121.01). Failure to report arrests or convictions as required by this policy shall be grounds for termination of employment.

Applicants for employment are required to self-report any criminal history as required by the security portion of the School District's employment application. Failure to self-report criminal history as required is considered falsification of the application which may result in the termination of employment or the application to be denied. The application will be reviewed by the Superintendent. If termination occurs or the application is denied then applicants may re-apply under this section in one (1) year.

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

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

The information contained in reports received from the FDLE and the FBI is confidential.

Although permissible by State law, the District will not share information received as the result of the criminal history background check with other school districts.

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	F.S. 943.059(4)(a)
	F.S. 1001.10(5)
	F.S. 1001.41
	F.S. 1001.42
	F.S. 1012.27(6)

F.S. 1012.315

F.S. 1012.32

F.S. 1012.56

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Book	Policy Manual
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#### 5121 - **CONTROLLED OPEN ENROLLMENT**

The School Board shall permit a program of controlled open enrollment as set forth herein and in accordance with Florida law. "Controlled open enrollment" means a public education delivery system that allows school districts to make student school assignments using parents' indicated preferential educational school choice as a significant factor. The District's controlled open enrollment program is in addition to the educational choice options provided by Policy 2271 - *Articulation and Access to Florida College System Institutions*; Policy 2370 - *Educational Options*; Policy 2370.01 - *Virtual Instruction*; Policy 2421 - *Career and Technical Education*; and Policy 9800 - *Charter Schools*.

#### **Components of the District's Controlled Open Enrollment Program**

The District's controlled open enrollment program:

- A. adheres to Federal desegregation requirements;
- B. allows parents to declare school preferences, including placement of siblings within the same school;
- C. provides a lottery procedure to determine student assignment and establishes an appeals process for hardship cases;
- D. affords parents of students in multiple session schools preferred access to controlled open enrollment;
- E. maintains socioeconomic, demographic, and racial balance;
- F. provides for transportation options, which include the following:
  - 1. Transportation to public schools pursuant to F.S. 1002.38, 1002.39, and 1002.394 (the Opportunity Scholarship Program, the John M. McKay Scholarships for Students with Disabilities Program, and the Family Empowerment Scholarship Program).

2. Potential funds available for transportation pursuant to F.S. 1002.394, 1002.395, and 1011.68.

G. maintains existing academic eligibility criteria for public school choice programs pursuant to Florida law;

H. identifies schools that have not reached capacity, as determined by the District;

I. ensures that preferential treatment is provided to individuals as set forth in Florida law;

J. maintains a wait list of students who are denied access due to capacity and provides for notification to parents when space becomes available; and

K. accepts students throughout the school year as capacity becomes available.

### **Eligibility for Participation in the Controlled Open Enrollment Program**

In addition to the public school choice programs available under Florida law and provided in the District pursuant to the policies listed above, a parent of a student under the age of eighteen (18) or an eligible student who lives in the District or in any other school district in the State of Florida who is not subject to a current expulsion or suspension may seek to enroll in a public school in the District that has not reached capacity, subject to the maximum class size pursuant to F.S. 1003.03 and Section 1, Art. IX of the Florida Constitution.

In determining the capacity of each District school, the Board shall incorporate the specifications, plans, elements, and commitments contained in the District's educational facilities plan and the long-term work programs required under Florida law.

A District school shall be at "capacity" once the percentage of enrolled students in a District school equals or exceeds ninety percent (90%) of permanent student stations for each of the grade levels and/or programs offered in that school. The District's five (5) year work plan can be viewed at <https://bit.ly/3tYHEVF>.

"Capacity" as defined herein is subject to program-specific enrollment limitations. Programs with enrollment limitations may include, but are not limited to, self-contained Exceptional Student Education (ESE) programs, career-tech programs, magnet programs, international baccalaureate programs, advanced placement courses, and other academic programs that require student-teacher ratios less than the FISH capacity for that space.

The capacity at each public school in the District shall be identified on the District's website at [www.hernandoschools.org](http://www.hernandoschools.org).

The capacity information provided on the website will be updated every twelve (12) weeks and shall be by grade level and/or specific program offered at each District school.

### **Application and Preferential Treatment**

Applications to participate in the District's controlled open enrollment program shall be accepted beginning in ~~January~~ February and ending in ~~February~~ March. Applications are available online and must be submitted no later than 11:59 pm on the last date of open enrollment online.

Computer access is available at each District school for parents to complete the application. Applicants will be required to identify their primary school of choice in the application including up to two (2) alternate choices ranked in order of preference. Applicants will also be required to identify specific programs, if any, in which they want to enroll at their preferred and alternate school choices.

An applicant's failure to disclose information (e.g., being subject to suspension or expulsion, having a current IEP, being assigned to a Department of Juvenile Justice program, et cetera) that would be relevant to the District's determination that the applicant could be served in a program at his/her preferred or alternate schools and therefore would be accepted shall constitute grounds for revocation of approval to enroll under this policy.

After the close of the application period and the determination of capacity at each school, the District shall conduct a lottery as described below and then process the applications according to the random numbers assigned.

Applications shall be grouped accordingly:

**A. Phase 1**

Applicants in this phase shall reside in the District and also qualify for preferential treatment in at least one of the following ways:

1. Dependent children of active duty military personnel whose move resulted from military orders.
2. Children who have been relocated due to a foster care placement in a different school zone.
3. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
4. Students in multiple session schools.
5. Students requesting to be reassigned to the same school as their sibling(s), with the exception of students who are exiting grades 5, 8, or 12 and/or students who are enrolled through specific programs such as magnet, international baccalaureate, or career technical programs.
6. Students whose parent/guardian is employed by the District.
7. A student whose parent is transferred or is pending transfer to a military installation within the District while on active military duty pursuant to an official military order. The student and/or parent must submit the official military order to the District in order to qualify for preferential treatment

**B. Phase 2**

Applicants included in this phase reside in the District but are entitled to no other preferential treatment.

**C. Phase 3**

Applicants included in this phase do not reside in the District but are entitled to preferential treatment in at least one of the following ways:

1. dependent children of active duty military personnel whose move resulted from military orders;
2. children who have been relocated due to a foster care placement in a different school zone;
3. children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent;

4. students in multiple session schools;
5. students whose parent/guardian is employed by the District.

D. Phase 4

Applicants included in this phase are not entitled to preferential treatment under State law.

**Lottery**

The lottery will be conducted by two (2) or more staff members designated by the Superintendent.

The lottery involves the assignment of a random number to each applicant (siblings shall be paired unless requested otherwise). Separate lotteries will be conducted for applicants in Phases 1 through 4. Random numbers will be selected, and the applications in each phase shall be placed in order of their selection.

**Review of Applications**

Once the application period ends and the lottery has been conducted, the District will review all fully completed applications received by the application deadline. Consideration of applications will be based on the current capacity of each public school in the District. (See definition of "capacity" above). Only those schools identified in the application will be considered by the District.

A. Phase 1: Applicants Residing in the District Entitled to Additional Preferential Treatment

The District will review the Phase 1 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school. The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 - *Assignment Within District*.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

Approved applicants will be notified in writing and shall have ten (10) school days to accept enrollment at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within ten (10) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to accept enrollment by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities.

If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 1 applications will be maintained on a waiting list in order of lottery number assigned **for the remainder of the school year** ~~until two (2) weeks before the first day of school.~~

#### **B. Phase 2: Applicants Residing in the District Not Entitled to Additional Preferential Treatment**

If capacity is available after Phase 1, the District will process applications from applicants residing in the District not entitled to additional preferential treatment.

The District will review the Phase 2 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent shall then determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student will remain at the current school/program in which s/he is enrolled. If the student is transitioning to a new level of his/her academic program (i.e. from elementary school to middle school or middle school to high school), his/her assignment shall be in accordance with Policy 5120 – *Assignment Within District*.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have ten (10) calendar days to accept enrollment at the school where s/he has been offered the opportunity to enroll. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within



ten (10) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to accept enrollment by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities.

If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 2 applications will be maintained on a waiting list in order of lottery number assigned **for the remainder of the school year** ~~until two (2) weeks before the first day of school.~~

### C. Phase 3: Applicants Residing Outside the District Entitled to Preferential Treatment

If capacity is available after Phases 1 and 2, the District will process applications from applicants residing outside the District who are afforded preferential treatment as set forth above.

The District will review the Phase 3 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have ten (10) calendar days to accept enrollment at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within ten (10) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to accept enrollment by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection

regarding enrollment opportunities.

If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 3 applications will be maintained on a waiting list in order of lottery number assigned **for the remainder of the school year**~~until two (2) weeks before the first day of school.~~

#### D. Phase 4: All Remaining Applicants Not Entitled to Preferential Treatment

If capacity is available after Phases 1 through 3, the District will process applications from applicants residing outside the District not entitled to preferential treatment.

The District will review the Phase 4 applications in the order assigned by means of the lottery and will attempt to honor the ranked choices of each applicant.

If a student's application indicates an intent to enroll in a program with enrollment limitations, the Superintendent shall determine whether the student's preferred school has a program already in place in which the student wants to enroll. If there is such a program and it is not at capacity, the student will be enrolled.

If the student's preferred school does not have capacity in the program in which the student wants to enroll, the student shall not be enrolled in that school.

The Superintendent then shall determine whether any of the alternate school(s) identified in the student's application have the program in which the student wants to enroll and that program is not at capacity. If so, the District shall offer the student the opportunity to enroll in that school's program.

If none of the student's alternate schools has capacity in the program in which s/he wants to enroll, the student's application will be denied.

This process will continue until the choices listed on each fully completed application has been honored or until all available classroom slots have been filled.

The approved applicants will be notified in writing and shall have ten (10) calendar days to enroll at their chosen school. If the last day for enrollment falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

If, after submitting an application to participate in the District's controlled open enrollment program and before a decision is made about the application, a student is suspended or expelled, placed on an IEP, assigned to a Department of Juvenile Justice program, or subject to any alternate assignment as a result of his/her behavior, within ten (10) days the student shall notify the District by submitting documentation related to this change in the student's status. Failure to do so shall constitute grounds for revocation of approval to enroll, if given, under this policy.

Failure to enroll by the deadline identified in the written notification shall result in an automatic revocation of the District's approval of the application. Once the deadline passes for students to enroll at their chosen school, if any capacity remains, the District will begin contacting students in order of lottery selection regarding enrollment opportunities.

If capacity is reached before all applications can be reviewed and enrollment requests fulfilled, the remaining Phase 4 applications will be maintained on a waiting list in order of lottery number assigned **for the remainder of the school year**~~until two (2) weeks before the first day of school.~~

## Appeals

Applicants who are not accepted for enrollment may appeal to the District hardship committee within ten (10) calendar days of receipt of the District's notice advising them that their application was denied. If the last day for appeal falls on a day that the school office is not open for business, the deadline shall be extended to the next day that the school office is open for business.

The appeal must be submitted in writing, must be based on hardship, and must include as much detail as possible regarding the hardship. Appeals will be considered by the District hardship committee. The hardship committee shall consist of the Executive Director of Academic Services, Supervisor of School Choice, and Supervisor of Student Services. Parents who are denied their appeal through the hardship committee may appeal the decision to the Superintendent. The Board retains the right to consider an appeal of the decision to deny a hardship appeal.

Applicants will be notified in writing of the District hardship committee's decision.

"Hardship" includes, but is not limited to, the following:

- A. medical and/or psychological matters
- B. law enforcement matters
- C. any other circumstances demonstrating a hardship

Appropriate documentation of the hardship is required for the District hardship committee to consider the request.

## Students Residing in the District

Students residing in the District (including charter school students) will not be displaced by a student from another school district seeking enrollment under the District's controlled open enrollment program.

## Completion of Highest Grade Level

A student who enrolls in the District through the District's controlled open enrollment program may remain at his/her current school until completion of the highest grade at the school.

After completing the highest grade at the school, a student who resides in another school district and wants to transition to the next level of the academic program in this District must reapply for enrollment through the controlled open enrollment program.

After completing the highest grade at the school, a student who resides in the District and wants to transition to the next level of the academic program at a school other than the one to which s/he would be assigned in accordance with Policy 5120 - *Assignment Within the District* must reapply for enrollment at his/her preferred school, as well as (an) alternate school(s), through the controlled open enrollment program.

## Maintaining Appropriate Socioeconomic, Demographic, and Racial Balance

Given our diverse society and the importance of preparing students for education, work, and citizenship, the Board is committed to providing students with equal educational opportunities, promoting educational diversity in the District, and providing students with the educational benefits of a diverse student body. To that end, should a concern arise regarding socioeconomic, demographic, or racial balance in one or more of the District's schools, the Superintendent shall consult with

legal counsel to determine the appropriate steps that should be taken, including, but not limited to, any necessary policy revisions and other actions necessary to comply with Florida and Federal law. The Superintendent shall then make the appropriate recommendations to the Board.

### **Transportation**

The District does not provide transportation to students enrolling under this policy unless otherwise required by State or Federal laws.

### **Interscholastic and Intra-scholastic Extracurricular Activities**

A student who enrolls in the District through the District's controlled open enrollment program is immediately eligible to participate in interscholastic and intra-scholastic extra-curricular activities; however, 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 student meets one (1) of the following criteria:

- 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 in a different school zone.
- C. Children who move due to a court-ordered change in custody due to separation or divorce, or the serious illness or death of a custodial parent.
- D. Authorized for good cause.

"Good cause" is defined in Policy 2431.01 – *Participation by Transfer Students*.

A student who believes "good cause" exists must submit a written request to the District Athletic Director identifying the facts and circumstances the student believes establishes "good cause". The Superintendent will consider the written request and make a recommendation to the Board during a publicly noticed meeting.

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Legal	Section 1, Art. IX, Florida Constitution
	F.S. 1002.20
	F.S. 1002.31
	F.S. 1003.03
	F.S. 1003.05
	F.S. 1013.35

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#### 5780 - **STUDENT/PARENT RIGHTS**

The School Board recognizes that students possess not only the right to an education but the rights of citizenship as well. Federal and State law prohibits the Board from adopting any policy or rule, or from entering into any agreement, that infringes upon or waives the rights of freedoms afforded to students by the United States Constitution.

In providing students the opportunity for an education to which they are entitled, the District shall attempt to offer nurture, counsel, and custodial care appropriate to their age and maturity. The District shall, at the same time, guarantee that no student is deprived of the basic right to equal treatment and equal access to the educational program, due process, a presumption of innocence, free expression and association, and the privacy of his/her own thoughts.

Attendant to the rights guaranteed to each student, however, are certain responsibilities, which include respect for the rights of others, obedience to properly constituted school authority, and compliance with the procedures and rules of the District.

The Board realizes that as students differ in age and maturity, so they differ in ability to handle both the rights of citizens and the concomitant responsibilities. The exercise of each right shall be granted, therefore, with due regard for the degree of responsibility possessed by the student and the student's need for the continuing guidance and control of those responsible for his/her education.

Since a student who has reached the age of majority possesses the full rights of an adult, they may authorize those school matters previously handled by their parents, but the student also assumes the responsibility for their performance in school, attendance, and compliance with school rules.

All K-12 students in Florida are entitled to a uniform, safe, secure, efficient, and high-quality system of education, one that allows students the opportunity to obtain a high-quality education. Parents are responsible to ready their children for school; however, neither the State of Florida nor the District can be a guarantor of any individual student's success.

#### **Parental Access at School**

Each parent has the right to pick-up, visit, and meet with their student at school, without the interference of or the need for consent from the other parent, unless the school has received a certified copy of an enforceable court order that provides to the contrary. The Principal may restrict the times, location, frequency, and length of parent visitations at school, based on legitimate pedagogical or scheduling reasons. The District will abide by enforceable 'no contact orders' which have been provided to the school.

#### **Educational Decisions**

Both natural parents have an equal right to make decisions about the education and welfare of their student, unless an enforceable court order provides otherwise. Schools will attempt to follow the language of an enforceable court order that specifies that one of the parents or someone else, has the sole or ultimate right to make educational and/or general welfare decisions for the student. If parent directives conflict with each other regarding an educational decision about the student

not addressed by court order, the school will defer to the enrolling parent's authority, unless emergent circumstances affecting the health, safety, or welfare of the student require the school to act based on what it considers to be in the best interests of the child.

## **Attendance**

### **A. Termination of Enrollment**

A student who attains the age of sixteen (16) years during the school year has the right to file a formal declaration of intent to terminate school enrollment if the declaration is signed by the parent. The parent has the right to be notified by the District of its receipt of the student's declaration of intent to terminate school enrollment. (see also Policy 5130 - *Withdrawal from School*)

### **B. Married or Pregnant**

Students who become or have become married or who are pregnant and parenting have the right to attend school and receive the same or equivalent educational instruction as other students. (see also Policy 5751 - *Parental Married Status of Students*)

### **C. Compulsory Attendance**

Parents of students who have attained the age of six (6) years by February 1st of any school year but who have not attained the age of sixteen (16) years must comply with the compulsory school attendance laws. Parents have the option to comply with the school attendance laws by the attendance of the student in a public school; a parochial, religious, or denominational school; a private school; a home education program; or a private tutoring program. (see also Policy 5112 - *Entrance Requirements* and Policy 5200 - *Attendance*)

### **D. Absence for Religious Purposes**

A parent of a student may request and be granted permission for the absence of the student from school for religious instruction or religious holidays. (see also Policy 5223 - *Absences for Religious Instruction* and Policy 5225 - *Absences for Religious Holidays*)

### **E. Dropout Prevention and Academic Intervention Programs**

The parent of a student has the right to receive written notice by mail prior to the placement of the student in a dropout prevention and academic intervention program. The parent will be notified in writing and entitled to an administrative review of any action by school personnel relating to the student's placement.

### **F. Absence for Treatment of Autism Spectrum Disorder**

A parent of a student may request and be granted permission for absence of the student from school for an appointment scheduled to receive a therapy service provided by a licensed health care practitioner or behavior analyst certified pursuant to Florida law for the treatment of autism spectrum disorder including, but not limited to, applied behavioral analysis, speech therapy, and occupational therapy.

## **Health Issues**

### **A. Notice of Health Care Services**

At the beginning of the school year, the District will provide notice to parents of all health care services offered at their student's school and of the option to withhold consent to or decline any specific service. Before administering a student well-being questionnaire or health screening form to a student in kindergarten through grade 3, the District will provide the questionnaire or form to the parent and obtain the permission of the parent.

### **B. School-Entry Health Examinations**

The parent of any student shall be exempt from the requirement of a health examination upon written request stating objections on religious grounds. (see also Policy 5112 - *Entrance Requirements*)

### **C. Immunizations**

The parent of any student shall be exempt from the school immunization requirements upon meeting any of the specified exemptions. (see also Policy 5320 - *Immunizations* and Policy 5112 - *Entrance Requirements*)

### **D. Biological Experiments**

Parents may request that their child be excused from performing dissection in biological science classes. Alternate

assignments will be given to students who do not participate in the dissection activities.

#### E. Reproductive Health and Disease Education

A public school student whose parent makes written request to the school Principal shall be exempted from the teaching of reproductive health or any disease, including HIV/AIDS. (see also Policy 2417 - *Comprehensive Health Education*)

#### F. Contraceptive Services to Students

Students may not be referred to or offered contraceptive services at school facilities without the parent's consent.

#### G. Career Education Courses Involving Hazardous Substances

High school students must be given plano safety glasses or devices in career education courses involving the use of hazardous substances likely to cause eye injury.

#### H. Substance Abuse Reports

The parent of a student must be timely notified of any verified report of a substance abuse violation by the student.

#### I. Inhaler Use

Asthmatic students may carry a metered dose inhaler on their person while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with written parental and physician authorization. The parent or guardian must provide the District with a written authority and contract to carry that are both signed and dated by the student (if applicable), parent or guardian, and the physician. The written approval by the physician must include:

1. name of the medication in the metered dose inhaler;
2. the prescribed dosage;
3. the times or the special circumstances under which the medication is to be administered; and
4. any other special related information regarding the administration of the metered dose inhaler.

(see also Policy 5330.01 - *Self-Administered Medication and Epinephrine Use*)

#### J. Epinephrine Use and Supply

A student who has experienced or is at risk for life-threatening allergic reactions may carry an epinephrine auto-injector and self-administer epinephrine by auto-injector while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities if the school has been provided with written parental and physician authorization. The parent or guardian must provide the District with a written authorization and contract to carry that are both signed and dated by the student (if applicable), parent or guardian, and the physician. The written approval by the physician must include:

1. the times or the special circumstances under which the medication is to be administered; and
2. any other special related information regarding the administration of the epinephrine auto-injected.

The School District shall be indemnified by the parent of a student who is authorized to carry an epinephrine auto-injector for any and all liability with respect to the student's use of an epinephrine auto-injector pursuant to this policy.

The District and its employees and agents, including the physician who provides the standing protocol for school epinephrine auto-injectors, are not liable for any injury arising from the use of an epinephrine auto-injector administered by trained school personnel who follow the adopted protocol and whose professional opinion is that the student is having an anaphylactic reaction:

1. unless the trained school personnel's action is willful and wanton;
2. notwithstanding that the parents or guardians of the student to whom the epinephrine is administered have not been provided notice or have not signed a statement acknowledging that the School District is not liable; and
3. regardless of whether authorization has been given by the student's parents or guardians or by the student's physician, physician's assistant, or advanced registered nurse practitioner.



(see also Policy 5330.01 - *Self-Administered Medication and Epinephrine Use*)

#### K. Diabetes Management

The District may not assign a student who has diabetes to a particular school on the basis that the student has diabetes, that the school does not have a full-time school nurse, or that the school does not have trained diabetes personnel.

Diabetic students whose parent and physician provide their written authorization to the school Principal may carry diabetic supplies and equipment on their person and attend to the management and care of their diabetes while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, to the extent authorized by the parent and physician and within the parameters set forth by State Board of Education rule. The written authorization shall identify the diabetic supplies and equipment that the student is authorized to carry and shall describe the activities the child is capable of performing without assistance, such as performing blood-glucose level checks and urine ketone testing, administering insulin through the insulin-delivery system used by the student, and treating hypoglycemia and hyperglycemia.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to carry diabetic supplies or equipment for any and all liability with respect to the student's use of such supplies and equipment pursuant to this policy.

(see also Policy 5330.01 - *Self-Administered Medication and Epinephrine Use*)

#### L. Use of Prescribed Pancreatic Enzyme Supplements

A student who has experienced or is at risk for pancreatic insufficiency or who has been diagnosed as having cystic fibrosis may carry and self-administer a prescribed pancreatic enzyme supplement while in school, participating in school-sponsored activities, or in transit to or from school or school-sponsored activities, IF the school has been provided a written authorization and contract to carry that are both signed and dated by the student (if applicable), parent or guardian, and physician, and provide the prescription label containing the following:

1. name of the medication;
2. the prescribed dosage;
3. the times or the special circumstances under which the medication is to be administered; and
4. any other special related information regarding the administration of the medication.

The District and its employees and volunteers shall be indemnified by the parent of a student who is authorized to use prescribed pancreatic enzyme supplements for any and all liability with respect to the student's use of the supplements under this policy.

(see also Policy 5330.01 - *Self-Administered Medication and Epinephrine Use*)

#### M. Involuntary Examinations of Students

Before a Principal contacts a law enforcement officer for possible removal of a student from school for involuntary examination, the Principal must verify that the school has used de-escalation strategies and initiated outreach to a mobile response team, unless the Principal reasonably believes that any delay in removing the student will increase the likelihood of harm to the student or others.

The Principal shall make a reasonable attempt to notify a parent of a student before the student is removed from school, school transportation, or a school-sponsored activity to be taken to a receiving facility for an involuntary examination pursuant to F.S. 394.463. Reasonable attempt to notify means the exercise of reasonable diligence and care by the Principal to make contact with the student's parent, guardian, or other known emergency contact whom the student's parent or guardian has authorized to receive notification of an involuntary examination. At a minimum, the Principal must take the following actions:

1. Use available methods of communication to contact the student's parent, guardian, or other known emergency contact including, but not limited to, telephone calls, text messages, e-mails, and voicemail messages following the decision to initiate an involuntary examination of the student;
2. Document the method and number of attempts made to contact the student's parent, guardian, or other known emergency contact, and the outcome of each attempt.



The Principal who successfully notifies any other known emergency contact may share only the information necessary to alert such contact that the parent or caregiver must be contacted. All such information must be in compliance with Federal and State law.

The Principal or the principal's designee may delay the required notification for no more than twenty-four (24) hours after a student is removed if:

1. the Principal or principal's designee deems the delay to be in the student's best interest and if a report has been submitted to the central abuse hotline, pursuant to F.S. 39.201, based upon knowledge or suspicion of abuse, abandonment, or neglect. (see also Policy 2410 - *School Health Services*); or
2. the Principal reasonably believes that such delay is necessary to avoid jeopardizing the health and safety of the student.

(see also Policy 2410 - *School Health Services*)

#### N. Sun-protective Measures in School

A student may possess and use a topical sunscreen product while on school property or at a school-sponsored event or activity without a physician's note or prescription if the product is regulated by the United States Food and Drug Administration for over-the-counter use to limit ultraviolet light-induced skin damage. It will be the responsibility of the student to apply the sunscreen and not the responsibility of school staff.

#### O. Naloxone Use and Supply

Schools shall purchase a supply of the opioid antagonist naloxone from a wholesale distributor as defined in F.S. 499.003 or may enter into an arrangement with a wholesale distributor or manufacturer as defined in F.S. 499.003 for naloxone at fair-market, free, or reduced prices for use in the event that a student has an opioid overdose. The naloxone must be maintained in a secure location on the school's premises.

### Discipline

#### A. Suspension

A student may be suspended only as provided by the policy of the District. A good faith effort must be made to immediately inform the parent by telephone of the student's suspension and the reason. Each suspension and the reason must be reported in writing within twenty-four (24) hours to the parent by United States mail. A good faith effort must be made to use parental assistance before suspension unless the situation requires immediate suspension. (see also Policy 5610 - *Removal, Suspension, and Expulsion of Students*)

A student with a disability may only be recommended for suspension or expulsion in accordance with the State Board of Education rules.

#### B. Expulsion

Public school students and their parents have the right to written notice of a recommendation of expulsion, including the charges against the student and a statement of the right of the student to due process. (see also Policy 5610 - *Removal, Suspension, and Expulsion of Students*)

### Safety

Students who have been victims of certain felony offenses by other students, as well as the siblings of the student victims, have the right to be kept separated from the student offender, both at school and during school transportation.

### Educational Choice

#### A. Public School Choices

Parents may seek whatever public school options are applicable and available to students in the School District.

These options may include:

1. controlled open enrollment
2. virtual instruction programs
3. charter schools

4. magnet schools
5. alternative schools
6. special programs
7. auditory-oral education programs
8. advanced placement
9. dual enrollment
10. International Baccalaureate
11. CAPE digital tools
12. CAPE industry certifications
13. early college high school programs
14. Advanced International Certificate of Education
15. credit by examination or demonstration of competency
16. the Florida Virtual School

Options also include the public educational choice options of the Hope Scholarship Program (see Policy 2371 - *Hope Scholarships*), the Opportunity Scholarship Program and the McKay Scholarships for Students with Disabilities Program, the Family Empowerment Scholarship Program, and the Florida Tax Credit Scholarship Program. (see also Policy 2370 - *Educational Options*, Policy 2370.01 - *Virtual Instruction*, and Policy 5113 - *School Choice Options Provided by the No Child Left Behind Act*)

#### B. Private Educational Choices

Parents may seek private educational choice options under certain programs established under F.S. Chapter 1002.

#### C. Home Education

The parent may choose to place the student in a home education program, in accordance with State law. (see also Policy 9270 - *Home-Education Programs*)

#### D. Private Tutoring

The parent of a student may choose to place the student in a private tutoring program in accordance with State law.

#### E. Reading Scholarships

The parent of a student in kindergarten through grade 5 who has a substantial reading deficiency identified under F.S. 1008.25(5)(a) or scored below a Level 3 on the third or fourth grade Statewide, standardized English Language Arts (ELA) assessment in the prior school year may seek a reading scholarship in accordance with State law.

By September 30th of each year, the District will notify the parent of each student in kindergarten through grade 5 who has a substantial reading deficiency identified under F.S. 1008.25(5)(a) or scored below a Level 3 on the Statewide, standardized ELA assessment in the prior school year of the process to request and receive a reading scholarship, subject to available funds.

#### F. Request to Transfer to Different Classroom Teacher

Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred to a different classroom teacher. As part of the request, the parent must state with specificity the grounds supporting the request. Requests must be in writing and must be provided to the Principal.

All requests for a student to be transferred to another classroom teacher shall be considered by the Principal or his/her designee. Within two (2) weeks of receiving a completed written request, the Principal or his/her designee shall notify the parent in writing as to whether the request is approved or denied. If denied, the Principal or his/her designee shall specify the reasons for the denial.

#### G. Request to Transfer to In-Field Classroom Teacher

A parent whose student is assigned an out-of-field teacher may request that their child be transferred to an in-field classroom teacher within the school and grade in which the student is currently enrolled. Although parents do not have a right to choose a specific classroom teacher, parents may request that their child be transferred. As part of the request, the parent must complete a written request and provide it to the Principal.

All requests for a student to be transferred to another classroom teacher shall be considered by the Principal. Within two (2) weeks of receiving a request in writing, the Principal shall notify the parent in writing as to whether the request is approved or denied.

If an in-field teacher for the student's course and grade level is employed by the school and the transfer would not violate maximum class size requirements, the request shall be approved. The student shall be transferred no later than two (2) weeks from the date the written request is received.

If denied, the Principal shall specify the reasons for the denial.

### **ACCEL Options**

Parents may request student participation in Academically Challenging Curriculum to Enhance Learning (ACCEL) options, including whole grade promotion, midyear promotion or subject matter acceleration. If the parent selects one of these ACCEL options and the student meets eligibility and procedural requirements in the student progression plan, the student will have the opportunity to participate in the ACCEL option.

### **Nondiscrimination**

All education programs, activities, and opportunities offered by the District are available without discrimination on the basis of race (including anti-Semitism [as defined in Bylaw 0100]), color, ethnicity, national origin, sex (including sexual orientation, transgender status, or gender identity), disability (including HIV, AIDS, or sickle cell trait), pregnancy, marital status, age (except as authorized by law), religion, military status, ancestry, or genetic information, which are classes protected by State and/or Federal law (collectively, 'protected classes'). (see also Policy 2260 - *Nondiscrimination and Access to Equal Educational Opportunity* and Policy 2260.01 - *Section 504/ADA Prohibition Against Discrimination Based on Disability*)

### **Exceptional Students**

#### **A. Notice and Due Process**

Parents of students with disabilities and parents of students in residential care facilities are entitled to notice and due process. (see also Policy 2460 - *Exceptional Student Education*)

#### **B. Graduation**

Students with disabilities are provided the opportunity to meet the graduation requirements for a standard high school diploma. Certain students with disabilities may be awarded a special diploma upon high school graduation. (see also Policy 2623 - *Student Assessment*)

#### **C. Meetings with District Personnel**

Parents of students with disabilities, or eligible students with disabilities, may be accompanied by another person of their choice at any meeting with District personnel.

District personnel will not object to the attendance of such adult or discourage or attempt to discourage through any action, statement, or other means, parents or an eligible student, from inviting another person of their choice to attend any meeting. Parents, eligible students, or other individuals invited to attend such meetings by parents or eligible students on school grounds shall sign in at the front office of such school as a guest.

Parents, or eligible students, and District personnel shall sign Form SO-SS-161 at the meeting's conclusion which states whether or not any District personnel have prohibited, discouraged, or attempted to discourage the parents, or eligible student from inviting a person of their choice to the meeting pertaining to their child's, or their own, educational environment, placement, or discipline.

### **Blind Students**

Students who are blind have the right to an individualized written education program and appropriate instructional materials to attain literacy.

### **Limited English Proficient Students**

Limited English proficient students have the right to receive English for Speakers of Other Languages (ESOL) instruction designed to develop the student's mastery of listening, speaking, reading, and writing in English as rapidly as possible. The students' parents have the right of parental involvement in the ESOL program.

### **Students with Reading Deficiencies**

Each elementary school shall regularly assess the reading ability of each K-3 student. The parent of any K-3 student who exhibits a reading deficiency shall be immediately notified of the student's deficiency with a description and explanation, in terms understandable to the parent, of the exact nature of the student's difficulty in learning and lack of achievement in reading; shall be consulted in the development of a progress monitoring plan; and shall be informed that the student will be given intensive reading instruction until the deficiency is corrected.

### **Pledge of Allegiance**

A student will be excused from reciting the pledge of allegiance or the Declaration of Independence, upon written request by the student's parent, in accordance with State law. See also Policy 8800, *Religious/Patriotic Ceremonies and Observances*.

### **Student Records**

- A. Each parent has an equal right of access, right to waive access, right to challenge and hearing and right of privacy in the education records of their student who is a minor or a dependent adult pursuant to law, unless the school has received a certified copy of an enforceable court order that provides to the contrary. (see also Policy 8330 - *Student Records*)
- B. A student is not required to provide their social security number as a condition for enrollment or graduation. (see also Policy 8330 - *Student Records*)
- C. The school will not collect, obtain or retain information on the political affiliation, voting history, religious affiliation or biometric information of a student, parent or siblings.

### **Student Report Cards**

Students and their parents have the right to receive student report cards on a regular basis that clearly depict and grade the student's academic performance in each class or course, the student's conduct, and the student's attendance.

### **Student Progress Reports**

Parents shall be informed at regular intervals of the academic progress and other needed information regarding their child, including ways they can help their child to succeed in school. (see also Policy 5420 - *Reporting Student Progress*)

### **Student Accountability and School Improvement Rating Reports**

Parents of public school students are entitled to an easy-to-read report card about the school's grade designation or, if applicable, school's improvement rating, and the school's accountability report, including the school financial report.

### **High School Athletics**

#### **A. Eligibility**

A student is eligible in the school in which they first enrolls each school year, the school in which the student makes himself/ herself a candidate for an athletic team by engaging in practice or tryouts before enrolling, or the school to which the student has transferred with approval of the Board, in accordance with State law. (see also Policy 2431 - *Interscholastic Athletics*)

#### **B. Medical Evaluation**

Students must satisfactorily pass a medical evaluation each year before participating in athletics, unless the parent objects in writing based on religious tenets or practices, in accordance with State law. (see also Policy 2431 - *Interscholastic Athletics*)

### **Extra-Curricular Activities**

#### **A. Eligibility**

Students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities. (see also Policy 2430 - *District-Sponsored Clubs and Activities*)

#### **B. Home Education Students**

Home education students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies, or may develop an agreement to participate at a private school.

C. Charter School Students

Charter school students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the school to which the student would be assigned or could choose to attend according to Board policies unless such activity is provided by the student's charter school.

D. Florida Virtual School Full-Time Students

Florida Virtual School full-time students who meet specified academic and conduct requirements are eligible to participate in extra-curricular activities at the public school to which the student would be assigned or could choose to attend according to Board policies.

## **Instructional Materials**

A. Core Courses

Each student is entitled to sufficient instructional materials in the core courses of mathematics, language arts, social studies, science, reading, and literature.

B. Curricular Objectives

The parent of each student has the right to receive effective communication from the school Principal as to the manner in which instructional materials are used to implement the school's curricular objectives.

C. Sale of Instructional Materials

Instructional materials purchased by the District or a Florida College System institution board of trustees on behalf of dual enrollment students is available to the dual enrollment students free of charge.

D. Dual Enrollment Students

Instructional materials purchased by the District or a Florida College System institution board of trustees on behalf of dual enrollment students is available to the dual enrollment students free of charge.

E. Parent Access to Instructional Materials

Parents have the ability to access their child's instructional materials and may object to the use of a specific instructional material or contest the adoption of instructional material (See Policy 2520, *Selection and Adoption of Instructional Materials*).

## **Juvenile Justice Programs**

Students who are in juvenile justice programs have the right to receive educational programs and services, in accordance with State law.

## **Parental Input and Meetings**

A. Meetings with School District Personnel

Parents may be accompanied by another adult of their choice at a meeting with School District personnel.

B. District Educational Facilities Program

Parents and other members of the public have the right to receive proper public notice and opportunity for public comment regarding the District's educational facilities work program, in accordance with State law.

C. Parent-Teacher Associations and Organizations

Parents have the right to participate in parent-teacher associations and organizations that are sanctioned by the Board or by the Florida Department of Education.

## **Transportation**

A. Transportation to School

Students are provided with transportation to school in accordance with the provisions of State law. (see also Policy 8600 - *Transportation*)

#### B. Hazardous Walking Conditions

Students in grades K-6 are provided transportation if they are subjected to hazardous walking conditions, in accordance with State law.

#### C. Parental Consent

Each parent of a public school student must be notified in writing and give written consent before the student may be transported in a privately owned motor vehicle to a school function in accordance with State law. (see also Policy 8660 - *Transporting Students by Private Vehicles*)

### **Orderly, Disciplined Classrooms**

Students will be in orderly, disciplined classrooms conducive to learning without the distraction caused by disobedient, disrespectful, violent, abusive, uncontrollable, or disruptive students. (see also Policy 5600 - *Student Discipline*)

### **Economic Security Report**

Prior to registration, each middle school and high school student or the student's parent will be provided a two (2) page summary of the Department of Economic Opportunity's economic security report of employment and earning outcomes and electronic access to the report.

### **Safe Schools**

In accordance with notification procedures adopted by the Superintendent, timely notification will be provided to the parents/guardians of District students who are likely to be impacted by critical incidents, threats, unlawful acts and significant emergencies that occur on school grounds, while using school transportation, or during school-sponsored activities.

Parents of District students have a right to access school safety and discipline incidents as reported pursuant to F.S. 1006.07 (9).

### **Parental Notification of Arrests of Employees**

Notwithstanding F.S. 1012.31(3)(a)1 and 1012.796(4), within twenty-four (24) hours after a law enforcement agency provides the Superintendent with notification pursuant to F.S. 1012.797 that a District employee has been arrested for a felony or a misdemeanor involving the abuse of a minor child or the sale or possession of a controlled substance, the Principal shall notify parents of enrolled students who had direct contact with the employee and include, at a minimum, the name and specific charges against the employee.

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 Revised 2/5/19  
 Revised 2/11/20  
 Revised 2/23/21  
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 Revised 10/25/22

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Legal	F.S. 39.201
	F.S. 381.0056
	F.S. 394.463
	F.S. 1000.05
	F.S. 1002.20
	F.S. 1002.22
	F.S. 1002.385
	F.S. 1002.39

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F.S. 1003.01(13)  
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F.S. 1008.25  
F.S. 1008.386

F.S. 1012.42

F.S. Chapter 1014

**Last Modified by Maria Cain on May 4, 2023**





Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES
Code	po6320 GF 03-22-2023
Status	
Adopted	June 13, 2017
Last Revised	December 13, 2022

#### 6320 - **PURCHASING AND CONTRACTING FOR COMMODITIES AND CONTRACTUAL SERVICES**

Any School Board employee who has purchasing authority shall consider first the interests of the Board in all purchases and seek to obtain the maximum value for each dollar expended; not solicit or accept any gifts or gratuities from present or potential suppliers which might influence or appear to influence purchasing decisions; and refrain from any private business or professional activity that might present a conflict of interest in making purchasing decisions on behalf of the Board.

No person, unless authorized to do so under this policy, may make any purchase or enter into any contract involving the use of school funds. The Board will not approve any expenditure for an unauthorized purchase or contract.

Purchases may be made through an online procurement system, an electronic auction service, or other efficient procurement tool.

#### **Scope**

This policy shall generally apply to the District's purchase of commodities and contractual services, except it shall not apply to:

- A. employment contracts;
- B. acquisition of architectural, engineering, landscape architectural, construction management at risk, registered surveying and mapping, or other services pursuant to Policy 6330 - *Acquisition of Professional Architectural, Engineering, Landscape Architectural, or Land Surveying Services*;
- C. acquisition of auditing services pursuant to F.S. 218.391;
- D. acquisition of professional consultant services, including but not limited to services of lawyers, accountants, financial consultants, and other business or operational consultants
- E. contracts which are exempted, in whole or in part, from this policy's requirements, as set forth below:

- F. proposals and agreements for public-private partnerships with private entities for qualifying projects pursuant to F.S. 287.057(12).

## Definitions

- A. "Competitive solicitation" means purchasing made through the issuance of an invitation to bid, request for proposals and invitation to negotiate. Competitive solicitations are not required for purchases made through the pool purchase provisions of F.S. 1006.27.
- B. "Invitation to bid" means a written or electronic solicitation for competitive sealed bids. The invitation to bid is used when the Board is capable of specifically defining the scope of work for which a contractual service is required or when the Board is capable of establishing precise specifications defining the actual commodity or group of commodities required. A written solicitation includes a solicitation that is publicly posted.
- C. "Invitation to negotiate" means a written or electronically posted solicitation for competitive sealed replies to select one (1) or more vendors with which to commence negotiations for the procurement of commodities or contractual services. The invitation to negotiate is used when the Board determines that negotiations may be necessary for it to receive the best value. A written solicitation includes a solicitation that is publicly posted.
- D. "Proposer" means those vendors submitting bids or responses to a competitive solicitation.
- E. "Request for proposals" means a written or electronically posted solicitation for competitive sealed proposals. The request for proposals is used when it is not practicable for the Board to specifically define the scope of work for which the commodity, group of commodities, or contractual service is required and when the Board is requesting that a responsible vendor propose a commodity, group of commodities, or contractual service to meet the specifications of the solicitation document. A written solicitation includes a solicitation that is publicly posted.
- F. "Superintendent" means the "Superintendent or designee".
- G. "Request for Quotations" means an informal process to solicit three (3) or more price quotes on commodities or contractual services with standard specifications and valued under the threshold requiring formal competitive solicitations. Quotations may be obtained verbally or via facsimile or e-mail.

## Standards and Specifications

Before making any purchase of commodities or contractual services which the Superintendent is authorized by the Board to make or before recommending any purchase to the Board, the Superintendent shall, insofar as possible, propose standards and specifications. S/He shall see that the commodities or contractual services conform to those standards and specifications, and shall take such other steps as are necessary to see that the maximum value is being received for any money expended.

## Pre-Purchasing Review of Available Purchasing Agreements and State Term Contracts for Nonacademic Commodities and Contractual Services

Before purchasing nonacademic commodities and contractual services, the Board authorizes the Superintendent to review the purchasing agreements and State term contracts available under F.S. 287.056 to determine whether it is in the Board's economic advantage to use the agreements and contracts.

Each bid specification for nonacademic commodities and contractual services must include a statement indicating that the purchasing agreements and State term contracts available under F.S. 287.056 have been reviewed. The Board may use the cooperative State purchasing programs managed through the regional consortium service organizations pursuant to F.S. 1001.451. This policy does not apply to services that are eligible for reimbursement under the Federal E-rate program administered by the Universal Service Administrative Company.

### **Competitive Solicitation Requirements for Commodities and Contractual Services Other Than Construction Contracting**

Except as authorized by law or policy, competitive solicitations shall be requested from three (3) or more sources for the purchase of any authorized commodities or contractual services in an amount greater than \$50,000.

The procurement of commodities or contractual services may not be divided so as to avoid this monetary threshold requirement.

#### **A. Bid Solicitation**

The Superintendent is authorized to issue invitations for bids.

#### **B. Bid Publication**

Notice of the invitation for bids or requests for proposals shall be published at least once in a newspaper of general circulation within the District or on the publicly accessible District website and may be otherwise issued electronically, direct delivery, or other means which are appropriate under the circumstances. The required bid return date is to be announced at the time of the bid offering and shall not be less than five (5) working days from the bid offering date.

All advertisements and public notices published on a website as provided in F.S. Chapter 50 must be in a searchable form and indicate the date on which the advertisement or public notice first appeared on the website.

#### **A. Bid Opening**

Bids will be opened in the office designated in the bid document with the Superintendent's designee and at least one (1) other District employee present.

#### **B. Bid Rejection**

The Board may reject any or all bids and request new bids.

#### **C. Bid Award**

In acceptance of responses to invitations to bid, the Board may accept the proposal of the lowest responsive, responsible proposer. The Board may also choose to award contracts to the lowest responsive, responsible bidder as the primary awardee of a contract and to the next lowest responsive, responsible bidder(s) as alternate awardees, from whom commodities or contractual services would be purchased, should the primary awardee become unable to provide all of the commodities or contractual services required by the Board during the term of the contract. Nothing herein is meant to prevent multiple awards to the lowest responsive and responsible bidders, when such multiple awards are clearly stated in the bid solicitation documents.

For a bidder to be considered responsive, the proposal must respond to all bid specifications in all material respects and contain no irregularities or deviations from the bid specifications which would affect the amount of the bid or otherwise provide a competitive advantage.

For a bidder to be deemed responsible, the Board may request evidence from the bidder concerning:

1. the experience (type of product or service being purchased, etc.) of the bidder;
2. the financial condition;
3. the conduct and performance on previous contracts (with the District or other agencies);
4. the bidder's facilities;
5. the ability to execute the contract properly.

Award of a bid by the Board shall only represent an indication by the Board that a bid represents the lowest responsive bid from a responsible and responsive bidder meeting the requirements and criteria set forth in the invitation to bid. Award of a bid shall not create a binding obligation on the Board, and no obligation shall be created or imposed on the District until such time as the Board Chair/designee executes a contract.

#### **Identical/Tie Low Bids**

When identical low bids are received from an out-of-District vendor and a local vendor, the local vendor shall be recommended for award. The term "local vendor" means a vendor who has an established business presence in the District indicated by the following:

- A. Has a physical business location within the District for at least six (6) months immediately prior to issuance of the competitive solicitation.
- B. Provides customer access at the business location.
- C. Holds any required business license through a jurisdiction in the District.
- D. Employs one (1) full-time or two (2) part-time employees in the District, or if the business has no employees, is at least fifty percent (50%) owned by one (1) or more persons whose primary residence(s) is located within the District.

When two (2) or more local vendors present tie low bids on the same items, the company receiving the larger dollar award of the total bid shall be recommended for tie items.

In the event two (2) or more local vendors present exact tie low bids and the dollar award is not a criterion, the successful bidder shall be selected by applying the following criteria in order:

- A. drug-free workplace program in accordance with Florida law
- B. minority business enterprise (MBE) certified by the State of Florida Office of Supplier Diversity
- C. veteran business enterprise, certified by the State of Florida Department of Management Services

When two (2) out-of-District vendors submit identical low bids, the criteria noted above shall be used to determine the successful bidder.

### **Exception to Competitive Bidding Requirements**

Notwithstanding anything in this policy to the contrary, the Board may make certain purchases without the requirement for competitive solicitations, under the following conditions:

- A. In lieu of requesting competitive solicitations from three (3) or more sources, the Board may make purchases at or below the unit prices in contracts awarded by other Federal, State, city or county governmental agencies, other school boards, community colleges, or State university system cooperative bid agreements when the proposer awarded a contract by another entity will permit purchases by the Board at the same terms, conditions, and unit prices (or below such prices) awarded in such contract, and such purchases are to the economic advantage of the Board.
- B. The Superintendent is authorized to purchase commodities and contractual services where the total amount does not exceed \$50,000.00 and does not exceed the applicable appropriation in the budget.
- C. The Superintendent is authorized to purchase commodities and contractual services under the Department of Management Services State term contracts.
- D. Competitive solicitations are not required for pool purchases made as provided in F.S. 1006.27.
- E. The State Board has waived the requirement for requesting competitive solicitations from three (3) or more sources for purchases by the Board of:
  - 1. Professional services which shall include, without limitation, artistic services; academic program reviews; lectures by individuals; auditing services not subject to F.S. 218.391; legal services, including attorney, paralegal, expert witness, court reporting, appraisal or mediator services; and health services involving examination, diagnosis, treatment, prevention, medical consultation or administration; provided nothing herein shall be deemed to authorize the superintendent to acquire professional consultant services without Board approval as required by Board Policy 6540;
  - 2. Educational services and any type of copyrighted materials including, without limitation, educational tests, textbooks, printed instructional materials, computer software, films, filmstrips, videotapes, DVDs, disc or tape recordings, digital recordings, or similar audio-visual materials, and for library and reference books, and printed library cards where such materials are purchased directly from the producer or publisher, the owner of the copyright, an exclusive agent within the state, a governmental agency or a recognized educational institution;
  - 3. Commodities and contractual services when:
    - a. competitive solicitations have been requested in the manner prescribed by this policy; and
    - b. the Board has made a finding that no valid or acceptable firm proposal has been received within the prescribed time.

When such a finding has been officially made, the Board may enter into negotiations with suppliers of such commodities and contractual services and may execute contracts with such vendors under whatever terms and conditions as the Board determines to be in its best interests.

4. Commodities and contractual services when fewer than two (2) responsive proposals are received. The Board may then negotiate on the best terms and conditions or decide to reject all proposals. The Board will document the reasons that negotiating terms and conditions with the sole proposer is in the best interest of the District in lieu of re-soliciting proposals.
- F. Information technology resources, whether by purchase, lease, lease with option to purchase, rental, or otherwise as defined in F.S. 282.0041(19), may be acquired by competitive solicitation or by direct negotiation and contract with a vendor or supplier, as best fits the needs of the District as determined by the Board.
- G. Purchases of insurance, risk management programs, or contracting with third party administrators for insurance-related services may be through competitive solicitation or by direct negotiation and contract with a vendor or supplier.
- H. Purchase of milk is exempt from competitive bid requirements if:
1. the Board has made a finding that no valid or acceptable firm bid has been received within the prescribed time; or
  2. the Board has made a finding that an emergency situation exists.
- The Board may then enter into negotiations with suppliers of milk and has the authority to execute contracts under whatever terms and conditions the Board determines to be in the best interest of the District.
- I. The Board may dispense with requirements for a competitive solicitation for the emergency purchase of commodities or contractual services when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the District requires emergency action. After the Superintendent makes such a written determination, the Board may proceed with the procurement of commodities or contractual services necessitated by the immediate danger, without requesting competitive solicitations. However, such an emergency purchase shall be made by obtaining pricing information from at least two (2) prospective vendors, which must be retained in the contract file, unless the Superintendent determines in writing that the time required to obtain pricing information will increase the immediate danger to the public health, safety, or welfare or other substantial loss to the District.
- J. Commodities or contractual services available only from a single source may be exempted from the competitive solicitation requirements. When the Board believes that commodities or contractual services are available only from a single source, the Board will electronically post a description of the commodities or contractual services sought for a period of at least seven (7) business days. The description will include a request that prospective vendors provide information about their ability to supply the commodities or contractual services described. If it is determined in writing by the Board, after reviewing any information received from prospective vendors, that the commodities or contractual services are available only from a single source, the Board shall provide notice of its intended decision to enter a single source contract in the manner specified in Policy 6326 - *Bid Protests*, and may negotiate on the best terms and conditions with the single source vendor.
- K. The Board may make purchases of construction project materials directly from vendors, on behalf of the awarded construction contractor/manager, to take advantage of the District's "sales tax" exempt status.
- L. A contract for commodities or contractual services may be awarded without competitive solicitations if State or Federal law, a grant or a State or Federal agency contract prescribes with whom the Board must contract or if the rate of payment is established during the appropriations process.

M. A contract for regulated utilities or government franchised services may be awarded without competitive solicitations.

## Contract

Each Board contract for services must include a provision that requires the contractor to comply with public records laws, specifically to:

- A. keep and maintain public records that ordinarily and necessarily would be required by the Board in order to perform the service under the contract;
- B. provide the public with access to its public records on the same terms and conditions as the Board would provide the records, and at a cost that does not exceed the cost provided in Policy 8310 - *Public Records*;
- C. ensure that any of its public records that are exempt or confidential and exempt from public records disclosure requirements are not disclosed, except as authorized by law;
- D. meet all requirements for retaining public record and, upon termination of the contract, transfer to the Board, at no cost, all public records in its possession and destroy any duplicate public records that are exempt or confidential and exempt from public records disclosure requirements. All records stored electronically must be provided to the Board in a format that is compatible with the Board's information technology systems;
- E. the contractor shall furnish a copy of any public records request or request for records in any way relating to the District, immediately upon receipt to the District's Director of Finance and Purchasing or designee.

Each contract must also include the following statement, in substantially the following form, identifying the contact information of the District's custodian of public records in at least fourteen (14) point boldface type: "IF THE CONTRACTOR HAS QUESTIONS REGARDING THE APPLICATION OF F.S. CHAPTER 119 TO THE CONTRACTOR'S DUTY TO PROVIDE PUBLIC RECORDS RELATING TO THIS CONTRACT, CONTACT THE CUSTODIAN OF PUBLIC RECORDS AT ~~(352)797-7061, locke\_d@hcsb.k12.fl.us, 8050 MOBLEY ROAD, BROOKSVILLE, FL 34601".~~ (352)797-7070 ext. 414, [shepard\\_a@hcsb.k12.fl.us](mailto:shepard_a@hcsb.k12.fl.us), 919 N. Broad Street, Brooksville, FL 34601".

Contracts shall be approved and executed as follows:

### A. Superintendent/Designee Authority

The Superintendent is authorized to approve and execute contracts on behalf of the District involving expenditure of public funds in an amount no greater than \$50,000.00, so long as the obligation created does not exceed the applicable appropriation within the District budget and the contract is otherwise in compliance with applicable District procedures, policies, and law. For purposes of this policy, any group of contracts, purchase orders to the same provider which are connected in terms of time, location and services such that a reasonable person would view them as a single contract shall be deemed to be a single contract. The Superintendent shall not divide the procurement of commodities or contractual services so as to avoid the monetary cap imposed by this policy. Designations of contracting authority by the Superintendent shall be in writing and shall specify the maximum obligation permitted up to \$50,000.00.

### B. Emergency Purchases

Notwithstanding the general limit on the Superintendent's authority to enter into contracts involving expenditure of public funds in an amount no greater than \$50,000.00, the Superintendent is authorized to approve and execute

contracts on behalf of the District involving expenditure of public funds in an amount of \$50,000 or greater when the Superintendent determines in writing that an immediate danger to the public health, safety, or welfare or other substantial loss to the School District requires emergency action.

### C. Board Approval

Except as expressly provided herein, the Board shall approve and execute all contracts on behalf of the District involving the expenditure of public funds in an amount greater than \$50,000. When the Superintendent has determined that an emergency exists, the emergency purchase is placed, after the fact, on the first available Board meeting (F.A.C. 6A-1.012(12) (e)).

## **Purchase Order Approval**

### A. Bids/Exceptions

The Superintendent is authorized to issue purchase orders in accordance with bids awarded pursuant to below without further action of the Board so long as the obligation created does not exceed \$50,000.00. Board approval shall be obtained for all purchase orders greater than \$50,000.00.

### B. Contracts

Contracts shall be approved as follows:

1. Obtain approval by the Board attorney.
2. Principals have the authority to approve contracts for purchases involving the expenditure from internal account funds for one(1) year and not to exceed the bid limit as set forth by the School District.
3. The Superintendent has the authority to approve purchase contracts in an amount up to \$50,000.00.
4. Board approval shall be obtained for all purchase contracts in an amount of \$50,000.01 or more.

## **Consultant Agreements**

The Superintendent may enter into agreements with consultants not to exceed \$50,000 for the total school year to provide training and advisory services. Agreements must be signed by the consultant and approved to form by the general counsel authority prior to the performance of services. Amounts in excess of these must be approved by the School Board. Partial payments shall be made to the consultant while services are rendered. Final payment will not be paid until all services and supportive documentations have been completed.

## **Debarment**

The Director of Finance and Purchasing or designee shall have the authority to debar a person/corporation, for cause, from consideration or award of further contracts. The debarment shall be for a period commensurate with the seriousness of the cause, generally not to exceed three (3) years. If a suspension precedes a debarment, the suspension period shall not be considered in determining the debarment period. When the offense is willful or blatant, a longer term of debarment may be imposed, up to an indefinite period.

### A. Cause of Debarment



The term "debar" or "debarment" means to remove a vendor from bidding on District work. Causes for debarment include, but are not limited to the following:

1. a conviction for commission of a criminal offense as an incident to obtaining or attempting to obtain a public or private contract or sub-contract, or in the performance of such contract
2. conviction under State or Federal statutes for embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property, or any other offense indicating lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a vendor
3. conviction under State or Federal anti-trust statutes arising out of submission of bids or proposals
4. violation of contract provisions, including:
  - a. deliberate failure, without good cause, to perform in accordance with specifications or within the time limits provided in the contract(s); and
  - b. a recent record of failure to perform, or of unsatisfactory performance, in accordance with the terms of one (1) or more contracts; provided that failure to perform or unsatisfactory performance caused by acts beyond the control of the contractor shall not be considered to be a basis for debarment
5. refutation of an offer by failure to provide bonds, insurance or other required certificates within the time period as specified in bid/RFP response
6. refusal to accept a purchase order, agreement, or contract, or to perform thereon, provided such order was issued timely and in conformance with the offer received
7. presence of principals or corporate officers in the business of concern who were principals within another business at the time when the other business was suspended within the last three (3) years under the provisions of this section
8. violation of the ethical standards set forth in State law
9. providing or offering to provide anything of value, including, but not limited to, a gift, loan, reward, promise of future employment, favor or service to any employee to influence the award of a contract or purchase items from a contractor
10. the existence of unresolved disputes between the contractor and the District arising out of or relating to prior contracts between the District and the contractor, work performed by the contractor, or services or products delivered
11. any other cause the Director of Finance and Purchasing or designee determines to be so serious and compelling as to affect credibility as a District vendor, including debarment by another governmental entity for any cause listed in this policy

#### B. Notice of Recommended Decision

The Director of Finance and Purchasing or designee shall issue a notice letter that advises the party that it is debarred or suspended. The letter shall:

1. state the reason(s) for the action taken; and
2. inform the vendor of its right to petition the Board for reconsideration.

C. Right to Request a Hearing

Any person who is dissatisfied or aggrieved with the notification of the determination to debar or suspend must, within ten (10) calendar days of such notification, appeal such determination to the Board.

D. Hearing Date

The Board shall schedule a hearing at which time the person shall be given the opportunity to demonstrate why the debarment/suspension by the Director of Finance and Purchasing or designee should be overturned. All parties shall be given notice of the hearing date.

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Revised 7/20/21

Revised 10/25/22

Revised 12/13/22

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F.S. 50.0311

F.S. 119.0701

F.S. 255.05

F.S. 255.0516

F.S. 255.0518

F.S. 282.0041

F.S. 287.056

F.S. 287.084

F.S. 287.087

F.S. 287.132

F.S. 287.133

F.S. 295.187

F.S. 1001.43

F.S. 1001.451

F.S. 1010.04

F.S. 1010.07(2)

F.S. 1010.48

F.A.C. 6A-1.012, Purchasing Policies

F.A.C. 5P-1.003, Responsibilities for the School Food Service Program

**Last Modified by Lisa Becker on April 3, 2023**



Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	EXPENDITURES
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Adopted	June 13, 2017
Last Revised	December 13, 2022

#### 6480 - **EXPENDITURES**

Expenditures from District and all other funds available for the public school program shall be authorized by law and procedures prescribed by the School Board. Furthermore, pursuant to State law, the District, or any person acting on behalf of the District, may not expend or accept public funds for communications sent to electors concerning an issue, referendum, or amendment, including any state question, that is subject to a vote of the electors.

~~This statutory prohibition does not apply to electioneering communications that are limited to factual information.~~

This statutory prohibition applies to a communication initiated by the District, irrespective of whether the communication is limited to factual information or advocates for the passage or defeat of an issue, referendum, or amendment.

However, F.S. 106.113(2) permits the District, and any person acting on behalf of the District, to:

- A+ report on official actions of the Board/District in an accurate, fair, and impartial manner;
- B+ post factual information on the District's website or in printed materials;
- C+ host and provide information at a public forum;
- D+ provide factual information in response to an inquiry; and,
- E+ provide information as otherwise authorized or required by law.

#### A. Accounts Payable

The payment of purchase orders, contracts, invoices, and utilities shall be made in accordance with the approved budget and pursuant to State statutes.

**B. Payroll Procedures**

1. No payment shall be made except to properly authorized and approved personnel and shall begin at the time employment is authorized.
2. Payments shall be based upon a Board-adopted salary schedule for each position.
3. Employees shall be paid in accordance with the established pay schedule.
4. Salary adjustments shall be paid on subsequent payroll periods. Persons terminating may be paid their full salary or wage balance following their termination. An extreme exception must be approved by the Superintendent or his/her designated representative in writing.
5. Principals and administrators or supervisors shall be responsible for submitting accurate payroll records in accordance with established time schedules and procedures.
6. Employees shall be paid by direct deposit.

**C. Overtime Payment**

1. Authorization to work overtime must be by prior approval of the Superintendent.
2. Overtime compensation shall be paid as approved by the Superintendent.

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	F.S. 1001.51
	F.S. 1012.22
	F.A.C. 6A-1.014

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## 8320 - RECORDS MANAGEMENT

The Superintendent is the officer charged by law with the responsibility of maintaining the office having public records and is the custodian thereof.

### ~~The Bureau of Archives and Records Management~~ Division of Library and Information Services

The ~~Bureau of Archives and Records Management~~ Division of Library and Information Services in the Department of State (Division) establishes standards for controlling, retaining, destroying, and preserving public records. The Superintendent must adhere to these standards.

### Records Management Responsibilities

The Superintendent has the responsibility to comply with State statutes and designate a Records Management Liaison Officer (RMLO) for the District. The Records Management Liaison Officer functions as the primary point of contact between the District and the ~~Bureau of Archives and Records Management~~ Division.

### Records Retention Schedule

~~Each School District is required by law to submit a request for records retention to the Bureau of Archives and Records Management for all record series being used by the District.~~ The Superintendent will comply with applicable general records schedule(s) established by the Division. For any record series that is not covered by a general records schedule, the Superintendent will request from the Division a records retention schedule. Each records retention schedule request is analyzed by the ~~Bureau~~ Division to determine the document value and thus establish a period of time for which the documents are to be retained. In addition, the records retention schedule request is reviewed to determine whether the records merit further retention by the State in the Florida State Archives. Once approved by the ~~Bureau~~ Division, the records retention schedule becomes the submitting District's official retention schedule for the record. The Records Management Liaison Officer has the responsibility of maintaining existing records retention schedules and submitting new and updated requests to the ~~Bureau~~ Division.

### Records Disposition/Destruction

The Superintendent shall develop administrative procedures regarding records disposition and destruction.

**Report and Form Control Management Systems**

The Superintendent shall also establish a reports and forms control management system. The designated Records Management Liaison Officer shall develop and operate the records and forms control management system. The School District's report control management system shall have a procedure for reviewing and disseminating reports to appropriate District staff; and the form control management system shall have a functional and current forms listing.

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                                 F.S. 1002.22

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Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	TRANSPORTATION
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#### 8600 - **TRANSPORTATION**

It is the policy of the School Board to provide transportation for those students whose distance from their school makes this service necessary within the limitations established by State law and the regulations of the State of Florida. Such laws and rules shall govern any question not covered by this policy.

Provisions for reciprocal agreements with contiguous school districts for school bus transportation services, inspections, and screening requirements shall be in accordance with Florida statute.

School buses shall be purchased, housed, and maintained by the District for the transportation of resident students between their home areas and the schools of the District to which they are assigned.

Students living more than two (2) miles from their home school will be eligible for District provided bus transportation. Students who attend school out of their home school zone will not be eligible for District provided transportation. Students shall board the bus at the nearest designated stop and will not enter or leave the bus at any other designated stop, except upon approval of the principal or principal's designee.

Students living within two (2) miles of school may be provided District bus transportation under the following conditions:

- A. Permanently disabled students whose Individual Education Plan requires special transportation.
- B. Temporarily disabled students upon request and verification of disability and length of time of disability.
- C. Students whose walking routes to school meet the State criteria for hazardous walking conditions.

F.S. 1006.23 requires the Board and other governmental entities work cooperatively to identify conditions that are hazardous along student walking routes to school and requires such condition shall be inspected by a representative of the School District and a representative of the State or local governmental entity that has jurisdiction over the perceived hazardous location. If it is determined that the condition meets the criteria established in State law for hazardous walking



conditions, the Board shall provide transportation to students who would be subjected to such conditions. State law further requires State or local governmental entities having jurisdiction to correct such hazardous conditions within a reasonable period of time. The Board and Superintendent shall follow State law with respect to correcting hazardous walking conditions.

- D. Elementary students residing within two (2) miles of their school may be provided bus transportation at the discretion of the Director of Transportation. This transportation will only be provided if seats are available on existing buses serving the school and the student gets to an established bus stop.

Students eligible for transportation who are beyond the accessibility of school bus transportation shall be provided isolated transportation by payment to the parent of an amount established by the Board. Payment of the amount established will be based upon the date of the application or the date the service began whichever occurred first during the current attendance reporting period.

Parents of students who become or are determined to be non-eligible for school bus transportation shall be notified in writing. The student will be allowed to ride the bus for a minimum of three (3) additional days depending on the circumstances of the non-eligibility. If the student was riding the school bus illegally, removal from the bus will be immediate.

Bus routes shall be established so that an authorized bus stop is available within reasonable walking distance of the home of every resident student entitled to transportation services. The Board shall approve the bus routes annually. The Superintendent is authorized to make any necessary changes in the approved route.

The Board authorizes the installation and use of video recording devices in the school buses to assist the drivers in providing for the safety and well being of the students while on a bus.

The Superintendent shall comply and require the compliance by the Director of Transportation, Principals, and bus drivers with State Board of Education Rules governing transportation, which are found in F.A.C. Chapter 6A-3, and shall take steps necessary so that the Director of Transportation, bus drivers, principals, and parents are fully and timely informed of their respective powers and responsibilities thereunder.

The Superintendent shall require that bus operators, and attendants if used, be instructed as to their responsibilities for students who are transported at public expense as follows:

- A. The operator or attendant of a bus transporting students shall remain with the bus so that students aboard will be under supervision at all times, except to call for assistance in case of an emergency or accident involving the students or bus.
- B. In cases where a student with physical disabilities is unable to leave the area of a student stop without assistance, the school bus operator shall not assume responsibility for such assistance except in an emergency that threatens the safety of such student or students.
- C. The operator and attendant (if used) shall be provided **certified cardiopulmonary resuscitation (CPR) and first aid training related to along with other required pre-service training prior to transporting students, and shall receive CPR and first aid refresher in-service training at least biennially**; however, the operator and attendant (if used) shall not give medicine and shall limit his/her assistance to that which may normally be expected of a reasonable, prudent person or as specified in the student's Individual Educational Plan **or Individualized Seizure Action Plan**.

- D. Instruct the operator and attendant (if used) in procedures to be followed in conducting school bus emergency evacuation drills and confer with each Principal regarding scheduling, conducting and documenting school bus evacuation drills. These procedures shall include a requirement that all operators of school buses transporting students, teachers, or chaperones on field and activity trips instruct all passengers in the locations and proper use of school bus emergency exits prior to each such trip.
- E. Parents are to be present for their students in PK-grade 2 or have an adult or older sibling listed on the child's bus registration card designated to be present at the stop. If the person designated is an older sibling then the parent(s)/guardian(s) must send in a letter authorizing this action.
- F. School bus operators and attendants (if used) shall receive information regarding each affected student's Individualized Seizure Action Plan and appropriate training regarding how to provide recommended care if the student shows symptoms of the epilepsy or seizure disorder, in accordance with F.S. 1006.062. The student's parent and emergency contact information will also be provided to bus operators and attendants.

The Superintendent shall require that bus operators and attendants are provided instructions, in writing, as to any special conditions or non-medical care which a student may need while on the bus.

Further, the Superintendent shall require the Director of Transportation to consider the knowledge, skills, and abilities related to student management techniques, as well as the characteristics of students with disabilities, when selecting or assigning operators and attendants for routes serving ESE students.

Parents, guardians, and students shall be informed at least annually in writing of their responsibilities for the following:

- A. to ensure the safe travel of their students during the portions of each trip to and from school and home when the students are not under the custody and control of the District, including during each trip to and from home and the assigned bus stop when the District provides bus transportation;
- B. to ensure that students ride only on their assigned school buses and get off only at assigned bus stops, except when the District has approved, upon the request of the parent or guardian, alternative buses or arrangements;
- C. to ensure students are aware of and follow the District's adopted Code of Student Conduct while the students are at school bus stops and provide necessary supervision during times when the bus is not present;
- D. to ensure that, when the physical disability of the student renders the student unable to get on and off the bus without assistance, the parent or guardian provides the necessary assistance to help the student get on and off at the bus stop, as required by District policy or the student's individual educational plan.

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Legal                      F.S. 316.183(3)  
                                  F.S. 316.217(1)(b)  
                                  F.S. 1006.21  
                                  F.S. 1006.22  
                                  F.S. 1006.23  
                                  F.S. 1011.68  
                                  F.S. 1012.45  
                                  F.A.C. Chapter 6A-3

**Last Modified by Ralph Leath on March 31, 2023**



Book	Policy Manual
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Title	RELIGIOUS/PATRIOTIC CEREMONIES AND OBSERVANCES
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Adopted	March 8, 2022

#### 8800 - **RELIGIOUS/~~PATRIOTIC~~ AND OTHER CEREMONIES AND OBSERVANCES**

Decisions of the United States Supreme Court have made it clear that it is not the province of a public school to advance or inhibit religious beliefs or practices. Under the First and Fourteenth Amendments to the Constitution, this remains the inviolate province of the individual and the church of his/her choice. The rights of any minority, no matter how small, must be protected. No matter how well intended, either official or unofficial sponsorship of religiously-oriented activities by the school are offensive to some and tend to supplant activities which should be the exclusive province of individual religious groups, churches, private organizations, or the family.

District staff members shall not use prayer, religious readings, or religious symbols as a devotional exercise or in an act of worship or celebration. The District shall not act as a disseminating agent for any person or outside agency for any religious or anti-religious document, book, or article. Distribution of such materials on District property by any party shall be in accordance with Policy 7510 and AP 7510A - Use of District Facilities and Policy 9700 and AP 9700 - Relations with Special Interest Groups.

Federal law prohibits the School Board from adopting any policy or rule respecting or promoting an establishment of religion. Further, Federal and State law prohibit the Board from adopting any policy or rule, or from entering into any agreement, prohibiting any student or staff member from the free, individual, and voluntary exercise or expression of the individual's religious beliefs. However, such exercise or expression may be limited to lunch periods or other non-instructional time periods when students and staff are free to associate.

Observance of religious holidays through devotional exercises or acts of worship is also prohibited. Acknowledgment of, explanation of, and teaching about religious holidays of various religions is encouraged. Celebration activities involving nonreligious decorations and use of secular works are permitted, but it is the responsibility of all faculty members to ensure that such activities are strictly voluntary, do not place an atmosphere of social compulsion or ostracism on minority groups or individuals, and do not interfere with the regular school program.

The Board shall not conduct or sanction a baccalaureate service in conjunction with graduation ceremonies.

The Board shall not include religious invocations, benedictions, or formal prayer at any school-sponsored event.

## Moment of Silence

The Principal shall require teachers in first-period classrooms in all grades to set aside at least one (1) minute, but not more than two (2) minutes daily, for a moment of silence. A staff member may not make suggestions as to the nature of any reflection that a student may engage in during the moment of silence. District staff shall encourage parents or guardians to discuss the moment of silence with their children and to make suggestions as to the best use of this time.

Students may not interfere with other students' participation during the moment of silence.

## American Flag

~~The flag of the United States shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The flag shall be raised before the opening of school and taken down at its close every day.~~

## Veterans Day

~~Furthermore, the~~ **The** Board requires that an observance be scheduled each year on or about Veterans' Day to convey the meaning and significance of that day to all students and staff. The amount of time each school devotes to this observance shall be at least one (1) hour or, in schools that schedule class periods of less than one (1) hour, at least one (1) standard class period. The Board shall determine the specific activities to constitute observance in each school in the District after consulting with the school's administrators.

## Pledge of Allegiance

~~Instructional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purpose of coercing participation. The Superintendent shall develop procedures which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student. A written notice shall be published in the student handbook~~

## Celebrate Freedom Week

The last full week of classes in September is recognized in school as Celebrate Freedom Week, and instruction that week will include study of the intent, meaning, and importance of the Declaration of Independence. During that week, principals and teachers will lead students in reciting a portion of the Declaration of Independence. A student will be excused from reciting the Declaration, upon written request by the student's parent, in accordance with State law

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Legal

[F.S. 1000.06](#)

[F.S. 1002.20](#)

[F.S. 1003.421](#)

[F.S. 1003.44](#)

[F.S. 1003.4505](#)

[20 U.S.C. 4071 et seq.](#)

[Gregoire vs. Centennial School District 907 F.2d 1366 \(3rd Circuit, 1990\).](#)

[Lee vs. Weisman, 112 S. Ct. 2649, 120 L. Ed.2d 467 \(1992\).](#)

**Last Modified by Lisa Becker on April 3, 2023**



Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	THE AMERICAN FLAG AND OFFICIAL MOTTO OF THE STATE OF FLORIDA
Code	po8810 gm3.2.23
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Last Revised	February 5, 2019

## 8810 - THE AMERICAN FLAG , THE FLAG OF THE STATE OF FLORIDA, AND THE OFFICIAL MOTTO OF THE STATE OF FLORIDA

### Salute to the American Flag

The Pledge of Allegiance to the American Flag shall be rendered daily according to the provisions of F.S. 1003.44.

### Display of the American Flag and the Flag of the State of Florida

#### A. Out-of-Doors(American Flag and the Flag of the State of Florida)

The ~~flag of the United States~~ flags shall be displayed daily upon the grounds of each school on a suitable flag staff when the weather permits, except when the school or District is closed for vacation. The American Flag shall be raised above each school and/or at other appropriate places during all school sessions, weather permitting. The American flag shall be raised before the opening of school and taken down at its close every day.

#### B. In the Classroom(American Flag)

Each classroom shall display the flag of the United States on an appropriate staff. The flag must be made in the United States, must be at least 2 feet by 3 feet, and must be properly displayed in accordance with Title 4 U.S.C. Flags shall be procured in accordance with F.S. 1000.06(2).

### Flying the Flag at Half-Staff

Etiquette regarding the U.S. Flag says, "The flag is to be flown at half-staff in mourning for designated, principal government leaders and upon **presidential** or **gubernatorial** order."

### Pledge of Allegiance

Instructional staff members are authorized to lead students in the Pledge of Allegiance at an appropriate time each school day. However, no student shall be compelled/required to participate in the recitation of the Pledge. Additionally, the Board prohibits the intimidation of any student by other students or staff for the purpose of coercing participation. The Superintendent shall develop procedures which ensure that any staff member who conducts this activity does it at an appropriate time, in an appropriate manner, and with due regard to the need to protect the rights and the privacy of a nonparticipating student. A written notice shall be published in the Student Code of Conduct that a student has the right not to participate in reciting the pledge. Upon written request by the student's parent, the student must be excused from reciting the pledge, including standing and placing the right hand over the student's heart.

**Display of the Official Motto of the State of Florida**

The official motto of the State of Florida, "In God We Trust", shall be displayed in a conspicuous place in all schools in the District and in each building used by the School Board.

Revised 2/5/19

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Legal                      F.S. 15.0301  
                                 F.S. 1000.06  
                                 F.S. 1001.41  
                                 F.S. 1003.44  
                                 U.S. Public Law No. 623, as amended by U.S. Public Law No. 829

**Last Modified by Lisa Becker on April 3, 2023**





Book	Policy Manual
Section	Revised Volume 23 No. 2
Title	CHARTER SCHOOLS
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Last Revised	December 13, 2022

#### 9800 - **CHARTER SCHOOLS**

F.S.1002.33 empowers the School Board with oversight responsibility for all charter schools situated within Hernando County. The Board designates the Supervisor of School Choice, under the direction of the Superintendent, to receive and review all charter applications. The Superintendent shall recommend to the Board the approval or denial of each charter application and charter contract as required by State law. The Board shall have final authority, by majority vote, to approve or deny any application and charter contract.

Approved charter schools are public schools and shall receive goods and services from the Board as required by law and/or specified through a contract with the Board.

If approved, the initial charter shall be for a term of five (5) years, excluding two (2) planning years. The Board may renew charters under the conditions and for terms as set forth in State law.

In addition, a charter school that satisfied the requirements set forth in State law for designation as a high-performing charter school may receive a modification of its term to fifteen (15) years or a fifteen (15) year charter renewal. The charter may be modified or renewed for a shorter term at the option of the high-performing charter school.

The Board shall enter into a charter with a charter operator and the focus is on three (3) areas of charter school operation: academic accountability, fiscal management, and governance. The Board, as sponsor, shall perform the duties provided in F.S. 1002.33.

Student academic achievement for all students is the most important factor when determining whether to renew or terminate a charter. Additionally, the Board has the right to non-renew or terminate any charter if the Board finds that one (1) of the following grounds exists by clear and convincing evidence:

- A. fails to participate in the State's education accountability system created in F.S. 1008.31, or fails to meet the requirement for student performance as specified in the charter;

- B. fails to meet generally accepted standards of fiscal management due to deteriorating financial conditions or financial emergencies determined pursuant to F.S. 1002.345; and/or ;
- C. materially violates the law.

### **Application Procedure**

Potential applicants should send letters notifying the Board of their intent to submit an application to open a public charter school not later than July 1st. Such correspondence should be directed to the office of the Superintendent and the Supervisor of School Choice. Failing to send the letter of intent will in no way negatively impact the application.

### **Final Charter School Application**

The District will not refuse to receive an application submitted before February 1st but will not accept applications received later than February 1st. The District shall receive and consider charter school applications for charter schools to be opened at a time determined by the applicant.

In addition, the Florida Charter School Review Commission, as authorized under F.S. 1002.3301, may solicit and review applications for charter schools to be located in this District. Within three (3) calendar days after an applicant submits an application for a charter school to the Commission for a charter school to be located in this District, the applicant must also provide a copy of the application to the District by submitting it to the supervisor.

Within thirty (30) calendar days after receiving a copy of the application, the District may provide input to the Commission on a form prescribed by the Florida Department of Education (FLDOE). If the Commission approves the application, the Board shall enter into a charter contract with the approved charter school applicant and serve as the charter school's sponsor in accordance with state law, rules, this policy, and District procedures.

The following pertains to the submission of a final application:

- A. An individual, teachers, parents, a group of individuals, a municipality, or a legal entity organized under the laws of this State anticipating submission of an application are urged to contact the Supervisor of School Choice for assistance prior to completion of an application.
- B. Charter school applicants must participate in training provided by the FLDOE before filing an application unless they have participated in qualified training provided by the District.
- C. The Board and/or any of its designees shall not take unlawful reprisal against another Board employee because that employee is either directly or indirectly involved with a charter school application.
- D. Applicants must submit an application on the FLDOE's Standard Florida Charter School Application template and forms.
- E. The Board shall not charge any fees for processing or consideration of a final charter school application. The Board's approval of a charter shall not be predicated on the promise of any future payment of any kind.
- F. The applicant and Board may mutually agree, in writing, to extend the statutory timeline to consider the charter application. Such an agreement shall detail the extension date or timeframe.
- G. Charter schools shall not use or bear the name of an existing traditional public, charter, or private/parochial school in Hernando County.

Applications shall be submitted to:

The Supervisor of School Choice  
919 N. Broad Street  
Brooksville, Florida 34601

The Board shall review all applications using the evaluation instrument developed by the FLDOE.

## **Application Contents**

### **A. State Application Form**

Applications must be submitted using the Standard Charter School Application form developed and distributed by the FLDOE.

### **B. Statement of Assurances**

Applicants are required to sign under the penalties of perjury the Statement of Assurances form contained within the Standard Charter School Application developed and distributed by the FLDOE, thereby attesting to the following:

1. The charter school will be nonsectarian in its programs, admission policies, employment practices, and operations.
2. The charter school will enroll any eligible student who submits a timely application unless the school receives a greater number of applications than there are spaces for students, in which case students will be admitted through a random selection process.
3. The charter school will adhere to the antidiscrimination provisions of F.S. 1000.05.
4. The charter school will adhere to all applicable provisions of State and Federal law relating to the education of students with disabilities, including the Individuals with Disabilities Education Act; Section 504 of the Rehabilitation Act of 1974; and Title II of the Americans with Disabilities Act of 1990.
5. The charter school will adhere to all applicable provisions of Federal law relating to students who are limited English proficient, including Title VI of the Civil Rights Act of 1964 and the Equal Educational Opportunities Act of 1974.
6. The charter school will participate in the Statewide assessment program created under F.S. 1008.22.
7. The charter school will comply with Florida statutes relating to public records and public meetings, including F.S. Chapter 119 and F.S. 286.011 which are applicable to applicants even prior to being granted a charter.
8. The charter school will obtain and keep current all necessary permits, licenses, and certifications related to fire, health, and safety within the building and on school property.
9. The charter school will provide for an annual financial audit in accordance with F.S. 218.39.

### **C. Draft Charter**

The application must include a draft of the proposed charter and all forms required by the FLDOE. The information contained in the proposed charter must be in substantially the same format as the Florida Standard Charter Contract Form prescribed by the FLDOE.

#### **D. Proposed Contracts for Services**

Applicants anticipating a request for District services (i.e., transportation, payroll services, use of facilities, etc.) must include a proposed contract for each service desired.

### **Final Application Evaluation Process**

- A. The District shall receive and review all final applications using an evaluation instrument developed by the FLDOE.
- B. The Board shall evaluate all timely applications as submitted. During the evaluation process, 1) applications cannot be amended and 2) missing documentation and unsolicited information will not be accepted or considered. However, as required by law, the Board shall allow the applicant, upon receipt of written notification, seven (7) calendar days to make technical or nonsubstantive corrections and clarifications, including, but not limited to corrections of grammatical, typographical, and like errors or to add missing signatures, if such errors are identified as cause to deny the final application.
- C. The Board shall deny any final application that does not comply with the statutory requirements and/or Board's instructions for charter school applications.
- D. Additional Information
  - 1. The Board may solicit information regarding 1) history and background of individual applicants and/or founding/governing boards and its individual members including, but not limited to, a demonstration of the professional experience or competence of those individuals or organizations applying to operate the charter school or those hired or retained to perform professional services; and 2) the description of clearly delineated responsibilities and the policies and practices needed to effectively manage the charter school. A description of internal audit procedures and the establishment of controls to ensure that the financial resources are properly managed must be included. This information may be used to evaluate the applicant's ability to operate a charter school.
  - 2. The Board may solicit additional information during the review and evaluation of the charter school application such as whether the applicant currently operates charter schools in Florida and if the proposed school will be a replication of an existing school design. This information may be used to evaluate the applicant's ability to operate a charter school.
  - 3. The applicant may provide evidence of prior experience in establishing and operating public charter schools. Evidence of prior experience and success in establishing and operating charter schools shall be weighed in making a determination to recommend approval or denial of an application.

#### **E. Charter Review Committee (CRC)**

The purpose of this committee is to identify deficiencies in the written application and/or areas that require clarification to fully evaluate the quality of the application or the capacity of the group to properly implement the proposed plan.

The CRC shall be comprised of members of the Superintendent's cabinet or their appropriate designees and other

District staff with expertise in each area of the application.

A majority of the entire membership constitutes a quorum for voting purposes. The chair shall be a non-voting member except in case of a tie vote.

Applicants shall be notified and given the opportunity to attend the review. The applicant will be encouraged to have at least one (1) governing board member present. The CRC may, at its sole discretion, evaluate the application without any additional input from the applicant if at least one (1) governing board member of the charter school is not available.

By majority vote, the CRC shall make a recommendation to the Superintendent to approve or deny each application.

All applications will be submitted to the Board by the Superintendent with a recommendation for approval or denial no later than ninety (90) calendar days after the application is received, unless the applicant and the Board mutually agree, in writing, to postpone the vote to a specific date, at which time the Board shall approve or deny the application.

An application submitted by a high-performing charter school that has satisfied the requirements set forth in State law for such designation or a high-performing charter school system as set forth in F.S. 1002.332 may be denied by the Board only if the Superintendent demonstrates by clear and convincing evidence that the application failed to meet one (1) or more of the criteria set forth in F.S. 1002.33(6)(b)(3)(b):

1. The application of a high-performing charter school does not materially comply with the requirements set forth in F.S. 1002.33(3)(a) or, for a high-performing charter school system, the application does not materially comply with F.S. 1002.332(2)(b).
2. The charter school proposed in the application does not materially comply with the requirements in F.S. 1002.33(9).
3. The proposed charter school's educational program does not substantially replicate that of the applicant's high-performing charter school.
4. The applicant has made a material misrepresentation or false statement or concealed an essential or material fact during the application process.
5. The proposed charter school's educational program and financial management practices do not materially comply with the requirements of F.S. 1002.33.

If the Board denies an application submitted by a high-performing charter school or a high-performing charter school system, the specific reasons, based upon the criteria set forth in F.S. 1002.33(3)(b), for the denial shall be provided in writing to the applicant and the FLDOE within ten (10) calendar days after such denial.

### **Appeal of a Decision to Deny a Final Application**

Pursuant to State law, an applicant may, no later than thirty (30) calendar days after receiving the Board's final order denying a final application or upon the Board's failure to act on a final application, appeal the Board's decision to the State Board of Education. The application shall notify the Board of the appeal.

Such appeals shall be conducted in accordance with F.S. 1002.33(6) and applicable State Board rules.

In accordance with State Board rule, the State Board of Education shall by majority vote accept or reject the decision of the Board no later than ninety (90) calendar days after the appeal is filed. The State Board of Education shall remand the application to the Board with its written decision that the Board approves or denies the application. The Board shall implement the decision of the State Board of Education. The decision of the State Board of Education is not subject to the provisions of the Administrative Procedure Act.

If the Board denies an application submitted by a high-performing charter school or a high-performing charter school system, the Board shall, within ten (10) calendar days after such denial, state in writing the specific reasons, based upon the criteria of F.S. 1002.33 supporting its denial of the final application and must provide the letter of denial and supporting documentation to the applicant and to the Department. The applicant may appeal the Board's denial of the final application in accordance with F.S. 1002.33. If a high-performing charter school or a high-performing charter school system appeals the denial of an application, the State Board of Education shall determine whether the sponsor's denial was in accordance with F.S. 1002.33(b)3.b.

The sponsor shall act upon the decision of the State Board of Education within thirty (30) calendar days after it is received. The State Board of Education's decision is a final action subject to judicial review in the district court of appeal. A prevailing party may file an action with the Division of Administrative Hearings to recover reasonable attorney fees and costs incurred during the denial of the application and any appeals.

### **Appeal of a Proposed Termination or Nonrenewal of a Charter**

Before a vote on any proposed action to renew, terminate, other than an immediate termination under F.S. 1002.33(8)(c), or to not renew the charter and at least ninety (90) days before the end of the school year the Board shall notify the charter school's governing board in writing of its proposed action to renew, terminate, or not renew the charter. A charter automatically renews with the same terms and conditions if notification does not occur at least ninety (90) days before the end of the school year. The notice shall state in reasonable detail the grounds for the proposed action and stipulate that the charter school's governing board may, within fourteen (14) calendar days after receiving the notice, request a hearing. The hearing shall be conducted by an administrative law judge assigned by the Florida Division of Administrative Hearings. The hearing shall be conducted within ninety (90) days after receipt of the request for a hearing and in accordance with F.S. Chapter 120. The administrative law judge's final order shall be submitted to the Board. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the administrative proceeding and any appeals.

The charter school's governing board may, within thirty (30) calendar days after receiving the Board's final order, appeal the decision pursuant to F.S. 120.68.

A charter may be terminated immediately if the Board sets forth in writing the particular facts and circumstances demonstrating that an immediate and serious danger to the health, safety, or welfare of the charter school's students exists, that the immediate and serious danger is likely to continue, and that an immediate termination of the charter is necessary. The Board's determination is subject to the procedures set forth in F.S. 1002.33(8)(b) and (c), except that the hearing may take place after the charter has been terminated. The Board shall notify in writing the charter school's governing board, the charter school principal, and FLDOE of the facts and circumstances supporting the immediate termination. The Board shall clearly identify the specific issues that resulted in the immediate termination and provide evidence of prior notification of issues resulting in the immediate termination, if applicable. Upon receiving written notice from the board, the charter school's governing board has ten (10) calendar days to request a hearing. A requested hearing must be expedited and the final order must be issued within sixty (60) days after the date of request. The administrative law judge shall award reasonable attorney fees and costs to the prevailing party of any injunction, administrative proceeding, or appeal. The sponsor may seek an injunction in the circuit court in which the charter school is located to enjoin continued operation of the charter school if continued operation would materially threaten the health, safety, or welfare of the students.

## **Charter School Obligations Upon Initial Notification of Nonrenewal, Closure, or Termination of a Charter**

Upon initial notification of nonrenewal, closure, or termination of its charter, a charter school may not expend more than \$10,000 per expenditure without prior written approval from the District unless such expenditure was included within the annual budget submitted to the District pursuant to the charter contract, is for reasonable attorney fees and costs during the pendency of any appeal, or is for reasonable fees and costs to conduct an independent audit.

An independent audit shall be completed within thirty (30) days after notice of nonrenewal, closure, or termination to account for all public funds and assets.

A provision in a charter contract that contains an acceleration clause requiring the expenditure of funds based upon closure or upon notification of nonrenewal or termination is void and unenforceable.

A charter school may not enter into a contract with an employee that exceeds the term of the school's charter contract with the District.

A violation of this section triggers a reversion or clawback power by the District allowing for the collection of an amount equal to or less than the accelerated amount that exceeds normal expenditures. The reversion or clawback plus legal fees and costs shall be levied against the person or entity receiving the accelerated amount.

## **Charter Contract and Contract Negotiation Process**

A standard charter contract shall be consistent with this policy and approved by the Contract Review Committee to be used as the basis for all charters approved under this policy. All contracts and contract amendments, as approved by the CRC, must be presented to the Board for approval. The charter contract must contain all information set forth in the Florida Standard Charter Contract Form prescribed by the FLDOE. The charter contract shall also include a provision requiring the charter school to be held responsible for all costs associated with, but not limited to, mediation, damages, and attorney fees incurred by the District in connection with complaints to the Office of Civil Rights or the Equal Employment Opportunity Commission.

### **A. Initial Charter Contract**

1. Initial contract shall be for a term of four (4) or five (5) years unless a longer term is specifically required by law.
2. Before a recommendation regarding whether or not the Board should approve an initial contract, evidence of the following shall be provided:
  - a. Evidence of a proper legal structure (e.g., articles of incorporation, bylaws, municipal charter). The applicant shall be a not for profit organized pursuant to F.S. Chapter 617.
  - b. Except for virtual charter schools, actual locations and evidence that a facility has been secured for the term of the charter, or a deadline for submitting evidence that a facility has been secured. Evidence should include, but is not limited to:
    1. letter of intent from the landlord or mortgagee indicating property usage and term of occupancy;
    2. executed lease or certification of occupancy; and/or

### 3. use or occupational license indicating proper use.

All facilities must meet the requirements set forth in F.S. 1002.33.

## B. Charter Contract Negotiations

The Board shall have thirty (30) days after approval of an application to provide an initial proposed charter contract to the charter school. The applicant and the Board shall have forty (40) days thereafter to negotiate and notice the charter contract for final approval by the Board unless both parties agree to an extension. The proposed charter contract shall be provided to the charter school at least seven (7) calendar days prior to the date of the meeting at which the charter is scheduled to be voted upon by the Board. The Department of Education shall provide mediation services for any dispute regarding this section subsequent to the approval of a charter application and for any dispute relating to the approved charter, except disputes regarding charter school application denials. If the Commission of Education determines that the dispute cannot be settled through mediation, the dispute may be appealed to an administrative law judge appointed by the Florida Division of Administrative Hearings. The administrative law judge has final order authority to rule on issues of equitable treatment of the charter school as a public school, whether proposed provisions of the charter violate the intended flexibility granted charter schools by statute, or on any other matter regarding this section except a charter school application denial, a charter termination, or a charter nonrenewal and shall award the prevailing party reasonable attorney's fees and costs incurred during the mediation process, administrative proceeding, and any appeals to be paid by the losing party.

## C. Request to Extend Negotiations/School Opening

1. The applicant and Board may mutually agree to extend the statutory timeline to negotiate and consider approval of the charter contract for a period not to exceed one (1) year from the approved opening date in the charter school application. Requests shall be submitted, in writing, to Charter School Operations by an authorized agent of the charter school, detailing the reason for the requested extension.
2. In the event that the statutory timeline to negotiate and enter into a charter contract is extended, the applicant shall update its charter school application prior to resuming negotiations with regard to: (1) updated budget; and (2) applicable application revisions necessitated by the delay.
3. The application shall be automatically rescinded, without further action by the Board, if the applicant does not enter into contract negotiations or open the school within: (1) the timeframe specified by law, or (2) the date of extension which has been mutually agreed upon in writing by both parties.
4. Upon approval of an application, the initial startup shall commence with the beginning of the Board's school calendar. A charter school may defer the opening of the school's operations for up to three (3) years to provide time for adequate facility planning. The charter school must provide written notice of such intent to the Board and the parents of enrolled students at least thirty (30) calendar days before the first day of school. In the event that the opening of the approved applicant's charter school is deferred, the applicant shall update its charter school application prior to the opening of the charter school with regard to: (1) updated budget; and (2) applicable application revisions.
5. An approved contract shall be automatically revoked, without further action by the Board, if the applicant does not open the school:
  - a. on the first day of school of the initial school year indicated in the contract; or



- b. on the first day of the school year indicated in the approved deferral.

#### D. Charter Contract Amendments/Modifications

1. A charter may be modified during its term upon the recommendation of the Board or the charter school's governing board and the approval of both parties to the agreement. All modifications must be mutual and in writing. Unilateral modification made by the charter school is grounds for termination or non-renewal. Modification during any term may include, but is not limited to, consolidation of multiple charters into a single charter if the charters are operated under the same governing board, regardless of the renewal cycle. A charter school that is not subject to a school improvement plan and that closes as part of a consolidation shall be reported by the District as a consolidation. A request for consolidation of multiple charters must be approved or denied within sixty (60) days after the submission of the request. If the request is denied, the Board shall notify the charter school's governing board of the denial and provide the specific reasons, in reasonable detail, for the denial of the request for consolidation within ten (10) days.
2. Modifications may be considered by the Board for a number of reasons, which may include, but is not limited to, protect the health, safety, or welfare of the students.
3. All contract amendment requests shall be submitted in writing to Charter School Operations by an authorized agent of the charter school. Additional information or documentation may be requested for consideration of any amendment requests.
4. The charter school shall provide evidence of governing board approval for all proposed amendments (e.g., governing board resolution, governing board meeting minutes).
5. Requirements for Amendment Requests

##### a. Education Program Amendments

Significant changes in the curriculum or changes in grade levels constitute a change in the educational program and shall require an amendment that is mutually acceptable and approved by both parties. Requests for such amendments shall include the following information and supporting documentation:

1. justification for change
2. effective date of the change
3. evidence that financial implications, feasibility, and student access issues have been addressed, including provisions for all required resources, staff, and materials
4. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall notify the Board of any increase in enrollment by March 1st of the school year preceding the increase. The written notice shall specify the grade levels that will be added. Student enrollment may not exceed the capacity of the facility at the time the enrollment increase will take effect. Facility capacity for purposes of grade level expansion shall include any improvements to an existing facility in which a majority of the students of the high-performing charter school will enroll. If a charter school notifies the District of its intent to expand, the District shall modify the charter within ninety (90) days to include the new enrollment maximum and may not make any other changes. The

District may deny a request to increase the enrollment of a high-performing charter school if the Commissioner of Education has declassified the charter school as high-performing. If a high-performing charter school requests to consolidate multiple charters, the District shall have forty (40) days after receipt of that request to provide an initial draft charter to the charter school. The District and charter school shall have fifty (50) days thereafter to negotiate and notice the charter contract for final approval by the District.

b. Location Amendments

1. Changes in locations or addition of location (i.e., relocation, secondary campus, satellite locations) shall include the following information and supporting documentation:

- a. description of location, including identification as permanent or temporary

If the relocation will be temporary, the request shall include the period of time during which the school will be at the temporary location.

- b. effective date of the relocation

- c. evidence that financial implications, feasibility, and student access issues have been addressed

- d. evidence of parental support for the new facility

- e. evidence of the school's property interest in the facility (owner or lessee)

- f. a disclosure affidavit in accordance with F.S. 286.23, if the school leases the facility

2. Nothing in this policy or State law obligates the Board to agree to an increase the number of facilities, campuses, and/or locations associated with a charter school's operations.
3. The charter school shall not change or add facilities or locations at any time during the term of the charter contract without prior approval of the Board through the contract amendment process. Violation of this provision constitutes a unilateral amendment or modification of this contract and good cause for termination.
4. If the request for a location amendment involves a facility in which other schools are operating, the names of the school(s), the grade levels, number of classrooms, number of students in each class, and the number of students enrolled in each school shall be included in the request, in addition to the information and documentation described in paragraphs a and b above.
5. No later than thirty (30) days prior to the opening of schools or the initial use of the facility by the school, the school shall have an approved contract and evidence of all necessary permits, licenses, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. A certificate of occupancy or a temporary certificate of occupancy must be provided to the Board no later than fifteen (15) calendar days before the first day of school.

c. Enrollment Capacity Amendments

Changes to enrollment capacity shall include the following information and supporting documentation:

1. justification for change
2. effective date of the change
3. evidence of proper facility approvals and/or allowable facility capacity
4. evidence that financial implications, feasibility, and student access issues have been addressed
5. evidence of parental support

A high-performing charter school that has met the requirements set forth in State law for such designation shall be required to notify the Board in writing by March 1st of its intent to increase enrollment the following school year. The written notice shall specify the amount of the enrollment increase. The District shall not require a charter school to identify the names of students to be enrolled or to enroll those students before the start of the school year as a condition of approval or renewal of a charter.

6. When a contract is amended or renewed, it shall be updated to comply with this policy and the current standard charter contract or standard virtual charter contract.

### **Controlled Open Enrollment**

If a charter school in the District chooses to offer controlled open enrollment, the charter school shall comply with all Florida controlled open enrollment laws (F.S. 1002.31).

### **Pre-Opening Requirements**

No later than thirty (30) days prior to the initial use of the facility by the school, the school shall have an approved contract and provide evidence of all necessary permits, licensing, zoning, use approval, facility certification and other approvals required for use of the facility by the local government. Failure to comply may result in automatic rescission of the contract, with no further action by the Board. A certificate of occupancy or a temporary certificate of occupancy must be provided to the Board no later than fifteen (15) calendar days before the first day of school.

### **School Governance/Management**

- A. Charter schools shall organize or be operated by a not for profit organized pursuant to F.S. Chapter 617, a municipality, or another public entity, as provided by law.

- B. Charter School's Governing Board Requirements

1. The charter school's governing board shall be solely responsible for the operation of the charter school which includes, but is not limited to, school operational policies; academic accountability; and financial accountability.

As required by State law, each charter school's governing board must appoint a representative to facilitate parental involvement, provide access to information, assist parents and others with questions and concerns, and resolve disputes. Furthermore, this representative must reside in the District in which the charter school is located. The individual serving as the parental involvement representative must reside in the District and

may be a governing board member, charter school employee, or an individual with whom the charter school contracts to represent the board in this capacity. If the governing board oversees more than one charter school in the District, a representative to facilitate parental involvement shall be appointed for each school. The name and contact information for the representative must be provided in writing to parents of children enrolled in the charter school at least annually and must also be prominently posted on the charter school's website. Governing board members are not required to reside in the District if the charter school otherwise complies with the terms of this paragraph.

The charter school's governing board shall hold at least two (2) public meetings per school year in the District. The meetings must be noticed, open, and accessible to the public and attendees must be provided an opportunity to receive information and provide input regarding the charter school's operations. The appointed representative to facilitate parental involvement and the principal or director or his/her equivalent must be physically present at each meeting. Members of the governing board or any member of a committee formed or designated by the governing board may attend in person or by means of communications media technology used in accordance with rules adopted by the Administration Commission under F.S. Chapter 120.

2. Governing board members must:

- a. notify the Board of changes in membership within forty-eight (48) hours of change; and
- b. successfully fulfill a background check by the Board, as specified by law upon appointment to the governing board.

Costs of background screening shall not be borne by the Charter School.

- 3. Governing board members must develop and approve by-laws that govern the operations of the board and the charter school prior to execution of the charter contract and annually consult with charter school staff to refine overall policy decision-making of the charter school as it regarding curriculum, financial management, and internal controls.
- 4. Governing board members and their spouses are prohibited by State law from serving as an employee of the charter school or receive compensation, directly or indirectly, from the charter school's operations, including but not limited to: grant funds; lease/mortgage payments; or contracted service fees.
- 5. Governing board members must participate in FLDOE-sponsored charter school governance training to ensure that each board member is aware of his/her duties and responsibilities, pursuant to State Board Rule F.A.C. 6A-6.0784:
  - a. Each governing board member must complete a minimum of four (4) hours of instruction focusing on Government in the Sunshine, conflicts of interest, ethics, and financial responsibility as specified in F.S. 1002.33(9)(k). After the initial four (4) hour training, each member is required, within the subsequent three (3) years and for each three (3) year period after that to complete a two (2) hour refresher training on the four (4) topics above in order to retain his/her position on the charter school board. Any member who fails to obtain the two (2) hour refresher training within any three (3) year period must take the four (4) hours of instruction again in order to remain eligible as a charter school board member.
  - b. New members joining a charter school board must complete the four (4) hour training with ninety (90) days of appointment to the board.

## 6. Dispute Procedures (Board versus Charter School Governing Board)

Application, nonrenewal, and termination decisions are not subject to this dispute resolution process and must follow the procedures in F.S. 1002.33, Board policy, and the charter contract. Nothing contained herein shall operate to limit a charter school's rights to utilize the dispute resolution procedures set forth in F.S. 1002.33.

- a. The Board and the charter school agree that the existence and the details of a dispute notwithstanding, both parties shall continue without delay their performance under the charter contract, except for any performance, which may be directly affected by such dispute.
- b. Either party shall notify the other party that a dispute exists between them. The notification shall be in writing and shall identify the article and section of the contract that is in dispute and the grounds for the position that such article and section is in dispute. The matter shall be immediately submitted to the Board and the charter school's director for further consideration and discussion to attempt to resolve the dispute.
- c. Should the representatives named in paragraph b above be unable to resolve the dispute within ten (10) days of receipt of written notification by one to the other of the existence of such dispute, then the matter may be submitted by either party to the Superintendent and to the school's governing board chair for further consideration and discussion to attempt to resolve the dispute.
- d. Should the parties still be unable to resolve their dispute within thirty (30) days of the date of receipt of written notification by one to the other of the existence of such dispute, then either party may proceed with utilizing the dispute resolution procedures set forth in F.S. 1002.33.

## 7. Conflict Resolution (Charter School versus Parents/Legal Guardians, Employees, and Vendors)

- a. All conflicts between the charter school and the parents/legal guardians of the students enrolled at the charter school shall be handled by the charter school or its governing board. The procedures for handling such conflicts must be set forth in the charter contract.
- b. Evidence of each parent's acknowledgment of the charter school's Parent Conflict Resolution Process shall be available for review upon request by the Board.
- c. All conflicts between the charter school and the employees of the charter school shall be handled by the charter school or its governing board.
- d. All conflicts between the charter school and vendors of the charter school shall be handled by the charter school or its governing board.
- e. The Board shall be provided with the name and contact information of the parties involved in the charter school's conflict resolution process. The Board shall be notified immediately of any change in the contact information.

## C. Management Companies

1. If a management company or a combination of contracted professionals will be managing the charter school, the contract(s) between the charter school and company(ies) shall be submitted to the Board for review prior to the approval of the charter school's contract. If a decision to hire any of these entities occurs subsequent to the execution of the charter contract or amendment, the contract(s) between the charter school and

company(ies) shall be submitted to the Board at least ten (10) days before any payment is made to any of the entities.

2. Any proposed amendments to the contract with the management company shall be submitted to the Board for approval prior to execution of that amended contract with the management company by the charter school. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.
3. All management company contracts with the charter school must make it clear that the charter governing body shall retain and exercise continuing oversight over all charter school operations and must contain provisions specifying the ability for the charter school to terminate the contract and must comply with terms as stated in the charter contract between the charter school and the Board. Any default or breach of the terms of the charter contract by the management company(ies) shall constitute a default or breach of the charter contract by the charter school.
4. Neither employees of the management company nor "relatives" of the management company's employees as defined in F.S. 1002.33 shall serve on the charter school's governing board or serve as officers of the charter school.

#### **D. Voluntary Closure of Charter School**

A charter may be terminated by a charter school's governing board through voluntary closure. The decision to cease operations must be determined at a public meeting. The governing board shall notify the parents and Board of the public meeting in writing before the public meeting. The governing board must notify the Board, parents of enrolled students, and FLDOE in writing within twenty-four (24) hours after the public meeting of its determination. The notice shall state the charter school's intent to continue operations or the reason for the closure and acknowledge that the governing board agrees to follow the procedures for dissolution and reversion of public funds pursuant to Florida law.

#### **Employees of Charter Schools**

A charter school shall employ or contract with employees who have undergone background screening as provided in F.S. 1012.32. Members of the governing board of the charter school shall also undergo background screening in a manner similar to that provided in F.S.1012.32 upon appointment to the governing board.

A charter school shall disqualify instructional personnel and school administrators, as defined in F.S. 1012.01, from employment in any position that requires direct contact with students if the personnel or administrators are ineligible for such employment under F.S.1012.315.

Charter school personnel may not appoint, employ, promote, or advance any relative, or advocate for appointment, employment, promotion, or advancement of any relative to a position in the charter school in which the personnel are serving or over which the personnel exercises jurisdiction or control. An individual may not be appointed, employed, promoted, or advanced in or to a position in a charter school if such appointment, employment, promotion, or advancement has been advocated by charter school personnel who serve in or exercise jurisdiction or control over the charter school and who is a relative of the individual or if such appointment, employment, promotion, or advancement is made by the governing board of which a relative of the individual is a member. For purposes of this policy, the definition of relative shall be as it is defined in F.S. 1002.33(24)(a)(2).

Full disclosure of the identity of all relatives employed by the charter school shall be in accordance with F.S. 1002.33.

The governing board of a charter school shall adopt policies establishing standards of ethical conduct for instructional personnel and school administrators.

The policies must require all instructional personnel and school administrators, as defined in F.S. 1012.01, to complete training on the standards of ethical conduct; establish the duty of instructional personnel and school administrators to report, and procedures for reporting, alleged misconduct by other instructional personnel and school administrators which affects the health, safety, or welfare of a student; and include an explanation of the liability protections provided under F.S. 39.203 and 768.095. A charter school, or any of its employees, may not enter into a confidentiality agreement regarding terminated or dismissed instructional personnel or school administrators, or personnel or administrators who resign in lieu of termination, based in whole or in part on misconduct that affects the health, safety, or welfare of a student, and may not provide instructional personnel or school administrators with employment references or discuss the personnel's or administrators' performance with prospective employers in another educational setting, without disclosing the personnel's or administrators' misconduct. Any part of an agreement or contract that has the purpose or effect of concealing misconduct by instructional personnel or school administrators which affects the health, safety, or welfare of a student is void, is contrary to public policy, and may not be enforced.

Before employing instructional personnel or school administrators in any position that requires direct contact with students, a charter school shall conduct employment history checks of each of the personnel's or administrators' previous employer(s), screen the instructional personnel or school administrators through use of the educator screening tools described in F.S. 1001.10(5), and document the findings. If unable to contact a previous employer, the charter school must document efforts to contact the employer.

The Board shall terminate a sponsor's charter if the sponsor knowingly fails to comply with F.S. 1002.33(12)(g).

### **School Operations**

- A. The Board may not impose any policies or practices to limit charter school enrollment except as may be permitted in accordance with State law. The Board may not impose additional reporting requirements on a charter school as long as the charter school has not been identified as having a deteriorating financial condition or financial emergency under F.S. 1002.345.
- B. The Board may document, in writing, any discrepancies or deficiencies-- whether fiscal, educational, or related to school climate--and the steps and timelines for correction and additional monitoring. At a minimum, copies will be provided to the charter school's governing board chair, charter school principal and appropriate Board staff.
- C. The charter school shall obtain the appropriate facility capacity approvals from the jurisdictional authority where the facility is located (i.e., county, municipality, or both). The Board, at its discretion, may accept a letter from the architect of record specifying the capacity if the capacity is not provided by the facility's jurisdictional authority. The Board may withhold monthly payments for FTE that exceed capacity specified by the charter contract or approved facility capacity.
- D. The charter school's calendar will be consistent with the beginning of the Board's calendar for the first school year or at a time determined by the charter school governing board. The charter school must provide instruction for at least the number of days required by law for other public schools and may provide instruction for additional days. Should the charter school elect to provide a summer program, additional school days, or year-round school, the charter school shall notify the Board, in writing, each year to ensure appropriate record keeping.
- E. Student Code of Conduct, Student Handbooks, Parent Contracts, and Application of Board Policies

1. Only the Board may expel a student.
2. The charter school may follow the Board's Student Code of Conduct or an alternate code of conduct approved by the Board. The charter school shall provide the Board with a copy of an approved alternate student code of conduct annually. Any amendments must be approved by the Board prior to implementation. Evidence of governing board approval is required for amendments.
3. Any student/parent handbooks and parent contracts shall also be submitted to the Board for approval prior to implementation. Any amendments must be approved by the Board, prior to implementation. Evidence of governing board approval is required for amendments.
4. The charter school may be required to provide proof of parent/guardian's receipt of student code of conduct, handbook, or parent contract.
5. Violations of parent contracts shall not result in involuntary withdrawal of a student in the same school year of the violations. Violations of the parent contract may result in the student not being re-enrolled or loss of enrollment preference for the following school year.
6. The Board shall not apply its policies to a charter school unless mutually agreed to by both the Board and the charter school. If the Board subsequently amends any agreed-upon Board policy, the version of the policy in effect at the time of the execution of the charter, or any subsequent modification thereof, shall remain in effect and the sponsor may not hold the charter school responsible for any provision of a newly revised policy until the revised policy is mutually agreed upon.

#### F. Charter School Student Transfers

The process for student transfers can be found in Policy 5131.

#### G. Food Service and Transportation

Transportation and food services are the responsibility of the charter school. These services must be provided according to District, State, and Federal laws, rules, and regulations.

#### H. Facility Leases

1. If a charter school will be leasing or subleasing a facility, the contract(s) between the charter school and landlord or sub-lessor shall be submitted to the Board for review and approval.
2. Any amendments to the lease shall be submitted to the Board for review prior to execution, by the charter school.
3. A copy of all executed contracts must be provided to the Board within the timeframe provided by the charter contract.
4. Any default or breach of the terms of the charter contract by the lessor/sub-lessor may constitute a default or breach of the charter contract by the charter school.

#### I. Academic Accountability



1. The Superintendent or designee shall have ongoing responsibility for monitoring all approved charter schools with regard to the charter school's progress towards achieving the goals established in the charter. The Superintendent shall have access to the charter school at all times.
2. The Board shall monitor adherence to the educational and related programs as specified in the approved application, charter, curriculum, instructional methods, any distinctive instructional techniques to be used, reading programs and specialized instruction for students who are reading below grade level, compliance with State standards, assessment accountability, and achievement of long- and short-term goals. An analysis comparing the charter school's standardized test scores to those of similar student populations attending other public schools in the District will also be conducted.
  - a. In the event a charter school earns a grade of "D" or "F" in the grading system set forth in State law, the director and a representative of the governing board of the charter school shall appear before the Board to present information concerning each contract component having noted deficiencies and shall prepare and submit to the Board for approval a proposed School Improvement Plan to raise student achievement. The proposed School Improvement Plan must meet the requirements set forth in State law. The charter school shall implement the proposed School Improvement Plan once approved by the Board.
  - b. If a charter school earns three (3) consecutive grades of "D", two (2) consecutive grades of "D" followed by a grade of "F", or two (2) nonconsecutive grades of "F" within a three (3) year period, the charter school governing board shall take corrective action as set forth in F.S. 1002.33. The corrective action must be implemented in the school year following receipt of a third consecutive grade of "D", a grade of "F" following two (2) consecutive grades of "D", or a second nonconsecutive grade of "F" within a three (3) year period. If the charter school does not improve by at least one (1) letter grade after two (2) full school years of implementing the corrective action, the charter school must select and implement a different corrective action in accordance with F.S. 1002.33. If the charter school does improve by at least one (1) letter grade, it is no longer required to implement the corrective action; however, the charter school must continue to implement strategies identified in the School Improvement Plan.
- C. Upon publication by the FLDOE of the list of charter schools that meet the criteria set forth in paragraphs I.2.a. and b. above, the Board shall notify, in writing, each charter school in the District that appears on the list that it is required to submit a School Improvement Plan and to appear before the Board. Pursuant to State Board rule, such notification may be delivered electronically, provided there is proof of receipt.

The notification shall include the following:

1. The date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school governing board shall appear before the Board. For purposes of this requirement, "director" shall mean charter school director, principal, chief executive officer, or other management personnel with similar authority. The appearance shall be no earlier than thirty (30) calendar days and no later than ninety (90) calendar days after the Board's notification is received by the charter school.
2. The date by which the charter school must submit its proposed School Improvement Plan to the Board for review by staff, which shall be no earlier than thirty (30) calendar days.

3. Whether the charter school is required to select a corrective action.
- d. The Board shall notify the charter school, in writing, within ten (10) calendar days of its decision to approve or deny the School Improvement Plan.
  1. The Board may deny a School Improvement Plan if it does not meet the requirements of State law. If denied, the Board shall provide the charter school, in writing, the specific reasons for denial and the timeline for its resubmission.
  2. Either the charter school or the Board may request mediation pursuant to State law if the parties cannot agree on a School Improvement Plan.
- e. As required by State law, the Board will review the School Improvement Plan annually to monitor the charter school's continued improvement.
  1. The director and a representative of the governing board of the charter school shall appear before the Board at least once per year to present information regarding the progress of intervention and support strategies implemented by the charter school pursuant to the School Improvement Plan and, if applicable, to review the corrective actions taken pursuant to I.2.c above.
  2. At the meeting, the Board will identify the services that the District will provide to the charter school to assist the charter school in addressing its deficiencies, and following the meeting, these services will be communicated, in writing, to the director.
  3. A charter school that improves at least one (1) letter grade is not required to submit a new School Improvement Plan but must continue to implement the strategies identified in the approved School Improvement Plan and continue to report annually to the Board. The Board shall notify, in writing, each charter school implementing a School Improvement Plan of the requirement to appear before the Board to present information regarding the progress of the approved School Improvement Plan. The notification shall include the date, time, and location of the publicly noticed meeting at which the director and a representative of the charter school shall appear.
- f. A charter school's contract shall be automatically terminated if the school earns two (2) consecutive grades of "F" after all school grade appeals are final, unless one of the exceptions set forth in State law is applicable. If no exceptions apply, the Board will notify the charter school's governing board, the charter school principal, and FLDOE in writing when the charter contract is terminated under this subparagraph.
- g. The laws applicable to School Improvement Plans and corrective actions do not limit the Board's authority to terminate the charter at any time in accordance with State law.
3. The charter school shall make annual progress reports to the Board.
4. Exceptional Student Education (ESE).
  - a. The Board is the Local Educational Agency (LEA) for all Board-approved charter schools and will serve ESE students in the same manner as students attending other public schools in the District. ESE students attending Board-approved charter schools shall be provided supplementary and related

services on site at the charter school to the same extent to which the Board has a policy or practice of providing such services on site to its other public schools. The Board shall provide funds under Part B of the IDEIA to Board-approved charter schools on the same basis as the School District provides funds to the Board's other public schools.

- b. ESE students will be educated in the least restrictive environment. The charter school shall ensure that ESE students are provided with programs and services implemented in accordance with Federal, State, and local policies and procedures and specifically the IDEIA, Section 504 of the Rehabilitation Act of 1973, and other related statutes and State Board of Education rules. If an IEP team determines that the charter school cannot meet the needs of an ESE student, the charter school and the Board agree to provide the ESE student with the appropriate placement as determined by the IEP team in accordance with State and Federal law.
  - C. The Board shall provide ESE administration services to charter schools which shall be set forth in more detail in the charter.
  - d. With respect to the provision of special education and related services, the charter shall set forth the specific roles and responsibilities of the charter school and the Board with respect to exceptional student education.
  - e. Non-compliance may result in the Board's withholding of subsequent payments to the charter school without penalty of interest (including State capital payments), and may result in non-renewal or termination for good cause.
5. English Language Learners (ELL). -- Students who are of limited proficiency in English will be served by ESOL certified personnel. The charter school shall demonstrate an understanding of State and Federal requirements regarding the education of English language learners, be committed to serving the full range of needs of ELL students, create and implement sound plans for educating ELL students that reflect the full range of programs and services required to provide all students with a high-quality education, and demonstrate capacity to meet the school's obligations under State and Federal law regarding the education of ELL students.
6. The Board may, in accordance with State law, require all charter schools to submit to the Board a school improvement plan to ensure a plan to maintain or raise student academic achievement within the timelines specified by the Board and the FLDOE.

#### J. Financial Accountability

- 1. Financial Policies: The charter school shall establish and implement accounting and reporting policies, procedures, and practices for maintaining complete records of all receipts and expenditures. The charter school shall provide a copy of these policies to the Board annually.
- 2. Payments to charter schools by the Board
  - a. The Board shall make timely and efficient payment and reimbursement to charter schools, including processing paperwork required to access special State and Federal funding for which they may be eligible. Payments of funds as described in F.S. 1002.33(17)(b) shall be made monthly or twice a month, beginning with the start of the Board's fiscal year. Each payment shall be 1/12 or 1/24, as applicable, of the total State and local funds described in F.S. 1002.33(17)(b) as adjusted. For the first two (2) years of the charter school's operation, if a minimum of seventy- five percent (75%) of the projected enrollment is entered into the Board's student information system by the first day of the

current month, the Board shall distribute funds to the charter school for the months of July through October based on the projected full-time equivalent student membership of the charter school as submitted in the approved application. If less than seventy-five percent (75%) of the projected enrollment is entered into the Board's student information system by the first day of the current month, the Board shall base payments on the actual number of student enrollment entered into the sponsor's student information system. Thereafter, the results of full-time equivalent student membership surveys shall be used in adjusting the amount of funds distributed monthly to the charter school for the remainder of the fiscal year. The payments shall be issued no later than ten (10) working days after the Board receives a distribution of State or Federal funds or the date the payment is due pursuant to F.S. 1002.33(17)(e). Timing of receipt of local funds by the Board shall not delay payment to the charter school of the funds identified in F.S. 1002.33(17)(b). If the Board has not received its allocation due to its failure to submit an approved District salary distribution plan, the Board must still provide each charter school within the District that has submitted a salary distribution plan its proportionate share of the allocation.

- b. Capital Outlay Payments – The Board shall make payments to the school upon receipt of all required supporting documentation as referenced in section 8.h. – Capital Outlay Payment Process. Charter schools must be located in the State of Florida to be eligible for public educational capital outlay (PECO) funds.
- c. Miscellaneous Payments – The Board shall make timely miscellaneous payments to the charter school upon receipt of funding from FLDOE for various programs including Title I and MAP. The Board's payment is subject to the charter school's fulfillment of its responsibilities under the applicable State and Federal laws.

Unless otherwise mutually agreed to by the charter school and the District, and consistent with State and Federal rules and regulations governing the use and disbursement of Federal funds, the District shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for Federal funds available to the District for the benefit of the charter school, the charter school's students, and the charter school's students as public school students in the District. Such Federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the District at least thirty (30) days before the monthly date of reimbursement set by the District. In order to be reimbursed, any expenditure made by the charter school must comply with all applicable State rules and Federal regulations, including, but not limited to, the applicable Federal Office of Management and Budget Circulars, the Federal Education Department General Administrative Regulations, and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the District for approval of the use of the funds in accordance with applicable Federal requirements. The District has thirty (30) days to review and approve any plan submitted pursuant to this paragraph.

- d. Conditions for Non-payment – The Board may withhold payment, without penalty of interest, for violation of law or as specified in the charter school contractual agreement. This includes, but is not limited to: failure to comply with financial requirements, failure to provide proper banking wiring instructions, exceeding contracted enrollment capacity or allowable facility capacity, and failure to submit a timely annual audit, insufficient instructional minutes and/or days, inappropriate facility licenses, approvals and/or permits, and failure to obtain successful background clearance for potential employees, contractors, and/or governing board members.

3. Financial Reports: Charter schools shall provide the District, upon approval of the charter contract, a concise, uniform, monthly financial statement summary sheet that contains a balance sheet and a statement of revenue, expenditures, and changes in fund balance. The balance sheet and the statement of revenue, expenditures, and changes in fund balance shall be in the governmental funds format prescribed by the Governmental Accounting Standards Board. A high-performing charter school may provide a quarterly financial statement in the same format and requirements as the uniform monthly financial statement summary sheet. The Board shall review each monthly or quarterly financial statement to identify whether any of the conditions in F.S. 1002.345(1)(a) exist. Charter schools shall maintain and provide financial accountability information as required in this section.

#### 4. Annual Financial Statements

- a. Unaudited June 30th year-end financial statements shall be submitted to the Board within the timelines specified by the charter contract. These financial statements must be prepared in accordance with Generally Accepted Accounting Principles using governmental accounting.

- b. Annual Financial Audit - The charter school agrees to submit to and pay for an annual financial audit, in compliance with Federal, State, and Board regulations, showing all revenue received, from all sources, and all expenditures for services rendered. The audit shall be conducted by an independent certified public accountant or auditor selected by the governing board of the charter school, and shall be delivered to the Board in compliance with the charter contract. If the charter school's audit reveals a deficit financial position, the auditors are required to notify the charter school's governing board, the Board and the Florida Department of Education in the manner defined in the charter contract. No later than May 1st of each year, the charter school must formally notify the Board of the name, address, and phone number of the auditor engaged to perform the year end audit.

1. Selection Procedures -- Charter schools shall use auditor selection procedures when selecting an auditor to conduct the annual financial audit pursuant to the processes described in F.S. 218.39 and 218.391, which includes, but is not limited to: the establishment of an audit committee and request for proposal (RFP) for audit services, public advertisement of RFP, and development of evaluation and selection criteria.

2. Requirements -- Pursuant to F.S. 218.391, the procurement of audit services shall be evidenced by a written contract embodying all provisions and conditions of the procurement of such services. An engagement letter signed and executed by both parties shall constitute a written contract. The written contract shall, at a minimum, include the following:

- a. a provision specifying the services to be provided and fees or other compensation for such services
- b. a provision requiring that invoices for fees or other compensation be submitted in sufficient detail to demonstrate compliance with the terms of the contract
- c. a provision specifying the contract period, including renewals, and conditions under which the contract may be terminated or renewed

- C. Failure to comply with the timely submission of all financial statements in the required format specified by the Board, shall constitute a material breach of the charter contract and may result in the Board's withholding of subsequent payments to the charter school without penalty of interest, (including state

capital payments), and may result in non-renewal or termination for good cause.

## 5. Capital Outlay Funding

Pursuant to F.S. 1013.62(5), the application for, approval of, and process for documenting expenditures from charter school capital outlay funds shall be in accordance with the procedures and requirements specified by the Commissioner of Education.

Before receiving capital outlay funds the charter school governing board must enter into a written agreement with the Board. Such agreement must provide for the reversion of any unencumbered funds and all equipment and property purchased with public education funds to the ownership of the Board, as provided for in F.S. 1013.62(4), if the charter school terminates operations. Any funds recovered by the State shall be deposited in the General Revenue Fund.

As required by State law, the Board shall remit capital outlay funds to a charter school no later than February 1st of each year, as required by F.S. 1002.32(3)(e), based on the amount of funds received by the Board.

## 6. Review and Audit

- a. The Board has the right at any time to review and audit all financial records of the charter school to ensure fiscal accountability and sound financial management pursuant to F.S. 1002.33. The charter school shall provide the Board with a copy of the management letter from any audits as well as any responses to the auditor's findings with a corrective plan that shall be prepared and submitted within thirty (30) days from the date of the management letter.

### b. Deteriorating Financial Condition and Financial Emergencies (F.S. 1002.345).

- 1. Deteriorating Financial Condition – "Deteriorating financial condition" means a circumstance that significantly impairs the ability of a charter school or a charter technical career center to generate enough revenues to meet its expenditures without causing the occurrence of a condition described in F.S. 218.503(1).

- a. A charter school shall be subject to an expedited review by the Board upon the occurrence of any of the conditions specified in F.S. 1002.345(1)(a)(1)-(4).
- b. The Board shall notify the governing board within seven (7) business days after one or more of the conditions set forth in F.S. 1002.345(1)(a)(1)-(4) are identified or occur.
- c. The governing board and the Board shall develop a corrective action plan and file the plan with the Commissioner of Education within thirty (30) business days after notification is received as provided in paragraph 9(b)(1)(b) herein. If the governing board and the Board are unable to agree on a corrective action plan, the Commissioner of Education shall determine the components of the plan. The governing board shall implement such plan.
- d. Failure to implement the corrective action plan within one (1) year shall result in additional action prescribed by the State Board of Education, including the appearance of the chair of the governing board before the State Board of Education.

2. Financial Emergency – If a financial audit conducted by a CPA in accordance with F.S. 218.39 reveals that one (1) or more of the conditions in F.S. 218.503(1) have occurred or will occur if action is not taken to assist the charter school, the auditor shall notify the governing board of the charter school, as appropriate, the Board, and the Commissioner of Education within seven (7) business days after the finding is made. If the charter school is found to be in a state of financial emergency pursuant to F.S. 218.503(4), the charter school shall file a financial recovery plan pursuant to F.S. 218.503 with the Board and the Commissioner of Education within thirty (30) days after being notified by the Commissioner of Education that a financial recovery plan is needed.
  3. Annual progress of the corrective action plans and/or financial recovery plans shall be included in an annual progress report to the Board.
  4. The Board may require periodic appearances of governing board members and charter school representative.
- C. A Financial Recovery Plan Staff Group (FRSG) shall be appointed by the Board and convened to review and monitor financial statements, corrective action plans and financial recovery plan(s) submitted by the charter school(s). The FRSG shall report progress and when applicable, make recommendations to the Chief Auditor. At least one (1) representative of the charter school must be available to answer questions.
1. The FRSG shall be comprised of staff members from Financial Operations, Charter School Operations, and, when appropriate, the Office of Management and Compliance Audits.
  2. The Chief Auditor will present the FRSG's recommendation to the Board's independent Audit Committee for review and recommendation to the Board.
  3. Inability to cure a deteriorating financial condition and/or status of financial emergency may result in termination of the charter school contract.

## 7. Grants

- a. If the Board is required to be the fiscal agent for a grant, the charter school shall comply with the Board's grant procedures as indicated in the charter contract.
- b. The Board shall receive written approval from the charter school to include the charter school in a District-wide grant. The appropriate pro-rata share of grants will be allocated to the charter school, as defined by the grant awarded.
- C. The charter school is required to maintain adequate records to support grant-funded programs for the minimum years prescribed by the law. The Board may review these records, upon reasonable notice.

## 8. Health, Safety, and Welfare of Staff and Students

Carefully planned and executed fire exit drills shall be conducted at the beginning of each semester, at times designated by the principal, following instruction of all classes regarding exits to be used in case of fire. At least one (1) fire exit drill shall be conducted every month school is in session. Any emergency evacuation drill (e.g., "crisis event"), completely performed, may be substituted for a required fire exit drill in a given month. All drills and all deficiencies affecting egress shall be documented in writing.



Inspections of all buildings including educational facilities, ancillary plants, and auxiliary facilities for casualty safety, and sanitation shall be conducted at least once during each fiscal year. Conditions that may affect environmental health and safety or impair operation of the plant will be reported, with recommendations for corrective action.

Each school cafeteria must post in a visible location and on the school website the school's semiannual sanitation certificate and a copy of its most recent sanitation inspection report.

Under the direction of the fire official appointed by the Board, fire- safety inspections of each educational and ancillary plant located on property owned or leased by the charter school's governing board, or other educational facilities operated by the charter school's governing board, shall be made no sooner than one (1) year after issuance of a certificate of occupancy and annually thereafter. Such inspections shall be made by persons properly certified by the Division of State Fire Marshal to conduct fire-safety inspections in public educational and ancillary plants.

A copy of the fire safety inspection report shall be submitted to the Board and the county, municipality, or independent special fire control district providing fire protection services to the school facility within ten (10) business days after the date of the inspection, in accordance with Florida statute.

Alternate schedules for delivery of reports may be agreed upon between the charter school's governing board, the Board, and the county, municipality, or independent special fire control district providing fire protection services to the site in cases in which delivery is impossible due to hurricanes or other natural disasters. Regardless, if immediate life-threatening deficiencies are noted in the report, the report shall be delivered to the Board and to the county, municipality, or independent special fire control district providing fire protection services immediately.

#### K. Charter School Website

Each charter school shall maintain a website that enables the public to obtain information regarding the school; the school's academic performance; the names of the governing board members; the programs at the school; any management companies, service providers, or education management corporations associated with the school; the school's annual budget and its annual independent fiscal audit; the school's grade pursuant to F.S. 1008.34; and, on a quarterly basis, the minutes of governing board meetings.

#### L. Resolution of Student Health, Safety, or Welfare Complaints

In the event a parent of a student in a District charter school is unable to resolve a student health, safety, or welfare complaint under F.S. 1001.42(8)(c) with the charter school's principal or designee, the following procedures shall be utilized to resolve the dispute:

- 1+ The District's Director of Student Services will obtain a copy of the parent's complaint from the charter school and all supporting documentation.
- 2+ The District's Director of Student Services will communicate with the parent and charter school principal or designee within twenty-one (21) days of obtaining the information in paragraph 1 in an attempt to resolve the complaint. The District's Director of Student Services may also choose to meet collectively with the parent or charter school principal or designee.
- 3+ If the parent's complaint is not resolved after the communications identified in paragraph 2, and no later than thirty (30) days from receipt of the parent's complaint, the District will provide the parent with a notice containing a written statement(s) of the reason(s) for not resolving the complaint.

The Executive Director of Student Support Services shall be responsible for responding to inquiries from the FLDOE regarding a request for an appointment of a Special Magistrate for charter school student complaints.



Within five (5) days of receipt of notice that a parent has requested the appointment of a Special Magistrate pursuant to F.A.C. 6A-6.0791, the District will provide to the FLDOE a statement addressing whether any of the grounds for dismissal as described in F.A.C. 6A-6.0791(7)(b) apply to the parental request for appointment of a Special Magistrate.

Additionally, the District will expeditiously contract for payment of a Special Magistrate appointed by the Commissioner of Education and notify the FLDOE 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.

All costs incurred by the District for revising and responding to a parent complaint under this section is a service provided by the District to the charter school. The charter school shall be responsible for the District's actual costs unless a different amount is mutually agreed to by the District and charter school in a contract negotiated separately from the charter.

### **Board Annual Report Submission**

The Board shall submit an annual report to the FLDOE in a web-based format to be determined by the FLDOE. The report shall include the:

- A. number of applications received during the school year and up to August 1st and each applicant's contact information;
- B. date each application was approved, denied, or withdrawn; and
- C. date each final contract was executed.

Each year, by November 1, the Board shall submit to the FLDOE the information set forth in A through C for the previous year.

### **Facilities**

No later than January 1st, the FL DOE shall annually provide to the District a list of all underused, vacant, or surplus facilities owned or operated by the District as reported in the Florida Inventory of School Houses. The District may provide evidence to FL DOE that the list contains errors or omissions within thirty (30) days after receipt of the list. By each April 1st, FL DOE shall update and publish a final list of all underused, vacant, or surplus facilities owned or operated by the District, based upon updated information provided by the District. A hope operator establishing a school of hope may use an educational facility identified in this section as prescribed in F.S. 1002.33(7)(d).

### **Nonexclusive Interlocal Agreements**

The Board may enter into nonexclusive interlocal agreements with Federal and State agencies, counties, municipalities, and other governmental entities that operate within the geographical borders of the District to act on behalf of such governmental entities in the inspection, issuance, and other necessary activities for all necessary permits, licenses, and other permissions that a charter school needs in order for development, construction, or operation. A charter school may use, but may not be required to use, the District for these services. The interlocal agreement must include, but need not be limited to, the identification of fees that charter schools will be charged for such services. The fees must consist of the governmental entity's fees plus a fee for the Board to recover no more than actual costs for providing such services. These services and fees are not included within the services to be provided pursuant to F.S. 1002.33(20). Notwithstanding any other provision of law, an interlocal agreement, or ordinance that imposes a greater regulatory burden on charter schools than on the District or that prohibits or limits the creation of a charter school is void and unenforceable. An interlocal agreement entered into by the District by the development of only its own District schools, including provisions relating to the extension of infrastructure, may be used by charter schools.

## Services

The Board will provide certain administrative and educational services to charter schools. These services shall include contract management services; full-time equivalent and data reporting services, exceptional student education administration services; services related to eligibility and reporting duties required to ensure that school lunch services under the National School Lunch Program, consistent with the needs of the charter school, are provided by the Board at the request of the charter school, that any funds due to the charter school under the National School Lunch Program be paid to the charter school as soon as the charter school begins serving food under the National School Lunch Program and that the charter school is paid at the same time and in the same manner under the National School Lunch Program as other public schools serviced by the Board; test administration services, including payment of the costs of State-required or Board-required student assessments; processing of teacher certificate data services; and information services, including equal access to the sponsor's student information systems that are used by public schools in the District. Student performance data for each student in a charter school, including, but not limited to, State mandated testing scores, standardized test scores, previous public school student report cards, and student performance measures, shall be provided by the Board to a charter school in the same manner provided to other public schools in the District.

The Board may withhold an administrative fee for the provision of such services which shall be a percentage of the available funds defined in F.S. 1002.33(17)(b) calculated based on weighted full-time equivalent students. If the charter school services seventy-five percent (75%) or more exceptional education students as defined in F.S. 1003.01(3), the percentage shall be calculated based on unweighted full-time equivalent students. The administrative fee shall be calculated as follows:

**A.** Up to five percent (5%) for the following:

1. enrollment of up to and including 250 students in a charter school as defined in F.S. 1002.33(20);
2. enrollment of up to and including 500 students within a charter school system which meets all of the following:
  - a. includes conversion charter schools and nonconversion charter schools;
  - b. has all of its schools located in the same county;
  - c. has a total enrollment exceeding the total enrollment of at least one school district in Florida;
  - d. has the same governing board for all of its schools; or
  - e. does not contract with a for-profit service provider for management of school operations;
3. enrollment of up to and including 250 students in a virtual charter school.
4. Up to two percent (2%) for enrollment of up to and including 250 students in an exceptional student education center that meets the requirements of the rules adopted by the State Board of Education pursuant to F.S. 1008.3415(3).

**B.** Up to two percent (2%) for enrollment of up to and including 250 students in a high-performing charter school as defined in F.S. 1002.331.

The Board will not charge charter schools any additional fees or surcharges for administrative and educational services in addition to the maximum percentage of administrative fees withheld pursuant to this policy. The Board will not charge or withhold any administrative fee against a charter school any funds specifically allocated by the Legislature for teacher compensation.

The Board shall provide the FLDOE by no later than September 15th of each year the total amount of funding withheld from charter schools pursuant to this policy and Florida law for the prior fiscal year.

If goods and services are made available to the charter school through the contract with the Board, they shall be provided to the charter school at a rate no greater than the Board's actual cost unless mutually agreed upon by the charter school and the Board in a contract negotiated separately from the charter. When mediation has failed to resolve disputes over contracted services or contractual matters not included in the charter, an appeal may be made to an administrative law judge appointed by the Division of Administrative Hearings. The administrative law judge has final order authority to rule on the dispute. The administrative law judge shall award the prevailing party reasonable attorney fees and costs incurred during the mediation process, administrative proceeding, and any appeals to be paid by the party whom the administrative law judge rule against. To maximum the use of State funds, the Board shall allow charter schools to participate in the sponsor's bulk purchasing program if applicable.

The governing body of the charter school may provide transportation through an agreement or contract with the Board. The charter school and the Board shall cooperate in making arrangements that ensure that transportation is not a barrier to equal access for all students residing within a reasonable distance of the charter school as determined in its charter.

### **School Safety Requirements**

Each charter school in the District must comply with the requirements of F.A.C. 6A-1.0018 and Florida law pertaining to school safety, including the requirement that charter schools coordinate with the District's School Safety Specialist. See also, Board Policy 8405 (*School Safety and Security*) and Policy 8407 (*Safe-School Officers*).

### **Interpretation**

If a court or agency of competent jurisdiction invalidates any provision of this policy or finds a specific provision to be in conflict with the Florida Constitution, Florida statutes, the Florida Administrative Code, or any rule or policy prescribed by the FLDOE, then all of the remaining provisions of this policy shall continue unabated and in full force and effect.

In the event that an existing charter school contract provision is found to be inconsistent with this policy, the charter contract provision prevails. Any charter approved after the adoption of this policy is required to be fully consistent with this policy.

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Legal                      F.S. 39.203  
                                 F.S. Chapter 120  
                                 F.S. 218.39

F.S. 218.391  
F.S. 218.503  
F.S. 286.23  
F.S. 768.095  
F.S. 1001.10  
F.S. 1001.41  
F.S. 1002.31  
F.S. 1002.33  
F.S. 1002.3301  
F.S. 1002.345  
F.S. 1008.31  
F.S. 1008.34  
F.S. 1011.60  
F.S. 1012.01  
F.S. 1012.315  
F.S. 1012.32  
F.S. 1013.12  
F.A.C. 6A-1.0081  
F.A.C. 6A-1.099827  
F.A.C. 6A-2.0020  
F.A.C. 6A-6.0781  
F.A.C. 6A-6.0784  
F.A.C. 6A-6.0786  
F.A.C. 6A-6.07862  
F.A.C. 6A-6.0787

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